



Amended 9-13-2021*

**AGENDA
CANBY CITY COUNCIL
WORK SESSION – 6:30 PM
REGULAR MEETING – 7:30 PM
September 15, 2021**

Virtual Meeting/ Council Chambers - 222 NE 2nd Avenue, 1st Floor

Register here to attend the meetings virtually:

https://us06web.zoom.us/webinar/register/WN_gwpagM2zRcGMbjGabzrTsQ

The City Council Regular meeting can be viewed on CTV Channel 5 and YouTube:

<https://www.youtube.com/channel/UCn8dRr3QzZYXoPUEF4OTP-A>

Mayor Brian Hodson

**Councilor Christopher Bangs
Council President Traci Hensley
Councilor Sarah Spoon**

**Councilor Greg Parker
Councilor Shawn Varwig**

Work Session – 6:30 PM

- 1. CALL TO ORDER**
- 2. DISCUSSION REGARDING CITY OF CANBY AND CANBY UTILITY INTERGOVERNMENTAL AGREEMENT RELATED TO UNDERGROUNDING OF ELECTRIC UTILITIES ON THE FUTURE IVY STREET IMPROVEMENT PROJECT.** Pg. 1
- 3. ADJOURN**

Regular Meeting – 7:30 PM

- 1. CALL TO ORDER**
- 2. PROCLAMATION – POW MIA RECOGNITION DAY** Pg. 5
- 3. CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS:** This is an opportunity for audience members to address the City Council on items not on the agenda. Each person will be given 3 minutes to speak. Staff and the City Council will make every effort to respond to questions raised during citizens input before the meeting ends or as quickly as possible thereafter. *****If you would like to speak please email or call the City Recorder by 7:30 pm on September 15, 2021 with your name, the topic you'd like to speak on and contact information:** **bissetm@canbyoregon.gov** or call 503-266-0733. Once your information is received, you will be sent instructions to speak. Please note that Council will be attending this meeting virtually.

4. **PUBLIC HEARING: Appeal No. APP 21-03 of a Planning Commission Approval of Design Review Application DR 21-04 – State Street Multi-family Project. **If you would like to speak at the Public Hearing, please email or call the City Recorder by 7:30 pm on September 15, 2021. bissetm@canbyoregon.gov or call 503-266-0733** Pg.6
 5. **CONSENT AGENDA:** This section allows the City Council to consider routine items that require no discussion and can be approved in one comprehensive motion. An item may be discussed if it is pulled from the consent agenda to New Business.
 - a. Approval of the Minutes of the July 28, 2021 Special Called City Council and the August 4th Work Session and Regular Meeting. Pg. 315
 6. **RESOLUTION**
 - a. Consider **Resolution No. 1358:** A Resolution giving consent for the assignment of all contractual rights, duties, and obligations in the exclusive franchise to provide waste disposal in the City of Canby from Canby Disposal Company (CDC) to Kahut Companies Holdings Incorporated (KCH). *(Added 9/13/2021)* Pg. 320
 7. **DISCUSSION REGARDING THE APPOINTMENT PROCESS FOR THE CITY COUNCILOR VACANCY.**
 8. **DISCUSSION REGARDING AMENDING THE CANBY CITY MUNICIPAL CODE TO INCLUDE THE LIBRARY ADVISORY BOARD AND HERITAGE AND LANDMARK COMMISSION STUDENT MEMBERS AS VOTING MEMBERS.**
 9. **DISCUSSION REGARDING CANCELING OR ATTENDING THE OCTOBER 20, 2021 VIRTUALLY (Canby City Council will be attending the League of Oregon Cities Conference in Bend).**
 10. **MAYOR’S BUSINESS**
 11. **COUNCILOR COMMENTS & LIAISON REPORTS**
 12. **CITY ADMINISTRATOR’S BUSINESS & STAFF REPORTS**
 - a. Bi-Monthly Reports in Council Packet Pg. 330
 13. **CITIZEN INPUT**
 14. **ACTION REVIEW**
 15. **ADJOURN**
-

*** Hometown Hero Award was removed
from agenda and will presented at a future meeting.**

*The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the

meeting to Melissa Bisset at 503.266.0733. A copy of this Agenda can be found on the City's web page at www.canbyoregon.gov. **City Council and Planning Commission Meetings are typically broadcast live and can be viewed on CTV Channel 5.** For a schedule of the playback times, please call 503.263.6287.

****We are requesting that rather than attending in person you view the meeting on CTV Channel 5 or on YouTube: <https://www.youtube.com/channel/UCn8dRr3QzZYXoPUEF4OTP-A>**

If you do not have access virtually, there are a small number of chairs provided inside to allow for distancing.



City of Canby

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City Council Staff Report

DATE: September 9, 2021

TO: Honorable Mayor Hodson and City Council

THRU: Scott Archer, City Administrator

ITEM: **Workshop—Draft IGA with CUB re Undergrounding Ivy St. Utilities/Facilities**

Summary

Council previously directed staff to proceed in working with Canby Utility Board (CUB) and Clackamas County to underground electric utilities on the future Ivy Street Improvement project. Since this time, staff has met with and developed a draft Intergovernmental Agreement (IGA) with CUB that would accomplish this directive. The IGA describes the responsibilities of both parties, including the CUB transfer of \$310,000 to the City.

Some considerations that will be discussed deal with the amount and type of right-of-way that needs to be purchased from each property owner along the line. There are different types of undergrounding and connectivity that various properties might opt for in these negotiations. There are also eminent domain considerations and permissions that the County will request from the City.

At the work session, staff will review the project and the draft IGA with Council for feedback and additional direction. Dan Murphy, CUB General Manager, will also be present to assist with the discussion.

Attachments

Draft IGA between City and CUB

Fiscal Impact

Potentially \$1,000,000 (one million dollars) of City funds. As suggested, CUB's contribution would be \$310,000 (three hundred ten thousand dollars).

Options

1. Bless the draft IGA
2. Suggest some changes to the IGA

INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF CANBY AND CANBY UTILITY BOARD
RELATED TO UNDERGROUNDING OF ELECTRIC LINES ALONG SOUTH IVY STREET IN CANBY, OREGON

This Intergovernmental agreement (IGA) is made on the date all required signatures have been obtained, between the City of Canby (herein referred to as "City") and Canby Utility Board (herein referred to as "CUB"), pursuant to ORS Chapter 190.

RECITALS

WHEREAS, Clackamas County (herein referred to as "County") currently owns and maintains South Ivy Street in Canby, Oregon; and

WHEREAS, the City and the County entered into an intergovernmental agreement dated xxxxx for construction of street improvements and eventual transfer of Ivy Street to the City; and

WHEREAS, CUB currently has power poles, overhead electric lines, and other electrical facilities in the County Right-of-way ("ROW") which need to be moved for the construction of said County street improvements; and

WHEREAS, CUB's moving of the power poles, overhead electric lines, and other electrical facilities currently in the County ROW has associated costs and liabilities that would be borne by CUB; and

WHEREAS, the City desires to have these electrical facilities and lines placed underground instead of just moved; and

WHEREAS, CUB is amenable to the undergrounding of electrical lines and facilities if the costs above and beyond the moving of the poles, overhead lines and facilities are paid by the City.

AGREEMENT

NOW THEREFORE, in consideration of the mutual promises set forth below and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and CUB hereby agree as follows:

1. City Obligations

- A. The City will assume all responsibility and control of the design of the underground lines, bidding out the project in accordance with Oregon Contracting Law, selecting a contractor, and payment of all project costs related to the construction of the subject underground electric line.
- B. The City will submit to CUB for approval the engineered design for the new underground electric line. City will obtain such approval prior to going out for bid on the project. CUB will not unreasonably without approval of the engineered design of the project.
- C. Subject to the limits of the Oregon Constitution and the Oregon Tort Claims Act or successor statute, the City agrees to indemnify, hold harmless, and defend CUB, its officers, board members, agents, and employees from and against all costs, losses, damages, claims or actions and all expenses incidental to the investigation and defense thereof (including legal and other professional fees) arising out of or based upon damages or injuries to persons or property caused by the neglect or willful acts of the City or its officers, elected officials,

employees, agents, or its subcontractors or anyone over which the City has a right to control regarding this project.

2. CUB Obligations

- A. CUB will provide, at CUB's expense, technical assistance from senior staff to assist the City's engineering design team and project manager regarding the undergrounding of electrical lines and facilities. The scope of CUB's participation will be limited to assisting and advising during design, giving approval of design (such approval will not to be unreasonably withheld), providing supervision and inspection throughout construction, and other such assistance. CUB's intentions in contributing this "free assistance" are aimed at providing "an additional layer of supervision" in a cooperative spirit to assist the City in achieving successful completion of the project—including avoiding delays and cost over-runs, and assisting in any other way possible to help the City achieve timely project success.
- B. CUB agrees that at all times during this project, any CUB employees who assist or otherwise work on this project will be covered by Worker's Compensation insurance.
- C. Upon completion and approval of the underground electric line and electrical facilities, CUB will remit payment to the City in the amount of three hundred ten thousand dollars (\$310,000). This payment is to reimburse the City for CUB's identified avoided costs associated with Clackamas County's original Ivy Street Improvements project requirements, to relocate the existing overhead electric line, the costs of which CUB would've solely borne.
- D. CUB will handle all aspects of removal of the overhead electric poles, conductor, and other appurtenances as necessary for the removal of the original overhead electric line that is subject to Clackamas County's Ivy Street Improvement project.
- E. CUB will promptly schedule and coordinate with Clackamas County the removal of the existing overhead electric line upon the completion, inspection, approval, and cutting-over (energizing and integration of the new underground line) of the new line into CUB service.
- F. CUB will at all times own the electric line and other electrical facilities used in the project. As such, CUB's insurance will continuously cover their property.
- G. Subject to the limits of the Oregon Constitution and the Oregon Tort Claims Act or successor statute, CUB agrees to indemnify, hold harmless, and defend the City, its officers, elected officials, agents, and employees from and against all costs, losses, damages, claims or actions and all expenses incidental to the investigation and defense thereof (including legal and other professional fees) arising out of or based upon damages or injuries to persons or property caused by the neglect or willful acts of CUB or its officers, board members, employees, agents, or its subcontractors or anyone over which CUB has a right to control regarding this project.

- 3. Term. The agreement is effective upon signing and will remain in effect until the underground electrical lines and facilities along South Ivy Street between 1st and 13th Avenues are constructed and approved, the remaining overhead electrical lines, poles, and facilities are removed, and payment remitted, unless this agreement is otherwise terminated.
- 4. Termination. The City and CUB, by mutual written agreement, may terminate this IGA at any time. Any early termination of this agreement shall not prejudice any rights of obligations

accrued to the parties prior to termination. Any costs or liabilities associated with the project will be worked out and agreed upon in writing prior to early termination of this agreement.

5. Limitations. The agreement doesn't replace or remove any existing rights or obligations either party has independently with the County regarding the Ivy Street Improvement project. Neither party intends that this agreement benefit, or create any right or cause of action in, or on behalf of, any other person or entity other than the City and CUB. No party shall have the right to assign its interest in this agreement to any other party for any reason.
6. Applicable Law. The agreement shall be construed according to the laws of the State of Oregon.
7. Severability. If any provision of this agreement is found or held to be unconstitutional, illegal, or unenforceable, this agreement nevertheless shall remain in full force and effect and the offending provisions shall be stricken.
8. Independent Contractor. The City and CUB shall be deemed independent contractors for the purposes of this agreement. No representative, agent, employee, or contractor of one party shall be deemed to be a representative, agent, employee, or contractor for the other party. Nothing in this agreement is intended, nor shall it be construed, to create any relationship between the parties, such as principal and agent, partnership, joint venture, or any similar relationship under law.



PROCLAMATION

POW/ MIA RECOGNITION DAY

WHEREAS, The United States of America has participated in many wars, calling upon its sons and daughters to fight for their country; and

WHEREAS, American men and women have been held captive by hostile powers during their military service; and

WHEREAS, Many American prisoners of war were subjected to harsh and inhumane treatment by their captors which often resulted in death; and

WHEREAS, Americans are still listed as missing and unaccounted for, and the families and friends of these missing Americans, as well as their fellow veterans, still endure uncertainty concerning their fate; and

WHEREAS, The sacrifices of Americans still missing are deserving of national recognition and support for continuing priority efforts to determine their fate; and

WHEREAS, the City of Canby is proud to join with other cities in the State of Oregon and nation in honoring those still missing.

NOW, THEREFORE, I, Brian Hodson, by virtue of the authority vested in me as Mayor of the City of Canby, hereby proclaim September 17, 2021 as:

POW/MIA Recognition Day in Canby

and encourage all citizens to join in this observance.

Given unto my hand this 15th day of September 2021.

**Brian Hodson
Mayor**



City of Canby

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City Council Staff Report

DATE: September 8, 2021 for September 15, 2021 Council Hearing
TO: Honorable Mayor Hodson and City Council
THRU: Scott Archer, City Administrator
FROM: Erik Forsell, AICP, Associate Planner
SUBJECT: Appeal No. APP 21-03 of a Planning Commission Approval of Design Review
Application DR 21-04 – State Street Multi-family Project

Summary

The City Council is tasked with hearing and evaluating an appeal of a Planning Commission decision related to Design Review Application DR 21-04, State Street Multi-Family Project. The appellants are appealing the Planning Commission's approval of the project for a number of stated reasons, which largely relate to neighborhood compatibility and street access to the project site (see Summary of Appeal and Staff Responses beginning on Page 4 of this Staff Report).

Background

At their duly noticed May 10, 2021 meeting, the City of Canby Planning Commission moved to continue the hearing on the State Street Multi-Family Project (City File DR 21-04; proposed project) to June 14, 2021 at the request of the applicant. At the hearing on June 14, the Planning Commission moved to approve the application by a 5/1 verbal vote in affirmation.

The proposed project is a two-building, 12-unit apartment project on a 0.44-acre flag lot that would be accessed via an existing easement across an adjacent lot with frontage on SW 3rd Avenue. Both buildings would be three stories, approximately 5,294 square feet, and each composed of three (3) two-bedroom units and three (3) one-bedroom units. The proposed development would also include landscaping, parking, fire turnaround areas, stormwater facilities, street lighting, and an improved access easement area and approach. The project site and its immediate surroundings are zoned for R-2, High Density Residential, uses.

Prior to the Planning Commission's decision, the Staff Report was presented, and written and oral testimony was received at the public hearing. The Planning Commission listened to a variety of public concerns and indicated their confidence that the project met approval criteria and that certain impacts could be mitigated by the conditions of approval stated at the hearing and identified in the Staff Report. Staff recommended two additional conditions of approval that were applied to the project.

A Notice of Decision was distributed to the applicant and other interested parties on June 29, 2021, beginning the 10-day appeal period. An appeal of the Planning Commission's decision was received on July 13, 2021. The appellants are three residents from the surrounding neighborhood who all reside near the project site.

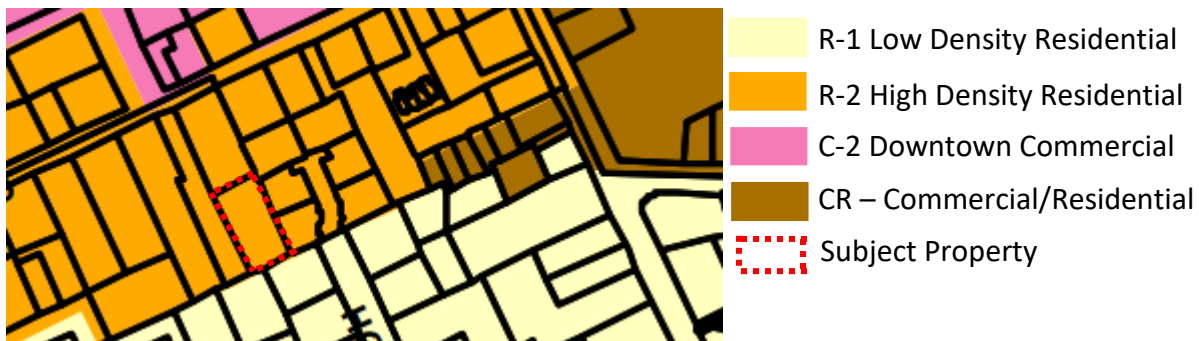
Zoning

Staff believe that it is important to frame this application and the appeal in the context of the Canby Municipal Code and the zoning of the subject property. A number of statements regarding fluid discussion points are provided in the appeal statement. Additionally, a number of neighbors' comments that are in support of the appeal provided similar discussion points – much of this is repetitious and does not speak directly to what is actually allowed in the R-2 zone.

Some of these statements discuss neighborhood compatibility, scale, and appearance which are not directly codified in the approval criteria of the development code. Other statements speak more generally, stating that this project doesn't belong in the neighborhood or is too tall for the surrounding area.

The subject property has been zoned R-2 - High Density Residential for over 30 years. The R-2 zone was implemented in large part to accommodate more dense development which typically includes apartments, condominiums, and townhouses. Previous decision makers believed that the R-2 zone should be concentrated around the urban core in close proximity to Highway 99 – the vast majority of R-2 zoned land is in these areas. **Figure 1** below is the zoning map of the subject property (indicated in dashed redlines) and the surrounding area. Figure 1 demonstrates that the subject property is located within a continuous corridor of parcels along SW 3rd Avenue that are zoned R-2.

Figure 1 – Zoning Map



Canby Municipal code allows for more dense development in the R-2 Zone pursuant to CMC 16.20.010(D) which allows for multi-family dwellings as an outright permitted use subject to design standards.

At the most basic level, the R-2 zone allows for high density development as an outright permitted use; this includes three story apartment buildings. Policy level discussions about the appropriateness of the location of R-2 Zoning, design review criteria, or other standards should be undertaken by planning staff at the direction of the City Council. Until then, projects are analyzed by staff in relation to the zoning designations that have been adopted for the affected parcels.

Lastly, Policy No. 2 of the Housing Element in Canby's Comprehensive Plan states that 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. As part of Policy No. 2, Implementation Measure E states that Canby shall encourage a housing mix to occur in all residential areas through zoning application.

This type of project is something that was contemplated in the Comprehensive Plan of the City of Canby and meets the policy goals and implementation measures of the Housing Element. These were implemented by the zoning map and the development code which allow for high density development on the subject property and in the surrounding area.

Land Use Planning

Staff thoroughly evaluated this application against the criteria found in the Canby Municipal Code. Staff recommended approval based on achievement of these criteria. Planning staff also understands that higher density infill development in existing predominantly single family neighborhoods has the potential to introduce changes in scale, appearance, and neighborhood character. To the extent reasonable and based on city code, conditions were placed on this project to ensure that buffers, adequate parking, pedestrian and vehicular access and landscaping are in place to reduce potential impacts to adjoining property owners and the neighborhood as a whole.

With many projects, there is often a delicate balance between the development, its impact to surrounding uses, and what requirements staff or in this case the Planning Commission can impose on the project. The *Nollan v. California Coastal Commission* and *Dolan v. City of Tigard* Supreme Court cases are some of the legal precedents that provide guidance on exactions and conditions on development. Staff believe that this project's conditions are in line with these legal precedents.

The applicant will be required to meet a suite of conditions to minimize impacts to neighboring uses, improve traffic safety, provide pedestrian interconnection and accessibility and to adequately provide a buffer to neighboring residences.

Planning Commission Decision

The Planning Commission approved this project after a three and a half hour long meeting with over two and a half hours of questions and deliberation by the Commission on the project. Deliberation covered many subjects and most of topics that are included in the appellant's statement were discussed, evaluated and determined acceptable.

The Planning Commission believed the project met the standards and the approval criteria and voted 5-1 to approve with conditions.

The appellant and other parties now seek appeal based on items that have been analyzed thoroughly; notably, traffic safety, pedestrian safety, parking and access. The project applicant has consulted with DKS traffic engineering to review this project a second time and to be present for the appeal hearing. It is important to note that Planning Commission has seen all of this information. The appellants and community members in opposition had ample time to discuss the reasoning for their opposition and provided a detailed account of why they believe this project should not be approved. The assertion that the Planning Commission somehow did not have all the facts in front of them is false.

Summary of Appeal and Staff Responses

In their appeal application, the project appellants (Jennifer Driskill, Jonathan Clayborne, and Patsy Fifield) identify a number of reasons they oppose construction of the proposed project (see Attachment A). These are summarized below, with comments and concerns grouped into 12 categories. Staff endeavored to address comments to the greatest extent possible – a number of comments were received post typical time windows for comment. The summarization is intended to capture the broader themes in the appeal statement and to address items that have saliency in the development code.

- **Driveway Spacing and Sight Distance.**

Driveway spacing and access have been a difficult component of this project from the onset of the development proposal. Staff readily acknowledged that one of the key aspects of contention is the private access easement onto SW 3rd Avenue. DKS Associates, a consulting traffic engineer firm, has provided two analyses of this project and found that the access can meet city code if addressed appropriately.

City standards require driveways to be spaced at least 10 feet apart on the same side of Local Streets, measured centerline to centerline. See Table 7-2, note “b”, in the Transportation System Plan (TSP) and Canby Municipal Code (CMC) 16.46.030. The City also requires the edge of pavement for driveways to be 5 feet from the property line, unless a shared driveway is installed. This standard is intended to ensure that driveways are spaced at least 10 feet apart between neighboring properties (i.e., 5 feet on each neighboring property). These standards cannot prohibit access to a property if no other access option is available, and the City can permit exceptions to be approved in all cases.

The nearest driveway to the east on the same side of the street from the proposed driveway will be spaced at least 60 feet away (measured centerline to centerline), complying with the spacing standard. The centerline of the driveway to the property to the west is about 5 feet from the property line, while the driveway edge of pavement is adjacent to the property line. This would entail spacing of at least 15 to 20 feet between the neighboring driveway and the proposed driveway to this site (measured centerline to centerline and depending on the location of the required walkway), complying with the spacing standard.

The spacing standards between driveways were discussed in great detail at the public hearing – even if the distance to the edge of pavement to the property line cannot meet the exact standards of the code a deviation, if necessary, can be granted administratively. Additionally, the City cannot prevent the applicant from taking access off of a public road via easement that is lawfully in place and established.

- **Driveway Spacing from Intersection**

All measurements for future driveways are preliminary and measured on the same side of the street based on the approximate location of the future driveway. The nearest roadways on the same side of the street from the proposed driveway are S Fir Street to the west and S Ivy Street to the east, located more than 500-feet from this proposed driveway. The provided distance from S Grant is approximated and reported from the centerline along the opposite side of the street. The centerline of that roadway, should it exist to the

south of SW 3rd Avenue, would be 5 feet to the west of the west property line of the neighboring lot from this proposed site. The neighboring lot is 40 feet wide, for a total of 45 feet between the centerline and the east lot line of the neighboring property. It is another 10 to 15 feet to the centerline of the future driveway (depending on the location of the required walkway), or about 55 to 60 feet in total (measured centerline to centerline), complying with the spacing standard.

- **Adequacy of Traffic Analysis / Request for Full Traffic Impact Study (TIS)**

The appellant claims that the traffic analysis was incorrect and the DKS made errors in their initial Traffic Analysis Letter (TAL) dated 7/21/2021. The applicant has hired DKS for two traffic analyses to analyze traffic impacts and community livability for this project. DKS is a reputable traffic engineering firm that works with a variety of cities in the surrounding vicinity.

The City requires transportation impacts to be assessed with any proposed development that will increase trips on the transportation system, consistent with requirements in the Canby Municipal Code 16.08.150. These transportation studies implement Sections 660-012-0045(2)(a), -0045(2)(b) and -0045(2)(e) of the State Transportation Planning Rule (TPR), which require the City to adopt access spacing and performance standards and a process to apply conditions to land use proposals to minimize impacts on and protect transportation facilities. These standards are specified in the Canby Municipal Code 16.08.160, with each proposed development approval dependent on meeting the specified criteria. In addition, the City assesses livability measures to each study for neighborhood traffic and pedestrian and bicycle circulation.

Transportation impacts are assessed by comparing the adopted standards to conditions before and after the proposed development is constructed. In general terms, a full Transportation Impact Study (TIS) is required of developments that are presumed to generate a significant number of additional trips (i.e., the site is expected to generate 25 or more trips during the AM and/or PM peak hours or 250 or more daily trips), while those that will not, provide analysis consistent with the City Transportation Analysis Letter (TAL) requirements. For reference, this project is expected to generate 88 daily trips and 13 peak hour trips – these benchmarks do not necessitate an intersection based TIS.

The key difference between the two levels of analysis is that the TAL does not require peak hour intersection operations to be analyzed. Peak hour intersection operations will not be degraded by proposed developments that generate fewer than 25 AM and/or PM peak trips since these trips are distributed system wide and do not all impact a single location, including intersections and roadway segments. Therefore, these proposed developments are consistent with the approval criteria 16.08.160.F (i.e., adopted intersection mobility standards) and only need to provide a level of analysis that is consistent with the other specified approval criteria included in the Canby Municipal Code 16.08.160, and the various neighborhood traffic and pedestrian and bicycle livability measures.

- **Trip Generation**

The appellant claims that the traffic analysis for trip generation is flawed because ‘low-rise’ apartment structures were chosen as the baseline condition rather than ‘mid-rise’.

While the “low-rise” Institute of Traffic Engineers (ITE) land use is typically applied to multi-family developments of 1 to 2 stories in height, it is still more applicable to development in Canby. Canby multi-family trip patterns are more typical of the “low-rise” rates versus the “mid-rise”, despite this proposed site including 3 story buildings. The ITE land use for “mid-rise” is based on multi-family buildings of 3 to 10 stories in height but will result in a lower trip rate than the “low-rise” use. For comparison purposes, the trip rate for the “mid-rise” multi-family use would include 65 daily trips versus the 88 daily trips estimated with the “low-rise” use. Therefore, low-rise apartments were used as a conservative estimate to analyze expected trip counts.

- **Pedestrian Safety.**

The appellant asserts that this project will create conflicts with pedestrians using the sidewalks on SW 3rd Avenue.

The applicant is required to construct a rollable or at grade ADA sidewalk to provide interconnection from the structures to the existing pedestrian infrastructure on SW 3rd Avenue (Condition #4; Planning Commission Final Findings – Attachment C). In addition, the applicant will be required to place a private stop sign with a demarcated striped line stop bar at the egress point of the access easement (Condition #5 Planning Commission Final Findings – Attachment C). The requirements are intended to reduce conflicts between vehicles and pedestrians.

In addition to the measures stated above, the applicant will pay transportation System Development Charges (SDCs) for this project which will in part help to pay for a number of pedestrian and bike improvements intended to improve the priority safe route to school route along SW 3rd Avenue. Some of those improvements that are stated in the TSP are found in **Figure 2** below.

Figure 2 – Nearby TSP Improvement Projects

TSP PROJECT ID	TSP PROJECT LOCATION	TSP PROJECT DESCRIPTION
C8	S Ivy St (south leg at SW 3rd Ave)	Install crosswalk, ramps, and pedestrian refuge island (remove crosswalk striping on north leg)
I6	S Grant Street/SW 2nd Avenue	Install westbound right-turn lane
I7	S Ivy Street/SW 2nd Avenue	Install eastbound right-turn lane
I8	S Ivy Street/SW 3rd Avenue	Install partial diverter on west leg to close westbound receiving lane (includes Pedestrian Project C8)

- **Easement Setbacks**

The appellant asserts that the easement width needs to meet setbacks. This is an incorrect assignment of error – easements or travel surfaces are not structures and are not required to meet setbacks. The appellant also states that the proposed easement area is 4 feet from the adjacent house, according to the submitted drawings this also appears to be incorrect.

- **Sidewalk**

The appellant asserts that the sidewalk reduces the drive surface of the access easement. The sidewalk is proposed to be a rollable curb or other similar mountable curb for fire and emergency purposes. A 20-foot wide travel surface is suitable for two-directional travel for ingress and egress to the project site. The sidewalk as constructed will accommodate a fire apparatus should that be necessary to access the site in the event of an emergency.

- **Parking**

The appeal statement and a number of comments express concern about parking and potential overflow from the project site onto SW 3rd Avenue. Canby's development code is fairly conservative on parking requirements when compared to similar sized cities. The project as proposed meets the parking standards found in Chapter 16.10 of the Canby Municipal Code.

The appellant asserts that the parking is inadequate and a 10 percent reduction in the parking spaces provided should not have been granted. The reduction was from 21 required spaces down to 19 spaces provided.

It is true that the parking spaces required were reduced by 2 spaces – which is a built-in exception allowed by the code pursuant to 16.10.030(H)(1) and (2). These standards require that the residential density is greater than nine units per acres and/or that the development provides additional pedestrian amenities not normally required by code.

Staff finds that the proposed development is adequately parked and that a parking space will be provided for every unit in the apartment project.

- **Density**

The appellant asserts that the property is not consistent with reasonable density standards. The requirement for the R-2 High Density Residential Zone is a minimum of 14 units per acre. The applicant is proposing to construct twelve apartment units six of which are 1-bedroom units and the remaining six are proposed as 2-bedroom units. These will be evenly distributed between two proposed buildings on the subject property. **Figure 3** below describes the requirement and the applicant's proposal.

Figure 3 – R-2 High Density Residential Units per Acre Standards

Acres	Units Per Acre Required	Minimum Units Required	Units Proposed
0.44	14	$0.44 * 14 = 6$ (rounded down)	12

The development code does not have a maximum density standard; rather, in practice, maximum density is a function of lot coverage area, impervious percentage requirements,

setbacks, landscaping and parking. As density increases these standards place a de facto cap on the maximum density of a project. This project meets the density standards.

- **Project Scale**

A number of comments received by planning staff along with the appellant statement contend that this project's scale is inappropriate for the surrounding area. Scale is a subjective evaluation and to the extent scale is contemplated by the development code, it is governed by a number of code criteria: lot coverage, impervious area, building height, setbacks and special buffer areas all reduce or place limitations on the scale of the project.

While a three story structure is certainly different in scale than the existing single family development in the surrounding area, the code allows for a structure of this height in the zone as an outright permitted use.

The subject property is zoned R-2 High Density Residential which allows multifamily development as an outright permitted use. The zone requires that new development provide for a minimum of 14 units per acre which inevitably will increase the height and footprint of structures which in turn increases the scale of the project.

Neighborhoods that transition from lower density to a higher density frequently face these same issues. In this instance, the property that has been vacant and zoned R-2 for over 30 years has been deemed marketable for multifamily development.

Lastly, staff are charged with reviewing projects against the criteria and project scale is not an item that the Canby's development code speaks to in specificity. Scale and compatibility were discussed and contemplated by the Planning Commission – the Planning Commission made a decision when evaluating the project against the code criteria and determined that this project should be approved regardless of scale or its perceived impacts.

- **Neighborhood Compatibility**

The appeal statement and a number of comments received discuss neighborhood compatibility and historic districts/structures. Those sub-themes are discussed below with staff responses.

Historic District/Structures

A number of comments and the appeal statement indicate that a new apartment structure will be incompatible with the surrounding neighborhood, including potentially impacting historic resources along SW 3rd Avenue. The property proposed for development contains no historic structures. In fact, there is no existing dwelling onsite. The justification for using a historic district that does not exist to prevent development on a vacant lot is not an approval criterion and should not be considered as part of this appeal.

SW 3rd Avenue is not a historic district; there are no identified or registered historic structures. Simply because a structure was constructed in the early 1900s does not make it a historic structure of value worthy of formal recognition and inclusion into a registry. Much more justification and analysis is needed to be considered for inclusion into a formal historic district or structure designation.

Staff discussed the historic resources in the area with Carol Palmer, former chair of the Historic Landmarks Commission, and she indicated that a thorough reconnaissance survey and analysis of property with historical value has not been conducted for SW 3rd Avenue. Any comments to the contrary are premature and inaccurate.

Should the residents of SW 3rd Avenue choose to pursue a historic designation of this street or the structures located on it, this would be best accomplished by working with the Historic Landmarks Commission. It should be understood that historic properties and districts within an identified area in the City would be subject to strict standards for any significant exterior alteration, changes, additions or accessory structures.

General Compatibility

Neighborhood compatibility is a somewhat nebulous concept that is inherently subjective in its nature. One person's opinion about what is compatible in their neighborhood may differ from another's.

Comments received indicate concern about this project and its compatibility with the surrounding neighborhood. Two similar projects exist less than 500 feet from the proposed development. The assertion that multifamily development will ruin the character of the neighborhood is somewhat difficult to understand when similar projects are in such close proximity to this proposed development. It is possible and may even be likely that more properties will redevelop into multifamily development over time and as the market deems it favorable for redevelopment.

This project is tucked behind SW 3rd Street and does not demolish any structures along the right-of-way. To a degree, the location of this multifamily project is less prominent along SW 3rd than if it were located directly adjacent to the street. The proposed site layout arguably better preserves the street's character compared to other potential project designs, as the remaining front house will preserve the rhythm of single-family building typologies along the street.

- **Project Documentation**

The appellant has provided additional comments after the original appeal statement that suggest there are issues with the project documentation and application intake procedure. Those themes are addressed below in the subheadings.

Type II vs. Type III

The appellant asserts that staff made an error in procedure by allowing a Type II process to proceed rather than the required Type III process. This is an incorrect assignment of error. In the incomplete letter dated March 23, 2021, sent to the applicant from staff, many issues were stated as deficiencies in the application. The first item in that incomplete letter is a statement from staff indicating that "there is no path forward in our code that would allow for that [Type II]". Refer to Attachment F for a copy of the incomplete letter.

When applications for development are submitted to the planning department, it is common to have a series of back and forth responses between staff and the applicant. The purpose of this iterative process is to ensure an application is complete enough so that staff have enough information to proceed with analysis. Generally speaking, staff do not

discard older information in submittals and use all of the applicant's provided information to analyze an application and to provide a recommendation to Planning Commission. It is possible that this transfer of information and the iterative process of completeness review is causing confusion for the appellant. Regardless, the assertion that this application was incorrectly processed as a Type II application is incorrect.

Furthermore, this application followed the correct procedural components detailed below:

- A neighborhood meeting was held based on Type III criteria;
- The application was noticed according to Type III procedures;
- Staff reviewed and provided analysis against Type III criteria;
- A public hearing was held and the Planning Commission rendered a decision all of which are consistent with the procedures for review on Type III applications;
- A notice of decision and opportunity to appeal were provided consistent with the Type III criteria;

Incorrect Matrix Scoring

The appellant has stated in the appeal statement that the matrix used to evaluate multifamily development projects was incorrect and/or deficient. The appellant states that the applicant did not achieve the appropriate amount of 'points' to gain approval for this project. While this is true for a Type II Design Review process which requires strict compliance with these matrices, the Type III Design Review process affords some discretion to both staff and the Planning Commission when analyzing this project. The Director and the Planning Commission have authority to waive requirements that are stated in the design review standards and to review the intent of the code pursuant to CMC 16.21.060 and 16.49.040 (D).

When reviewing multifamily projects, the Design Review table found in Canby Municipal Code Chapter 16.49 is replaced by the design review matrix found in Canby Municipal Code Chapter 16.21. The appellant asserts that the table used is incorrect – this is not the case.

Regarding the points scored, staff finds that the applicant has satisfied the matrix scoring for the proposed development. Additionally, the Planning Commission found that the proposed project substantially meets the required points for a multifamily development; therefore, staff believe this assignment of error presented by the appellant is incorrect.

Additional Public Comments

The following is a summary of public comments received following public notice of the September 1, 2021 City Council appeal hearing:

- 1. Rhonda Shechtman (8/19/21).** The commenter believes that the proposed project is inconsistent with the City's Historical Preservation Plan, which addresses community character

and design compatibility between buildings. The commenter also expresses concern with tree removal and pedestrian safety.

- 2. Tracey Carroll (8/19/21).** The commenter expresses concerns about pedestrian safety, street parking, and privacy for existing residents in the neighborhood.
- 3. Karen Bourbonnais (8/20/21).** The commenter concurred with the appellant's comments and voiced concerns about street congestion and safety. The commenter also objects to the scale of the proposed project in relation to the scale and character of the surrounding neighborhood, which features many older single-family homes.
- 4. Jennifer Driskell (8/19/21 and 8/20/21).** This commenter is one of the project appellants; these comments are supplementary to those previously submitted for the Planning Commission hearing and the appeal statement summarized above. However, many of the concerns identified are duplicative to those identified in the appeal. Concerns generally revolve around adequacy of the project applicant's submitted documentation. These assignments of error are discussed in detail elsewhere in this Staff Report.
- 5. Patsy Fifield (8/20/21).** This commenter is one of the project appellants. A number of concerns are identified, including concerns regarding emergency access, pedestrian safety, and parking on SW 3rd Avenue. Additional comments are related to construction impacts on adjacent homes, including removal of trees, construction of fences, and noise. Planning staff note that residential fences are not allowed to exceed six feet.
- 6. Bob Cambra (8/19/21).** This commenter identifies concerns about the number of parking spaces provided by the project, particularly in relation to street parking on SW 3rd Avenue and the number of proposed housing units. The commenter also expresses concern about the width of SW 3rd Avenue for traffic flow and emergency access, and concern with the size and location of the approved driveway.

Appeal Review Criteria

Per Section 16.89.050(I)(2) of the Land Development & Planning Ordinance (Chapter 16 of the Municipal Code), an appeal of a Type III decision:

"...shall be limited to the specific issues raised during the comment period and public hearing process unless the hearings body allows additional evidence or testimony concerning any other relevant issue. The hearings body may allow additional evidence if it determines that such evidence is necessary to resolve the case. The purpose of this requirement is to limit the scope of appeals by encouraging persons to be involved in the public hearing. Only in extraordinary circumstances should new issues be considered by the hearings body on an appeal."

The same section of the Municipal Code states that the City Council shall overturn the decision of the Planning Commission only when one or more of the following findings are made:

- a. That the Commission did not correctly interpret the requirements of this title, the Comprehensive Plan, or other requirements of law;
- b. That the Commission did not observe the precepts of good planning as interpreted by the Council; or

- c. That the Commission did not adequately consider all of the information which was pertinent to the case.

Conclusion

Staff finds that the applicant has adequately addressed the approval criteria for this proposed development and conducted a thorough analysis and interpretation of the code when reviewing the project. The Planning Commission was presented with an abundance of evidence from both the applicant and appellant parties and determined that this project should be approved by a 5 to 1 vote.

The appellant appears to be focusing their appeal on tertiary issues that have already been mitigated to the greatest extent possible by the applicant – the applicant has gone through two traffic analyses for this project, which is highly unusual for a proposal of this size and scope. Planning staff contend that the project has been thoroughly analyzed and evaluated for its compliance with City code.

Planning staff remain firm in their conviction that the Planning Commission after considering the evidence and conducting a thorough public hearing to consider the applicant and appellant testimony as well as other neighbor's concerns made the correct decision to approve the project. The Planning Commission exercised objective analysis of the project using the code criteria and by applying conditions appropriate to the development.

Accordingly, planning staff have made the following findings in relation to the code criteria found in Chapter 16.89 of the Municipal Code:

Finding 1: For the reasons discussed above in this Staff Report, planning staff find that the Planning Commission correctly interpreted the requirements of the Municipal Code, the Comprehensive Plan, and other requirements of the law. In particular, the Planning Commission correctly applied approval criteria for development in the R-2 zone, a designation that explicitly allows residential development of 14 units to the acre or more.

Finding 2: For the reasons discussed above in this Staff Report, planning staff find that the Planning Commission observed the precepts of good planning as interpreted by the Council. This includes fairly applying City standards that would apply to similarly-zoned parcels elsewhere in the City and ensuring that standards addressing neighborhood compatibility (e.g. required screening and the required setback buffer for adjacent R-1 zone properties) were applied.

Finding 3: For the reasons discussed above in this Staff Report, planning staff find that the Commission adequately considered all of the information which was pertinent to the case, including documentation required for Type III Site and Design Review applications.

Attachments

- A. Appeal Statement
- B. Written Comments received for September 1, 2021 City Council Hearing
- C. Planning Commission Findings, Conclusion & Final Order for Application DR 21-04
- D. Staff Report to Planning Commission dated April 30, 2021 for May 10, 2021 Hearing (with attachments)

- E. Supplemental Memorandum to Planning Commission; dated June 4, 2021
- F. Incomplete Letter to Applicant; dated 3/23/2021
- G. Updated Traffic Analysis Letter (TAL); dated 9/8/2021
- H. Letter From Ben Sigler, real estate agent regarding the Claybornes' knowledge of the development proposal as well as increased easement width

Fiscal Impact

No direct fiscal impact to the City of Canby is anticipated. However, the City's disapproval of higher-density residential projects in zones that explicitly allow higher-density housing (where the projects otherwise meet City requirements) is inconsistent with the State of Oregon's Statewide Land Use Planning Goal 10, and the state legislature's newly passed legislation aimed at easing obstacles to production of "middle housing" (i.e., House Bills 2001 and 2003). Inconsistency with state law in this area may jeopardize the City's access to future grant funding from the state for housing and other initiatives.

Options

There are three possible actions that the City Council may take in regards to the appeal of the Planning Commission's decision. These are:

1. Uphold the Planning Commission's approval of the proposed project (Design Review Application DR 21-04).
2. Uphold the Planning Commission's approval of the proposed project but revise, amend, or supplement the identified conditions of approval.
3. Overturn the Planning Commission's approval of the project.

Recommendation

Because this is an appeal of a Planning Commission decision, Planning Staff defer to the judgment of City Council in their evaluation of the prior decision.

Proposed Motion

Sample language: *"I move to approve Option ___ as indicated in the City Council Staff Memorandum dated August 27, 2021."* [Note that choices 2 and 3 require the Council to identify findings that support their decision]



City of Canby
Planning Department
222 NE 2nd Avenue
P.O. Box 930
Canby, OR 97013
Ph: 503-266-7001
Fax: 503-266-1574

LAND USE APPLICATION

Appeal of Planning Commission Decision Process Type III

APPLICANT INFORMATION: (Check ONE box below for designated contact person regarding this application)

☐ Applicant Name: Jennifer Driskill Phone: 503-545-9751
Address: 249 SW 3rd Ave Email: jennidriskill@yahoo.com
City/State: Canby, OR Zip: 97013

☒ Representative Name: Jennifer Driskill Phone: 503-545-9751
Address: 249 SW 3rd Ave Email: jennidriskill@yahoo.com
City/State: Canby, OR Zip: 97013

☐ Property Owner Name: Jonathan Clayborne Phone: 503-480-9510
Signature: _____
Address: 285 SW 3rd Ave Email: jjmoneyrr@hotmail.com
City/State: Canby, OR Zip: 97013

☐ Property Owner Name: Patsy Fifield Phone: 503-201-5824
Signature: _____
Address: 299 SW 3rd Ave Email: patsyfifield@gmail.com
City/State: Canby, OR Zip: 97013

NOTE: Property owners or contract purchasers are required to authorize the filing of this application and must sign above

- ❶ All property owners represent they have full legal capacity to and hereby do authorize the filing of this application and certify that the information and exhibits herewith submitted are true and correct.
- ❷ All property owners understand that they must meet all applicable Canby Municipal Code (CMC) regulations, including but not limited to CMC Chapter 16.49 Site and Design Review standards.
- ❸ All property owners hereby grant consent to the City of Canby and its officers, agents, employees, and/or independent contractors to enter the property identified herein to conduct any and all inspections that are considered appropriate by the City to process this application.

FILE NUMBER OF DEVELOPMENT BEING APPEALED: _____

STAFF USE ONLY				
FILE #	DATE RECEIVED	RECEIVED BY	RECEIPT #	DATE APP COMPLETE

APPEAL OF PLANNING COMMISSION DECISION – TYPE III

Instructions to Appellant

All required application submittals detailed below must also be submitted in electronic format on a CD, flash drive or via email to: PlanningApps@canbyoregon.gov

Applicant City
Check Check

- | | | |
|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | One (1) paper copy of application. The City may request further information at any time before deeming the application complete. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Payment of appropriate fees – cash, credit card or check only. Refer to the city's Master Fee Schedule for current fees. Checks should be made out to the <i>City of Canby</i> . |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | A written statement of appeal shall clearly state the nature of the decision being appealed and the reasons why the appellant is aggrieved. The reasons why the appellant is aggrieved shall be provided in regards to the criteria and standards in 16.89.050 (I) (2) (c). |

APPEAL OF A PLANNING COMMISSION DECISION—APPLICATION PROCESS

Appeal. The Planning Commission's decision on a Type III decision or Type II appeal may be appealed to the City Council as follows:

1. The following have legal standing to appeal:
 - a. The applicant;
 - b. Any person who was mailed notice of the decision;
 - c. Any other person who participated in the proceeding by testifying or submitting written comments; and
 - d. The City Council, on its own motion.
2. Procedure.
 - a. A Notice of Appeal shall be filed in writing, on forms provided for the purpose by the Planning Director, within 10 days of the date the Notice of Decision was mailed.
 - b. The Notice of Appeal shall be accompanied by all required information and fees.
 - c. The appeal shall be limited to the specific issues raised during the comment period and public hearing process unless the hearings body allows additional evidence or testimony concerning any other relevant issue. The hearings body may allow additional evidence if it determines that such evidence is necessary to resolve the case. The purpose of this requirement is to limit the scope of appeals by encouraging persons to be involved in the public hearing. Only in extraordinary circumstances should new issues be considered by the hearings body on an appeal.

3. The City Council shall overturn the decision of the Planning Commission only when one or more of the following findings are made:
 - a. That the Commission did not correctly interpret the requirements of this title, the Comprehensive Plan, or other requirements of law;
 - b. That the Commission did not observe the precepts of good planning as interpreted by the Council; or
 - c. That the Commission did not adequately consider all of the information which was pertinent to the case.
4. The Council's action on an appeal shall be governed by the same general regulations, standards, and criteria as apply to the Commission in the original consideration of the application.

Any decision of the Planning Commission may be appealed to the City Council unless otherwise specified in this Title. Such appeals will be processed using the Type III procedures unless otherwise specified in this Title. The decision of the City Council regarding a Type IV decision, appeal of a Planning Commission decision, or any other process contained within this title, is the final decision of the City.

To Whom It May Concern:

The prevailing concern of the neighborhood is that the density of units proposed in the DR 21-04 State Street development is too high. The easement access point is inherently not safe as it relates to an intersection, a parallel existing driveway AND a priority pedestrian traffic path crossing in front of it. Allowing 2.5x the required minimum required units for the lot compounds a traffic predicament that has not been adequately assessed. *Residents of the neighborhood are appealing the approval, as City Planning has not applied any of the applicable additional safety parameters triggered if these exceptions in code are granted.*

- The easement drive is not 10' from an existing driveway (299 SW 3rd).
- The easement drive is not 50' from an intersection.
- The easement drive is not 7' from the walls of 285 SW 3rd Ave.
- The trip generation volume in a traffic analysis letter was determined using the wrong multifamily building data set.
- The community asked for a full Traffic Impact Study (TIS) to assess radial impacts to existing vehicle and pedestrian traffic on a priority school access route. (It has been an area of concern in the Transportation Safety Plan for the last decade and is actively on the Traffic Committee agenda since February.) We received a Transportation Analysis Letter (TAL) with errors and vague distance measurements. These items are not the same, and a TAL did not sufficiently review nor address the many concerns raised, particularly with regard to pedestrian safety.
- Documentation for the Type III Application and Design Review was not available to public.

A full TIS is applicable for "Potential impacts to priority pedestrian and bicycle routes, including, but not limited to school routes and multimodal street improvements identified in the TSP." (CMC 16.08.150 C.5). SW 3rd Ave has a number of motor vehicle and pedestrian projects in the TSP, their details documented by multiple residents in their public comments. It is identified as a Safe Route to School for the community.

Planning Staff did not respond to specific code concerns raised by citizens in the public comment period. The supplemental document packet contained an additional 41 pages of comments that were submitted before the initial hearing date deadline of 5/10/21. With the original hearing canceled and rescheduled for more than a month later to 6/14/21, it seems there would have been adequate time to address these concerns and update the staff findings summary that is provided to the Commission. We were disappointed this was the not case. It hindered the ability of the Commission to review and consider the relevant information provided.

Most Planning Commission voting members did not demonstrate they had undertaken any independent, prior review of application materials, nor that they had a familiarity with the intersection of SW Grant and SW 3rd and its proximity to the easement. This majority seemingly relied almost exclusively on the Planning Staff presentation for information, preventing any productive debate about the proposal. Two Commissioners (Hieb and Boatwright) did look at the site in person. They raised the same concerns about site access and safety, quickly identifying the same erroneous

traffic report data that the community had. Planning Staff asserted that the Commissioners should rely on the expertise and accuracy of 3rd party DKS over what could be plainly seen as errors. Having not seen the application site in person, the remaining 5 Commission members could not meaningfully engage in reviewing the application. They ultimately voted to approve, noting it could be appealed.

DKS made a number of errors in their TAL, the most significant being:

- Trip generation totals were determined using the wrong multifamily data set for their analysis.
 - ITE Code 220 - Multifamily Housing (Low-Rise), applies to 1-2 story buildings.
 - Trips should have been determined using ITE Code 221 - Multifamily Housing (Mid-Rise), for 3-10 story buildings.
 - If Code 220 was used intentionally, it was not noted nor explained in the report.
- Minimum driveway width requirements are determined by number of trips. Having used the wrong data set, the trip generation information provided was not reliable to determine if there would be less than 100 trips per day.
- It stated the new driveway will be 10' away from the existing driveway at 299 SW 3rd.
 - Both easement lines are the property lines with neighboring lots, there is no buffer.
 - The easement property line with 299 SW 3rd abuts an existing driveway.

Note: If two 10' drives were side by side, with zero distance between them, then measuring from the midpoints of each would total 10'. There is no way that two drives can be next to one another and NOT total at least 10' if measured from their center points. The only intention of the code has to be to require space **between** drives, or it would not exist. *This requirement is not met, and would be an exception.*

- The only distance between two drives here may possibly be the required 5' ADA sidewalk, assuming it is installed on the West property line in opposition to the DKS recommendation to put it on the East property line.
- Be it 5' or 0', it would be an exception to code; all the Access considerations for
 - CMC 16.46.035 Restricted Access
 - CMC 16.46.040 Joint and Cross Access
 - CMC 16.46.050 Nonconforming Access Features, and
 - CMC 16.46.070 Exemption Standardswould apply.
- It also stated the intersection was “approximately” 50' away from the easement.
 - Measuring from the center of Grant it is less than 50', with or without a sidewalk on the West property line.
 - All Access considerations for safety should also be applied via codes listed above for this Intersection spacing exception.

Twelve (12) units is 2.5x the 5 units required by code for .44 acres in a R-2 zone, noted by Studio 3 Architecture. While there is no maximum density for R-2, when access connection spacing required in 16.46.30 does not meet the minimum distances between driveways (10 ft) or intersections (50 ft) there are a number of criteria for limiting access or build density to ensure public safety. This meets neither distance minimum. The applicable codes were outlined in great detail by citizen Regina Taylor in her public comments, and are available in the June 14, 2021 Supplemental Memo packet, on PDF pages 6-22. Many were referenced briefly above.

Erik Forsell advised the Planning Commission that no exceptions were being made to code in voting to approve this application. This was not an accurate statement. There are a number of exceptions required to move this Flag Lot application forward. Neighborhood residents believe them to be good reason to restrict the density allowed on the lot.

The DKS TAL study notes that adequate Sight Distance could only be met if the street is cleared of all street parking and vegetation. The city has granted this application a 10% parking reduction because of its highly concentrated density, yet the project will force removal of a great deal of street parking in an area that has been documented as congested for more than a decade. Parking along both sides of the street, with demand increased by previous infill projects, is enough to render SW 3rd Ave a one way street in most areas, most of the day now; it is particularly problematic between Elm and Grant near the High School. There is nowhere within walking distance for additional overflow parking for residents of SW 2nd and SW 3rd between Ivy and Elm. Zoar Lutheran church has made it clear that their pandemic related allowance for cars to park there was temporary and they will resume towing of vehicles parked on their lot when restrictions on in person gatherings were lifted.

Since February 2021, visibility and parking congestion along SW 3rd, SW 2nd, SW Grant and all of their intersections have been an ongoing subject of access and safety concern with the Traffic Safety Commission. A sub-committee is being formed in an attempt to remedy the myriad problems, and the most likely outcome is to remove street parking on all three streets. As a City representative to the Traffic Committee, Associate Planner Erik Forsell and the Canby Planning Department are well aware of this and are not concerned about its implications to existing or additional residents. Removing blocks of street parking in an area that is already maximizing its use out of necessity is highly problematic. There are no adjacent streets where cars can park. Adding the excessively high density of new units for DR 21-04, and additionally giving them a discount on the required number of parking spaces because of their density is illogical. Planning can not exist in a vacuum, and turning a blind eye to density and parking issues that already exist only makes living in the city untenable into the future. Residents of Canby need and use cars. We're still a bedroom community without easy access to mass transit. The closest two towns are each nearly 10 miles away. Who benefits by pretending otherwise? This is not compatible with the Goals and Policies of the TSP, especially regarding Livability.

The Transportation System Plan of 2010 has a number of planned projects to divert traffic away from SW 3rd, because it was a congested area more than a decade ago. The TSP also seeks to divert additional pedestrian traffic across Ivy and to the South sidewalk of SW 3rd Ave, directly in front of this easement. This pedestrian route is designated as a Safe Route to School and is already highly active with the volume of kids going to/from the high school. The street is also regularly reduced to function as a one way lane with street parking full on both sides of the street. The road surface of SW 3rd Ave is

only 31' 2" wide curb to curb.

It remains unaddressed that the easement drive is a one-way vehicular access drive. Because of its significant setback from the road, and solid fence screening required because of very nearby homes on either side of it, inbound vehicles will frequently turn off of 3rd Ave before seeing another vehicle is outbound from the apartment lot. Vehicles can not be permitted to back out on to 3rd Ave, into pedestrians and traffic, and no one can enforce asking residents to back up into their lot when a car is attempting an inbound drive. Additionally, with no limitations applied to inbound/outbound egress, the two parallel drives of the easement and 299 SW 3rd can have outbound vehicles pulling into traffic on SW 3rd (less than 50 ft from an intersection with Grant) at the same time – and potentially headfirst into one another.

The 26' of easement minus 5' of ADA sidewalk is a balance of 21'. To maintain the required 20' width of driveway, each property line fence needs to be installed within a 6" strip of land. Solid fencing must be installed on both sides because of its incredible proximity to homes at 285 and 299 SW 3rd. None of the criteria can be met for CMC 16.08.110 G.2, which requires that fencing is either a.) no more than 4' [not reasonable when the vehicular drive itself is 4' from a master bedroom window] b.) is not solid [also not reasonable with car headlights and proximity to both homes] or c.) that solid fencing shall be set back at least three (3) feet from the property line that abuts the pathway [would reduce drive aisle to 13' and emergency/disposal vehicles could not access the lot].

Clearly, applying any of the three fencing criteria is impossible here, and it requires that additional exceptions to be made by the City for property lines of both sides of the easement.

A utility pole in front of 299 SW 3rd is in line with the edge of the intersection square of SW Grant and SW 3rd; it aligns with the curb on Grant. The distance from that pole to the fence/effective property line between 299 and 285 SW 3rd (i.e. the easement line) is **15' 8"**. Practically, an intersection exists encompassing the full square of where two streets intersect. The true distance from the intersection to the pavement of the planned easement access drive is less than 21' (15'8" plus 5' of sidewalk, should it ultimately go in on the West property line). If the City transportation engineers must measure from center point of Grant to the easement driveway, an additional 28' 3" can be added (curb to curb, Grant is only 56' 6" wide). A total of 48' 11" is still less than 50 ft....as is the even smaller distance of 43' 11" from the intersection, should the sidewalk go to the East property line.

Development standards for R-2 in CMC 16.20.30 D.3 state that interior yard requirements are 7 ft. This expanded easement will be 4ft from the master bedroom windows of 285 SW 3rd, and create a legitimate potential safety hazard to sleeping occupants there. Planning staff compared the State Street easement proximity to apartments built behind 203 SW 3rd when presenting to the Commission.

At 203 SW 3rd:

- An existing home and proposed build site were all one lot at time of application approval, and look as though they still are.
- The home was owned by the developer and has a minimal setback from the street.
- It has a paved drive ~6' from an attached garage wall, and
- The drive is curved to discourage vehicles from gathering speed.

That is not remotely the same as the situation at 285 SW 3rd:

- A paved driving surface would be 4ft away from a master bedroom window.
- The family living at 285 SW 3rd is not associated with the lot behind them.
- The home's setback is halfway between SW 3rd and the future parking lot
- Access is a long, straight driveway
...where cars will drive more than 170' between the street and parking lot. The approach is 4x longer than the distance from the intersection to the driveway.

It's disconcerting that this is acceptable. If it is the only access point available to the lot, it is unconscionable to exponentially increase risk to the existing home occupants by allowing a population of drivers at 2.5x the required build density.

Erik Forsell of City Planning and 5 Commissioners all stated in the course of the application review that the project does not match the existing neighborhood aesthetic. Incompatible design is not a review consideration in Table 16.21.070, used on the Type II Multi-Family Design Review that was submitted to the City. However it *is* part of Table 16.49.040. All of the language in 16.49.035, Applications for Site and Design review, seem to indicate that both Criteria of 16.49.040 and its related Design Review Table should have been used for assessing this Type III project....and that compatibility matters to at least some extent.

A 3-story modern apartment would become the tallest building in all of SW Canby, towering over homes identified by the Historic Preservation Committee for meeting the City's goals of recognizing and maintaining Historical homes in Canby. As the Historic Preservation Committee did not release their findings much before the COVID epidemic, the neighborhood has not been formally established as a Historical District. It does have the potential to be, as many individual homes certainly meet all criterion and have owners who bought with the intention of preserving the neighborhood aesthetic. The homes at both 285 SW 3rd and 299 SW 3rd were built on land from the Philander Lee and wife Donation Land Claim. 285 SW 3rd in particular is a beautifully maintained 1920's home of interest. We are well aware that none of this directly impacts the approval or denial of an application on its own. As there are many other relevant safety/access issues that do indicate limits on density are prudent, the eligibility for Historical designations and incompatibility of design are worth noting.

Only a Type II Land Use Application for 10 units was included in the application packet. No Type III application with 12 units has been made available to the public. The only Design Review documentation and Design Menu Table we could review may not have been the correct standards to assess the project. As receipt of a completed application is a technicality and (one can only assume) a required document for proceeding with any project review, we ask that a copy of the Type III Application (with some kind of verifiable date of receipt by the city) be produced in advance of the Council appeal hearing.

This appeal summary can not be a full accounting and reiteration of everything provided previously, but tries to serve as an overview of the code exceptions that are most concerning and may offer some recourse with regards to safety. While it necessarily has focused on negative aspects or perceived shortcomings, please know that the residents behind the appeal do honestly recognize and appreciate the efforts of *all* of the many City Departments and Commissions involved in undertaking development work.

Respectfully,
Jennifer Driskill

Julie Carter

From: Rhonda Shechtman [REDACTED]
Sent: Thursday, August 19, 2021 8:57 PM
To: Erik Forsell
Subject: Fw: APP 21-03 AND DR 21-0-4

Sent from Yahoo Mail on Android

----- Forwarded Message -----

From: "Rhonda Shechtman" [REDACTED]
To: "PublicComments" <publiccomments@canbyoregon.gov>, "Jennifer Driskill" [REDACTED]
Sent: Thu, Aug 19, 2021 at 8:32 PM
Subject: APP 21-03 AND DR 21-0-4

I would like to talk about the importance of maintaining the small town feel of Canby and preserving its historical structures and districts.

In June 2020, just 14 months ago, the Historical Preservation Plan was adopted by the City to assert the importance of historical structures and their contribution to the small town feel of Canby. This document is meant to guide the City when it makes decisions conflicting with these priorities - specifically in regards to new construction and the increasing need for housing. As stated in this document, it is important to the residents and also economically to the City to make sure such growth does not destroy what makes Canby special.

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To: Canby Planning Commission
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Date: 8/19/2021
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New projects such as this one should add to the livability of a neighborhood and not subtract from it. The plan needs to be changed so it does not add to the neighborhood's existing problems.

Thank you for your time and consideration.

Julie Carter

From: Jennifer Driskill [REDACTED]
Sent: Thursday, August 19, 2021 2:49 PM
To: Ryan Potter
Cc: Erik Forsell; Don Hardy; Joseph Lindsay
Subject: Re: Copy of Type III Application for DR 21-04
Attachments: Appeals Supplement - DR21-04.doc; site_and_design_review_-_dco_iii_fillable.pdf

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Jenni

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City of Canby | Development Services

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From: Jennifer Driskill [REDACTED]
Sent: Wednesday, August 18, 2021 11:40 AM
To: Ryan Potter ; Brianna Addotta ; Julie Carter ; Erik Forsell ; PlanningApps ; Don Hardy
Cc: Joseph Lindsay
Subject: RE: Copy of Type III Application for DR 21-04

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[REDACTED]

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Subject: Copy of Type III Application for DR 21-04

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Julie Carter

From: Tracey.K.Carroll [REDACTED]
Sent: Thursday, August 19, 2021 10:33 AM
To: PublicComments
Subject: File # APP 21-03 & DR 21-04

Follow Up Flag: Follow up
Flag Status: Flagged

As a resident of Canby I believe the building of this apartment complex would be a huge detriment to the community specifically SW 3rd Ave. There are already a lot of cars that park on the street and adding any more high density housing would exacerbate this situation which makes it more dangerous for pedestrians as visibility to the sidewalk is low. As our road is used by the high school students to get to and from school this could potentially create a huge risk for those students. Due to the location of 3rd Ave it is often used to avoid traffic on Ivy St. so there are constantly cars speeding between Ivy and Elm, the road was not designed for this much traffic and it is causing excessive wear. The street would not be able to handle the extra traffic from an additional high density housing unit without extensive and costly repairs. The impact that this complex would have on privacy is also a concern, while it is less difficult to maintain privacy to our homes for the existing two story complex, trying to keep a third story window from looking down into our backyards would be impossible. We purchased our homes with an expectation of privacy for our families but this development would strip that from many of us in the area.

I truly believe this development would be a huge detriment not only to our area but also to the City of Canby as a whole, I strongly urge you to reconsider allowing this type of structure to be built.

Thank you for your time,
Tracey Carroll

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To: PublicComments
Cc: Melissa Bisset
Subject: Comments for DR 21-04 and APP 21-03
Attachments: Appeal Comments Submission DR 21-04, APP 21-03.doc; Appeals Supplement - DR21-04.doc

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Also attached is a copy of the Appeal application's support document. I asked but did not get confirmation if it is included in the report. I would guess that it is, but just in case....

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From: Rhonda Shechtman [REDACTED]
Sent: Thursday, August 19, 2021 8:57 PM
To: Erik Forsell
Subject: Fw: APP 21-03 AND DR 21-0-4

Sent from Yahoo Mail on Android

----- Forwarded Message -----

From: "Rhonda Shechtman" [REDACTED]
To: "PublicComments" <publiccomments@canbyoregon.gov>, "Jennifer Driskill" [REDACTED]
Sent: Thu, Aug 19, 2021 at 8:32 PM
Subject: APP 21-03 AND DR 21-0-4

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To: Ryan Potter ; Brianna Addotta ; Julie Carter ; Erik Forsell ; PlanningApps ; Don Hardy
Cc: Joseph Lindsay
Subject: RE: Copy of Type III Application for DR 21-04

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Julie Carter

From: Tracey.K.Carroll [REDACTED]
Sent: Thursday, August 19, 2021 10:33 AM
To: PublicComments
Subject: File # APP 21-03 & DR 21-04

Follow Up Flag: Follow up
Flag Status: Flagged

As a resident of Canby I believe the building of this apartment complex would be a huge detriment to the community specifically SW 3rd Ave. There are already a lot of cars that park on the street and adding any more high density housing would exacerbate this situation which makes it more dangerous for pedestrians as visibility to the sidewalk is low. As our road is used by the high school students to get to and from school this could potentially create a huge risk for those students. Due to the location of 3rd Ave it is often used to avoid traffic on Ivy St. so there are constantly cars speeding between Ivy and Elm, the road was not designed for this much traffic and it is causing excessive wear. The street would not be able to handle the extra traffic from an additional high density housing unit without extensive and costly repairs. The impact that this complex would have on privacy is also a concern, while it is less difficult to maintain privacy to our homes for the existing two story complex, trying to keep a third story window from looking down into our backyards would be impossible. We purchased our homes with an expectation of privacy for our families but this development would strip that from many of us in the area.

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From: Patsy Fifield [REDACTED]
Sent: Friday, August 20, 2021 4:57 PM
To: PublicComments
Subject: City File No. APP21-03 and DR 21-0-4

Application: Appeal (APP 21-03) of Planning Commission Approval of DR 21-04

My name is Patsy Fifield, I live at [REDACTED]
[REDACTED]

I have many concerns about this project, both for safety and access issues. The driveway they are proposing will be right next to my driveway and create a safety hazard for me and my family going to and from as well as the residents of the proposed buildings. It is already a bit precarious as it is with traffic coming and going both directions, and turning off of Grant. Adding another driveway with potentially 12-18 more vehicles going in and out, not to mention if there was an emergency situation, fires trucks, and ems vehicles would be coming in and the residents wouldn't be able to get out. I don't see any scenario where this would be a good fit for this location.

I have also asked several times how State Street Homes intends on removing the large trees that line this proposed driveway (and are on my property line) without disrupting my driveway access. I do not intend to give them access to my property in order to remove the trees. To date, no one has given me an answer to my question. No one from State Street has approached us regarding the situation at all.

Then there are the pedestrian access issues, I have 4 grandsons who walk from school to my house everyday during school, and there are many other kids who walk down 3rd, the increased traffic and the location of this driveway are very concerning for their safety. And I'm sure if there are 12 new units built back there, there will be more children walking to and from.

Parking for that many more cars is also a problem, 3rd av already has so many cars parked on either side that driving down the street is challenging, cars must pull over to let oncoming cars pass. Even with the number of parking spaces State Street is proposing there will be overflow, visitors, etc. Where are they going to park? This will also add to the lack of visibility on 3rd.

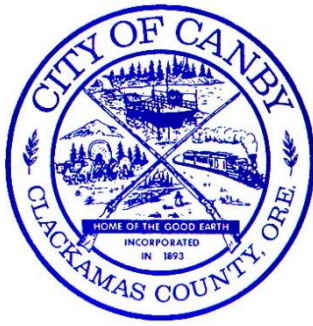
As for the property lines, State Street is saying they will build a fence 6-8 feet high between the properties. This fence would be about 10' from my front door, and on the other property owned by Jonathan Clayborne they are proposing a fence that will be less than 4' from his bedroom window, and from what I can tell, it would be right up against his heat pumps! How is that safe? Not to mention the months of noise, truck traffic, and construction that will be going on just a few feet from our front door!

I may not know all the technical and legal jargon about all of this, but I do know that it will be extremely disruptive to me and my family, and we are hoping that you will consider all of these things when rendering your decision. This is a quiet and peaceful neighborhood and something like this development will destroy so much! This is just not the place for such large modern structures to be built.

Thank you,

Patsy Fifield
[REDACTED]





City of Canby

Development Services Department

June 29, 2021

Sent Via Mail and/or Email

Mark Wilde	mark@statestreet-homes.com
Sandra Salmonson	Sandyjaye57@gmail.com
Jennifer Driskill	jennidriskill@yahoo.com
Navi Valdez	ncvaldez@wavecable.com
Elizabeth and Nathan Woosley	emullom@gmail.com / n.woosley@yahoo.com
Bonnie Edwards	Edbon976@canby.com
Patsy Fifield	patsyfifield@gmail.com
Rhonda and Dave Shechtman	Alaskansunbeam@yahoo.com / dave_schetman@yahoo.com
Karen Bourbonnais	canbykaren@yahoo.com
Johnathan Clayborne	285 SW 3 rd Ave, Canby, OR 97013

RE: Notice of Decision and Final Order for DR 21-04

The Canby Planning Commission hereby provides notice that a decision to approve application **DR 21-04** has been rendered. The enclosed Findings, Conclusions and Final Order is your notice of the official action of the City of Canby Planning Commission.

According to ORS 227.175, this decision may be appealed to the City Council within ten (10) days of the date this notice was mailed. To do so, you must file an application for appeal with the Planning Director. If no appeal is taken within the specified period, and if no appeal is initiated by action of the City Council, the decision of the Planning Commission shall be final.

The application for appeal shall clearly state the nature of the decision being appealed and the reasons why the appellant is aggrieved. A \$1,980 fee must be enclosed with your appeal application.

If you have any questions or concerns, please contact our department at 503-266-7001.

Sincerely,

Erik Forsell, AICP
Associate Planner

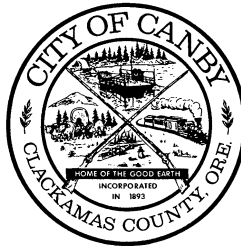
Attachment: Final Findings

CERTIFICATE OF MAILING

This Notice of Decision was postmarked and placed in the mail and/or emailed on
June 29, 2021 and sent to all parties with standing.

The appeal period will end on Friday, July 9, 2021 at 5PM.

Erik Forsell, AICP, Associate Planner



**BEFORE THE PLANNING COMMISSION
OF THE CITY OF CANBY**

**A REQUEST FOR DESIGN REVIEW
APPROVAL OF A 12 UNIT MULTIFAMILY
PROJECT IN THE HIGH DENSITY (R-2)
RESIDENTIAL ZONE**

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)
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)
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)

FINDINGS, CONCLUSION & FINAL ORDER

**DR 21-04
STATE STREET HOMES**

NATURE OF THE APPLICATION

The subject property is approximately 0.44 acres in size and rectangular in shape. The property contains an existing structure which is proposed to be demolished to accommodate the new proposed development. The property is largely grass with some areas of mature trees that are proposed for removal to accommodate the new development.

The property is vacant and does not have a physical address; it can be identified as Clackamas County Assessor's Map & Tax Lot 41E04BA00200. The site does not have frontage on SW 3rd Avenue and is proposed to take access via an existing easement across Tax Lot 100 adjacent to the north.

The applicant is proposing to develop two buildings with 12 total residential units, approximately 10,588.5 square feet on a 0.44-acre site. The proposed development will be accessed off of SW 3rd avenue by the means of an existing easement. Both buildings will be 3-stories in height, approximately 5,294.25 SF, and each are composed of three (3) 2 bedroom / 2 bathroom units and three (3) 1 bedroom / 1 bathroom units – essentially creating 6 apartment units of different configuration per proposed structure.

The proposed development will have required improvements including: landscaping, parking, fire turnaround areas, stormwater facilities, street lighting, an improved access easement area and approach.

HEARINGS

The Planning Commission considered application **DR 21-04** after the duly noticed hearing on May 10, 2021 during which the Planning Commission moved to continue the hearing to June 14, 2021 at the request of the applicant. At the hearing on June 14, 2021 the Planning Commission moved to approve the application (**DR 21-04 – State Street**) by a 5/1 verbal vote in affirmation. These Findings are entered to document the approval.

CRITERIA AND STANDARDS

In judging whether or not the aforementioned application shall be approved, the Planning Commission determines whether criteria from the City of Canby Land Development and Planning Ordinance are met, or can be met by observance of conditions. Applicable code criteria and standards were reviewed in the Staff Report dated May 10, 2021 and the Supplemental Memorandum dated June 4, 2021.

FINDINGS AND REASONS

The Staff Report was presented, and written and oral testimony was received at the public hearing. The Planning Commission listened to a variety of public concerns and indicated their belief that the project met the approval criteria and that certain impacts could be mitigated by the conditions of approval stated at the hearing and in the staff report.

Staff recommended two additional conditions of approval as stated below:

- The applicant shall construct a 5-foot wide ADA accessible, rollable, fire rated for weight, and concrete sidewalk or other acceptable pedestrian path to be determined by the Planning Department and / or Public Works within the easement or 'flag pole' area of the property and adjust the curb cut of the approach to the easement area so that it is consistent with City standards.
- The applicant shall clearly designate the location of the recreation area on a copy of the plan submitted for construction, demonstrating compliance with the minimum square footage required per the code.

CONCLUSION

In summary, the Planning Commission reviewed the staff report, supplemental memorandum, and public hearing testimony and determined that the project as proposed met the applicable approval criteria.

ORDER

The Planning Commission concludes that, with the following conditions, the applications meet the approval criteria. Therefore, it is ordered by the Planning Commission of the City of Canby that **State Street (DR 21-04)** is approved subject to the stated conditions of approval included in this document.

CONDITIONS OF APPROVAL

Access:

1. The driveway access on SW 3rd Avenue shall be a commercial driveway approach and shall be constructed consistent with the City of Canby standard detail drawing No. 104.
2. The driveway approach on SW 3rd Avenue shall be a reconstructed to most current ADA guidelines.

3. The access width, surfacing and turnaround shall meet the approval of the Canby Fire District.
4. ~~A demarcated 5-foot pedestrian walking surface shall be provide within the 20-foot paved area or within the 26-foot access easement area itself. The path shall be at grade and constructed of concrete, pavers, brick or other differentiated material from the asphalt vehicle travel surface. (Replaced by Condition # 29)~~
5. The applicant shall provide a private stop sign at the egress point of the private access easement with a striped line stop bar that is consistent with Canby Public Work's Standards.

Public and Utility Improvements:

6. An 8-inch sanitary sewer shall be extended from SW 3rd Avenue to serve this development. The City will be responsible for the maintenance of the 8-inch line only. All the branched lateral maintenance and ownership shall be the responsibility of the development. The developer shall provide a blanket maintenance easement to the City of Canby over the entire width of the easement to enable the City to maintain the sewer line.
7. Any new water services shall be constructed in conformance with Canby Utility requirements.
8. Any new electrical connection, trenching or extension shall be conducted in conformance with DirectLink and Canby Utility.
9. Public improvements shall comply with all applicable City of Canby Public Works Design Standards. (Public Works / City Engineer).
10. All private storm drainage shall be disposed of onsite. A final drainage report shall be submitted with the final construction plans (Public Works / City Engineer).
11. No private storm drainage discharge shall be allowed to discharge into SW 3rd Avenue.

The applicant shall demonstrate how the storm runoff generated from the new impervious surfaces will be disposed. If drywells (UIC) are used as a means to discharge storm runoff, they must meet the following criteria:

- a. The UIC structures' location shall meet at least of the two conditions:
 - i. The vertical separation distance between the UIC and seasonal high groundwater is more than 2.5 feet, or
 - ii. The horizontal separation distance between the UIC and any water well is a minimum of 267 feet in accordance with the City of Canby Stormwater Master Plan, Appendix "C", *Groundwater Protectiveness Demonstration and Risk Prioritization for Underground Injection Control Devices*.

The storm water drainage report and design methodology shall be in conformance with the requirements as stated in Chapter 4 of the City of Canby Public Works Design Standards dated December 2019. (Public Works / City Engineer).

Project Design / Process:

12. The project shall substantially comply with the submitted narrative and plans. Any deviation from the plans may require additional land use review (Planning).
13. A narrative with accompanying materials shall be provided during the final certificate of occupancy process that demonstrates how the project is consistent with the

conditions of approval stated in this report (Planning).

14. A pre-construction conference request is required prior to the start of any improvement on the property. This includes review and redlines of all public and private utilities, landscaping, parking, and signage, lighting and building components. All redlines required by Public Works, the City Engineer or Planning Staff must be substantially addressed prior to the start of work (Planning).
15. An erosion control permit is required prior to any site disturbance and grading required for predevelopment phasing of the proposal (Planning).
16. All landscaping must meet the requirements of Chapter 16.49 for longevity, planting types, irrigation requirements and general coverage (Planning).
17. A lighting plan demonstrating compliance with Chapter 16.43 is required with the building permit submittal.
18. All proposed lighting shall meet the standards described in Chapter 16.43 and must have cut-off shielding and be installed as described in the manufactures specifications sheets.
19. The applicant shall work with Canby Utility and the Canby Public Works Department in order to provide the appropriate connections to all required utilities prior to site plan approval (Planning).

Legal Lot / Easement

20. The applicant shall provide a copy of the recorded access easement that benefits Tax Lot 200 through 100 demonstrating permanent, non-revocable access. A maintenance agreement if established, shall be provided demonstrating the responsibilities of each party for repair and regular maintenance of the private driveway.
21. The developer/builder of the proposed buildings shall consult with Canby Disposal regarding final architectural plans and design considerations for solid waste pickup. (Canby Disposal)

Building Permits:

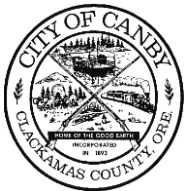
22. Pursuant to 16.49.060 Time limit on approval, Site and Design Review Board approvals shall be void after twelve (12) months unless: A building permit has been issued and substantial construction pursuant thereto has taken place, as defined by the state Uniform Building Code; or The Planning Department finds that there have been no changes in any Ordinances, standards, regulations or other conditions affecting the previously approved project so as to warrant its resubmittal. (Ord. 848, Part III, section 4, 1091) (Planning).
23. The project applicant shall apply for a City of Canby Site Plan Permit, Clackamas County Building permits, and a City of Canby Erosion Control Permit prior to project construction (Planning).
24. Clackamas County Building Services will provide structural, electrical, plumbing, and mechanical plan review and inspection services (Planning).
25. The applicant shall submit sign applications to the City for any future signs. Proposed signs shall conform to provisions of Chapter 16.42 of the CMC and shall secure a building permit from Clackamas County Building Services prior to their installation if applicable (Planning).

Prior to Occupancy:

- 26. Prior to occupancy of the structures, all landscaping plant material indicated on the submitted landscape plan shall either be installed and irrigated as proposed, or sufficient security (bonding, escrow, etc.) shall be provided pursuant to the provisions of CMC 16.49.100 (B). (Planning)
- 27. All parking striping, wheel stops, ADA space requirements and signage shall be installed (Planning).
- 28. All pedestrian infrastructure including sidewalks, pathways and striping shall be installed (Planning).

Conditions Added / Clarified at Hearing by Planning Commission

- 29. The applicant shall construct a 5-foot wide ADA accessible, rollable, fire rated for weight, and concrete sidewalk or other acceptable pedestrian path to be determined by the Planning Department and / or Public Works within the easement or 'flag pole' area of the property and adjust the curb cut of the approach to the easement area so that it is consistent with City standards.
- 30. The applicant shall clearly designate the location of the recreation area on a copy of the plan submitted for construction, demonstrating compliance with the minimum square footage required per the code.



City of Canby
Planning Department
222 NE 2nd Avenue
P.O. Box 930
Canby, OR 97013
Ph: 503-266-7001
Fax: 503-266-1574

LAND USE APPLICATION

Appeal of Planning Commission Decision Process Type III

APPLICANT INFORMATION: (Check ONE box below for designated contact person regarding this application)

☐ Applicant Name: Jennifer Driskill Phone: 503-545-9751
Address: 249 SW 3rd Ave Email: jennidriskill@yahoo.com
City/State: Canby, OR Zip: 97013

☒ Representative Name: Jennifer Driskill Phone: 503-545-9751
Address: 249 SW 3rd Ave Email: jennidriskill@yahoo.com
City/State: Canby, OR Zip: 97013

☐ Property Owner Name: Jonathan Clayborne Phone: 503-480-9510
Signature: _____
Address: 285 SW 3rd Ave Email: jjmoneyrr@hotmail.com
City/State: Canby, OR Zip: 97013

☐ Property Owner Name: Patsy Fifield Phone: 503-201-5824
Signature: _____
Address: 299 SW 3rd Ave Email: patsyfifield@gmail.com
City/State: Canby, OR Zip: 97013

NOTE: Property owners or contract purchasers are required to authorize the filing of this application and must sign above

- ❶ All property owners represent they have full legal capacity to and hereby do authorize the filing of this application and certify that the information and exhibits herewith submitted are true and correct.
- ❷ All property owners understand that they must meet all applicable Canby Municipal Code (CMC) regulations, including but not limited to CMC Chapter 16.49 Site and Design Review standards.
- ❸ All property owners hereby grant consent to the City of Canby and its officers, agents, employees, and/or independent contractors to enter the property identified herein to conduct any and all inspections that are considered appropriate by the City to process this application.

FILE NUMBER OF DEVELOPMENT BEING APPEALED: _____

STAFF USE ONLY				
FILE #	DATE RECEIVED	RECEIVED BY	RECEIPT #	DATE APP COMPLETE

APPEAL OF PLANNING COMMISSION DECISION – TYPE III

Instructions to Appellant

All required application submittals detailed below must also be submitted in electronic format on a CD, flash drive or via email to: PlanningApps@canbyoregon.gov

Applicant City
Check Check

- | | | |
|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | One (1) paper copy of application. The City may request further information at any time before deeming the application complete. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Payment of appropriate fees – cash, credit card or check only. Refer to the city's Master Fee Schedule for current fees. Checks should be made out to the <i>City of Canby</i> . |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | A written statement of appeal shall clearly state the nature of the decision being appealed and the reasons why the appellant is aggrieved. The reasons why the appellant is aggrieved shall be provided in regards to the criteria and standards in 16.89.050 (I) (2) (c). |

APPEAL OF A PLANNING COMMISSION DECISION—APPLICATION PROCESS

Appeal. The Planning Commission's decision on a Type III decision or Type II appeal may be appealed to the City Council as follows:

1. The following have legal standing to appeal:
 - a. The applicant;
 - b. Any person who was mailed notice of the decision;
 - c. Any other person who participated in the proceeding by testifying or submitting written comments; and
 - d. The City Council, on its own motion.
2. Procedure.
 - a. A Notice of Appeal shall be filed in writing, on forms provided for the purpose by the Planning Director, within 10 days of the date the Notice of Decision was mailed.
 - b. The Notice of Appeal shall be accompanied by all required information and fees.
 - c. The appeal shall be limited to the specific issues raised during the comment period and public hearing process unless the hearings body allows additional evidence or testimony concerning any other relevant issue. The hearings body may allow additional evidence if it determines that such evidence is necessary to resolve the case. The purpose of this requirement is to limit the scope of appeals by encouraging persons to be involved in the public hearing. Only in extraordinary circumstances should new issues be considered by the hearings body on an appeal.

3. The City Council shall overturn the decision of the Planning Commission only when one or more of the following findings are made:
 - a. That the Commission did not correctly interpret the requirements of this title, the Comprehensive Plan, or other requirements of law;
 - b. That the Commission did not observe the precepts of good planning as interpreted by the Council; or
 - c. That the Commission did not adequately consider all of the information which was pertinent to the case.
4. The Council's action on an appeal shall be governed by the same general regulations, standards, and criteria as apply to the Commission in the original consideration of the application.

Any decision of the Planning Commission may be appealed to the City Council unless otherwise specified in this Title. Such appeals will be processed using the Type III procedures unless otherwise specified in this Title. The decision of the City Council regarding a Type IV decision, appeal of a Planning Commission decision, or any other process contained within this title, is the final decision of the City.

To Whom It May Concern:

The prevailing concern of the neighborhood is that the density of units proposed in the DR 21-04 State Street development is too high. The easement access point is inherently not safe as it relates to an intersection, a parallel existing driveway AND a priority pedestrian traffic path crossing in front of it. Allowing 2.5x the required minimum required units for the lot compounds a traffic predicament that has not been adequately assessed. *Residents of the neighborhood are appealing the approval, as City Planning has not applied any of the applicable additional safety parameters triggered if these exceptions in code are granted.*

- The easement drive is not 10' from an existing driveway (299 SW 3rd).
- The easement drive is not 50' from an intersection.
- The easement drive is not 7' from the walls of 285 SW 3rd Ave.
- The trip generation volume in a traffic analysis letter was determined using the wrong multifamily building data set.
- The community asked for a full Traffic Impact Study (TIS) to assess radial impacts to existing vehicle and pedestrian traffic on a priority school access route. (It has been an area of concern in the Transportation Safety Plan for the last decade and is actively on the Traffic Committee agenda since February.) We received a Transportation Analysis Letter (TAL) with errors and vague distance measurements. These items are not the same, and a TAL did not sufficiently review nor address the many concerns raised, particularly with regard to pedestrian safety.
- Documentation for the Type III Application and Design Review was not available to public.

A full TIS is applicable for “Potential impacts to priority pedestrian and bicycle routes, including, but not limited to school routes and multimodal street improvements identified in the TSP.” (CMC 16.08.150 C.5). SW 3rd Ave has a number of motor vehicle and pedestrian projects in the TSP, their details documented by multiple residents in their public comments. It is identified as a Safe Route to School for the community.

Planning Staff did not respond to specific code concerns raised by citizens in the public comment period. The supplemental document packet contained an additional 41 pages of comments that were submitted before the initial hearing date deadline of 5/10/21. With the original hearing canceled and rescheduled for more than a month later to 6/14/21, it seems there would have been adequate time to address these concerns and update the staff findings summary that is provided to the Commission. We were disappointed this was the not case. It hindered the ability of the Commission to review and consider the relevant information provided.

Most Planning Commission voting members did not demonstrate they had undertaken any independent, prior review of application materials, nor that they had a familiarity with the intersection of SW Grant and SW 3rd and its proximity to the easement. This majority seemingly relied almost exclusively on the Planning Staff presentation for information, preventing any productive debate about the proposal. Two Commissioners (Hieb and Boatwright) did look at the site in person. They raised the same concerns about site access and safety, quickly identifying the same erroneous

traffic report data that the community had. Planning Staff asserted that the Commissioners should rely on the expertise and accuracy of 3rd party DKS over what could be plainly seen as errors. Having not seen the application site in person, the remaining 5 Commission members could not meaningfully engage in reviewing the application. They ultimately voted to approve, noting it could be appealed.

DKS made a number of errors in their TAL, the most significant being:

- Trip generation totals were determined using the wrong multifamily data set for their analysis.
 - ITE Code 220 - Multifamily Housing (Low-Rise), applies to 1-2 story buildings.
 - Trips should have been determined using ITE Code 221 - Multifamily Housing (Mid-Rise), for 3-10 story buildings.
 - If Code 220 was used intentionally, it was not noted nor explained in the report.
- Minimum driveway width requirements are determined by number of trips. Having used the wrong data set, the trip generation information provided was not reliable to determine if there would be less than 100 trips per day.
- It stated the new driveway will be 10' away from the existing driveway at 299 SW 3rd.
 - Both easement lines are the property lines with neighboring lots, there is no buffer.
 - The easement property line with 299 SW 3rd abuts an existing driveway.

Note: If two 10' drives were side by side, with zero distance between them, then measuring from the midpoints of each would total 10'. There is no way that two drives can be next to one another and NOT total at least 10' if measured from their center points. The only intention of the code has to be to require space **between** drives, or it would not exist. *This requirement is not met, and would be an exception.*

- The only distance between two drives here may possibly be the required 5' ADA sidewalk, assuming it is installed on the West property line in opposition to the DKS recommendation to put it on the East property line.
- Be it 5' or 0', it would be an exception to code; all the Access considerations for
 - CMC 16.46.035 Restricted Access
 - CMC 16.46.040 Joint and Cross Access
 - CMC 16.46.050 Nonconforming Access Features, and
 - CMC 16.46.070 Exemption Standardswould apply.
- It also stated the intersection was “approximately” 50' away from the easement.
 - Measuring from the center of Grant it is less than 50', with or without a sidewalk on the West property line.
 - All Access considerations for safety should also be applied via codes listed above for this Intersection spacing exception.

Twelve (12) units is 2.5x the 5 units required by code for .44 acres in a R-2 zone, noted by Studio 3 Architecture. While there is no maximum density for R-2, when access connection spacing required in 16.46.30 does not meet the minimum distances between driveways (10 ft) or intersections (50 ft) there are a number of criteria for limiting access or build density to ensure public safety. This meets neither distance minimum. The applicable codes were outlined in great detail by citizen Regina Taylor in her public comments, and are available in the June 14, 2021 Supplemental Memo packet, on PDF pages 6-22. Many were referenced briefly above.

Erik Forsell advised the Planning Commission that no exceptions were being made to code in voting to approve this application. This was not an accurate statement. There are a number of exceptions required to move this Flag Lot application forward. Neighborhood residents believe them to be good reason to restrict the density allowed on the lot.

The DKS TAL study notes that adequate Sight Distance could only be met if the street is cleared of all street parking and vegetation. The city has granted this application a 10% parking reduction because of its highly concentrated density, yet the project will force removal of a great deal of street parking in an area that has been documented as congested for more than a decade. Parking along both sides of the street, with demand increased by previous infill projects, is enough to render SW 3rd Ave a one way street in most areas, most of the day now; it is particularly problematic between Elm and Grant near the High School. There is nowhere within walking distance for additional overflow parking for residents of SW 2nd and SW 3rd between Ivy and Elm. Zoar Lutheran church has made it clear that their pandemic related allowance for cars to park there was temporary and they will resume towing of vehicles parked on their lot when restrictions on in person gatherings were lifted.

Since February 2021, visibility and parking congestion along SW 3rd, SW 2nd, SW Grant and all of their intersections have been an ongoing subject of access and safety concern with the Traffic Safety Commission. A sub-committee is being formed in an attempt to remedy the myriad problems, and the most likely outcome is to remove street parking on all three streets. As a City representative to the Traffic Committee, Associate Planner Erik Forsell and the Canby Planning Department are well aware of this and are not concerned about its implications to existing or additional residents. Removing blocks of street parking in an area that is already maximizing its use out of necessity is highly problematic. There are no adjacent streets where cars can park. Adding the excessively high density of new units for DR 21-04, and additionally giving them a discount on the required number of parking spaces because of their density is illogical. Planning can not exist in a vacuum, and turning a blind eye to density and parking issues that already exist only makes living in the city untenable into the future. Residents of Canby need and use cars. We're still a bedroom community without easy access to mass transit. The closest two towns are each nearly 10 miles away. Who benefits by pretending otherwise? This is not compatible with the Goals and Policies of the TSP, especially regarding Livability.

The Transportation System Plan of 2010 has a number of planned projects to divert traffic away from SW 3rd, because it was a congested area more than a decade ago. The TSP also seeks to divert additional pedestrian traffic across Ivy and to the South sidewalk of SW 3rd Ave, directly in front of this easement. This pedestrian route is designated as a Safe Route to School and is already highly active with the volume of kids going to/from the high school. The street is also regularly reduced to function as a one way lane with street parking full on both sides of the street. The road surface of SW 3rd Ave is

only 31' 2" wide curb to curb.

It remains unaddressed that the easement drive is a one-way vehicular access drive. Because of its significant setback from the road, and solid fence screening required because of very nearby homes on either side of it, inbound vehicles will frequently turn off of 3rd Ave before seeing another vehicle is outbound from the apartment lot. Vehicles can not be permitted to back out on to 3rd Ave, into pedestrians and traffic, and no one can enforce asking residents to back up into their lot when a car is attempting an inbound drive. Additionally, with no limitations applied to inbound/outbound egress, the two parallel drives of the easement and 299 SW 3rd can have outbound vehicles pulling into traffic on SW 3rd (less than 50 ft from an intersection with Grant) at the same time – and potentially headfirst into one another.

The 26' of easement minus 5' of ADA sidewalk is a balance of 21'. To maintain the required 20' width of driveway, each property line fence needs to be installed within a 6" strip of land. Solid fencing must be installed on both sides because of its incredible proximity to homes at 285 and 299 SW 3rd. None of the criteria can be met for CMC 16.08.110 G.2, which requires that fencing is either a.) no more than 4' [not reasonable when the vehicular drive itself is 4' from a master bedroom window] b.) is not solid [also not reasonable with car headlights and proximity to both homes] or c.) that solid fencing shall be set back at least three (3) feet from the property line that abuts the pathway [would reduce drive aisle to 13' and emergency/disposal vehicles could not access the lot].

Clearly, applying any of the three fencing criteria is impossible here, and it requires that additional exceptions to be made by the City for property lines of both sides of the easement.

A utility pole in front of 299 SW 3rd is in line with the edge of the intersection square of SW Grant and SW 3rd; it aligns with the curb on Grant. The distance from that pole to the fence/effective property line between 299 and 285 SW 3rd (i.e. the easement line) is **15' 8"**. Practically, an intersection exists encompassing the full square of where two streets intersect. The true distance from the intersection to the pavement of the planned easement access drive is less than 21' (15'8" plus 5' of sidewalk, should it ultimately go in on the West property line). If the City transportation engineers must measure from center point of Grant to the easement driveway, an additional 28' 3" can be added (curb to curb, Grant is only 56' 6" wide). A total of 48' 11" is still less than 50 ft....as is the even smaller distance of 43' 11" from the intersection, should the sidewalk go to the East property line.

Development standards for R-2 in CMC 16.20.30 D.3 state that interior yard requirements are 7 ft. This expanded easement will be 4ft from the master bedroom windows of 285 SW 3rd, and create a legitimate potential safety hazard to sleeping occupants there. Planning staff compared the State Street easement proximity to apartments built behind 203 SW 3rd when presenting to the Commission.

At 203 SW 3rd:

- An existing home and proposed build site were all one lot at time of application approval, and look as though they still are.
- The home was owned by the developer and has a minimal setback from the street.
- It has a paved drive ~6' from an attached garage wall, and
- The drive is curved to discourage vehicles from gathering speed.

That is not remotely the same as the situation at 285 SW 3rd:

- A paved driving surface would be 4ft away from a master bedroom window.
- The family living at 285 SW 3rd is not associated with the lot behind them.
- The home's setback is halfway between SW 3rd and the future parking lot
- Access is a long, straight driveway
...where cars will drive more than 170' between the street and parking lot. The approach is 4x longer than the distance from the intersection to the driveway.

It's disconcerting that this is acceptable. If it is the only access point available to the lot, it is unconscionable to exponentially increase risk to the existing home occupants by allowing a population of drivers at 2.5x the required build density.

Erik Forsell of City Planning and 5 Commissioners all stated in the course of the application review that the project does not match the existing neighborhood aesthetic. Incompatible design is not a review consideration in Table 16.21.070, used on the Type II Multi-Family Design Review that was submitted to the City. However it *is* part of Table 16.49.040. All of the language in 16.49.035, Applications for Site and Design review, seem to indicate that both Criteria of 16.49.040 and its related Design Review Table should have been used for assessing this Type III project....and that compatibility matters to at least some extent.

A 3-story modern apartment would become the tallest building in all of SW Canby, towering over homes identified by the Historic Preservation Committee for meeting the City's goals of recognizing and maintaining Historical homes in Canby. As the Historic Preservation Committee did not release their findings much before the COVID epidemic, the neighborhood has not been formally established as a Historical District. It does have the potential to be, as many individual homes certainly meet all criterion and have owners who bought with the intention of preserving the neighborhood aesthetic. The homes at both 285 SW 3rd and 299 SW 3rd were built on land from the Philander Lee and wife Donation Land Claim. 285 SW 3rd in particular is a beautifully maintained 1920's home of interest. We are well aware that none of this directly impacts the approval or denial of an application on its own. As there are many other relevant safety/access issues that do indicate limits on density are prudent, the eligibility for Historical designations and incompatibility of design are worth noting.

Only a Type II Land Use Application for 10 units was included in the application packet. No Type III application with 12 units has been made available to the public. The only Design Review documentation and Design Menu Table we could review may not have been the correct standards to assess the project. As receipt of a completed application is a technicality and (one can only assume) a required document for proceeding with any project review, we ask that a copy of the Type III Application (with some kind of verifiable date of receipt by the city) be produced in advance of the Council appeal hearing.

This appeal summary can not be a full accounting and reiteration of everything provided previously, but tries to serve as an overview of the code exceptions that are most concerning and may offer some recourse with regards to safety. While it necessarily has focused on negative aspects or perceived shortcomings, please know that the residents behind the appeal do honestly recognize and appreciate the efforts of *all* of the many City Departments and Commissions involved in undertaking development work.

Respectfully,
Jennifer Driskill

Julie Carter

From: Rhonda Shechtman [REDACTED]
Sent: Thursday, August 19, 2021 8:57 PM
To: Erik Forsell
Subject: Fw: APP 21-03 AND DR 21-0-4

Sent from Yahoo Mail on Android

----- Forwarded Message -----

From: "Rhonda Shechtman" [REDACTED]
To: "PublicComments" <publiccomments@canbyoregon.gov>, "Jennifer Driskill" [REDACTED]
Sent: Thu, Aug 19, 2021 at 8:32 PM
Subject: APP 21-03 AND DR 21-0-4

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The density of the project does not align with the capacity of this historically single family home neighborhood and will cause congestion making walking dangerous for neighbors, especially for children going to school only 3 blocks away.

Below, you will find a list of 19 homes in this area (roughly 2nd and 3rd between Ivy and Elm) that have already been identified in the Historical Preservation Plan as having historical value. Many of them are listed as a prime example of period architecture. The home at 285 SW 3rd certainly belongs among them though it is missing from the list. The document itself admits that past survey information is incomplete.

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To: Canby Planning Commission
From: Bob Cambra
Date: 8/19/2021
Re: State Street Homes 12-unit-3 story apartment complex

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New projects such as this one should add to the livability of a neighborhood and not subtract from it. The plan needs to be changed so it does not add to the neighborhood's existing problems.

Thank you for your time and consideration.

Julie Carter

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Sent: Thursday, August 19, 2021 2:49 PM
To: Ryan Potter
Cc: Erik Forsell; Don Hardy; Joseph Lindsay
Subject: Re: Copy of Type III Application for DR 21-04
Attachments: Appeals Supplement - DR21-04.doc; site_and_design_review_-_dco_iii_fillable.pdf

Hi Ryan,

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Thank you (and have a nice weekend)!
Jenni

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Ryan Potter, AICP | Senior Planner

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From: Jennifer Driskill [REDACTED]
Sent: Wednesday, August 18, 2021 11:40 AM
To: Ryan Potter ; Brianna Addotta ; Julie Carter ; Erik Forsell ; PlanningApps ; Don Hardy
Cc: Joseph Lindsay
Subject: RE: Copy of Type III Application for DR 21-04

Much appreciated, thank you Ryan!

[REDACTED]

On Wed, Aug 18, 2021 at 11:17 AM, Ryan Potter

<PotterR@canbyoregon.gov> wrote:

Jennifer,

Thank you for your email. I will look into this today and get you a response asap, including the documentation you're looking for.

Ryan

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Sent: Wednesday, August 18, 2021 11:03 AM
To: Ryan Potter <PotterR@canbyoregon.gov>; Brianna Addotta <AddottaB@canbyoregon.gov>; Julie Carter <CarterJ@canbyoregon.gov>; Erik Forsell <ForsellE@canbyoregon.gov>; PlanningApps <PlanningApps@canbyoregon.gov>; Don Hardy <HardyD@canbyoregon.gov>
Cc: Joseph Lindsay <LindsayJ@canbyoregon.gov>
Subject: Copy of Type III Application for DR 21-04

Hello All,

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All of the review work done for this application packet appears to have been done on data provided for the 10 unit application - many items, from the app itself to the 3rd party engineering work reference the 10 unit build. We filed an appeal in part because the 12 unit, 3 story configuration does not appear to have been fully assessed at the density it was approved for.

On behalf of the parties behind the appeal, I'm asking for a document showing the date of receipt and a copy of the Type III Land Use Application for 12 units. We need and want to see the Design Review documentation and the Design Use Table that were applied to the review and recommendations behind the vote on DR 21-04.

The Council appeal is in two weeks, on 9/1/21. We have been asking for this information for months. I recognize you all are very busy, but I cannot continue to wait without response any longer. Please provide clarification on if this information was submitted and is available or not.

If for some reason, this cannot be provided to me (either as the Appellant or a citizen making the request), please let me know. If for some reason we need to have this requested by a lawyer, I would appreciate knowing so that can be requested through any necessary parties/channels.

Apologies for the blanket recipient list – certainly not how I like to do things, but given the time limitation it felt necessary to get this to everyone today.

Thank you,

Jenni Driskill



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Julie Carter

From: Tracey.K.Carroll [REDACTED]
Sent: Thursday, August 19, 2021 10:33 AM
To: PublicComments
Subject: File # APP 21-03 & DR 21-04

Follow Up Flag: Follow up
Flag Status: Flagged

As a resident of Canby I believe the building of this apartment complex would be a huge detriment to the community specifically SW 3rd Ave. There are already a lot of cars that park on the street and adding any more high density housing would exacerbate this situation which makes it more dangerous for pedestrians as visibility to the sidewalk is low. As our road is used by the high school students to get to and from school this could potentially create a huge risk for those students. Due to the location of 3rd Ave it is often used to avoid traffic on Ivy St. so there are constantly cars speeding between Ivy and Elm, the road was not designed for this much traffic and it is causing excessive wear. The street would not be able to handle the extra traffic from an additional high density housing unit without extensive and costly repairs. The impact that this complex would have on privacy is also a concern, while it is less difficult to maintain privacy to our homes for the existing two story complex, trying to keep a third story window from looking down into our backyards would be impossible. We purchased our homes with an expectation of privacy for our families but this development would strip that from many of us in the area.

I truly believe this development would be a huge detriment not only to our area but also to the City of Canby as a whole, I strongly urge you to reconsider allowing this type of structure to be built.

Thank you for your time,
Tracey Carroll

Julie Carter

From: Jennifer Driskill [REDACTED]
Sent: Friday, August 20, 2021 4:28 PM
To: PublicComments
Cc: Melissa Bisset
Subject: Comments for DR 21-04 and APP 21-03
Attachments: Appeal Comments Submission DR 21-04, APP 21-03.doc; Appeals Supplement - DR21-04.doc

Hello,

Attached are my comments for inclusion in the Staff Report. I did not see that this needed to be in by noon!!! If you can PLEASE, please include this, I would really appreciate it. This is incredibly important to the appeal and valuable to share with the people reviewing comments.

Also attached is a copy of the Appeal application's support document. I asked but did not get confirmation if it is included in the report. I would guess that it is, but just in case....

Thank you so very much,
Jenni

Julie Carter

From: Rhonda Shechtman [REDACTED]
Sent: Thursday, August 19, 2021 8:57 PM
To: Erik Forsell
Subject: Fw: APP 21-03 AND DR 21-0-4

Sent from Yahoo Mail on Android

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From: Bob Cambra
Date: 8/19/2021
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Jenni Driskill



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This email is a public record of the City of Canby, Oregon, and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This email is subject to the State Retention Schedule.

PUBLIC RECORDS LEGAL DISCLOSURE

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Julie Carter

From: Tracey.K.Carroll [REDACTED]
Sent: Thursday, August 19, 2021 10:33 AM
To: PublicComments
Subject: File # APP 21-03 & DR 21-04

Follow Up Flag: Follow up
Flag Status: Flagged

As a resident of Canby I believe the building of this apartment complex would be a huge detriment to the community specifically SW 3rd Ave. There are already a lot of cars that park on the street and adding any more high density housing would exacerbate this situation which makes it more dangerous for pedestrians as visibility to the sidewalk is low. As our road is used by the high school students to get to and from school this could potentially create a huge risk for those students. Due to the location of 3rd Ave it is often used to avoid traffic on Ivy St. so there are constantly cars speeding between Ivy and Elm, the road was not designed for this much traffic and it is causing excessive wear. The street would not be able to handle the extra traffic from an additional high density housing unit without extensive and costly repairs. The impact that this complex would have on privacy is also a concern, while it is less difficult to maintain privacy to our homes for the existing two story complex, trying to keep a third story window from looking down into our backyards would be impossible. We purchased our homes with an expectation of privacy for our families but this development would strip that from many of us in the area.

I truly believe this development would be a huge detriment not only to our area but also to the City of Canby as a whole, I strongly urge you to reconsider allowing this type of structure to be built.

Thank you for your time,
Tracey Carroll

Julie Carter

From: Jennifer Driskill [REDACTED]
Sent: Friday, August 20, 2021 4:28 PM
To: PublicComments
Cc: Melissa Bisset
Subject: Comments for DR 21-04 and APP 21-03
Attachments: Appeal Comments Submission DR 21-04, APP 21-03.doc; Appeals Supplement - DR21-04.doc

Hello,

Attached are my comments for inclusion in the Staff Report. I did not see that this needed to be in by noon!!! If you can PLEASE, please include this, I would really appreciate it. This is incredibly important to the appeal and valuable to share with the people reviewing comments.

Also attached is a copy of the Appeal application's support document. I asked but did not get confirmation if it is included in the report. I would guess that it is, but just in case....

Thank you so very much,
Jenni

Julie Carter

From: Patsy Fifield [REDACTED]
Sent: Friday, August 20, 2021 4:57 PM
To: PublicComments
Subject: City File No. APP21-03 and DR 21-0-4

Application: Appeal (APP 21-03) of Planning Commission Approval of DR 21-04

My name is Patsy Fifield, I live at [REDACTED]
[REDACTED]

I have many concerns about this project, both for safety and access issues. The driveway they are proposing will be right next to my driveway and create a safety hazard for me and my family going to and from as well as the residents of the proposed buildings. It is already a bit precarious as it is with traffic coming and going both directions, and turning off of Grant. Adding another driveway with potentially 12-18 more vehicles going in and out, not to mention if there was an emergency situation, fires trucks, and ems vehicles would be coming in and the residents wouldn't be able to get out. I don't see any scenario where this would be a good fit for this location.

I have also asked several times how State Street Homes intends on removing the large trees that line this proposed driveway (and are on my property line) without disrupting my driveway access. I do not intend to give them access to my property in order to remove the trees. To date, no one has given me an answer to my question. No one from State Street has approached us regarding the situation at all.

Then there are the pedestrian access issues, I have 4 grandsons who walk from school to my house everyday during school, and there are many other kids who walk down 3rd, the increased traffic and the location of this driveway are very concerning for their safety. And I'm sure if there are 12 new units built back there, there will be more children walking to and from.

Parking for that many more cars is also a problem, 3rd av already has so many cars parked on either side that driving down the street is challenging, cars must pull over to let oncoming cars pass. Even with the number of parking spaces State Street is proposing there will be overflow, visitors, etc. Where are they going to park? This will also add to the lack of visibility on 3rd.

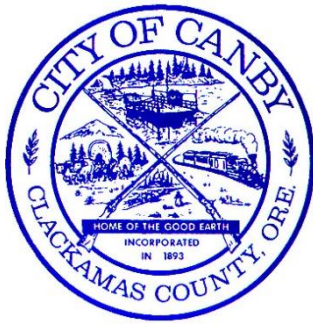
As for the property lines, State Street is saying they will build a fence 6-8 feet high between the properties. This fence would be about 10' from my front door, and on the other property owned by Jonathan Clayborne they are proposing a fence that will be less than 4' from his bedroom window, and from what I can tell, it would be right up against his heat pumps! How is that safe? Not to mention the months of noise, truck traffic, and construction that will be going on just a few feet from our front door!

I may not know all the technical and legal jargon about all of this, but I do know that it will be extremely disruptive to me and my family, and we are hoping that you will consider all of these things when rendering your decision. This is a quiet and peaceful neighborhood and something like this development will destroy so much! This is just not the place for such large modern structures to be built.

Thank you,

Patsy Fifield
[REDACTED]





City of Canby

Development Services Department

June 29, 2021

Sent Via Mail and/or Email

Mark Wilde	mark@statestreet-homes.com
Sandra Salmonson	Sandyjaye57@gmail.com
Jennifer Driskill	jennidriskill@yahoo.com
Navi Valdez	ncvaldez@wavecable.com
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Bonnie Edwards	Edbon976@canby.com
Patsy Fifield	patsyfifield@gmail.com
Rhonda and Dave Shechtman	Alaskansunbeam@yahoo.com / dave_schetman@yahoo.com
Karen Bourbonnais	canbykaren@yahoo.com
Johnathan Clayborne	285 SW 3 rd Ave, Canby, OR 97013

RE: Notice of Decision and Final Order for DR 21-04

The Canby Planning Commission hereby provides notice that a decision to approve application **DR 21-04** has been rendered. The enclosed Findings, Conclusions and Final Order is your notice of the official action of the City of Canby Planning Commission.

According to ORS 227.175, this decision may be appealed to the City Council within ten (10) days of the date this notice was mailed. To do so, you must file an application for appeal with the Planning Director. If no appeal is taken within the specified period, and if no appeal is initiated by action of the City Council, the decision of the Planning Commission shall be final.

The application for appeal shall clearly state the nature of the decision being appealed and the reasons why the appellant is aggrieved. A \$1,980 fee must be enclosed with your appeal application.

If you have any questions or concerns, please contact our department at 503-266-7001.

Sincerely,

Erik Forsell, AICP
Associate Planner

Attachment: Final Findings

CERTIFICATE OF MAILING

This Notice of Decision was postmarked and placed in the mail and/or emailed on
June 29, 2021 and sent to all parties with standing.

The appeal period will end on Friday, July 9, 2021 at 5PM.

Erik Forsell, AICP, Associate Planner

CRITERIA AND STANDARDS

In judging whether or not the aforementioned application shall be approved, the Planning Commission determines whether criteria from the City of Canby Land Development and Planning Ordinance are met, or can be met by observance of conditions. Applicable code criteria and standards were reviewed in the Staff Report dated May 10, 2021 and the Supplemental Memorandum dated June 4, 2021.

FINDINGS AND REASONS

The Staff Report was presented, and written and oral testimony was received at the public hearing. The Planning Commission listened to a variety of public concerns and indicated their belief that the project met the approval criteria and that certain impacts could be mitigated by the conditions of approval stated at the hearing and in the staff report.

Staff recommended two additional conditions of approval as stated below:

- The applicant shall construct a 5-foot wide ADA accessible, rollable, fire rated for weight, and concrete sidewalk or other acceptable pedestrian path to be determined by the Planning Department and / or Public Works within the easement or 'flag pole' area of the property and adjust the curb cut of the approach to the easement area so that it is consistent with City standards.
- The applicant shall clearly designate the location of the recreation area on a copy of the plan submitted for construction, demonstrating compliance with the minimum square footage required per the code.

CONCLUSION

In summary, the Planning Commission reviewed the staff report, supplemental memorandum, and public hearing testimony and determined that the project as proposed met the applicable approval criteria.

ORDER

The Planning Commission concludes that, with the following conditions, the applications meet the approval criteria. Therefore, it is ordered by the Planning Commission of the City of Canby that **State Street (DR 21-04)** is approved subject to the stated conditions of approval included in this document.

CONDITIONS OF APPROVAL

Access:

1. The driveway access on SW 3rd Avenue shall be a commercial driveway approach and shall be constructed consistent with the City of Canby standard detail drawing No. 104.
2. The driveway approach on SW 3rd Avenue shall be a reconstructed to most current ADA guidelines.

3. The access width, surfacing and turnaround shall meet the approval of the Canby Fire District.
4. ~~A demarcated 5-foot pedestrian walking surface shall be provide within the 20-foot paved area or within the 26-foot access easement area itself. The path shall be at grade and constructed of concrete, pavers, brick or other differentiated material from the asphalt vehicle travel surface. (Replaced by Condition # 29)~~
5. The applicant shall provide a private stop sign at the egress point of the private access easement with a striped line stop bar that is consistent with Canby Public Work's Standards.

Public and Utility Improvements:

6. An 8-inch sanitary sewer shall be extended from SW 3rd Avenue to serve this development. The City will be responsible for the maintenance of the 8-inch line only. All the branched lateral maintenance and ownership shall be the responsibility of the development. The developer shall provide a blanket maintenance easement to the City of Canby over the entire width of the easement to enable the City to maintain the sewer line.
7. Any new water services shall be constructed in conformance with Canby Utility requirements.
8. Any new electrical connection, trenching or extension shall be conducted in conformance with DirectLink and Canby Utility.
9. Public improvements shall comply with all applicable City of Canby Public Works Design Standards. (Public Works / City Engineer).
10. All private storm drainage shall be disposed of onsite. A final drainage report shall be submitted with the final construction plans (Public Works / City Engineer).
11. No private storm drainage discharge shall be allowed to discharge into SW 3rd Avenue.

The applicant shall demonstrate how the storm runoff generated from the new impervious surfaces will be disposed. If drywells (UIC) are used as a means to discharge storm runoff, they must meet the following criteria:

- a. The UIC structures' location shall meet at least of the two conditions:
 - i. The vertical separation distance between the UIC and seasonal high groundwater is more than 2.5 feet, or
 - ii. The horizontal separation distance between the UIC and any water well is a minimum of 267 feet in accordance with the City of Canby Stormwater Master Plan, Appendix "C", *Groundwater Protectiveness Demonstration and Risk Prioritization for Underground Injection Control Devices*.

The storm water drainage report and design methodology shall be in conformance with the requirements as stated in Chapter 4 of the City of Canby Public Works Design Standards dated December 2019. (Public Works / City Engineer).

Project Design / Process:

12. The project shall substantially comply with the submitted narrative and plans. Any deviation from the plans may require additional land use review (Planning).
13. A narrative with accompanying materials shall be provided during the final certificate of occupancy process that demonstrates how the project is consistent with the

conditions of approval stated in this report (Planning).

14. A pre-construction conference request is required prior to the start of any improvement on the property. This includes review and redlines of all public and private utilities, landscaping, parking, and signage, lighting and building components. All redlines required by Public Works, the City Engineer or Planning Staff must be substantially addressed prior to the start of work (Planning).
15. An erosion control permit is required prior to any site disturbance and grading required for predevelopment phasing of the proposal (Planning).
16. All landscaping must meet the requirements of Chapter 16.49 for longevity, planting types, irrigation requirements and general coverage (Planning).
17. A lighting plan demonstrating compliance with Chapter 16.43 is required with the building permit submittal.
18. All proposed lighting shall meet the standards described in Chapter 16.43 and must have cut-off shielding and be installed as described in the manufactures specifications sheets.
19. The applicant shall work with Canby Utility and the Canby Public Works Department in order to provide the appropriate connections to all required utilities prior to site plan approval (Planning).

Legal Lot / Easement

20. The applicant shall provide a copy of the recorded access easement that benefits Tax Lot 200 through 100 demonstrating permanent, non-revocable access. A maintenance agreement if established, shall be provided demonstrating the responsibilities of each party for repair and regular maintenance of the private driveway.
21. The developer/builder of the proposed buildings shall consult with Canby Disposal regarding final architectural plans and design considerations for solid waste pickup. (Canby Disposal)

Building Permits:

22. Pursuant to 16.49.060 Time limit on approval, Site and Design Review Board approvals shall be void after twelve (12) months unless: A building permit has been issued and substantial construction pursuant thereto has taken place, as defined by the state Uniform Building Code; or The Planning Department finds that there have been no changes in any Ordinances, standards, regulations or other conditions affecting the previously approved project so as to warrant its resubmittal. (Ord. 848, Part III, section 4, 1091) (Planning).
23. The project applicant shall apply for a City of Canby Site Plan Permit, Clackamas County Building permits, and a City of Canby Erosion Control Permit prior to project construction (Planning).
24. Clackamas County Building Services will provide structural, electrical, plumbing, and mechanical plan review and inspection services (Planning).
25. The applicant shall submit sign applications to the City for any future signs. Proposed signs shall conform to provisions of Chapter 16.42 of the CMC and shall secure a building permit from Clackamas County Building Services prior to their installation if applicable (Planning).

Prior to Occupancy:

- 26. Prior to occupancy of the structures, all landscaping plant material indicated on the submitted landscape plan shall either be installed and irrigated as proposed, or sufficient security (bonding, escrow, etc.) shall be provided pursuant to the provisions of CMC 16.49.100 (B). (Planning)
- 27. All parking striping, wheel stops, ADA space requirements and signage shall be installed (Planning).
- 28. All pedestrian infrastructure including sidewalks, pathways and striping shall be installed (Planning).

Conditions Added / Clarified at Hearing by Planning Commission

- 29. The applicant shall construct a 5-foot wide ADA accessible, rollable, fire rated for weight, and concrete sidewalk or other acceptable pedestrian path to be determined by the Planning Department and / or Public Works within the easement or 'flag pole' area of the property and adjust the curb cut of the approach to the easement area so that it is consistent with City standards.
- 30. The applicant shall clearly designate the location of the recreation area on a copy of the plan submitted for construction, demonstrating compliance with the minimum square footage required per the code.



City of Canby

STAFF REPORT CITY FILE #: DR 21-04 STATE STREET MULTI-FAMILY PROJECT

HEARING DATE: May 10, 2021
STAFF REPORT DATE: April 30, 2021
TO: Planning Commission
STAFF: Erik Forsell, Associate Planner

Applicant Request

The applicant requests Planning Commission approval to develop two buildings with 12 residential units, totaling approximately 10,588 square feet on a 0.44-acre site. The proposed development will be accessed off of SW 3rd avenue by the means of an existing easement. Both buildings will be 3-stories in height, approximately 5,294.25 SF. The proposal is to have a total of six (6) two bedroom / two bathroom units and six (6) one bedroom / one bathroom units. Each individual multifamily structure will have a total of six (6) units with a mixture of one and two bedroom units.

STAFF RECOMMENDATION

Based on the applications submitted and the facts, findings, and conclusions of this report, staff recommends **Approval** of DR 21-04 pursuant to the **Conditions of Approval** identified in Section VI of this Staff Report.



**Proposed Development
Area**



PROPERTY/OWNER INFORMATION

Location:	No Situs – Directly Adjacent to 285 SW 3 rd Avenue
Tax Lots:	41E04BA00200 (Development Area) and #41E04BA00100 (Easement)
Size:	~ 0.44
Comprehensive Plan:	HDR – High Density Residential
Current Zoning:	R-2 – High Density Residential
Owner:	State Street Homes, Inc.
Applicant:	State Street Homes, Inc. – Brandon Gill
Application Type:	Site and Design Review (DR)
City File Number:	DR 21-04

EXHIBITS

- A. Land Use Application
- B. Application Narrative and Criteria Responses
- C. Applicant Diagrams (Site Plan, Landscape Plan, Elevations)
- D. Lot Line Adjustment – LLA 21-01
- E. Neighborhood Meeting
- F. City Engineer Comments
- G. Public Comments

EXISTING CONDITIONS

The subject property is approximately 0.44 acres in size and rectangular in shape. The property contains an existing structure which is proposed to be demolished to accommodate the new proposed development. The property is largely grass with a few trees that are proposed for removal to accommodate the new development.

The subject property is zoned R-2 – High Density Residential. Refer to **Figure 1** for the official zoning of the subject property and surrounding area.






-  R-1 Low Density Residential
-  R-1.5 Medium Density Residential
-  R-2 High Density Residential
-  C-R Residential Commercial
-  C-2 Highway Commercial

Figure 1 – Zoning Map



The site has no frontage on SW 3rd Avenue and is proposed to take access via an existing easement across Tax Lot 100 adjacent to the north. Refer to **Figure 2**, below for a description of the recently executed property line and easement boundary line adjustments. Refer to **Exhibit E** for more detail related to the Lot Line Adjustment.

Figure 2 – Lot Line Adjustment; City File LLA 21-02

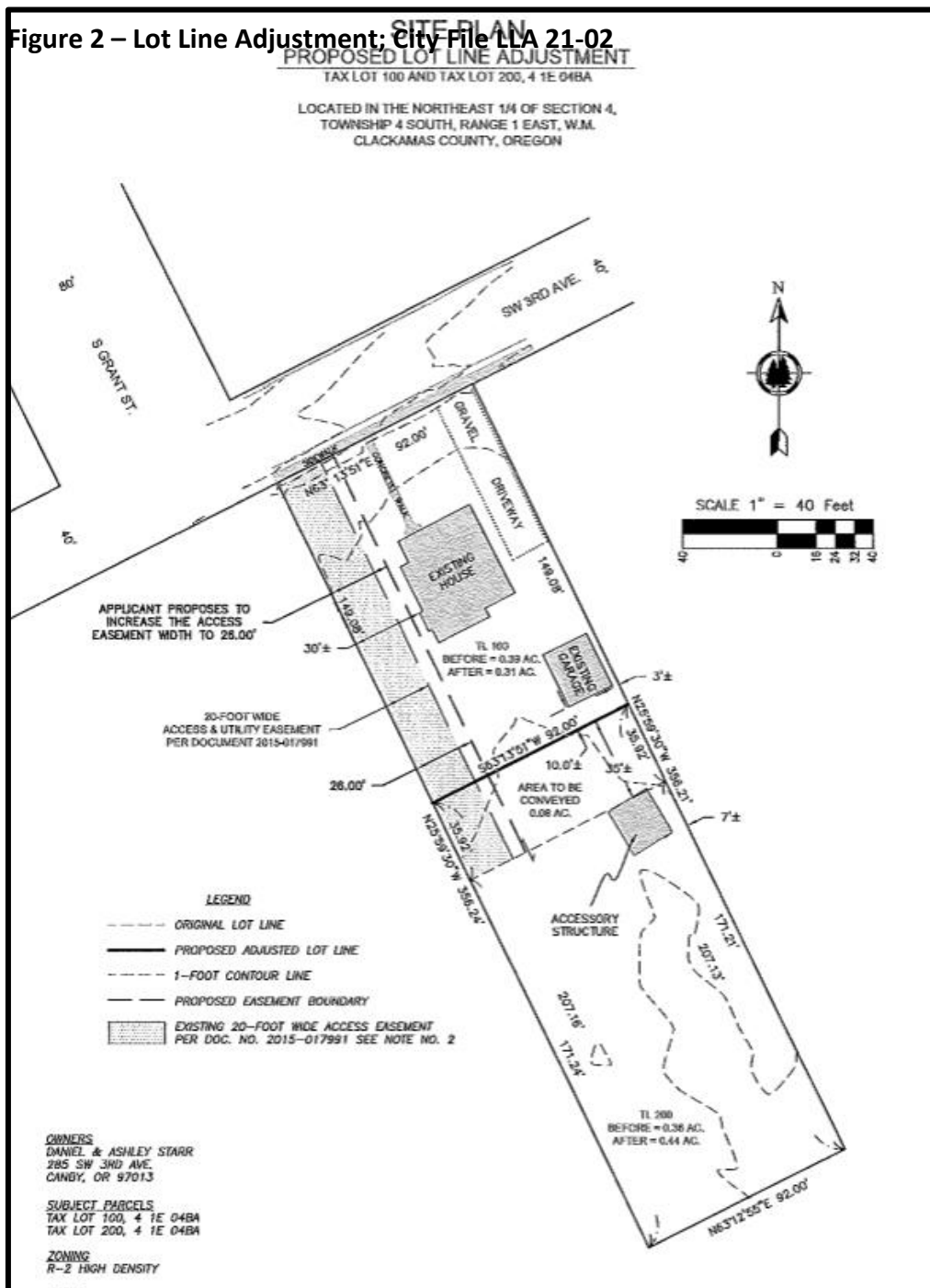


Figure 3 – Surrounding Uses

Location	Zone	Uses
North	R-2 Property	Easement Area and Single Family Dwelling
South	R-1 Properties	Single Family Dwellings
East	R-2 Properties	Single Family Dwellings
West	R-2 Property	Single Family Dwelling

PROJECT OVERVIEW

The applicant is proposing to develop two buildings with 12 total residential units, approximately 10,588.5 square feet on a 0.44-acre site. The proposed development will be accessed off of SW 3rd avenue by the means of an existing easement. Both buildings will be 3-stories in height, approximately 5,294.25 SF, and each are composed of three (3) 2 bedroom / 2 bathroom units and three (3) 1 bedroom / 1 bathroom units – essentially creating 6 apartment units of different configuration per proposed structure.

The proposed development will have required improvements including: landscaping, parking, fire turnaround areas, stormwater facilities, street lighting, an improved access easement area and approach.

ANALYSIS AND FINDINGS

I. APPLICABLE CRITERIA

Applicable criteria used in evaluating this application are listed in the following sections of the City of Canby's Land Development and Planning Ordinance:

- 16.08 General Provisions
- 16.10 Off-street Parking and Loading
- 16.20 R-2 High Density Residential Zone
- 16.42 Signs
- 16.43 Outdoor Lighting Standards
- 16.46 Access Limitations on Project Density
- 16.49 Site and Design Review
- 16.88 General Standards and Procedures
- 16.89 Application and Review Procedures

II. **FACTS AND FINDINGS**

The following analysis evaluates the proposed project's conformance with applicable approval criteria and other municipal code sections, as listed above in Section I. Sections of the Canby Municipal Code (CMC) are analyzed in the order that they appear in the code. Code language is provided in **bold type** and staff findings and response follow each applicable code section.

Section 16.08.070: Illegally Created Lots

As discussed in this section of the CMC, in no case shall a lot created in violation of state statute or City ordinance be considered as a lot of record for development purposes, until such violation has been legally remedied.

Finding 1: Lot Line Adjustment application City File # LLA 21-01 includes findings regarding the legal lot status of the subject property. See **Exhibit E** for more detail regarding the lot line adjustment.

Section 16.08.150: Traffic Impact Study

This section of the CMC outlines requirements for studying the transportation impacts of a proposed project.

Finding 2: Planning staff determined that a Transportation Impact Analysis (TIA)¹ is not required. This decision was based on the information provided by the project applicant and the factors identified in Subsection 16.08.150 (C). A traffic impact analysis is conducted typically with a change in zoning designation, land division, annexation or large square footage commercial, residential and industrial project.

Should the Planning Commission request a traffic study that would require continuing this hearing to a later date.

Chapter 16.10: Off-Street Parking and Loading

This chapter of the CMC identifies requirements for vehicular parking, bicycle parking, and loading facilities when new development occurs.

16.10.030 General Requirements

H. The number of vehicular spaces required in Table 16.10.050 may be reduced by up to 10% if one of the following is demonstrated to the satisfaction of the Planning Director or Planning Commission:

- 1. Residential densities greater than nine units per gross acre (limit parking to no less than one space per unit for multi-family structures); or**
- 2. The proposed development is pedestrian-oriented by virtue of a location which is within convenient walking distance of existing or planned neighborhood activities (such as schools, parks, shopping, etc.) and the development provides additional pedestrian amenities not required by the code which, when taken together, significantly contribute to making walking convenient (e.g., wider sidewalks, pedestrian plazas, pedestrian scale lighting, benches, etc.). (Ord. 890 section 10, 1993; Ord. 854 section 2 [part], 1991; Ord. 848, Part V, section 16.10.030,**

1990; Ord. 1043 section 3, 2000; Ord. 1338, 2010)

Table 16.10.50

Off-street Parking Provisions – The following are the minimum standards for off-street vehicle parking.

USE	PARKING REQUIREMENT
<i>Residential Uses:</i>	
a. Single-family dwellings	2.00 spaces per dwelling unit for new construction. (Existing single-family dwellings having only a single parking space shall not be considered to be nonconforming.)
b. Two-family dwellings	2.00 spaces per dwelling unit.
c. Multi-family dwellings in complexes with private internal driveways	One space per studio or 1-bedroom unit. 2.00 spaces per 2-bedroom or larger unit. One additional guest parking space shall be provided for every five units for each development of ten or more units.

Finding 3: Chapter 16.10 identifies multifamily dwellings as a parking standard of 1.00 spaces per studio or 1-bedroom unit; 2.00 spaces per 2-bedroom or larger unit and, 1.00 additional space of guest parking per every five units. Additionally, the applicant is requesting a 10% reduction to the total parking count. This is described in greater detail in **Finding 4.**

Housing Type	Parking Required	Parking Provided
Six (2)-bedroom units	12 spaces	12 spaces
Six (1) bedroom units	6 spaces	6 spaces
Guest Parking	3 spaces	3 spaces
Total:	21	19 via 10% reduction

Finding 4: The applicant's proposal is to create 12 units on the subject property. The subject property is 0.44 acres in size. This meets the threshold above for residential density greater than 9 units per gross acres. Accordingly, the applicant may reduce the parking by 10%.

16.10.060 Off-street loading facilities

A. The minimum number of off-street loading berths for commercial and industrial uses is as follows:

SQUARE FEET OF FLOOR AREA	NUMBER OF BERTHS
Less than 5,000	0
5000 – 25,000	1
25,000 – 60,000	2
60,000 and over	3

B. Loading berths shall conform to the following minimum size specifications:

- 1. Commercial uses – 13' x 35'**
- 2. Industrial uses – 12' x 60'**
- 3. Berths shall have an unobstructed minimum height of 14'.**

C. Required loading areas shall be screened from public view, from public streets, and adjacent properties by means of sight-site obscuring landscaping, walls or other means, as approved through the site and design review process.

D. Required loading facilities shall be installed prior to final building inspection and shall be permanently maintained as a condition of use.

Finding 5: Not applicable to this development proposal; the subject property is not in an industrial or commercial use.

16.10.070 Parking lots and access.

A. Parking Lots. A parking lot, whether as accessory or principal use, intended for the parking of automobiles or trucks, shall comply with the following:

- 1. Parking lot design shall comply with the dimensional standards set forth in Figure 1 of this section.**
- 2. Parking stalls of eight (8) feet in width and sixteen (16) feet in length for compact vehicles may comprise up to a maximum of thirty (30) percent of the total number of parking stalls. Such parking stalls shall be marked "Compact Parking only" either on the parking surface or on a sign in front of the parking stalls.**

Finding 6: The applicant is proposing five (5) compact stalls which is 26 percent of the total number of stalls. Staff finds this portion of the criteria is met. The stalls shall meet the above stated dimensions and marked with signage or on the surface itself to designate those stalls as 'compact parking only'.

3. Areas used for standing or maneuvering of vehicles shall have paved asphalt, concrete, solid concrete paver surfaces, or paved "tire track" strips maintained adequately for all weather use and so drained as to avoid the flow of water across sidewalks or into public streets, with the following exception:

- a. The Planning Director or Planning Commission may approve the use of an engineered aggregate system for outdoor storage and/or non-required parking areas provided that the applicant can demonstrate that City Standards related to:**

- i. minimizing dust generation,
- ii. minimizing transportation of aggregate to city streets, and
- iii. minimizing infiltration of environmental contaminants including, but not limited to, motor oils, fuels, volatile organic compounds (e.g. benzene, toluene, ethylbenzene, xylene), and ethylene glycol are met.

The decision maker may impose conditions as necessary to meet City Standards.

Finding 7: The applicant's plans demonstrate consistency with the requirements for standing and maneuvering vehicles. No areas of outdoor storage or non-required parking spaces are included in the applicant's proposal. Staff finds these criteria are met.

b. Use of permeable surfacing materials for parking lots and driveways is encouraged whenever site and soil conditions make permeable surfacing feasible. Permeable surfacing includes, but is not limited to: paving blocks, turf block, pervious concrete, and porous asphalt. All permeable surfacing shall be designed, constructed, and maintained in accordance with the Canby Public Works Design Standards and the manufacturer's recommendations. Maintenance of permeable surfacing materials located on private property are the responsibility of the property owner.

Finding 8: The applicant is proposing a mixture of porous and non-porous materials for the surfacing of driveways and parking lots. The actual design of these areas must meet the standards of Canby Public Works. The applicant shall supply copies of manufactured specifications, engineer stormwater reports or other materials that demonstrate the functionality of the proposed LID and permeable surfacing as a condition of approval. Those documents shall also be provided during the pre-construction phase of this project to be verified by Canby Public Works and the City's consulting engineer.

4. The full width of driveways must be paved in accordance with (3) above:

- a. For a minimum of 20 feet from the right-of-way line back into the private property to prevent debris from entering public streets, and**
- b. To within 150 feet of all portions of the exterior wall of the first story of any structure(s) served by the driveway to ensure fire and emergency service provision.**

Finding 9: The applicant is proposing to pave the full width of the driveway across Tax Lot 100 in the easement area to the subject property. Staff finds that these criteria are met.

5. Except for parking to serve residential uses, parking areas adjacent to or within residential planning districts or adjacent to residential uses shall be designed to minimize disturbance of residents. Artificial lighting, which may be provided, shall be so deflected as not to shine or create glare in any residential planning district or on

any adjacent dwelling, or any street right-of-way in such a manner as to impair the use of such way.

Finding 10: These standards are generally applied to commercial and industrial properties. To the extent that this section applies, it is further addressed in the Lighting Section of this staff report.

6. Groups of more than four (4) parking spaces shall be so located and served by driveways that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.

Finding 11: These standards are met; no backing movement or other maneuvering will occur within a street right-of-way.

7. Off-street parking areas, and the accesses to them, shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and the maximum safety of pedestrian and vehicular traffic on the site and in adjacent roadways. The Planning Director or Planning Commission may require engineering analysis and/or truck turning diagrams to ensure safe and efficient traffic flow based on the number and type of vehicles using the site, the classification of the public roadway, and the design of the parking lot and access drives.

Finding 12: These standards are met; no backing movement or other maneuvering will occur within a street right-of-way.

8. Parking bumpers or wheel stops shall be provided to prevent cars from encroaching on the street right-of-way, adjacent landscaped areas, or adjacent pedestrian walkways.

9. Accessible parking shall be provided, constructed, striped, signed and maintained as required by ORS 447.233 and all Oregon Structural Specialty Code requirements.

Finding 13: According to the applicant's provided narrative and site plan diagrams, these standards will be met. ADA parking will be verified as part of the building permit review process with Clackamas County. Striping areas, parking bumpers and other devices used to prevent cars from encroaching into landscape and pedestrian areas will be verified through site visits by Canby planning staff.

B. Access.

1. The provision and maintenance of vehicular and pedestrian ingress and egress from private property to the public streets as stipulated in this ordinance are continuing requirements for the use of any structure or parcel of real property in the City of Canby. No building permit or other permits shall be issued until scaled plans are presented that show how the ingress and egress requirement is to be fulfilled. Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing ingress and egress requirements, it shall be unlawful and a violation of this ordinance to begin or maintain such altered use until the required increase in ingress and egress is provided.

2. The City of Canby encourages joint/shared access. Owners of two (2) or more uses, structures, or parcels of land may agree to, or may be required by the City to, utilized

jointly the same ingress and egress when the combined ingress and egress of both uses, structures, or parcels of land satisfies their combined requirements as designed in this ordinance, provided that satisfactory legal evidence is presented to the City Attorney in the form of deeds, easements.

3. All ingress and egress shall connect directly with public streets

Finding 14: The proposed development and subject property will have direct access to SW 3rd Avenue via a 20-foot wide paved surface through a 26-foot wide access easement across 285 SW 3rd Avenue. Staff finds these criteria are met. As a condition of approval, the applicant shall supply a copy of the access and maintenance easement for both Tax Lot 41E04BA00200 and 41E04BA00100 which benefits tax lot 100. The easement shall be a permanent and binding lawful grant of access to the subject property. Staff finds these criteria can be met as conditioned.

4. Vehicular access for residential uses shall be brought to within fifty (50) feet of the ground floor entrances or the ground floor landing of a stairway, ramp or elevator leading to dwelling units.

Finding 15: Staff finds the applicant's submitted plans demonstrate consistency with this criteria.

5. Required sidewalks shall extend from the ground floor entrances or the ground floor landing of a stairs, ramps or elevators to the sidewalk or curb of the public street or streets that provide the required access and egress.

Finding 16: The use of an access easement is slightly unusual for this project –typically most lots contain real physical access to a public street. This is not always the case but in this instance the subject property takes access via a private easement with an approach onto SW 3rd.

The code specifically states that sidewalks shall continue from ground floor entrances to the sidewalk or curb of the public street that provides the required access and egress. Staff interpret the code so that a sidewalk provides access to the public street—pedestrian interconnectivity. The 26' access easement does not include a designated sidewalk. Staff finds that the interconnection of public sidewalks is a necessary public benefit for future residents of the subject property. As a condition of approval, the applicant shall provide a sidewalk or designated pedestrian path within the easement area that provides real and physical access and separation from the travel surface path. This can be a mountable or "rollable" curb or at grade concrete sidewalk that is part of the travel surface.

This requirement also provides compliance with the Transportation System Plan (TSP) and Safe Route's to School; which among other requirements, necessitate paths for pedestrians and specifically children to have a safe walking path to the public interface for access to school bus stops or other mobility options.

6. To afford safe pedestrian access and egress for properties within the city, a sidewalk shall be constructed along all street frontages, prior to use or occupancy of

the building or structure proposed for said property. The sidewalks required by this section shall be constructed to city standards except in the case of streets with inadequate right-of-way width or where the final street design and grade have not been established, in which case the sidewalks shall be constructed to a design, and in a manner approved by the Site and Design Review Board. Sidewalks approved by Board may include temporary sidewalks and sidewalks constructed on private property; provided, however, that such sidewalks shall provide continuity with sidewalks of adjoining commercial developments existing or proposed. When a sidewalk is to adjoin a future street improvement, the sidewalk construction shall include construction of the curb and gutter section to grade and alignment established by the Site and Design Review Board., leases or contracts shall be placed on permanent files with the city recorder.

Finding 17: The subject property does not have frontage along a public street; however, sidewalk reconstruction directly adjacent may be required near the new commercial approach onto SW 3rd Avenue. The details of this will be discussed during a pre-construction component of the approval process. As discussed above, in **Finding 16**, staff are requiring a condition to designate a separate sidewalk path with at-grade or mountable curbs to provide a designated walking route to the public streetscape.

7. The standards set forth in this ordinance are minimum standards for access and egress, and may be increased through the site and design review process in any particular instance where the standards provided herein are deemed insufficient to protect the public health, safety and general welfare. (Ord. 890 section 12, 1993; Ord. 1237, 2007; Ord. 1338, 2010)

Finding 18: As mentioned above in **Finding 16**, staff recommend the inclusion of a marked and separate pedestrian access component to the easement area. Staff understand that the applicant is complying with Canby Fire District requests to provide 26-foot wide clear area for fire access. Staff recommend that the Planning Commission require a 5-foot rollable curb sidewalk surface or at-grade sidewalk that is clearly delineated as a pedestrian travel way. This could be part of the 20' wide travel surface or within the 26-foot wide private access easement. Staff believes this meets the Nolan/Dolan scrutiny for a nexus to the development and the rough proportionality of the development and the requirement. Safe pedestrian access is a paramount component to the Transportation System Plan and City of Canby's Development Code. If this property was on a public street these requirements would be placed on a similar development proposal.

8. One-Way Ingress or Egress – The hard surfaced pavement of one-way drives shall not be less than twelve (12) feet for multi-family residential, commercial or industrial uses. (Ord. 1514, 2019)

Finding 19: The proposed access easement has a minimum of 20-foot wide paved surfacing which surpasses the standards described above.

Minimum Access Requirements			
16.10.070(B)(8): Minimum access requirements for residential uses - ingress and egress for residential uses shall not be less than the following (except that in the case of flag lots, section 16.64.0400) shall apply):			
<i>Dwelling units</i>	<i>Minimum number of accesses required</i>	<i>Minimum access width</i>	<i>Sidewalks & Curbs (in addition to driveways)</i>
1 or 2	1	12 feet	none required
3-19	1	20 feet	Minimum of one sidewalk connection to residences and parking areas; curb required if sidewalk adjacent to driveway.
20-49	Option A: 1 access OR Option B: 2 accesses	20 feet 12 feet	Minimum of one sidewalk connection to residences and parking areas; curb required if sidewalk adjacent to driveway.

Finding 20: The City Engineer has required the applicant construct a commercial approach that is consistent with Detail Drawing No. 104 to serve the access easement. This criteria can be met as conditioned.

Finding 21: Staff finds that the subject property's access meets the definition of 16.04.318 Lot, flag. A flag lot is a lot that does not meet minimum frontage requirements and where access to the public road is by a narrow, private right-of-way. (Ord. 1043 section 3, 2000). As such access requirements and setbacks are set forth by Chapter 16.64.100. However, staff recommend the Planning Commission impose an additional requirement to construct a mountable or "rollcurb" or at grade sidewalk within the travel surface itself or within the access easement. **See also Findings 16 through 19.**

9. Driveways:

a. Access to private property shall be permitted with the use of driveway curb cuts. The access points with the street shall be the minimum necessary to provide access while not inhibiting the safe circulation and carrying capacity of the street. Driveways shall meet all applicable guidelines of the Americans with Disabilities Act (ADA). Driveway distance shall be measured from the curb intersection point [as measured for vision clearance area (16.04.670)]. Distances to an intersection shall be measured from the stop bar at the intersection.

b. Driveways shall be limited to one per property except for certain uses which include large commercial uses such as large box stores, large public uses such as schools and parks, drive through facilities, property with a frontage of over 250-feet and similar uses.

c. Double frontage lots and corner lots may be limited to access from a single street, usually the lower classification street. Single family residential shall not have access onto arterials, and shall have access onto collectors only if

there is no other option.

d. If additional driveways are approved by the City Administrator or designee, a finding shall be made that no eminent traffic hazard would result and impacts on through traffic would be minimal. Restrictions may be imposed on additional driveways, such as limited turn movements, shared access between uses, closure of existing driveways, or other access management actions.

e. Within commercial, industrial, and multi-family areas, shared driveways and internal access between similar uses are encouraged to reduce the access points to the higher classified roadways, to improve internal site circulation, and to reduce local trips or movements on the street system. Shared driveways or internal access between uses will be established by means of common access easements at the time of development.

f. Driveway widths shall be as shown on the following table

Driveway Widths (Minimum/Maximum, Ft.)

Street Classification	Res.	Comm.	Ind.
Arterial:	NA (1)	12/36	12/36
Industrial:	NA (1)	12/36	12/36
Collector:	12/24 (2)	12/36	12/36
Neighborhood Route:	12/24 (2)	12/36	12/36
Local:	12/24 (2)	12/36	12/36
Cul-de-sac:	12/24 (2)	12/36	12/36
Public Alley	12/24 (2)	NA	NA

Res. = Residential Zone

Comm. = Commercial Zone

Ind. = Industrial Zone

Notes: (1) Special conditions may warrant access.

(2) 28' maximum width for 3-car garage.

g. Driveway spacing shall be as shown in the following table.

Minimum Driveway Spacing

<u>Street Classification</u>	<u>Intersection</u>	<u>Driveway</u>
Arterial (2)	330' (1)	330' (1)
Industrial Streets (2)	100' (1)	100' (1)
Collector (2)	100' (1)	100' (1)
Neighborhood Route	50' (1)(3)	10'
Local (all)	50' (1)(3)	10'
Cul-de-sac	50' (1)(3)	10'
Public Alley	50' (1)(3)	

Notes: (1) Minimum distance or no closer than 60% of parcel frontage unless this prohibits access to the site, in which case City Administrator or designee may approve a deviation.

(2) Direct access to this street will not be allowed if an alternative exists or is planned.

(3) For single-family residential houses, the minimum distance between driveways and an intersection shall be thirty (30) feet.

h. Curb cuts shall be a minimum of five feet from the property line, unless a shared driveway is installed. Single driveways may be paved up to an adjacent property line but shall maintain a five (5) foot separation from the side property line where the driveway enters the property. Driveways shall not be constructed within the curb return of a street intersection. Deviations may be approved by the City Administrator or designee.

i. For roads with a classification of Collector and above, driveways adjacent to street intersections shall be located beyond the required queue length for traffic movements at the intersection. If this requirement prohibits access to the site, a driveway with restricted turn movements may be permitted.

j. Multi-family access driveways will be required to meet the same access requirements as commercial driveways if the multi-family site generated 100 or more trips per day.

k. For circular type driveways, the minimum distance between the two driveway curb cuts on one single-family residential lot shall be thirty (30) feet. (Ord. 1514, 2019)

Finding 22: The City Engineer has required a commercial driveway approach for the subject property's access easement. A 20-foot wide travel surface and 26-foot wide clear area is intended to provide adequate access to fire district standards which meets the commercial access standards. As this property only has access via an easement it is limited to where an approach can be placed. Staff find that the property's approach onto a public street is appropriate to the extent it is possible to mitigate distances from other private driveway approaches and public streets.

16.10.100 Bicycle Parking.

Bicycle parking shall be provided for all multi-family residential, institutional, commercial, and industrial uses.

A. Dimensions and characteristics: Bicycle parking spaces shall be a minimum of six (6) feet long and two (2) feet wide, and overhead clearance in covered spaces shall be a minimum of seven (7) feet. A minimum five (5) foot aisle for bicycle maneuvering shall be provided and maintained beside or between each row of bicycle parking. Bicycle racks located on a sidewalk shall provide a minimum of two (2) feet between the rack and a wall or other obstacle, and between the rack and curb face. Bicycle racks or lockers shall be securely anchored to the surface or a structure. Bicycle racks located in the Downtown Commercial Zone shall be of the inverted U style (a.k.a. staple racks). See Figure 20 of the Canby Downtown Plan for correct rack placement.

B. Location: Bicycle parking shall be located in well-lit, secure locations within fifty (50) feet of the main entrance to a building, but not further from the entrance than the closest automobile parking space, and in no case further than 50 feet from an entrance when several entrances are involved.

C. Number of spaces: The bicycle parking standards set out in Table 16.10.100 shall be observed. (Ord. 1019 section 1, 1999; Ord. 1076, 2001)

TABLE 16.10.100 BICYCLE PARKING STANDARD	
LAND USE CATEGORY	MINIMUM REQUIRED BICYCLE PARKING SPACES
Residential Multi-family residential, general Multi-family residential, seniors or with physical disabilities	1 space per unit 4, or 1 space per 5 units, whichever is greater

Finding 23: The applicant's submitted plans include 12 total bicycle parking spaces which meet the style, location and dimension requirements set forth in the above criteria. Staff finds this criterion is met.

CHAPTER 16.20 – R-2 High Density Residential

16.20.010 Uses permitted outright.

Uses permitted outright in the R-2 zone shall be as follows:

D. Multi-family dwelling;

Finding 24: The subject property is zoned R-2. See **Figure 4 below**. The applicant is proposing a multi-family development project; this is an outright permitted use so long as it meets the density requirements and other development standards of the zone.

Figure 4 – Zoning Map



- R-1 Low Density Residential
- R-1.5 Medium Density Residential
- R-2 High Density Residential
- C-R Residential Commercial
- C-2 Highway Commercial

16.20.030 Development standards.

The following subsections indicate the required development standards of the R-2 zone:

A Minimum residential density: New development shall achieve a minimum density of 14 units per acre. Minimum density for a property is calculated by multiplying its area in acres (minus area required for street right-of-way and public park/open space areas) by the density standard. For example, 0.18 acres x 14 units/acre = minimum of 2.52 units. Decimals are rounded to the nearest

whole number (e.g., a minimum of 2.52 units becomes a minimum of 3 units). The Planning Commission may modify the density standard if it cannot be met due to existing lot dimensions, road patterns, or other site characteristics.

Finding 25: The subject property is approximately 0.44 acres; the applicant is proposing 12 units on the subject property which well exceeds the minimum density requirements – approximately 7 units would be required for this property. Staff finds this criterion is met. There is no maximum density standard for the R-2 zone which places density restrictions via other measures such as maximum height of structure, parking, impervious percentages and other means.

B. Townhouses with common wall construction must be placed on a maximum 3000 square foot lot in order to meet the density required in this section.

C. Minimum width and frontage: Twenty feet except that the Planning Commission may require additional width to ensure that all applicable access standards are met.

D. Minimum yard requirements:

Finding 26: The subject property meets the definition of a Flag Lot pursuant to CMC 16.04.318 *Lot, flag. A flag lot is a lot that does not meet minimum frontage requirements and where access to the public road is by a narrow, private right-of-way. (Ord. 1043 section 3, 2000).*

Finding 27: The applicant has met the normal setbacks despite the standards described for flag lots. Refer to **Figure 5** on the following page for a copy the applicant's preliminary site plan.

1. Street yard: twenty feet on side with driveway; fifteen feet for all other street sides; except that street yards may be reduced to ten feet for covered porches only. Street yards for multifamily development (3 or more units located on the same property) located adjacent and on the same side of the street to an R-1 (Low Density Residential) or R-1.5 (Medium Density Residential) zone shall establish a front yard setback that is within 5 feet of the front yard setback of the adjacent home in the R-1 or R-1.5 zone but shall not be less than 10 feet from the property line. This standard does not apply if the closest adjacent home has a front yard setback greater than 30 feet.

Finding 28: Staff finds that the applicant has met these standards. The subject property is not located adjacent to and on the same side of a street to an R-1 or R-1.5 zone.

2. Rear yard: all corner lots, ten feet single story or fifteen feet two-story; all other lots: fifteen feet single story or twenty feet two-story. One story building components must meet the single story setback requirements; two story building components must meet the two-story setback requirements;

Finding 29: Staff finds these standards are largely overridden by more restrictive standards found in Chapter 16.49 – Design Review. To the extent they apply, these standards are met.

3. Interior yard: seven feet, except as otherwise provided for zero-lot line housing.

Finding 30: Staff finds these standards are met.

4. Interior and rear yards may be reduced to three feet, or the width of any existing utility easement, whichever is greater, for detached accessory structures erected sixty feet or more from any street other than an alley. The height limitations noted in subsection D.2 below apply to such structures. Utility easements may only be reduced with the approval of all utility providers.

Finding 31: Not applicable to this development proposal.

5. Multifamily development (3 or more units on the same property) that is adjacent to an R-1 (Low Density Residential) or R-1.5 (Medium Density Residential) zone must provide a minimum 15-foot buffer area between the multifamily development and the R-1 or R-1.5 zoned property. Within this buffer the following applies (see figure 16.20-1):

a. Site obscuring landscaping shall be required. The Planning Commission may require retention of existing vegetation; installation of a 6-foot minimum height site-obscuring fence with shade trees planted a maximum of 30 feet on center; and/or other landscaping to provide visual buffering.

b. No active recreation areas (tot lots, swimming pools, etc.) shall be allowed within the 15-foot buffer (garden spaces shall not be considered active recreation areas);

Finding 32: Staff finds the applicant's site plan demonstrates consistency with these standards. As a condition of approval, site obscuring landscaping and/or fencing shall be provided along the perimeter of the enter property. The applicant's site plan demonstrates the placement of shade trees and other landscaping as a buffer to adjacent properties.

6. Infill standards may also apply. See CMC 16.20.030(D)(3) and CMC 16.21.050.

Finding 33: Staff finds that pursuant to CMC 16.05.255 this development proposal is not subject to the infill home standards.

E. Maximum building height and length:

1. Principal building: thirty-five feet.

Finding 34: Staff finds that the applicant's submitted elevations indicate structures that are 34 feet 11 inches in max height which is consistent with these standards. (Refer to Exhibit D for copies of the applicant's submitted structure elevations).

2. Detached accessory structure:

a. If located inside the allowed building footprint for the principal building, a detached accessory structure may be up to twenty-two feet tall, as measured to the highest point of the roof.

b. If located outside the allowed building footprint for the principal building, a detached accessory structure is subject to a step-up height standard, and is allowed outright only if it meets this standard. The structure shall not exceed eight feet tall, as measured to the highest point of the roof, at a distance of three feet from the property line. The structure may increase in height by one foot vertically for every one foot horizontally away from the three foot line, up to the maximum height of twenty-two feet.

c. A conditional use permit is required to locate the structure outside of the allowed building footprint for the principal building in violation of the step-up height standard.

d. Detached accessory structures over twenty-two feet tall are not permitted.

Finding 35: No accessory structures are proposed with this development project. Should accessory structures be proposed at a later date they will be evaluated on their merits against the code.

3. Maximum building height for multifamily developments abutting an R-1 (Low Density Residential) or R-1.5 (Medium Density Residential) zone shall not exceed a building height greater than one foot for each foot of distance from the R-1 and/or R-1.5 property line.

Finding 36: Refer to **Figure 6** for a copy of the applicant's site plan. The structure closest to the R-1 property line adjacent south is setback over 35-feet from that property line. The structure is slightly less than 35-feet tall. Staff finds that the applicant's proposal meets these standards.

4. Maximum building length shall be 120 feet.

Finding 37: The proposed structures are 54-feet wide; staff finds this length standard is met.

F. The maximum amount of impervious surface allowed in the R-2 zone shall be 70 percent of the lot area.

1. Impervious surface includes all surface areas that create a barrier to or hinder the entry of water into the soil in comparison with natural conditions prior to development. Impervious surfaces includes, but are not limited to, buildings, parking areas, driveways, roads, sidewalks, patios, packed earth, and oiled surfaces. Open, uncovered retention/detention facilities, green roofs, and permeable surfacing materials shall not be considered impervious surfaces. Roof surfaces are also considered 'pervious' when 100% of the annual average roof runoff is captured and reused on-site for irrigation or approved interior uses.

2. To limit impervious surface, alternative surfacing materials may be used.



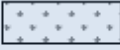


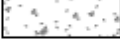
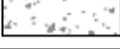
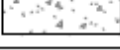
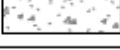
Alternative surfacing includes, but is not limited to paving blocks, turf block, pervious concrete, and porous asphalt. Other similar approved materials are encouraged. Utilization

of alternative surfacing methods shall be subject to review and approval by the City Public Works Department for compliance with other applicable regulations and development standards. Maintenance of alternative surfacing materials located on private property are the responsibility of the property owner.

Finding 38: Staff finds that the applicant has met the impervious standards for the zone based on the submitted plans and table below in **Figure 5 and 7**. Further discussion regarding Low Impact Development (LID) standards and landscaping is included in the design review section of this report.

Figure 5 – Impervious / Pervious Percentage

SITE CALCULATIONS AND LEGEND:

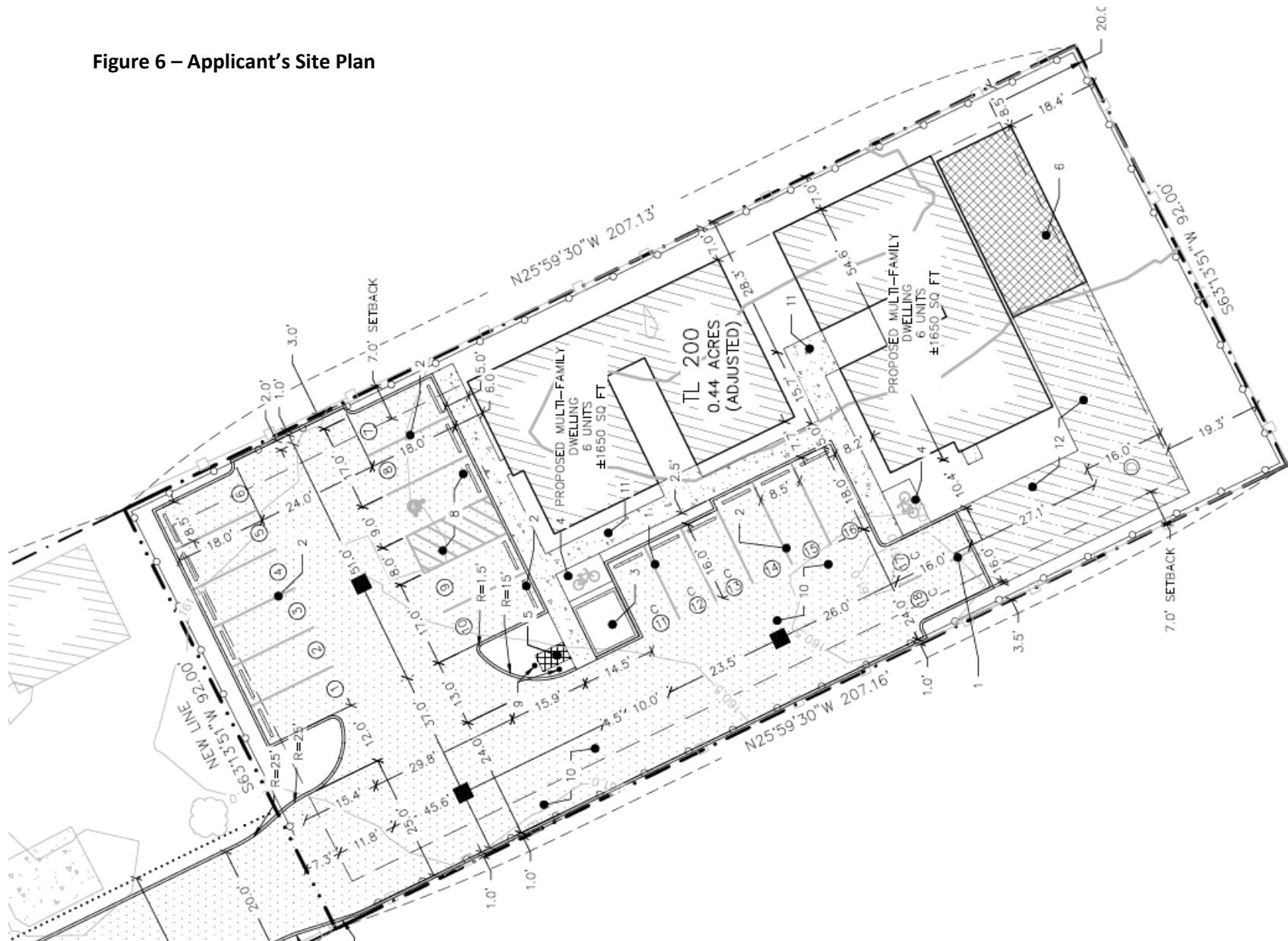
<u>SITE ELEMENT DESCRIPTION:</u>	<u>LEGEND:</u>	<u>AREA: (sf)</u>	<u>PERCENTAGE: (%)</u>
BUILDINGS:		3,529.50 sf	18.52 %
BUILDINGS OVERHANG ABOVE:			
LANDSCAPING:		6,099.94 sf	32.01 %
ASPHALT PAVING:		4,804.11 sf	25.21 %
POROUS ASPHALT PAVING:		2,973.68 sf	15.61 %
ACCESSORY STRUCTURES		213.06 sf	1.12 %
CONCRETE SIDEWALKS:		1026.37 sf	5.39 %
CONCRETE PAVING & CURBS:		257.41 sf	1.35 %
CONCRETE PATIOS		151.67 sf	0.80 %
TOTALS:		19,055.74 sf	100.0 %

G. Other regulations:

4. Multi-family developments exceeding ten units shall provide 150 square feet of recreation space per dwelling unit. Recreation spaces shall be no less than 1,500 square feet in size.

Finding 39: The applicant is proposing 1,800 square feet of recreation space in the south and southwest portion of the site. This area is outside of the 15-foot buffer from the R-1 Zone adjacent. See **Figures 6 and 7** below for more information. Staff finds this criterion is met.

Figure 6 – Applicant's Site Plan



CHAPTER 16.42 – Signs

Finding 40: The applicant is not proposing any signs at this time. These criteria are not applicable to the development proposal. Should signs be proposed at a later date those signs shall comply with the applicable components of CMC 16.42.

CHAPTER 16.43 – Outdoor Lighting Standards

16.43.030 Applicability.

The outdoor lighting standards in this section apply to the following:

A. New uses, buildings, and major additions or modifications:

1. For all proposed new land uses, developments, buildings, and structures that require a building permit, all outdoor lighting fixtures shall meet the requirements of this Code.
2. All building additions or modifications of fifty (50) percent or greater in terms of additional dwelling units, gross floor area, or parking spaces, either with a single addition or cumulative additions, shall meet the requirements of this Code for the entire property, including previously installed and any new outdoor lighting.

B. Minor additions. Additions or modifications of less than fifty (50) percent to existing uses, in terms of additional dwelling units, gross floor area, or parking spaces, shall meet the requirements of this Code with regard to shielding and lamp type for all new lighting.

Finding 41: The proposed development is subject to the outdoor light standards of this chapter; additional discussion is found below.

16.43.040 Lighting Zones.

A. Zoning districts designated for residential uses (R-1, R-1.5 and R-2) are designated Lighting Zone One (LZ 1). All other zoning districts are designated Lighting Zone Two (LZ 2).

B. The designated Lighting Zone of a parcel or project shall determine the limitations for lighting as specified in this ordinance.

Finding 42: The subject property is subject to Light Zone One (LZ 1).

16.43.070 Luminaire Lamp Lumens, Shielding, and Installation Requirements.

A. All outdoor lighting shall comply with the limits to lamp wattage and the shielding requirements in Table 16.43.070 per the applicable Lighting Zone. These limits are the upper limits. Good lighting design will usually result in lower limits.

B. The city may accept a photometric test report, lighting plan, demonstration or sample, or other satisfactory confirmation that the luminaire meets the requirements of the shielding classification.

C. Such shielded fixtures must be constructed and installed in such a manner that all light emitted by the fixture complies with the specification given. This includes all the light emitted by the fixture, either directly from the lamp or by a diffusing element, or indirectly by reflection or refraction from any part of the fixture. Any structural part of the fixture providing this shielding must be permanently affixed.

D. All canopy lighting must be fully shielded. However, indirect upward light is permitted under an opaque canopy provided that no lamp or vertical element of a lens or diffuser is visible from beyond the canopy and such that no direct upward light is emitted beyond the opaque canopy.

E. Landscape features shall be used to block vehicle headlight trespass while vehicles are at an external point of service (i.e. drive-thru aisle).

F. All facade lighting must be restricted to the facade surface. The margins of the facade shall not be illuminated. Light trespass is prohibited.

Table 16.43.070 – Luminaire Maximum Lumens and Required Shielding

Lighting Zone	Fully Shielded	Shielded	Partly Shielded	Unshielded (Shielding is highly encouraged. Light trespass is prohibited.)
LZ 1	2600 lumens or less	800 lumens or less	None Permitted	Low voltage landscape lighting and temporary holiday lighting.
LZ 2	7800 lumens or less	1600 lumens or less	800 lumens or less	Landscape and facade lighting 1600 lumens or less; ornamental lights of 800 lumens or less.

Finding 43: Given the proximity to other homes and the height of the structures, special consideration shall be applied when reviewing the lighting criteria as part of the building permit submittal. The applicant states that all installed lighting will meet the above requirements.

Specifications of the lighting fixtures have not been provided but will be required with the building permit submittals along with an overall lighting plan and specification sheets for the lamps themselves. Staff finds these criteria can be met as conditioned.

16.43.080 Height Limits.

Pole and surface-mounted luminaires under this section must conform with Section 16.43.070.

A. Lighting mounted onto poles or any structures intended primarily for mounting of lighting shall not exceed a mounting height of 40% of the horizontal distance of the light pole from the property line, nor a maximum height according to Table 16.43.080, whichever is lower. The following exceptions apply:

- 1. Lighting for residential sports courts and pools shall not exceed 15 feet above court or pool deck surface.**
- 2. Lights specifically for driveways, and then only at the intersection of the road providing access to the site, may be mounted at any distance relative to the property line, but may not exceed the mounting height listed in Table 16.43.080.**
- 3. Mounting heights greater than 40% of the horizontal distance to the property line**

but no greater than permitted by Table 16.43.080 may be used provided that the luminaire is side-shielded toward the property line.

4. Landscape lighting installed in a tree. See the Definitions section.

5. Street and bicycle path lights.

B. Lighting mounted onto buildings or other structures shall not exceed a mounting height greater than 4 feet higher than the tallest part of the building or structure at the place where the lighting is installed, nor higher than 40% of the horizontal distance of the light from the property line, whichever is less. The following exceptions apply:

1. Lighting attached to single family residences shall not exceed the height of the eave. Lighting for driveways shall conform to Table 16.43.080.

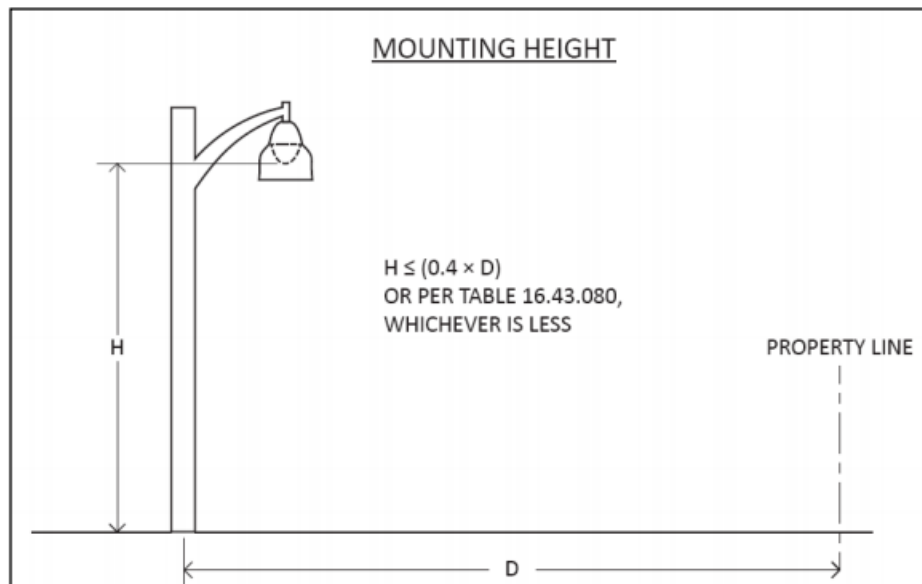
2. Lighting for facades may be mounted at any height equal to or less than the total height of the structure being illuminated regardless of horizontal distance to property line.

3. For buildings less than 40 feet to the property line, including canopies or overhangs onto the sidewalk or public right of way, luminaires may be mounted to the vertical facade or the underside of canopies at 16 feet or less.

4. The top exterior deck of parking garages should be treated as normal pole mounted lighting rather than as lights mounted to buildings. The lights on the outside edges of such a deck must be side shielded to the property line

Table 16.43.080 – Maximum Lighting Mounting Height in Feet

Lighting Zone	Lighting for Driveways, Parking and Transit	Lighting for Walkways, Plazas and other Pedestrian Areas	All Other Lighting
LZ 1	35.0	18.0	8.0
LZ 2	37.5	18.0	15.0



Finding 44: Given the proximity to other homes and the height of the structures, special consideration shall be applied when reviewing the lighting criteria as part of the building permit submittal. The applicant states that they will be installing lighting that meets the above requirements.

Specifications of the lighting fixtures have not been provided but will be required with the building permit submittals along with an overall lighting plan and specification sheets for the lamps themselves. Staff finds these criteria can be met as conditioned.

16.43.110 Lighting Plan Required

A lighting plan shall be submitted with the development or building permit application and shall include:

- A. A site plan showing the location of all buildings and building heights, parking, and pedestrian areas.**
- B. The location and height (above grade) of all proposed and existing luminaires on the subject property.**
- C. Luminaire details including type and lumens of each lamp, shielding and cutoff information, and a copy of the manufacturer's specification sheet for each luminaire.**
- D. Control descriptions including type of control (time, motion sensor, etc.), the luminaire to be controlled by each control type, and the control schedule when applicable.**
- E. Any additional information necessary to demonstrate compliance with the standards in this section. (Ord.1338, 2010)**

Finding 45: As mentioned above in **Findings 43 and 44**, a lighting plan describing compliance with Chapter 16.43 will be evaluated at the time of building permit submittal. As conditioned, staff finds these criteria can be met.

CHAPTER 16.49 – SITE AND DESIGN REVIEW

16.49.035 Application for Site and Design Review

A. For site and design review projects in the Downtown Canby Overlay Zone (DCO), applicants may choose one of the following two processes:

- 1. Type II – If the applicant meets all applicable site and design review standards set forth in Chapters 16.41(Downtown Canby Overlay Zone) and 16.49; the applicant shall submit a Type II application for approval pursuant to the approval criteria set forth in 16.49.040.A; or**
- 2. Type III – If the applicant proposes the use of alternative methods or materials to meet the intent of the site and design review standards set forth in Chapter 16.41.070, the applicant shall submit a Type III application for approval pursuant to the approval criteria set forth in 16.49.040.B. The applicant must still meet all applicable requirements of Chapter 16.49.**

B. All other projects subject to site and design review approval pursuant to Section 16.49.030 are subject to the Type III procedural requirements set forth in Chapter 16.89. The applicant shall submit a Type III application for approval pursuant to the approval criteria set forth in 16.49.040. (Ord.1296, 2008)

Finding 46: The subject property is not within the Downtown Canby Overlay Zone and therefore must pursue a Type III process. The proposal is subject to the standards and criteria found in CMC 16.49.040(B).

16.49.40 Criteria and standards

B. In review of a Type III Site and Design Review Application, the Board shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the following:

- 1. The proposed site development, including the site plan, architecture, landscaping and graphic design, is in conformance with the standards of this and other applicable city ordinances insofar as the location, height and appearance of the proposed development are involved; and**
- 2. The proposed design of the development is compatible with the design of other developments in the same general vicinity; and**
- 3. The location, design, size, color and materials of the exterior of all structures and signs are compatible with the proposed development and appropriate to the design character of other structures in the same vicinity.**
- 4. The proposed development incorporates the use of LID best management practices whenever feasible based on site and soil conditions. LID best management practices include, but are not limited to, minimizing impervious surfaces, designing on-site LID stormwater management facilities, and retaining native vegetation.**
- 5. The Board shall, in making its determination of compliance with this Ordinance, shall use the matrix in Table 16.49.040 to determine compatibility unless this matrix is superseded by another matrix applicable to a specific zone or zones under this title.**

An application is considered to be compatible with the standards of Table 16.49.040 if the following conditions are met:

- a. The development accumulates a minimum of 60 percent of the total possible number of points from the list of design criteria in Table 16.49.040; and
- b. At least 10 percent of the points used to comply with (a) above must be from the list of LID Elements in Table 16.49.040.

6. Street lights installation may be required on any public street or roadway as part of the Design Review Application.

D. In review of a Type III Site and Design Review Application, the Board shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the INTENT of the design review standards set forth in this ordinance.

E. The Board shall, in making its determination of compliance with the above requirements, be guided by the objectives and standards set forth in this ordinance. 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 development. If the site and design review plan includes utility facilities or public utility facility, then the City Planner shall determine whether those aspects of the proposed plan comply with applicable standards.

F. The Board shall, in making its determination of compliance with the requirements set forth, consider the effect of its action on the availability and cost of needed housing. The Board shall not use the requirements of this section to exclude needed housing types. However consideration of these factors shall not prevent the Board from imposing conditions of approval necessary to meet the requirements of this section. The costs of such conditions shall not unduly increase the cost of housing beyond the minimum necessary to achieve the purposes of this ordinance.

G. As part of the site and design review, the property owner may apply for approval to cut trees in addition to those allowed in Chapter 12.32, the city Tree ordinance. The granting or denial of said application will be based on the criteria in Chapter 12.32. The cutting of trees does not in and of itself constitute change in the appearance of the property which would necessitate application for site and design review. (Ord. 848, Part III, section 2, 1991; Ord. 955 section 24 & 25, 1996; Ord.1237, 2007, Ord.1296, 2008; Ord. 1338, 2010; Ord. 1514, 2019)

Finding 47: The above standards are general guidance for the Design Board (Planning Commission) to consider when reviewing a design review application.

Table 16.49.040 Site Design Review Menu

As part of Site and Design Review, the following menu shall be used as part of the review. In order to “pass” this table 60% of total possible points shall be earned, 10% of the total possible points must be from LID element

Finding 48: The tables on the following pages are the scoring matrix for the design review. Green boxes indicate staff verified points towards the total requirement. The table found in CMC 16.21.070 replaces the table in 16.49.040.

Design Criteria	Possible Points				
Parking	0	1	2	3	4
Screening of parking and/or loading facilities from public right-of-way	Not screened	Partially screened	Fully screened	Points = 5	
Parking lot lighting provided	No	Yes	-		
Parking location (behind building is best)	Front	Side	Behind		
Number of parking spaces provided (% of minimum required)	>120%	101-120%	100%		
Tree Retention	0	1	2	3	4
Percentage of trees retained	<10%	10-50%	51-75%	Points = 1	
Replacement of trees removed	<50%	≥50%	-		
Building Orientation to the Street	0	1	2	3	4
Primary entrances face the street	Not street-facing	Entrance breezeway faces street	All entrances face the street	Points = 2	
Building Orientation to the Street, cont.	0	1	2	3	4
Site's frontage has buildings within 25 feet of front lot line. (Full points may be given when courtyards are adjacent to the frontage.)	0-25% of street frontage	26-50% of street frontage	≥51% of street frontage	Points = 1	
Screening of Storage Areas and Utility Boxes	0	1	2	3	4
Trash storage is screened from view by solid wood fence, masonry wall or landscaping.	No	Yes	-	Points = 5	
Trash storage is located away from adjacent property lines.	0 - 10 feet from adjacent property	11 - 25 feet from adjacent property	>25 feet from adjacent property		
Utility equipment is screened from view.	Not screened	Partially screened	Fully screened		
Prevention of Monotonous and Incompatible Design	0	1	2	3	4
Horizontal length of all buildings is a maximum of 120 feet.	101 - 120 feet	81 - 100 feet	≤80 feet	Points = 3	
Roofs have a gable, hip or gambel form, minimum pitch of 3 to 12 with at least 6-inch overhang.	No	Yes	-		

Design Criteria	Possible Points				
A minimum of 15% of street façade areas contains windows or doors. All windows provide trim, recess, or other method of providing shadowing.	No	Yes	-	Points = 3	
Garages are located to minimize their visual impact.	Front of building	Side of building	Back of building		
Exterior design features include offsets, balconies, projections, window reveals, or similar elements to break up large building expanses.	Less than one design feature within every 30 feet of longest façade.	One design feature within every 30 feet of longest façade.	Two or more design features within every 30 feet of longest façade.		
Private Open Space and Landscaping	0	1	2	3	4
Private open space provided in addition to what is required for the base zone.	No additional open space.	Patios or balconies (at least 48 square feet) provided for 50% of units.	Patios or balconies (at least 48 square feet) provided for 51-100% of units.	Points = 2	
Number of non-required trees provided.	-	At least one tree per 500 square feet of landscaping.	-		
Private Open Space and Landscaping, cont.	0	1	2	3	4
Amount of grass (less grass is better) (% of total landscaped area)	>50%	25-50%	<25%	Points = 2	
Street and Block Framework	0	1	2	3	4
Multi-family developments 8 acres or larger are developed as a series of complete blocks bounded by a network of public or private streets with sidewalks and street trees.	No blocks or network.	10-50% of units are along a street with sidewalks, street trees, and on-street parking.	51-100% of units are along a street with sidewalks, street trees, and on-street parking.	Points = 2	

Low Impact Development (LID)	0	1	2	3	4
Use of pervious paving materials (% of total paved area)	<10%	-	10-50%	51-75%	>75%
Provision of park or open space area for public use	None	-	Open Space(Generally not for public use)	-	Park (public or privately owned for public use)
Use of drought tolerant species in landscaping (% of total plants)	<25% drought tolerant	-	25-50% drought tolerant	51-75% drought tolerant	>75% drought tolerant
Design Criteria	Possible Points				
Provision of additional interior parking lot landscaping (% of minimum required)	100%	101-110%	111-120%	>120%	-
Provision of an eco-roof or rooftop garden (% of total roof area)	<10%	-	-	Points = 15	
Parking integrated within building footprint (below-grade, structured parking, or tuck-under parking) (% of total on-site parking)	<10%	-	-		
Disconnecting downspouts from city stormwater facilities	None	Some downspouts disconnected	All downspouts disconnected		
Shared parking with adjacent uses or public parking structure (% of total required parking spaces)	None	<50%	≥50%		
Provision of rain gardens/bioretention areas for stormwater runoff (% of total landscaped area)	None	-	10-50%		

Finding 49: Staff finds that the applicant passes the test by acquiring 39 of 65 available for 60% of the points available with 15 coming from LID elements. Staff notes that this development is relatively unusual in that it does not have public facing frontage which makes one section of points impossible to evaluate. Additionally, according to the applicant's elevation plans, the buildings are oriented to the private street infrastructure which scores two points not one. Staff finds that the applicant has incorporated design elements, layout, parking and other components that are addressing the design elements satisfactorily. Given the unusual circumstances of the property and a clear design path staff provided by the applicant, staff recommend approval of the design review aspect of the table. The Director and the Planning Commission have authority to waive requirements that are stated in the design review standards and to review the intent of the code pursuant to CMC 16.21.060 and 16.49.040 (D).

Finding 50: Staff finds that specific directions are included to contemplate evaluation of hosing cost any types as part of the review. 'Middle Housing' is a significant component of the State's direction on provisions for additional housing types; refer to 16.49.040 (F):

The Board shall, in making its determination of compliance with the requirements set forth, consider the effect of its action on the availability and cost of needed housing. The

Board shall not use the requirements of this section to exclude needed housing types. However, consideration of these factors shall not prevent the Board from imposing conditions of approval necessary to meet the requirements of this section. The costs of such conditions shall not unduly increase the cost of housing beyond the minimum necessary to achieve the purposes of this ordinance.

16.49.050 Conditions placed on site and design review approvals.

A. A site and design review approval may include restrictions and conditions. These restrictions and conditions shall be reasonably conceived to:

- 1. Protect the public from the potentially deleterious effects of the proposal; and/or**
- 2. Fulfill the need for services created, increased or in part attributable to the proposal; and/or**
- 3. Further the implementation of the requirements of the Canby Municipal Code.**

B. The following types of conditions may be contemplated, and the listing below is intended to be illustrative only and not to be construed as a limitation of the authority granted by this section.

- 1. Development Schedule.** A reasonable time schedule may be placed on construction activities associated with the proposed development, or any portion thereof.
- 2. Dedications, Reservation.** Dedication or reservation of land, or fee in lieu thereof for park, open space purposes, rights-of-way, bicycle or pedestrian paths, green way, riverbank or easements; the conveyance of title or easements to a homeowners' association.
- 3. Construction and Maintenance Guarantees.** Security from the property owners in such an amount that will assure compliance with approval granted.
- 4. Plan Modification.** Changes in the design or intensity of the proposed development, or in proposed construction methods or practices, necessary to assure compliance with this Ordinance.
- 5. Off-Site Improvements.** Improvements in public facilities, including public utilities, not located on the project site where necessary to assure adequate capacity and where service demand will be created or increased by the proposed development. The costs of such improvements may be paid for in full while allowing for recovery of costs from users on other development sites, or they may be pro-rated to the proposed development in proportion to the service demand projected to be created on increases by the project. If determined appropriate by the city based on specific site conditions, off-site roadway improvements may be required to accommodate bicycle and pedestrian travel consistent with the TSP and applicable sections of this code.
- 6. Other Approvals.** Evaluation, inspections or approval by other agencies, jurisdictions, public utilities or qualified consultants may be required for all or any part of the proposed development.
- 7. Access Limitation.** The number, location and design of street accesses to a proposed development may be limited or specified where necessary to maintain the capacity

of streets to carry traffic safely, provided that sufficient access to the development is maintained.

8. Screening. The Planning Commission may require additional screening with landscaping, decorative fencing, decorative walls, or other means in Order to screen outdoor storage areas, rooftop/ground mechanical equipment, garbage/recycling areas, or other visual clutter. (Ord.. 890 section 44, 1993; Ord.. 848, Part III, section 3, 1991; 1340, 2011)

Finding 51: The above criteria are intended for the Planning Commission as a guide for imposing additional conditions as deemed appropriate.

16.49.060 Time limit on approval.

Site and Design Review Board approvals shall be void after twelve (12) months unless:

A. A building permit has been issued and substantial construction pursuant thereto has taken place, as defined by the state Uniform Building Code; or

B. The Planning Department finds that there have been no changes in any Ordinances, standards, regulations or other conditions affecting the previously approved project so as to warrant its resubmittal. (Ord. 848, Part III, section 4, 1091)

Finding 52: As a condition of approval, the building permits must be issued and substantial construction conducted within twelve months of the final decision for DR 21-04 – State Street.

16.49.065 Bicycle and pedestrian facilities.

Developments coming under design review shall meet the following standards:

A. The internal walkway system shall be extended to the boundaries of the property to adjoining properties developed or zoned for commercial, public, or multi-family uses. The walkway shall connect to an existing walkway system on adjoining property or be located so as to provide for development of a logical connection in the future when the adjoining property is developed or redeveloped.

B. On-site facilities shall be provided to accommodate safe and convenient pedestrian and bicycle access within new subdivisions, multi-family developments, planned development, shopping centers, and commercial districts, and connecting to adjacent residential areas and neighborhood activity centers. Residential developments shall include streets with sidewalks and access ways.

Finding 53: As mentioned previously in this report, staff believe there is a responsibility to provide some demarcation of pedestrian access along the private access easement. Staff discussed this item with Canby Fire District and a different material such as concrete, bricks, pavers or striping delineating the pedestrian portion of the paved access surface is appropriate or providing a zone for pedestrians to walk in and out of the property to the public street infrastructure. This improvement could be a gentle roll curb or at-grade cement which indicates a pedestrian path. In addition staff find that a privately installed 'Stop Sign' with striped 'Stop' shall be placed at the egress point of the approach onto SW 3rd Avenue. Staff finds that there is a sufficient nexus and rough proportionality between the code, the development and the condition in this instance

to include this improvement within the private access easement.

C. For new office parks and commercial development:

- 1. At least one sidewalk connection between the proposed development and each abutting commercial or office property shall be provided. One connection shall also be provided to each neighborhood.**
- 2. Walkways shall be provided to the street for every 300 feet of developed frontage.**
- 3. Walkways shall be direct with minimal driveway crossings.**
- 4. Walkways shall be linked to the internal circulation of the building.**
- 5. Walkways shall be at least five feet wide and shall be raised, or have different paving materials when crossing driveways or other vehicle maneuvering areas.**

Finding 54: These criteria are largely intended for commercial projects and office type land uses. To the extent that the criteria apply, the proposed and existing development at the subject property have linked internal circulation, striping in maneuvering areas.

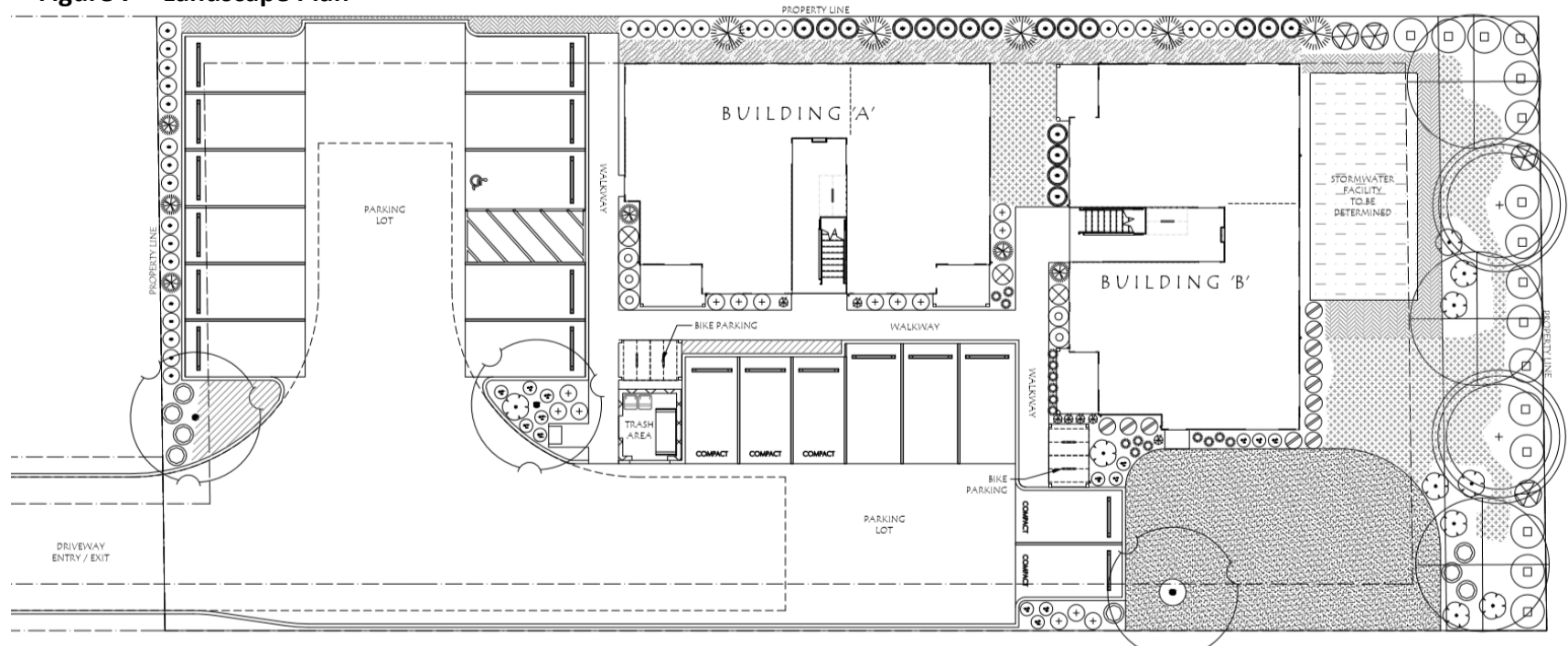
D. Use of permeable surfacing materials for walkways is encouraged whenever site and soil conditions make it feasible. Permeable surfacing includes, but is not limited to, paving blocks, turf blocks, and porous asphalt. All permeable surfacing shall be designed, constructed, and maintained in accordance with the Canby Public Works Design Standards.

Finding 55: The applicant is not proposing permeable materials for walkways.

E. Developments that abut the Molalla Forest Road multi-use path shall provide a pedestrian/bicycle access to the path. The city may determine the development to be exempt from this standard if there is an existing or planned access to the path within 300 feet of the development. (Ord. 1043 section 3, 2000; Ord. 1339, 2010; Ord. 1340, 2011; Ord. 1514, 2019)

Finding 56: Not applicable this development does not abut the Molalla Forest Road.

Figure 7 – Landscape Plan



16.49.080 General provisions for landscaping.

A. The standards set forth in this section are minimum standards for landscaping.

B. The purpose of these landscaping standards is to provide uniform standards for the development and maintenance of the landscaping of private property and public rights-of-way. The purpose of landscaping is to improve the livability of residential neighborhoods, enhance the customer attraction of commercial areas, increase property values, improve the compatibility of adjacent uses, provide visual separation and physical buffers between incompatible adjacent land uses, provide visual relief from the expanse of parking lots, screen undesirable views, contribute to the image and appeal of the overall community, and mitigate air and noise pollution.

These standards are also intended to facilitate Low Impact Development (LID) techniques through the retention of existing native vegetation and mature, healthy trees, to the extent feasible. Additional LID related goals of this chapter are to: reduce erosion and storm water runoff; preserve and promote urban wildlife habitats; reduce the amount of carbon dioxide in the air; shade and reduce the temperature of adjacent waterways; and enhance the streetscapes along the city's public rights-of-way with an emphasis on trees and LID stormwater facilities.

C. The minimum area requirement for landscaping for developments coming under design review shall be the percentage of the total land area to be developed as follows. Parking lot landscaping area is included in calculating the following landscape areas:

- 1. Fifteen (15) percent for all industrial and commercial zones (except the Downtown-Commercial zone, but including the Commercial-Residential zone).**
- 2. Seven and one-half (7.5) percent for the Downtown-Commercial zone.**
- 3. Thirty (30) percent for all residential zones**

D. LID stormwater management facilities, such as rain gardens and bioretention areas, may be counted toward the minimum landscaping requirement when they are located on private property. LID facilities in the public right-of-way cannot be counted toward the minimum landscaping requirement. The integration of LID stormwater management facilities within required landscaping must be approved by the city and shall comply with the design and construction standards set forth in the Canby Public Works Design Standards.

Finding 57: The applicant has provided approximately 6,100 square feet or 32% of the subject property area that is landscaped. The applicant also has preliminary designs for a stormwater management facility and proposing porous asphalt for portions of the parking stalls. Staff finds that this meets the standard in 16.49.080(C)(3). **(Refer to Figure 7 for the applicant's landscape plan).**

E. Trees and other plant materials to be retained shall be identified on the landscape plan. The Site and Design Review Board encourages the retention, to the extent practicable, of existing healthy trees and vegetation.

Finding 58: The applicant has provided a landscape plan that demonstrates materials and vegetation that will be retained.

F. During the construction process:

- 1. The owner or the owner's agent shall provide above and below ground protection for existing trees and plant materials identified to remain.**
- 2. Trees and plant materials identified for preservation shall be protected by chain link fencing placed around the tree, at the drip line.**
- 3. If it is necessary to fence within the drip line, such fencing shall be specified by a qualified arborist, nurseryman or landscape architect.**
- 4. Neither top soil storage nor construction material storage shall be located within the drip line of trees designated to be preserved.**
- 5. Where site conditions make necessary grading, building, paving, trenching, boring, digging, or other similar encroachment upon a preserved tree's drip line area, such grading, paving, trenching, boring, digging or similar encroachment shall only be permitted under the direction of a qualified arborist, nurseryman or landscape architect. Such direction must assure that the health needs of trees within the preserved area can be met.**
- 6. Tree root ends shall not remain exposed.**

G. Landscaping under preserved trees shall be compatible with the retention and health of said trees.

H. When it is necessary for a preserved tree to be moved in accordance with the Tree Ordinance, the landscaped area surrounding said tree or trees shall be maintained and replanted with trees which relate to the present landscape plan, or if there is no landscaping plan, then trees which are complimentary with existing, nearby landscape materials.

I. Any required landscaped area shall be designed, constructed, installed and maintained so that within three (3) years, the ground shall be covered by living grass or other plant material. (The foliage crown of trees shall not be used to meet this requirement.) A maximum of five percent of the landscaped area may be covered with bark chips, mulch, or other similar materials. A maximum of five percent of the landscaped area may be covered with rock, stones, walkways, or other similar material acceptable to the Board. Required sidewalks shall not be used to meet the landscaping requirements.

J. All trees and plant materials shall be healthy, disease-free, damage-free, well branched stock, characteristic of the species. The use of tree and plant species native to the Pacific Northwest is encouraged. Any new street tree planted must be included on the city's list of approved tree species.

K. Landscaping methods should be guided by the provisions of the most recent edition of the Sunset Western Garden Book or similar publication.

L. The following guidelines are suggested to insure the longevity and continued vigor of plant materials:

- 1. Select and site permanent landscape materials in such a manner as to produce a hardy and drought-resistant landscaped area.**
- 2. Consider soil type and depth, spacing, exposure to sun and wind, slope and**

contours of the site, building walls and overhangs, and compatibility with existing native vegetation preserved on the site or in the vicinity.

M. All plant growth in landscaped areas of developments shall be controlled by pruning, trimming or otherwise, so that:

1. It will not interfere with designated pedestrian or vehicular access; and
2. It will not constitute a traffic hazard because of reduced visibility.
3. It will not hinder solar access considerations.

N. After completion of site grading, topsoil is to be restored to exposed cut and fill areas to provide a suitable base for seeding and planting.

O. All planting areas shall be graded to provide positive drainage.

P. Neither soil, water, plant materials nor mulching materials shall be allowed to wash across roadways or walkways. (Ord.. 890 section 49, 1993; Ord.. 854 section 1,1991; Ord.. 848, Part IV, section 2, 1990; Ord.. 955 section 26, 1996; Ord. 1237, 2007; Ord.. 1338, 2010)

Finding 59: The criteria in Section 16.49.080(f) through (p) shall be observed by the applicant and property owner. As a condition of approval, the applicant shall implement the landscape plan in adherence with the criteria found in 16.490.080(f) through (p) above.

16.49.100 Landscaping installation and maintenance.

A. Except as allowed by subsection (2), all landscaping and exterior improvements required as part of the site and design review approval shall be completed prior to the issuance of any certificate of occupancy.

B. A temporary certificate of occupancy may be issued prior to the complete installation of all required landscaping and exterior improvements if security equal to 110 percent of the cost of the landscaping and exterior improvements, as determined by the Site and Design Review Board or City Planner, is filed with the city, assuring such installation within a time specified by the Board, but not to exceed six (6) months after occupancy. The applicant shall provide the cost estimates of landscaping materials and installation to the satisfaction of the Site and Design Review Board, City Planner, or city forester, prior to approval of the security. Security may consist of a faithful performance bond payable to the City of Canby, cash, certified check, time certificate of deposit, or assignment of a savings account; and the form shall meet with the approval of the City Attorney. If the installation of the landscaping or other exterior improvements is not completed within the period specified by the Board or City Planner, the security may be used by the city to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the city shall be returned. The final landscape and exterior improvement inspection shall be made prior to any security being returned. Any portion of the plan not installed, not installed properly, or not properly maintained shall cause the inspection to be postponed until the project is completed, or shall cause the security to be used by the city.

Finding 60: The applicant shall finalize all landscaping prior to the issuance of any certificate of occupancy. Should a temporary certificate of occupancy be required, the applicant shall meet the standards of 16.49.100(B). These requirements have been made conditions of approval.

C. All landscaping approved through the site and design review process shall be continually maintained, including necessary watering, weeding, pruning and replacement, in a manner substantially similar to that originally approved by the Site and Design Review Board, unless later altered with Board approval. (Ord.. 890 section 47, 1993; Ord.. 848, Part IV, section 4, 1990.

Finding 61: The landscaping approved through this site design review process shall be continually maintained as needed. This has been made a condition of approval.

16.49.120 Parking lot landscaping standards.

A. General Provisions. In addition to the objectives stated in section 2 of this Ordinance, goals of parking lot standards are to create shaded areas in parking lots to reduce glare, enhance the visual environment, and encourage the use of LID practices. The design of the parking area shall be the responsibility of the developer and should consider visibility of signage, traffic circulation, comfortable pedestrian access, and aesthetics. Trees shall not be cited as a reason for applying for or granting a variance on placement of signs.

B. Application. Parking lot landscaping standards shall apply to any surface passenger vehicle parking area of ten (10) spaces or more, or to any paved vehicular use area 3,500 square feet or larger on the same tax lot or on contiguous tax lots under common ownership. Any paved vehicular area which is used specifically as a utility storage lot or a truck loading area shall be exempt from landscaping requirements within a parking lot.

C. Landscaping Within a Parking Lot.

1. Area within a parking lot shall include the paved parking and maneuvering area, as well as any area within ten (10) feet of any exterior face of curb surrounding the paved parking and maneuvering area.
2. Each interior landscaped area shall be a minimum of six (6) feet wide, unless the area is added to the required perimeter landscaping.
3. The use of LID best management practices in parking lots is encouraged whenever site and soil conditions make it feasible. Such practices include, but are not limited to, permeable surfacing materials, and integrating LID stormwater management facilities into the required landscaping areas.

Finding 62: The applicant's submitted narrative, site plan diagram, and landscape diagram indicate that the parking lot area is approximately 5,967 square feet and the interior landscape area is approximately 1,283 square feet. This nets approximately ~ 21% of parking lot landscape area. The required area for parking lot landscaping for this zone is 15% Staff finds that the applicant has provided sufficient landscaping in the parking lot area.

D. Computing Minimum Area Required to be Landscaped Within a Parking Lot. Minimum area required to be landscaped within a parking lot shall be as follows:

1. Fifteen (15) percent for all residential, industrial, and commercial zones
2. Five (5) percent for the Downtown-Commercial Zone for any off-street parking spaces provided.
3. Ten (10) percent for the Core Commercial (CC) sub-area of the Downtown Canby

Overlay Zone for any off-street parking spaces provided.

Finding 63: As mentioned above in **Finding 62**, the interior landscape parking area is approximately 1,283 square feet. This nets approximately ~ 21% of parking lot landscape area. Staff finds this criterion is met. The total landscaping provided is approximately ~ 32% of the subject property.

F. Criteria for Trees in Parking Lots. Deciduous, evergreen and/or shade trees shall meet the following criteria:

- 1. Reach a mature height of approximately forty (40) feet. Trees must be approximately two-inch (2") caliper at the time of planting.**
- 2. Cast moderate to dense shade in summer.**
- 3. Be long lived, i.e., live to be over approximately sixty (60) years.**
- 4. Do well in an urban environment:**
 - a. Be pollution tolerant; and**
 - b. Be tolerant of direct and reflected heat.**
- 5. Require little maintenance:**
 - a. Be mechanically strong;**
 - b. Be insect and disease resistant; and**
 - c. Require little pruning.**
- 6. Be resistant to drought conditions.**
- 7. Be barren of fruit production.**

Finding 64: As a general standard, all trees planted as part of the landscape plan shall meet these minimum requirements. These criteria for trees are made as condition of approval.

G. Perimeter of Parking and Loading Areas:

- 1. Screening of parking and loading areas is required. Within three (3) years of planting, screening shall be of such height and density as to shield vehicle headlights from head-on visibility.**
- 2. In addition, one (1) deciduous, evergreen and/or shade tree shall be planted every forty (40) feet, minimum, along the required setback of the vehicular use area.**

Finding 65: The applicant has indicated in submitted narratives and accompanying landscape plan the screening of parking and loading areas with plantings and trees. Staff finds this criterion is met.

H. Irrigation System or Available Water Supply Required. Landscaped areas shall be provided with automatic irrigation systems or a readily available water supply with at least one (1) outlet located within approximately 150 feet of all plant materials to be maintained. (Ord.. 890 section 49, 1993; Ord.. 848, Part IV, section 6, 1990, Ord. 1296, 2008; Ord.. 1338, 2010)

Finding 66: The applicant has indicated in the narrative that an irrigation system will be installed to provide water for landscaping. This requirement is a condition of approval.

IV. PUBLIC COMMENTS RECEIVED – Verbatim comments are attached as Exhibit G

- Karen Bourbonnais – Expressed concern regarding the parking and the amount of units but stated that they are not against the project itself.
- Jason Bristol – Expressed some interest in the fencing and what type of materials make the most sense.
- Robert and Sandra Salmonson – Concerns related to privacy and size of structure, fire truck turnaround, parking.
- Jennifer Driskill – A variety of concerns some of which are value based and are related to aesthetics, privacy, neighborhood compatibility, lighting, pedestrian safety, on and off street parking. The comments make direct findings to the criteria, which staff address below.
- “The development lot is surrounded by both R-2 and R-1 properties. Development standard 16.20.030, Section E, Item 3 States: “Maximum building height for multifamily developments abutting an R-1 (Low Density Residential) or R-1.5 (Medium Density Residential) zone shall not exceed a building height greater than one foot for each foot of distance from the R-1 and/or R-1.5 property line.” I believe that means that the proposed building needs to be 35' from the R-1 lot lines on Holly, and that the developer plan does not conform to that requirement.
 - **Staff Response:** According to the applicant’s submitted plan sets, the structures meet a 35-foot setback from the R-1 property line. There are two R-1 properties adjacent to the subject property which are south from the subject property.
- “Multi-family developments exceeding ten units shall provide 150 square feet of recreation space per dwelling unit. Recreation spaces shall be no less than 1,500 square feet in size.” Two 6 unit buildings, 12 units on the lot, seems like this should apply. I did not see anything to indicate inclusion of a 1,800 sq. ft. recreation space (12*150 sq. ft.).
 - **Staff Response:** The applicant’s plans appear to demonstrate consistency with these standards. Staff addressed this initially with the applicant during the completeness review of the project and deemed the application incomplete because the applicant was using outdoor balconies and patios as part of that space. Staff agrees that the applicant could provide a more clear indication of the active recreation space, but the plans appear to demonstrate a consolidated and active recreation space along the south and southwestern portions of the site. These areas are also outside of the 15-foot buffer required by the adjoining R-1 Zones.
- Development standards of 16.20.030, Section D, Item 2: Rear yard setback standards don't address buildings beyond two stories (20 ft.). While Section E, Item 3 appears to indicate the setback needs to be the height of the building (35 ft.), I think it's worth noting that the standards don't even anticipate buildings over two stories for R-2 nor the implications for the surrounding residents.

- **Staff Response:** The setback based on the height of the building is staff's understanding for accommodating structures that are over 2-stories in height. As such, a 27.5-foot structure would require a setback of 27.5-feet. Staff recognize that development does not always fit neatly within code and that conflicts can and will exist. At this time, it appears that because of the R-2 zone and the majority of the property surrounding the subject property is zoned R-2 that the setbacks meet the letter of the code.
- Adding a 26' driveway for these apartments is absolutely necessary for emergency vehicle access – but takes away 2-3 parking spots on 3rd Ave. The reality is that at least 5-6 additional cars will need street parking comes along with the one bedroom apartments. There are not many places left for those cars to fit in – it's always full at the Elm St end of 3rd Ave; there's only one side to park on 3rd Ave closer to Ivy St, and that area is full now as well.
 - **Staff Response:** A 26' wide access easement exceeds the code standards and is required for fire access. Access to property was granted via easement and must be lawfully given despite the impacts to on-street parking. The applicant has provided the amount of parking required by code.
- Both 3rd Ave and Grant should be considered arterial streets. Any building on this lot needs a Traffic Impact Study (TIS) completed during (non-pandemic) school months. Per 16.08.150, Section C, this project would meet all of the determination requirements, not least of all #5 for "Potential impacts to priority pedestrian and bicycle routes, including, but not limited to school routes...". The inevitable future increases to traffic on 99E, particularly should the proposed I205 tolling come to pass, must not be disregarded. Traffic on local streets, particularly arterial streets adjacent to Hwy 99, will certainly be notable. Ivy and Elm, flanking SE 3rd Ave on either side, may be further from the proposed site but are also relevant arterial routes.
 - **Staff Response:** Arterial streets are a functional classification determined by certain metrics in the Transportation System Plan (TSP) and other traffic engineering. Staff understand future changes may impact prior decisions but in this instance staff cannot make recommendations based on uncertainties in the future that may or may not be actualized. Staff have required as a condition of approval, to place demarcated pedestrian travel paths within the access easement for pedestrians entering and exiting the site. The City's Engineering Consultant has required a commercial approach from the access easement onto SW 3rd to adequately provide for site distance considerations for on and off loading onto the property. Staff is also requiring a posted stop sign and striped stop bar at the egress point of the private access easement.

Should the Planning Commission require an extensive Traffic Impact Study as part of this project, it may lead to not substantial changes to the existing levels of services on nearby roads. The Transportation Planning Rules found in the OAR only apply in certain situations, usually during larger scale developments, zone

changes, annexations and comprehensive plan amendments.

- I am concerned about the light pollution from the buildings and parking lot. Safety lighting alone will completely change the ambient level of light overnight. Being in a residential area, having a dark, quiet space at night is one of the things I cherish most. It makes me really sad my kid may not be able to lay in the back yard and enjoy the stars the way I can today. There will always be the honking light of LEDs on poles and tall buildings nearby, affecting us both outside and within the house behind curtains as well.
 - **Staff Response:** The applicant is required to submit a lighting plan that is consistent with the standards of the Canby Municipal Code, which is intended to reduce if not altogether eliminate light trespass and pollution. Should the Planning Commission impose additional conditions on lighting those could be evaluated during the hearing.

STAFF'S GENERAL RESPONSE TO COMMENTS

Staff recognize that new development that causes changes to neighborhoods can be difficult for existing landowners. As with many things in this world, one person's opinion on aesthetics or 'what is good' for the neighborhood or community may differ greatly from another person's opinions.

Staff strive to make objectively based assumptions and to make a critical review of a proposal versus the criteria. The R-2 zone has been in place for some time and some portions of the city are zoned R-2 to anticipate for and accommodate different types of housing products. To the extent possible, staff impose reasonable conditions to reduce impacts to neighbors and to accommodate development. Staff are limited to the evaluating projects on code and do not have ultimate flexibility provide through a more advanced design review process.

Should the Planning Commission impose additional conditions to further reduce impacts, that discretion is available to the Commission.

V. CONCLUSION

Staff has reviewed the applicant's narrative and submitted application materials and finds that the applications listed above conform to the applicable review criteria and standards, subject to the conditions of approval noted in Section VI of this Staff Report. Planning Staff recommends that the Planning Commission **APPROVE** design review application DR 21-04.

VI. CONDITIONS OF APPROVAL

Access:

1. The driveway access on SW 3rd Avenue shall be a commercial driveway approach and shall be constructed consistent with the City of Canby standard detail drawing No. 104.
2. The driveway approach on SW 3rd Avenue shall be a reconstructed to most current ADA guidelines.
3. The access width, surfacing and turnaround shall meet the approval of the Canby Fire District.

4. A demarcated 5-foot pedestrian walking surface shall be provide within the 20-foot paved area or within the 26-foot access easement area itself. The path shall be at grade and constructed of concrete, pavers, brick or other differentiated material from the asphalt vehicle travel surface.
5. The applicant shall provide a private stop sign at the egress point of the private access easement with a striped line stop bar that is consistent with Canby Public Work's Standards.

Public and Utility Improvements:

6. An 8-inch sanitary sewer shall be extended from SW 3rd Avenue to serve this development. The City will be responsible for the maintenance of the 8-inch line only. All the branched lateral maintenance and ownership shall be the responsibility of the development. The developer shall provide a blanket maintenance easement to the City of Canby over the entire width of the easement to enable the City to maintain the sewer line.
7. Any new water services shall be constructed in conformance with Canby Utility requirements.
8. Any new electrical connection, trenching or extension shall be conducted in conformance with DirectLink and Canby Utility.
9. Public improvements shall comply with all applicable City of Canby Public Works Design Standards. (Public Works / City Engineer).
10. All private storm drainage shall be disposed of onsite. A final drainage report shall be submitted with the final construction plans (Public Works / City Engineer).
11. No private storm drainage discharge shall be allowed to discharge into SW 3rd Avenue.

The applicant shall demonstrate how the storm runoff generated from the new impervious surfaces will be disposed. If drywells (UIC) are used as a means to discharge storm runoff, they must meet the following criteria:

- a. The UIC structures' location shall meet at least of the two conditions:
 - i. The vertical separation distance between the UIC and seasonal high groundwater is more than 2.5 feet, or
 - ii. The horizontal separation distance between the UIC and any water well is a minimum of 267 feet in accordance with the City of Canby Stormwater Master Plan, Appendix "C", *Groundwater Protectiveness Demonstration and Risk Prioritization for Underground Injection Control Devices*.

The storm water drainage report and design methodology shall be in conformance with the requirements as stated in Chapter 4 of the City of Canby Public Works Design Standards dated December 2019. (Public Works / City Engineer).

Project Design / Process:

12. The project shall substantially comply with the submitted narrative and plans. Any deviation from the plans may require additional land use review (Planning).
13. A narrative with accompanying materials shall be provided during the final certificate of occupancy process that demonstrates how the project is consistent with the conditions of

approval stated in this report (Planning).

14. A pre-construction conference request is required prior to the start of any improvement on the property. This includes review and redlines of all public and private utilities, landscaping, parking, and signage, lighting and building components. All redlines required by Public Works, the City Engineer or Planning Staff must be substantially addressed prior to the start of work (Planning).
15. An erosion control permit is required prior to any site disturbance and grading required for predevelopment phasing of the proposal (Planning).
16. All landscaping must meet the requirements of Chapter 16.49 for longevity, planting types, irrigation requirements and general coverage (Planning).
17. A lighting plan demonstrating compliance with Chapter 16.43 is required with the building permit submittal.
18. All proposed lighting shall meet the standards described in Chapter 16.43 and must have cut-off shielding and be installed as described in the manufactures specifications sheets.
19. The applicant shall work with Canby Utility and the Canby Public Works Department in order to provide the appropriate connections to all required utilities prior to site plan approval (Planning).

Legal Lot / Easement

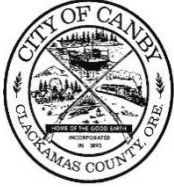
20. The applicant shall provide a copy of the recorded access easement that benefits Tax Lot 200 through 100 demonstrating permanent, non-revocable access. A maintenance agreement if established, shall be provided demonstrating the responsibilities of each party for repair and regular maintenance of the private driveway.
21. The developer/builder of the proposed buildings shall consult with Canby Disposal regarding final architectural plans and design considerations for solid waste pickup. (Canby Disposal)

Building Permits:

22. Pursuant to 16.49.060 Time limit on approval, Site and Design Review Board approvals shall be void after twelve (12) months unless: A building permit has been issued and substantial construction pursuant thereto has taken place, as defined by the state Uniform Building Code; or The Planning Department finds that there have been no changes in any Ordinances, standards, regulations or other conditions affecting the previously approved project so as to warrant its resubmittal. (Ord. 848, Part III, section 4, 1091) (Planning).
23. The project applicant shall apply for a City of Canby Site Plan Permit, Clackamas County Building permits, and a City of Canby Erosion Control Permit prior to project construction (Planning).
24. Clackamas County Building Services will provide structural, electrical, plumbing, and mechanical plan review and inspection services (Planning).
25. The applicant shall submit sign applications to the City for any future signs. Proposed signs shall conform to provisions of Chapter 16.42 of the CMC and shall secure a building permit from Clackamas County Building Services prior to their installation if applicable (Planning).

Prior to Occupancy:

- 26.** Prior to occupancy of the station, all landscaping plant material indicated on the submitted landscape plan shall either be installed and irrigated as proposed, or sufficient security (bonding, escrow, etc.) shall be provided pursuant to the provisions of CMC 16.49.100 (B). (Planning)
- 27.** All parking striping, wheel stops, ADA space requirements and signage shall be installed (Planning).
- 28.** All pedestrian infrastructure including sidewalks, pathways and striping shall be installed (Planning).



City of Canby
Planning Department
222 NE 2nd Avenue
PO Box 930
Canby, OR 97013
(503) 266-7001

LAND USE APPLICATION

SITE AND DESIGN REVIEW Type II Process Multifamily Design Review

APPLICANT INFORMATION: (Check ONE box below for designated contact person regarding this application)

☒ Applicant Name: State Street Homes Phone: (503) 954-1545
Address: 1233 NW Northrup St Ste 125 Email: katie@statestreet-homes.com
City/State: Portland, OR Zip: 97209

☐ Representative Name: Brandon Gill Phone: (503) 753-4492
Address: 1233 NW Northrup St Ste 125 Email: brandon@statestreet-homes.com
City/State: Portland, OR Zip: 97209

☐ Property Owner Name: Daniel J & Ashley M Starr Phone: (503) 887-7561 & (503) 327-3966
Signature: [Signature] [Signature] Email: starrd44@yahoo.com
Address: 285 SW 3rd Ave Email: ashleyborowczak@yahoo.com
City/State: Canby, OR Zip: 97013

☐ Property Owner Name: _____ Phone: _____
Signature: _____
Address: _____ Email: _____
City/State: _____ Zip: _____

NOTE: Property owners or contract purchasers are required to authorize the filing of this application and must sign above

- ① All property owners represent they have full legal capacity to and hereby do authorize the filing of this application and certify that the information and exhibits herewith submitted are true and correct.
- ② All property owners understand that they must meet all applicable Canby Municipal Code (CMC) regulations, including but not limited to CMC Chapter 16.49 Site and Design Review standards.
- ③ All property owners hereby grant consent to the City of Canby and its officers, agents, employees, and/or independent contractors to enter the property identified herein to conduct any and all inspections that are considered appropriate by the City to process this application.

PROPERTY & PROJECT INFORMATION:

<u>0 SW 3rd Ave Canby, OR 97013</u>	<u>0.45 Acre</u>	<u>41E04BA00200</u>
Street Address or Location of Subject Property	Total Size of Property	Assessor Tax Lot Numbers
<u>Vacant</u>	<u>R-2</u>	<u>High density residential</u>
Existing Use, Structures, Other Improvements on Site	Zoning	Comp Plan Designation
<u>10-Unit Multi-Family Housing</u>		
Describe the Proposed Development or Use of Subject Property		

STAFF USE ONLY				
FILE #	DATE RECEIVED	RECEIVED BY	RECEIPT #	DATE APP COMPLETE

SITE AND DESIGN REVIEW APPLICATION – TYPE II – INSTRUCTIONS

All required application submittals detailed below must also be submitted in electronic format on a CD, flash drive or via email. Required application submittals include the following:

Applicant City
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- ☒ ☐ One (1) paper copy and one (1) electronic copy of this application packet. The City may request further information at any time before deeming the application complete.
- ☒ ☐ Payment of appropriate fees – cash or check only. Refer to the city’s Master Fee Schedule for current fees. Checks should be made out to the *City of Canby*.
- ☒ ☐ **Please submit one (1) electronic copy of mailing addresses in either an EXCEL SPREADSHEET or WORD DOCUMENT** for all property owners and all residents within 100 feet of the subject property. **If the address of a property owner is different from the address of a site, an address for each unit on the site must also be included and addressed to “Occupant.”** A list of property owners may be obtained from a title insurance company or from the County Assessor’s office.
- ☒ ☐ One (1) paper copy and one (1) electronic copy of the written, narrative statement describing the proposed development and detailing how it conforms with the Municipal Code and to the approval criteria, including the applicable Design Review Matrix, and availability and adequacy of public facilities and services. **Ask staff for applicable Municipal Code chapters and approval criteria.**
Applicable Code Criteria for this application includes:

- ☐ ☐ ^{NA} One (1) paper copy and one (1) electronic copy of a Traffic Impact Study (TIS), conducted or reviewed by a traffic engineer that is contracted by the City and paid for by the applicant (payment must be received by the City before the traffic engineer will conduct or review a traffic impact study. Ask staff to determine if a TIS is required.
- ☐ ☐ ^{NA} One (1) paper copy and one (1) electronic copy of the minutes of the neighborhood meeting as required by Municipal Code 16.89.020 and 16.89.070. The minutes shall include the date of the meeting and a list of attendees.
- ☒ ☐ One (1) paper copy and one (1) electronic copy of the minutes of the pre-application meeting.
- ☒ ☐ One (1) paper copy and one (1) electronic copy of either the recorded plat or the recorded deeds or land sales contracts that demonstrates how and when legal property lines were established and where the boundaries of the legal lot(s) of record are located. If the property is a lot or parcel created by plat, a copy of the recorded plat may be obtained from the Clackamas County Surveyor’s office. If the property is a legal lot of record

created by recorded deed or land sales contract at a time when it was legal to configure property lines by deed or contract, then those recorded deeds may be obtained from the Clackamas County Office of the Clerk, or a Title Company can also assist you in researching and obtaining deeds.

Applicant City
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☐ **NP** ☐

If the development is located in a Hazard ("H") Overlay Zone, submit One (1) paper copy and one (1) electronic copy of an affidavit signed by a licensed professional engineer that the proposed development will not result in significant impacts to fish, wildlife and open space resources of the community. If major site grading is proposed, or removal of any trees having trunks greater than six inches in diameter is proposed, then submit one (1) copy of a grading plan and/or tree-cutting plan.

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One (1) paper copy and one (1) electronic copy a 11" x 17" proposed plans, printed to scale no smaller than 1"=50'. The plans shall include the following information:

- ☐ Vicinity Map. Vicinity map at a scale of 1"=400' showing the relationship of the project site to the existing street or road pattern.
- ☐ Site Plan-the following general information shall be included on the site plan:
 - ☐ Date, north arrow, and scale of drawing;
 - ☐ Name and address of the developer, engineer, architect, or other individual(s) who prepared the site plan;
 - ☐ Property lines (legal lot of record boundaries);
 - ☐ Location, width, and names of all existing or planned streets, other public ways, and easements within or adjacent to the property, and other important features;
 - ☐ Location of all jurisdictional wetlands or watercourses on or abutting the property;
 - ☐ Finished grading contour lines of site and abutting public ways;
 - ☐ Location of all existing structures, and whether or not they are to be retained with the proposed development;
 - ☐ Layout of all proposed structures, such as buildings, fences, signs, solid waste collection containers, mailboxes, exterior storage areas, and exterior mechanical and utility equipment;
 - ☐ Location of all proposed hardscape, including driveways, parking lots, compact cars and handicapped spaces, loading areas, bicycle paths, bicycle parking, sidewalks, and pedestrian ways;
 - ☐ Callouts to identify dimensions and distances between structures and other significant features, including property lines, yards and setbacks, building area, building height, lot area, impervious surface area, lot densities and parking areas;
 - ☐ Location of vision clearance areas at all proposed driveways and streets.
- ☐ Landscape Plan
The following general information shall be included on the landscape plan:
 - ☐ Layout and dimensions of all proposed areas of landscaping;
 - ☐ Proposed irrigation system;

- ☐ Types, sizes, and location of all plants to be used in the landscaping (can be a “palette” of possible plants to be used in specific areas for landscaping);
- ☐ Identification of any non-vegetative ground cover proposed, and dimensions of non-vegetative landscaped areas;
- ☐ Location and description of all existing trees on-site, and identification of each tree proposed for preservation and each tree proposed for removal;
- ☐ Location and description of all existing street trees in the street right-of-way abutting the property, and identification of each street tree proposed for preservation and each tree proposed for removal.
- ☐ Elevations Plan
 - The following general information shall be included on the elevations plan:
 - ☐ Profile elevations of all buildings and other proposed structures;
 - ☐ Profile of proposed screening for garbage containers and exterior storage areas;
 - ☐ Profile of proposed fencing.
- ☐ Sign Plan.
 - ☐ Location and profile drawings of all proposed exterior signage.
- ☐ Color and Materials Plan.
 - ☐ Colors and materials proposed for all buildings and other significant structures.

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- ☒ ☐ One (1) copy of a completed landscaping calculation form (see page 5)
- ☒ ☐ One (1) copy of a completed Design Review Matrix (see page 6)

Site Plan and Design Review - Written Statement

March 30th, 2021

New Multi-Family Development
0 SW 3rd Ave
Canby, OR
Zoned R-2, High Density Residential

The proposed project includes the development of two buildings with 12 residential units, approximately 10,588.5 square feet on a 0.44-acre site. The proposed development will be accessed off of 3rd avenue by the means of an existing easement. Both buildings will be 3-stories in height, approximately 5,294.25 SF, and each are composed of three (3) 2 bd / 2 ba units and three (3) 1 bd / 1 ba units. Outlined below is how the proposed project addresses all applicable approval criteria for a Site Plan and Design Review.

Site Plan and Design Review criteria:

- The proposed project meets all of the applicable standards within the city of Canby's Title 16 – Planning and Zoning Code, the following is a summary of all the applicable development standards for a Multi-Family Development within a R-2 (High Density Residential) zone

16.10 Off-Street Parking and Loading

- **16.10.30.D - Off-street parking spaces for dwellings shall be located on the same lot, or adjacent lot, with the dwelling unit. Parking spaces located within an on-site garage shall count towards the minimum parking requirement for residential uses.**
 - Off-street parking will be located on-site and not within an on-site garage
- **16.10.30.H.1 – The number of vehicular spaces required in Table 16.10.050 may be reduced by up to 10% if the residential density is greater than nine units per gross acre (limit parking to no less than one space per unit for multi-family structures).**
 - The overall density of the site is greater than nine units per acre with a total of 12 units for .44 acres, which equates to 27.3 units per acre, thus allowing a 10% reduction in the required minimum parking. As noted in 16.10.30.H.1, this reduction is limited to no less than one space per unit for multifamily structures.
- **16.10.50 – Parking Standards designated**
 - Per Table 16.10.050, one space per studio or 1-bedroom unit and two spaces per 2-bedroom or larger units is required. The proposed development proposes five (6) 2-bedroom units and five (6) 1-bedrooms units plus an additional 3 guest parking

stalls, resulting in a total of 21 parking stalls. Per 16.10.30.H.1, this requirement may be reduced up to 10%, requiring a minimum of 19 parking stalls. The proposed development meets this minimum parking requirements.

- **16.10.070.A.1 – Parking lot design shall comply with the dimensional standards set forth in Figure 1 of this section**
 - All proposed standard parking stalls meet the dimensional standards expressed in table 16.10.070; standard parking stalls are a minimum 8'-6" wide and 18'-0" deep with a 24'-0" wide access aisle.
- **16.10.070.A.2 – Parking stalls of eight feet in width and sixteen feet in length for compact vehicles may comprise up to a maximum of thirty percent of the total number of parking stalls.**
 - The development proposes 5 compact parking stalls, which make up 26% of the overall parking stalls provided.
- **16.10.070.A.3 – Areas used for standing or maneuvering of vehicles shall have a paved asphalt, concrete, solid concrete paver surfaces, or paved "tire track" strips maintained adequately for all weather use and so drained as to avoid the flow of water across sidewalks or into public streets**
 - The development proposes paved asphalt, both standard and porous, for all vehicular movement and parking lots.
- **16.10.070.A.4 – The full width of driveways must be paved in accordance with (3) above.**
 - The developments parking lot and access aisles will all be paved in accordance with 16.10.070.A.3 above.
- **16.10.070.A.5 – Except for parking to serve residential uses, parking areas adjacent to or within residential planning districts or adjacent to residential uses shall be designed to minimize disturbance of residents. Artificial lighting, which may be provided, shall be so deflected as not to shine or create glare in any residential planning district or on any adjacent dwelling, or any street right-of-way in such a manner as to impair the use of such way**
 - Does not apply as the proposed parking is for a residential use.
- **16.10.070.A.6 – Groups of more than four parking spaces shall be so located and served by driveways that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley**
 - The development complies with this standard as the parking spaces will not require any need to back up or maneuver within a street right-of-way.
- **16.10.070.A.7 – Off-street parking areas, and the accesses to them, shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and the maximum safety of pedestrian and vehicular traffic on the site and in adjacent roadways**
 - The proposed parking area, and access to said parking area, provides adequate flow for the expected traffic of the proposed use. The proposed development also provides fire truck access and the adequate turn-around necessary for a fire truck apparatus.
- **16.10.070.A.8 – Parking bumpers or wheel stops shall be provided to prevent cars from encroaching on the street right-of-way, adjacent landscaped areas, or adjacent pedestrian walkways**
 - All proposed parking stalls are provided with parking bumpers

- **16.10.070.A.9 – Accessible parking shall be provided, constructed, striped, signed and maintained as required by ORS 447.233 and all Oregon Structural Specialty Code Requirements**
 - One accessible parking stall is provided per the requirements of OSSC 1106.1. The proposed development provides one accessible van parking stall at 9'-0" wide with an 8'-0" access aisle.
- **16.10.070.B.3 – All ingress and egress shall connect directly with public streets**
 - The proposed development meets this requirement with access directly off of 3rd Avenue
- **16.10.070.B.4 – Vehicular access for residential uses shall be brought to within 50'-0" of the ground floor entrances or the ground floor landing of a stairway, ramp or elevator leading to dwelling units**
 - The proposed parking lot for the residents is within 50'-0" of all ground floor entrances
- **16.10.070.B.5 – Required sidewalks shall extend from the ground floor entrances or the ground floor landing of a stair, ramp, or elevator to the sidewalk or curb of the public street or streets that provide the required access and egress**
 - The proposed development provides sidewalk access from the ground floor entrances to the proposed parking lot and the proposed private drive that provides access to the development from 3rd avenue
- **16.10.100 – Bicycle parking shall be provided for all multi-family residential, institutional, commercial, and industrial uses**
 - The proposed development proposes ten (12) bicycle parking spaces (1 per unit). Two (2) bicycle parking stalls are provided underneath the stairs in the stairwell of each building, for a total of four (4) bicycle parking stalls provided within the building footprint. Eight (8) additional parking stalls are provided under a bike canopy immediately adjacent to both buildings. Each bicycle parking stall meets the minimum requirement and provides a 2'-0" wide x 6'-0" deep stall

16.20 R-2 High Density Residential Zone

- **16.20.10.D – Uses permitted outright in the R-2 ; Multi-family dwelling**
 - The proposed Multi-family development is permitted outright per zoning
- **16.20.030.A – Minimum residential density: New development shall achieve a minimum density of 14 units per acre.**
 - The proposed development meets the minimum residential density requirement. For a site of .35 acres, the minimum requirement would be 5 units. The proposed development exceeds this minimum by provided a total of 12 units
- **16.20.030.D.2 – Rear Yard: all corner lots, 10'-0" single story or 15'-0" two-story; all other lots: 15'-0" single story, or 20'-0" two-story**
 - The proposed development meets this requirement
- **16.20.030.D.3 – Interior Yard: 7'-0", except as otherwise provided for zero-lot line housing**
 - The proposed development meets this requirement
- **16.20.030.D.5 – Multifamily development (3 or more units on the same property) that is adjacent to an R-1 (Low Density Residential) or R-1.5 (Medium Density Residential) zone**

must provide a minimum 15'-0" buffer area between the multifamily development and the R-1 or R-1.5 zoned property

- The proposed development's rear yard is adjacent to a R-1 (Low Density Residential) zone, requiring a buffer zone. The proposed development does not propose any buildings or active recreation activities within the buffer zone
- **16.20.030.E.1 – Principal building: 35'-0"**
 - The proposed development proposes two (2) separate multifamily buildings. The height of both buildings will be 34'-11 1/2"
- **16.20.030.E.3 – Maximum building height for multifamily developments abutting an R-1 (low density residential) or R-1.5 (Medium Density Residential) zone shall not exceed a building height greater than 1'-0" for each 1'-0" of distance from the R-1 and/or R-1.5 property line**
 - The proposed development meets this standard
- **16.20.030.E.4 – Maximum building length shall be 120'-0"**
 - The proposed development meets this standard as both buildings are only 54'-9" in length
- **16.20.030.F – Maximum amount of impervious surface allowed in the R-2 zone shall be 70% of the lot area**
 - The proposed development meets this standard. Impervious surfaces make up 52.39% of the total lot area
- **16.20.030.G.4 – Multifamily development exceeding 10 units shall provide 150 sf of recreation space per dwelling unit**
 - The proposed development exceeds 10 units, therefore, is required to provide 150 sf of recreational space per dwelling unit. This 1,800 sf of required open area is met with the use of open landscaping towards the South and Southwest portions of the site.

16.21 Residential Design Standards

- **16.21.070.A – For design review applications for multi-family dwellings (three or more units) or for development that contains 3 or more units on a single lot located in any zone, the menu in Table 16.21.070 shall apply. This menu replaces the general menu contained in Chapter 16.49 for such applications**
 - See attached exhibit A for the filled-out design matrix in Table 16.21.070 for how the proposed development passes
- **16.21.070.B – A design review application for multifamily dwellings shall be considered to be compatible if: a minimum of 60% of the total possible points from the Design Menu are accumulated for the whole development**
 - The proposed project earned 40 points in the attached exhibit A, thus passing the Design Menu

16.43 Outdoor Lighting Standards

- **16.43.060.A – All outdoor light sources, except street lights, shall be shielded or installed so that there is no direct line of sight between the light source or its reflection at a point 3'-0" or higher above the ground at the property line of the source**
 - All outdoor lighting affixed to the exterior of the building will be shielded
- **16.43.060.B – The following lighting systems are prohibited from being installed or used except by special use permit: aerial lasers, 'searchlight' style lights, and/or other very intense lighting, defined as having a light source exceeding 5200 lumens**
 - The proposed development does not propose any of the above lighting systems
- **16.43.070.A – All outdoor lighting shall comply with the limits to lamp wattage and the shielding requirements in Table 16.43.070 per the applicable Lighting Zone. These limits are the upper limits**
 - All outdoor lighting will comply with the limits listed in table 16.43.070.
- **16.43.080.A – Lighting mounted onto poles or any structures intended primarily for mounting of lighting shall not exceed a mounting height of 40% of the horizontal distance of the light pole from the property line, nor a maximum height according to Table 16.43.080, whichever is lower;**
 - Per exception 16.43.080.A.3, mounting heights greater than 40% of the horizontal distance to the property line but no greater than permitted by Table 16.43.080 may be used provided that the luminaire is side-shielded toward the property line, thus the proposed lighting for the parking area will be side-shielded and will be no more the 35'-0" in height.
- **16.43.080.B – Lighting mounted onto buildings or other structures shall not exceed a mounting height greater than 4'-0" higher than the tallest part of the building or structure at the place where the lighting is installed, nor higher than 40% of the horizontal distance of the light from the property line, whichever is less.**
 - Per exception 16.43.080.B.2, lighting for facades may be mounted at any height equal to or less than the total height of the structure being illuminated regardless of horizontal distance to the property line. The only proposed façade lighting will be above the balcony/patio doors for each unit, said lighting will be face shielded and only illuminate the balcony/patio door and façade immediately below the light.
- **16.43.090 – Lighting Controls; the city strongly recommends the use of timers and/or motion detectors on outdoor lighting, and that the motion detectors be set to minimize unnecessary activation.**
 - All exterior lighting, limited to parking lot lighting, pathway lighting and stairway lighting, will be equipped with daylight sensors to ensure they are only operating when necessary. All balcony/patio lighting will be controlled by the unit tenants.
- **16.43.110 – A lighting plan shall be submitted with the development or building permit application**
 - A lighting plan will be submitted with the building permit submittal

16.49 Site and Design Review

- **16.49.030.A – The following projects require site and design review approval, except as exempted in B below; 16.49.030.A.1 – All new buildings**
 - The proposed new Multi-family development will undergo a Site and Design Review. This narrative further explains how the development meets all applicable

Site and Design guidelines in Chapter 16 of the Planning and Zoning Code for the City of Canby

- **16.49.065.A – The internal walkway system shall be extended to the boundaries of the property to adjoining properties developed or zoned for commercial, public, or multifamily uses. The walkway shall connect to an existing walkway system on adjoining property or be located so as to provide for development of a logical connection in the future when the adjoining property is developed or redeveloped.**
 - The adjacent properties are zoned residential, thus not requiring the internal walkway system to extend to the right-of-way or adjacent properties.
- **16.49.065.B – On-site facilities shall be provided to accommodate safe and convenient pedestrian and bicycle access within new subdivisions, multi-family developments, planned development, shopping centers, and commercial districts, and connecting to adjacent residential areas and neighborhood activity centers. Residential developments shall include streets with sidewalks and accessways.**
 - The 185'-0" easement off of 3rd avenue is 26'-0" wide. Due to the need for a 26'-0" access and 20'-0" drive aisle for a fire apparatus, the development of sidewalks along this newly established private drive is not possible. However, the internal walkway system connecting the parking lot and bicycle enclosures to the buildings is made as safe and convenient to the pedestrian as possible.
- **16.49.065.D – Use of permeable surfacing materials for walkways is encouraged whenever site and soil conditions make it feasible. Permeable surfacing includes, but is not limited to, paving blocks, turf blocks, and porous asphalt. All permeable surfacing shall be designed, constructed, and maintained in accordance with the Canby Public Works Design Standards**
 - The proposed development will provide porous asphalt under all parking stalls, making up a total of 15.61% of the overall site, and 61.9% of the asphalt on-site.
- **16.49.070.A - The purpose of this section is to establish standards for landscaping within the City of Canby in order to enhance the environment and aesthetic quality of the city by encouraging the retention and protection of existing trees and requiring the planting of trees in new developments**
 - The proposed development will not be able to retain or protect any of the existing trees on-site, however, the new development will be planting a minimum of 8 trees that will replace over 50% of the 7 existing trees that are proposed to be removed
- **16.49.070.B - The purpose of this section is to establish standards for landscaping within the City of Canby in order to enhance the environment and aesthetic quality of the city by using trees and other landscaping materials to temper the effects to the sun, wind, noise and air pollution**
 - The proposed landscape plan will use a combination of plants/shrubbery/trees to help mitigate the effects of the sun, wind, noise and air pollution within the development.
- **16.49.070.C - The purpose of this section is to establish standards for landscaping within the City of Canby in order to enhance the environment and aesthetic quality of the city by using trees and other landscaping materials to define spaces and uses of the specific areas**
 - The proposed landscape plan will use a combination of plants/shrubbery/trees to further distinguish the private/public spaces within the site. Public spaces include the parking lot and private drive access while Private areas include the buffer zone towards the Southern edge of the property
- **16.49.080.C.1 – The minimum area requirement for landscaping for developments coming under review shall be the percentage of the total land area to be developed as follows.**

Parking lot landscaping area is including in calculating the following landscape areas: 30% for all residential zones

- The total proposed developed landscape area makes up 32.01% of the total site, thus satisfying this requirement
- *16.49.080.D – LID stormwater management facilities, such as rain gardens and bioretention areas, may be counted toward the minimum landscaping requirement when they are located on private property.*
 - The proposed development will use a rain garden to mitigate a portion of the building and sites run-off, this rain garden is factored into the 32.01% of site landscaping
- *16.49.080.E – Trees and other plant materials to be retained shall be identified on the landscape plan. The Site and Design Review Board encourages the retention, to the extent practical, of existing healthy trees and vegetation*
 - The proposed Landscape Plan identifies existing landscaping features that may or may not be retained.
- *16.49.080.F.1-6 – During the construction process: the owner or the owner's agent shall provide above and below ground protection for existing trees and plant materials identified to remain, trees and plant materials identified for preservation shall be protected by chain link fencing placed around the tree at the drip line.. etc.*
 - None of the existing trees will be preserved, thus the above requirements do not apply to the proposed development
- *16.49.080.G – Landscaping under preserved trees shall be compatible with the retention and health of said trees*
 - None of the existing trees will be preserved, thus the above requirements do not apply to the proposed development
- *16.49.080.H – When it is necessary for a preserved tree to be moved in accordance with the Tree Ordinance, the landscaped area surrounding said tree or trees shall be maintained and replanted with trees which relate to the present landscape plan, or if there is no landscaping plan, then trees which are complimentary with existing, nearby landscape materials*
 - None of the existing trees will be preserved, thus the above requirements do not apply to the proposed development
- *16.49.080.I – Any required landscaped area shall be designed, constructed, installed and maintained so that within three (3) years, the ground shall be covered by living grass or other plant material. (The foliage crown of trees shall not be used to meet this requirement) A maximum of 5% of the landscaped area may be covered with bark chips, mulch or other similar materials. A maximum of 5% of the landscaped area may be covered with rock, stones, walkways, or other similar material acceptable to the Board. Required sidewalks shall not be used to meet the landscaping requirements*
 - The landscaped areas are designed in accordance with the above requirements. Sidewalks are not counted towards the percentage of landscaped area calculated earlier in this narrative.
- *16.49.080.J – All trees and plant materials shall be healthy, disease-free, damage-free, well-branched stock, characteristics of the species. The use of tree and plant species native to the Pacific Northwest is encouraged. Any new street tree planted must be included on the city's list of approved tree species.*

- All new trees and plants will be healthy, disease-free, damage-free, and of a well-branched stock. All proposed tree and plant species are native to the Pacific Northwest
- **16.49.080.K – Landscaping methods should be guided by the provisions of the most recent edition of the Sunset Western Garden Book or similar publication**
 - The proposed landscaping methods are guided by the above requirements
- **16.49.080.L.1-2 – The following guidelines are suggested to insure the longevity and continued vigor of plant materials**
 - The trees, plants and landscape materials selected for the proposed development so as to provide a hardy and drought resistant landscaped area. Over 75% of the plant species selected are of drought-resistant species.
- **16.49.080.M.1-3 – All plant growth in landscape areas of developments shall be controlled by pruning, trimming or otherwise, so that it will not interfere with designated pedestrian or vehicular access, and it will not constitute a traffic hazard because of reduced visibility, and it will not hinder solar access considerations**
 - The landscaped area will be properly maintained by the developments management company to ensure that all landscaping will not hinder the pedestrian and vehicular circulation.
- **16.49.080.N – After completion of site grading, topsoil is to be restored to exposed cut and fill areas to provide a suitable base for seeding and planting**
 - The above standards will be met upon completion of the site grading
- **16.49.080.O – All planting areas shall be graded to provide positive drainage**
 - All landscaped areas will provide adequate drainage
- **16.49.080.P – Neither soil, water, plant materials nor mulching materials shall be allowed to wash across roadways or walkways**
 - Both the private drive and parking lot areas will be protected by curbs to prohibit the landscaping materials from washing into them upon heavy rainfall. Subsequently, all sidewalks will be raised a couple inches above adjacent landscaped areas to further prohibit any landscaping material from washing over them upon heavy rainfall
- **16.49.090.A-E – Specifications for tree and plant materials**
 - All proposed trees, plants and landscaping materials will adhere to the requirements listed within 16.49.090.A-E
- **16.49.100.A – Landscaping Installation and Maintenance: Except as allowed by subsection (2), all landscaping and exterior improvements required as part of the site and design review approval shall be completed prior to the issuance of any certificate of occupancy**
 - All landscaping and exterior improvements will be completed before obtaining any certificate of occupancy for the multifamily buildings.
- **16.49.100.C – All landscaping approved through the site and design review process shall be continually maintained, including necessary watering, weeding, pruning and replacement, in a manner substantially similar to that originally approved by the Site and Design Review Board, unless later altered with Board approval**
 - All landscaping will be continually maintained by the developments management company to the extent as approved by the Site and Design Review Board
- **16.49.110 – Landscaping area credit for preservation of existing trees and tree groves**
 - The provisions of 16.49.110 does not apply to the proposed development as none of the existing trees are proposed to be preserved

- **16.49.120.B – Application: Parking lot landscaping standards shall apply to any surface passenger vehicle parking area of ten (10) spaces or more, or to any paved vehicular use area 3,500 square feet or larger on the same tax lot or on contiguous tax lots under common ownership. Any paved vehicular area which is used specifically as a utility storage lot or a truck loading area shall be exempt from landscaping requirements within a parking lot**
 - The proposed development proposes two separate parking areas. The main parking area houses 11 parking stalls and has a 3,440.23 SF footprint, thus requiring parking lot landscaping. The secondary parking area provides 8 additional parking stalls and has a 2,527.97 SF footprint, thus not requiring any parking lot landscaping. However, parking lot landscaping is provided for both parking areas. Please see the Site and Design Review Type II – Landscaping Calculation Form attached
- **16.49.120.C.1 – Area within a parking lot shall include the paved parking and maneuvering area, as well as any area within ten (1) feet of any exterior face of curb surrounding the paved parking and maneuvering area**
 - The proposed overall square footage of landscaped area within 10'-0" of the two parking areas equates to 1,623.65 SF
- **16.49.120.D.1 – Minimum area required to be landscaped within a parking lot shall be 15% for all residential, industrial, and commercial zones**
 - The overall SF of the parking area required to provide landscaping is 3,440.23 SF which results in a minimum of 630.23 SF of parking lot landscaping
- **16.49.120.E – All parking areas with more than 16 spaces shall include landscape island to break up the parking area into rows of not more than 8 contiguous parking spaces**
 - The main parking area provides a total of 11 parking stalls, while the secondary parking area only provides 8, thus the above requirements do not apply
- **16.49.120.F – Deciduous, evergreen and/or shade trees in parking areas shall meet the criteria listed in 16.49.120.F.1-7**
 - All interior parking lot trees that are provided will adhere to the requirements listed in 16.49.120.F.1-7
- **16.49.120.G – Perimeter of Parking and Loading Areas: Screening of parking and loading areas is required. Within three (3) years of planting, screening shall be of such height and density as to shield vehicular use area**
 - The bulk of the perimeter around the parking area is screened from adjacent neighbors due to the placement of the buildings. The parking area will be screened from the R-2 property to the East and R-1 property to the South with shrubbery and a 6'-0" fence along the property line. The R-2 property to the West will be screened from the adjacent parking lot with a 6'-0" fence along the property line.
- **16.49.120.H – Landscaped areas shall be provided with automatic irrigation systems or a readily available water supply with at least one (1) outlet located within approximately 150'-0" of all plant materials to be maintained.**
 - An irrigation system will be provided for all landscaping

We believe that through the findings above, the proposed project meets all applicable Site and Design approval criteria for a Type II Site and Design Plan Review.

Sincerely,



Mercedes Butchas
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Salem, Oregon 97301
mercedes@studio3architecture.com
503-390-6500

SITE AND DESIGN REVIEW –TYPE II – LANDSCAPING CALCULATION FORM

Site Areas

1. Building area	3,529.50	- Square footage of building footprints
2. Parking/hardscape	7,777.79	- Square footage of all sidewalks, parking, & maneuvering areas
3. Landscaped area	6,099.94	- Square footage of all landscaped areas
4. Total developed area	19,055.74	- Add lines 1, 2 and 3
5. Undeveloped area	0	- Square footage of any part of the site to be left undeveloped.
6. Total site area	19055.74	- Total square footage of site

Required Site Landscaping (Code 16.49.080)

7. Percent of landscaping required in Zoning District	30%	- Fill in the Appropriate Percentage: R-1, R-1.5, R-2 Zones: 30%; C-2, C-M, C-R, M-1, M-2 Zones: 15%; C-1 Zone: 7.5%
8. Required minimum square footage of landscaping	5,716.72	- Multiply line 4 and line 7
9. Proposed square footage of landscaping	6,099.94 / 32.01%	- Fill in value from line 3

Required Landscaping within a Parking Lot (Code 16.49.120(4))

Note: This section and the next apply only to projects with more than 10 parking spaces or 3,500 square feet of parking area

10. Zone	R2	- Fill in the Appropriate Zone and Percentage: C-1 Zone: 5%; Core Commercial sub-area of the Downtown Canby Overlay: 10%, except for parking lots with 10 or more spaces and two or more drive aisles: 50 square feet per parking space; All other zones: 15%.
11. Percent of required landscaping	15%	
12. Area of parking lot & hardscape	3,440.23 SF / 2,527.97 SF	- Fill in area of parking and maneuvering areas plus all paved surface within ten (10) feet of those areas.
13. Number of vehicle parking spaces	11 / 8	- For Core Commercial sub-area in the Downtown Canby Overlay only, fill in the total # of parking spaces on-site.
14. Required square footage of landscaping within 10 feet of parking lot	516.03 SF / 379.20 SF	- Multiply area of parking lot (line 12) by percent of required landscaping (line 11) -OR- for the CC sub-area in the Downtown Canby Overlay multiply line 13 by 50 square feet.
15. Proposed square footage of Landscaping within 10 feet of parking lot	655 SF / 628.25 SF	- Calculate the amount of landscaping proposed within 10 feet of all parking and maneuvering areas.

Parking Lot Tree Calculation

16. Number of parking spaces	11 / 8	- Total number of vehicle parking spaces
17. Area of parking lot & hardscape	3,440.23 SF / 2,527.97 SF	- Area from line 12
18. Number of parking spaces (line 16) divided by 8	2 / 1	- Round up to the nearest whole number
19. Area of parking lot area (line 17) divided by 2,800	2 / 1	- Round up to the nearest whole number
20. Number of required trees in parking lot	2 / 1	- Fill in the larger of row 18 and row 19
21. Number of trees provided within 10 feet of parking lot	2 / 2	- Fill in the number of proposed trees within 10 feet of parking and maneuvering areas.

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Table 16.21.070 Multi-Family Design Menu

As part of review of multi-family developments, the following menu shall be used as part of the review. In order to “pass” this table 60% of total possible points shall be earned,
(10% of the total possible points must be from LID elements)

Design Criteria	Possible Points				
Parking	0	1	2	3	4
Screening of parking and/or loading facilities from public right-of-way	Not screened	Partially screened	Fully screened	-	-
Parking lot lighting provided	No	Yes	-	-	-
Parking location (behind building is best)	Front	Side	Behind	-	-
Number of parking spaces provided (% of minimum required)	>120%	101-120%	100%	-	-
Tree Retention	0	1	2	3	4
Percentage of trees retained	<10%	10-50%	51-75%	>75%	-
Replacement of trees removed	<50%	≥50%	-	-	-
Building Orientation to the Street	0	1	2	3	4
Primary entrances face the street	Not street-facing	Entrance breezeway faces street	All entrances face the street	-	-
Building Orientation to the Street, cont.	0	1	2	3	4
Site's frontage has buildings within 25 feet of front lot line. (Full points may be given when courtyards are adjacent to the frontage.)	0-25% of street frontage	26-50% of street frontage	≥51% of street frontage	-	-
Screening of Storage Areas and Utility Boxes	0	1	2	3	4
Trash storage is screened from view by solid wood fence, masonry wall or landscaping.	No	Yes	-	-	-
Trash storage is located away from adjacent property lines.	0 - 10 feet from adjacent property	11 - 25 feet from adjacent property	>25 feet from adjacent property	-	-
Utility equipment is screened from view.	Not screened	Partially screened	Fully screened	-	-
Prevention of Monotonous and Incompatible Design	0	1	2	3	4
Horizontal length of all buildings is a maximum of 120 feet.	101 - 120 feet	81 - 100 feet	≤80 feet	-	-
Roofs have a gable, hip or gamble form, minimum pitch of 3 to 12 with at least 6-inch overhang.	No	Yes	-	-	-

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Design Criteria	Possible Points				
A minimum of 15% of street façade areas contains windows or doors. All windows provide trim, recess, or other method of providing shadowing.	No	Yes	-	-	-
Garages are located to minimize their visual impact.	Front of building	Side of building	Back of building	-	-
Exterior design features include offsets, balconies, projections, window reveals, or similar elements to break up large building expanses.	Less than one design feature within every 30 feet of longest façade.	One design feature within every 30 feet of longest façade.	Two or more design features within every 30 feet of longest façade.	-	-
Private Open Space and Landscaping	0	1	2	3	4
Private open space provided in addition to what is required for the base zone.	No additional open space.	Patios or balconies (at least 48 square feet) provided for 50% of units.	Patios or balconies (at least 48 square feet) provided for 51-100% of units.	Sport court, tot lot, pool or community room is provided.	-
Number of non-required trees provided.	-	At least one tree per 500 square feet of landscaping.	-	-	-
Private Open Space and Landscaping, cont.	0	1	2	3	4
Amount of grass (less grass is better) (% of total landscaped area)	>50%	25-50%	<25%	-	-
Street and Block Framework	0	1	2	3	4
Multi-family developments 8 acres or larger are developed as a series of complete blocks bounded by a network of public or private streets with sidewalks and street trees.	No blocks or network.	10-50% of units are along a street with sidewalks, street trees, and on-street parking.	51-100% of units are along a street with sidewalks, street trees, and on-street parking.	-	-
Low Impact Development (LID)	0	1	2	3	4
Use of pervious paving materials (% of total paved area)	<10%	-	10-50%	51-75%	>75%
Provision of park or open space area for public use	None	-	Open Space (Generally not for public use)	-	Park (public or privately owned for public use)
Use of drought tolerant species in landscaping (% of total plants)	<25% drought tolerant	-	25-50% drought tolerant	51-75% drought tolerant	>75% drought tolerant

Design Criteria	Possible Points				
Provision of additional interior parking lot landscaping (% of minimum required)	100%	101-110%	111-120%	>120%	-
Provision of an eco-roof or rooftop garden (% of total roof area)	<10%	-	-	10-50%	>50%
Parking integrated within building footprint (below-grade, structured parking, or tuck-under parking) (% of total on-site parking)	<10%	-	-	10-50%	>50%
Disconnecting downspouts from city stormwater facilities	None	Some downspouts disconnected	All downspouts disconnected	-	-
Shared parking with adjacent uses or public parking structure (% of total required parking spaces)	None	<50%	≥50%	-	-
Provision of rain gardens/bioretention areas for stormwater runoff (% of total landscaped area)	None	-	10-50%	51-75%	>75%
Total Possible Points= 67 60%=40 points (rounding down), 10%=7 points (rounding up)					

(Ord. 1338, 2010)

NEW MULTI FAMILY DEVELOPMENT

3RD AVENUE APARTMENTS

SITE PLAN REVIEW

0 SW 3RD AVENUE, CANBY OR

VICINITY MAP:



AERIAL PHOTO:



DRAWINGS LIST:

Sheet Number	Sheet Name	Current Revision	Current Revision Date
GENERAL DRAWINGS			
G0.01	COVER SHEET		
ARCHITECTURAL DRAWINGS			
C1	EXISTING CONDITIONS		
C2	SITE PLAN		
C3	PRELIMINARY GRADING		
ARCHITECTURAL DRAWINGS			
L1.1	PRELIMINARY PLANTING PLAN		
ARCHITECTURAL DRAWINGS			
A1.01	SITE PLAN - OVERALL		
A1.02	SITE PLAN		
A1.21-A	BLDG A - FLOOR PLAN - LEVEL 01		
A1.21-B	BLDG B - FLOOR PLAN - LEVEL 01		
A2.01-A	BLDG A - BLDG ELEVATIONS		
A2.02-A	BLDG A - BLDG ELEVATIONS		
A2.03-B	BLDG B - BLDG ELEVATIONS		
A2.04-B	BLDG B - BLDG ELEVATIONS		

SYMBOL LEGEND:

ELEVATION DATUM:	WINDOW TYPE:
ELEVATION 100.00 F.F.E.	REFER TO WINDOW ELEVATIONS SHOWN ON DRAWINGS A5.1X
SECTION REFERENCE:	DOOR NUMBER:
FILLED ARROW DENOTES BUILDING SECTION OPEN ARROW DENOTES WALL SECTION/DETAIL DETAIL NUMBER SHEET NUMBER SIDE NOTE IF REQUIRED	DOOR SIZE OR NUMBER 100 A
ELEVATION REFERENCE:	PLAN NOTE DESIGNATION:
ELEVATION NUMBER OR DESIGNATION AS OCCURS SHEET NUMBER	PLAN OR SIDE NOTE NUMBER 12 MARK OR DIAGONAL NOTE NUMBER E REVISION NUMBER 2
DETAIL REFERENCE:	ROOM TITLE + NUMBER:
DETAIL NUMBER SHEET NUMBER SIDE NOTE IF REQUIRED DETAIL CUT LOCATION IF SHOWN	ROOM NAME XXXX ROOM 000 ROOM NUMBER
	WALL TYPE MARK:
	WALL OR PARTITION CONSTRUCTION TYPE. SEE LEGEND. A5.40

PROJECT TEAM:

OWNER: State Street Homes, Inc. Brandon Gill 1233 NW Northrup St. #135 Portland, OR 97209 P: 503.954.8545 E: brandon@statestreet-homes.com	LANDSCAPE ENGINEER: Laura Antonson, RLA Laurus Designs 1012 Pine st. Silverton, OR 97381 P: 503.784.6494 E: laura@laurusdesigns.com
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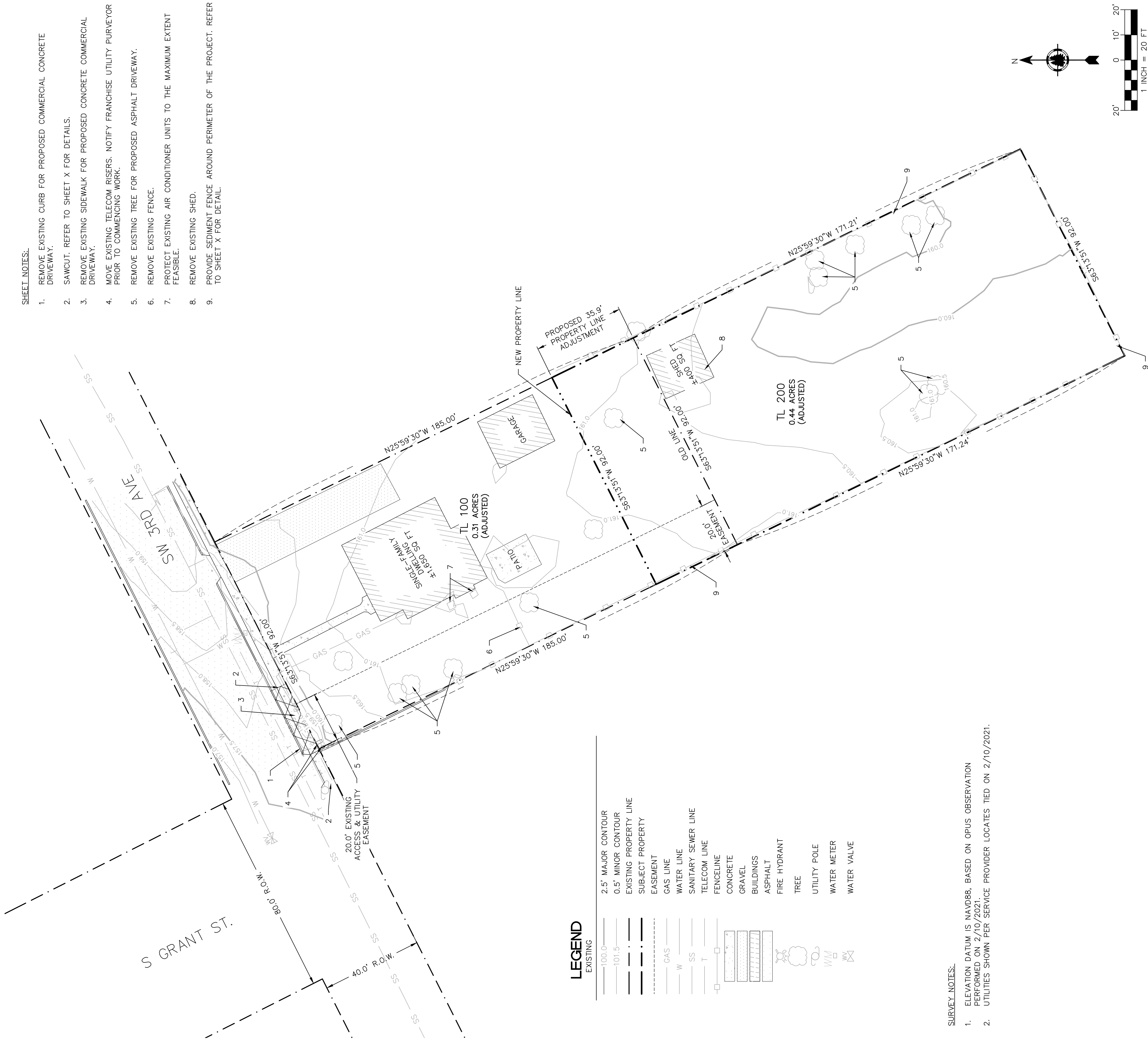
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CIVIL ENGINEER & SURVEYOR:
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E: nblundon@stuntzner.com

STUNTZNER ENGINEERING & FORESTRY MAKES NO WARRANTY, REPRESENTATION OR GUARANTEE FOR THE EXISTENCE OR NON-EXISTENCE OF UTILITIES. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE LOCATION AND DEPTH OF UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE RESULTING FROM DISRUPTION OF SERVICE CAUSED BY CONSTRUCTION ACTIVITIES.

EXISTING CONDITIONS

TAX LOT 200 OF SEC. 32BA T4S, R1E, CLACKAMAS COUNTY, WILLAMETTE MERIDIAN
ADJACENT TO 285 S 3RD AVE, CANBY OR 97013
ZONE: R-2 (HIGH DENSITY RESIDENTIAL)



- SHEET NOTES:
- REMOVE EXISTING CURB FOR PROPOSED COMMERCIAL CONCRETE DRIVEWAY.
 - SAWCUT. REFER TO SHEET X FOR DETAILS.
 - REMOVE EXISTING SIDEWALK FOR PROPOSED CONCRETE COMMERCIAL DRIVEWAY.
 - MOVE EXISTING TELECOM-RISERS. NOTIFY FRANCHISE UTILITY PURVEYOR PRIOR TO COMMENCING WORK.
 - REMOVE EXISTING TREE FOR PROPOSED ASPHALT DRIVEWAY.
 - REMOVE EXISTING FENCE.
 - PROTECT EXISTING AIR CONDITIONER UNITS TO THE MAXIMUM EXTENT FEASIBLE.
 - REMOVE EXISTING SHED.
 - PROVIDE SEDIMENT FENCE AROUND PERIMETER OF THE PROJECT. REFER TO SHEET X FOR DETAIL.

- SURVEY NOTES:
- ELEVATION DATUM IS NAVD88, BASED ON OPUS OBSERVATION PERFORMED ON 2/10/2021.
 - UTILITIES SHOWN PER SERVICE PROVIDER LOCATES TIED ON 2/10/2021.

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REGISTERED PROFESSIONAL
ENGINEER
#83,725
Nicholas G. Blundin
OREGON
JAN 12, 2006
EXPIRES 12/31/21

DESIGNED BY: NGB

DRAWN BY: SIE

CHECKED BY: NGB

DATE: 3/30/2021

REVISED:

JOB NAME: STATE ST. HOMES

JOB No.: 321013

STUNTZNER
Engineering
& Forestry, LLC
• FOREST GROVE • JUNCTION CITY •
ENGINEERING • LAND SURVEYING • FORESTRY
PLANNING • WATER RIGHTS

2318-B PACIFIC AVENUE
FOREST GROVE, OREGON 97116

TEL: (503) 357-5717
FAX: (503) 357-5698

SHEET 1 - EXISTING CONDITIONS

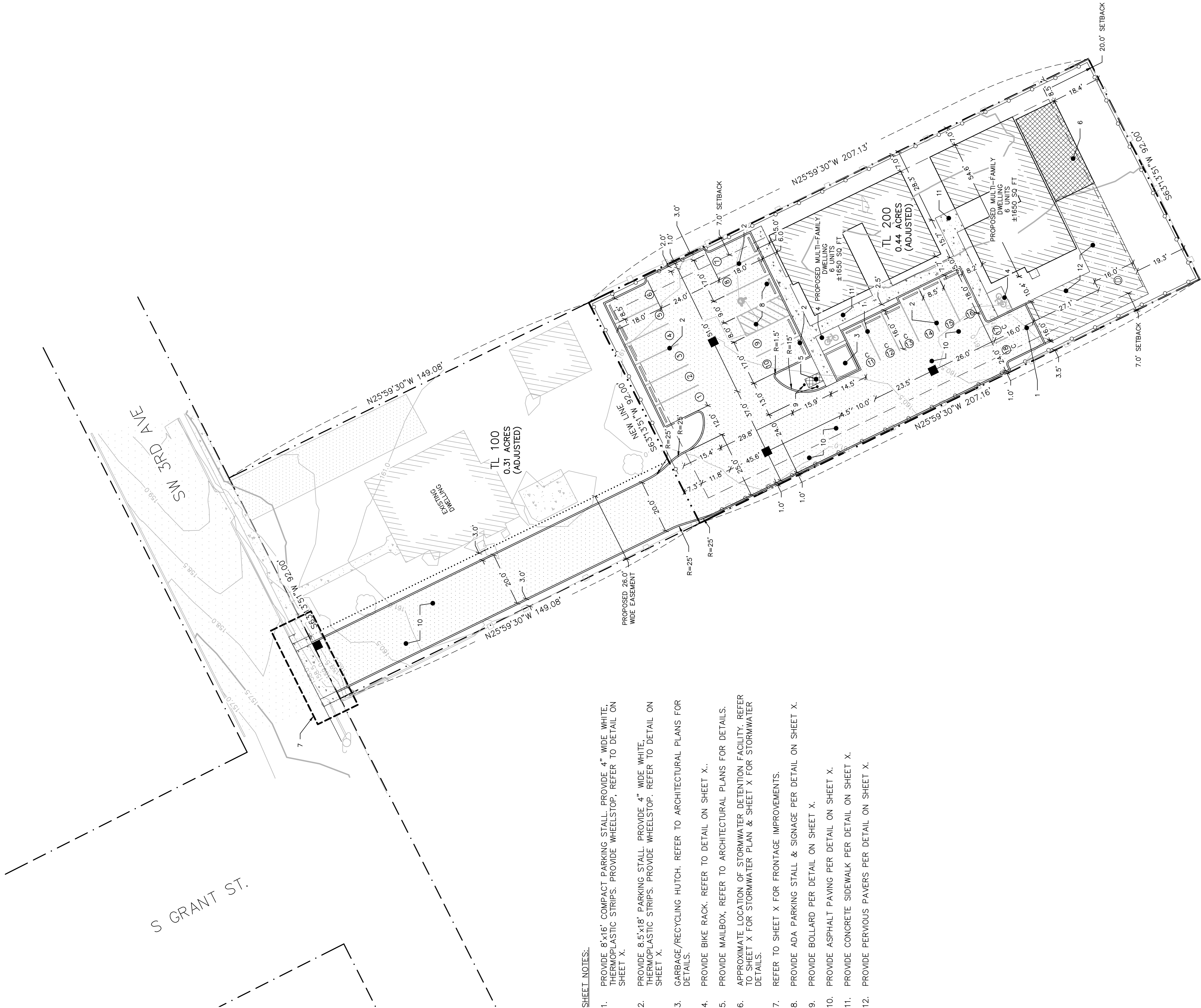
STATE STREET HOMES
1233 NW NORTHRUP ST #25
PORTLAND, OR 97209

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STUNTZNER ENGINEERING & FORESTRY MAKES NO WARRANTY AS TO THE EXISTENCE OR NON-EXISTENCE OF UTILITIES. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO COMPLY WITH THE PROVISIONS OF ORS 91.001 THROUGH 91.009. THE CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGE RESULTING FROM DISRUPTION OF SERVICE CAUSED BY CONSTRUCTION ACTIVITIES.

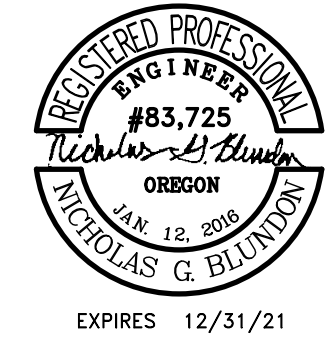
TAX LOT 200 OF SEC. 32BA T4S, R1E, CLACKAMAS COUNTY, WILLAMETTE MERIDIAN
ADJACENT TO 285 S 3RD AVE, CANBY OR 97013
ZONE: R-2 (HIGH DENSITY RESIDENTIAL)

SITE PLAN



- SHEET NOTES:**
1. PROVIDE 8'x16' COMPACT PARKING STALL. PROVIDE 4" WIDE WHITE THERMOPLASTIC STRIPS. PROVIDE WHEELSTOP. REFER TO DETAIL ON SHEET X.
 2. PROVIDE 8.5'x18' PARKING STALL. PROVIDE 4" WIDE WHITE THERMOPLASTIC STRIPS. PROVIDE WHEELSTOP. REFER TO DETAIL ON SHEET X.
 3. GARBAGE/RECYCLING HUTCH. REFER TO ARCHITECTURAL PLANS FOR DETAILS.
 4. PROVIDE BIKE RACK. REFER TO DETAIL ON SHEET X.
 5. PROVIDE MAILBOX. REFER TO ARCHITECTURAL PLANS FOR DETAILS.
 6. APPROXIMATE LOCATION OF STORMWATER DETENTION FACILITY. REFER TO SHEET X FOR STORMWATER PLAN & SHEET X FOR STORMWATER DETAILS.
 7. REFER TO SHEET X FOR FRONTAGE IMPROVEMENTS.
 8. PROVIDE ADA PARKING STALL & SIGNAGE PER DETAIL ON SHEET X.
 9. PROVIDE BOLLARD PER DETAIL ON SHEET X.
 10. PROVIDE ASPHALT PAVING PER DETAIL ON SHEET X.
 11. PROVIDE CONCRETE SIDEWALK PER DETAIL ON SHEET X.
 12. PROVIDE PERVIOUS PAVERS PER DETAIL ON SHEET X.

DESIGNED BY: NGB
DRAWN BY: SIE
CHECKED BY: NGB
DATE: 3/30/2021
REVISED:
JOB NAME: STATE ST. HOMES
JOB No.: 321013



2318-B PACIFIC AVENUE
FOREST GROVE, OREGON 97116

TEL: (503) 357-5717
FAX: (503) 357-5698

Stuntzner Engineering & Forestry, LLC
ENGINEERING • LAND SURVEYING • FORESTRY
PLANNING • WATER RIGHTS

• FOREST GROVE • JUNCTION CITY •
• GORONG • TULAS

Mar 30, 2021 — 8:50am

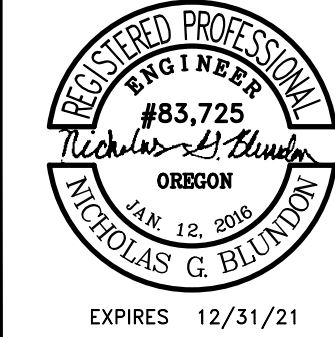
REV.	DATE	DESCRIPTION	BY


SHEET 2 - SITE PLAN

STATE STREET HOMES
1233 NW NORTHRUP ST #25
PORTLAND, OR 97209

STUNTZNER ENGINEERING & FORESTRY MAKES NO REPRESENTATION AS TO THE EXISTENCE OR NON-EXISTENCE OF UTILITIES. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO COMPLY WITH THE PROVISIONS OF ORS 757.542 TO 757.562 & 757.993. THE CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGE RESULTING FROM DISRUPTION OF SERVICE CAUSED BY CONSTRUCTION ACTIVITIES.

Site plan for a proposed multi-family dwelling development. The plan shows two lots: TL 100 (0.31 acres) and TL 200 (0.44 acres). It includes proposed multi-family dwellings, catch basins, flow lines, and a finished grade. The site is bounded by S Grant St. to the west and SW 3rd Ave. to the south. The plan also shows existing structures and a proposed catch basin. The flow lines indicate a drainage pattern towards the catch basins. The finished grade is shown as a dashed line. The site is located in a residential area with existing dwellings and a proposed multi-family dwelling. The plan includes a north arrow and a scale bar.


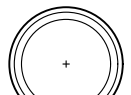
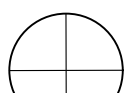





















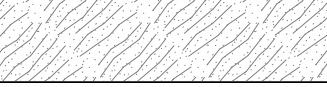
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REV.	DATE	DESCRIPTION	BY
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STATE STREET HOMES
1233 NW NORTHUP ST #1250
PORTLAND, OR 97209

Preliminary Plant Legend

TREES	BOTANICAL / COMMON NAME
	Chamaecyparis nootkatensis "Jubilee" / Jubilee Weeping Nootka Cypress
	Fraxinus oxycarpa "Raywood" TM / Raywood Ash
	Tilia tomentosa "Sterling" / Sterling Silver Linden
	Zelkova serrata "Green Vase" / Green Vase Sawleaf Zelkova
SHRUBS	BOTANICAL / COMMON NAME
	Abelia x grandiflora "Kaleidoscope" / Glossy Abelia
	Caryopteris x clandonensis "Blue Mist" / Blue Mist Shrub
	Cistus x purpureus / Orchid Rockrose
	Euonymus japonicus / Japanese Spindle
	Euonymus japonicus "Green Spire" / Green Spire Euonymus
	Hibiscus syriacus "Lil Kim" / Rose of Sharon
	Ilex crenata "Sky Pencil" / Sky Pencil Japanese Holly
	Juniperus scopulorum "Skyrocket" / Skyrocket Juniper
	Nandina domestica "Tuscan Flame" / Tuscan Flame Heavenly Bamboo
	Potentilla fruticosa "Tangerine" / Tangerine Potentilla
	Sarcococca confusa / Sweetbox
	Spiraea japonica "Goldflame" / Spirea

GRASSES / PERENNIALS	BOTANICAL / COMMON NAME
	Festuca ovina glauca "Elijah Blue" / Elijah Blue Fescue
	Heemerocallis Spp. / Daylily
GROUND COVERS	BOTANICAL / COMMON NAME
	Arctostaphylos uva-ursi "Massachusetts" / Massachusetts Manzanita
	Fragaria vesca / Woodland Strawberry
	Genista lydia / Broom
	ProTime 769 / R&R Eco Turf Mix
	Rhus aromatica "Gro-Low" / Gro-Low Fragrant Sumac

Landscape Requirements:

REQUIRED TREES
1 TREE PER 500 SF LANDSCAPE
6099.94 SF LANDSCAPE = 13 TREES

PARKING LOT TREES
3 TREES WITHIN 10' OF PARKING AREAS

SCREENING
SHADE TREES AND FENCE

DROUGHT TOLERANT PLANTS
MORE THAN 75%

LAWN AREA
1216 SF = 20%

STORMWATER
AREA TO BE DETERMINED

General Notes:

- DRAWINGS NOT FOR CONSTRUCTION.
- SEE ARCHITECTURAL DRAWINGS FOR SITE PLAN, AREA CALCULATIONS, AND COMMON AREAS.
- SEE CIVIL DRAWINGS FOR GRADING PLAN AND STORMWATER INFORMATION.
- PLANTS SELECTED FOR DROUGHT TOLERANCE.
- PLANTS TO BE SIZED ACCORDING TO CANBY REQUIREMENTS FOR GENERAL PLANTING PLAN AND STORMWATER FACILITIES.
- STORMWATER FACILITY AREA TO BE FINALIZED.
- LANDSCAPE TO BE IRRIGATED BY AN AUTOMATIC UNDERGROUND SYSTEM.

Laurus
Designs, LLC



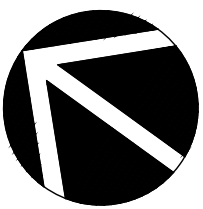
1012 Pine Street
Silverton, Oregon
503.784.6494

Canby
Apartments

SW 3rd Avenue
Canby, Oregon



PRELIMINARY
PLANTING
PLAN



SCALE: 1"=20'-0"
0' 10' 20' 40'
SCALE

March 29th, 2021

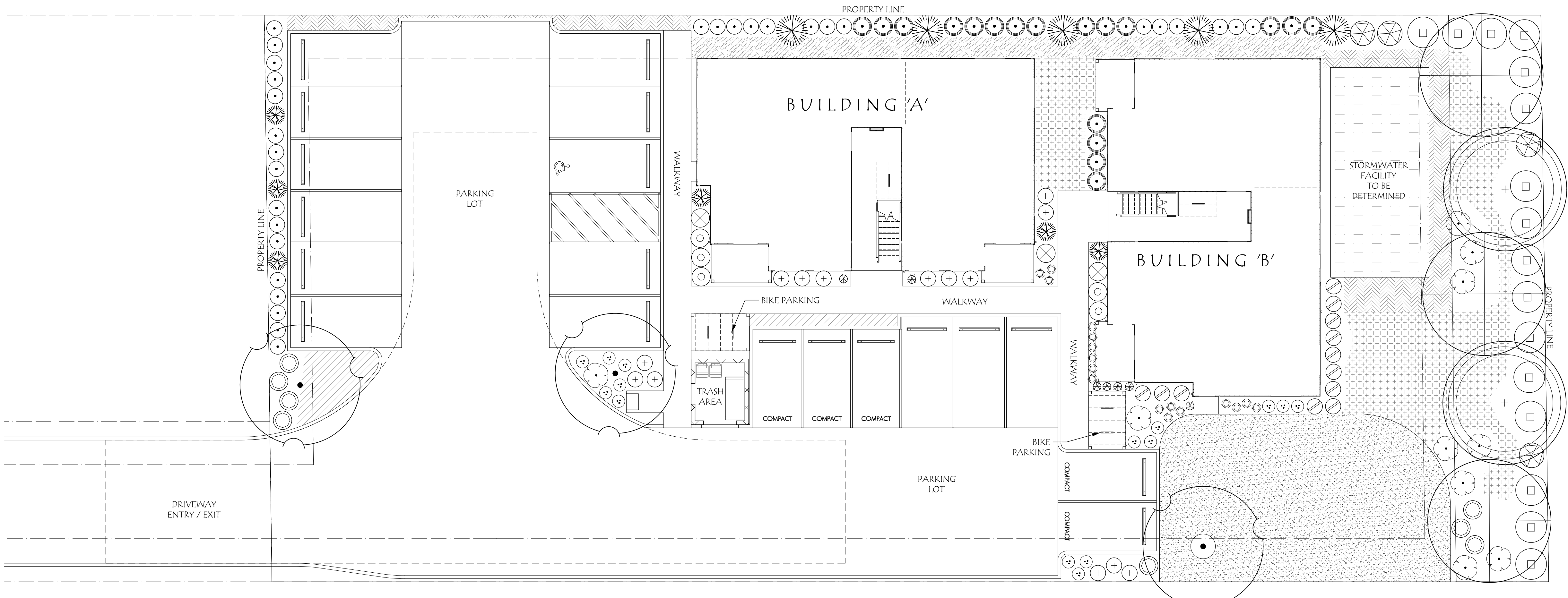
REVISIONS

#	DATE	NOTES	INITIALS

L1.1

SHEET 1 OF 1

PROJECT #: 1345R



SITE PLAN NOTES:

1.

THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVES. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTORS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES
2.

PROVIDE CONSTRUCTION FENCING AS REQUIRED TO SECURE SITE AND BUILDING DURING CONSTRUCTION
3.

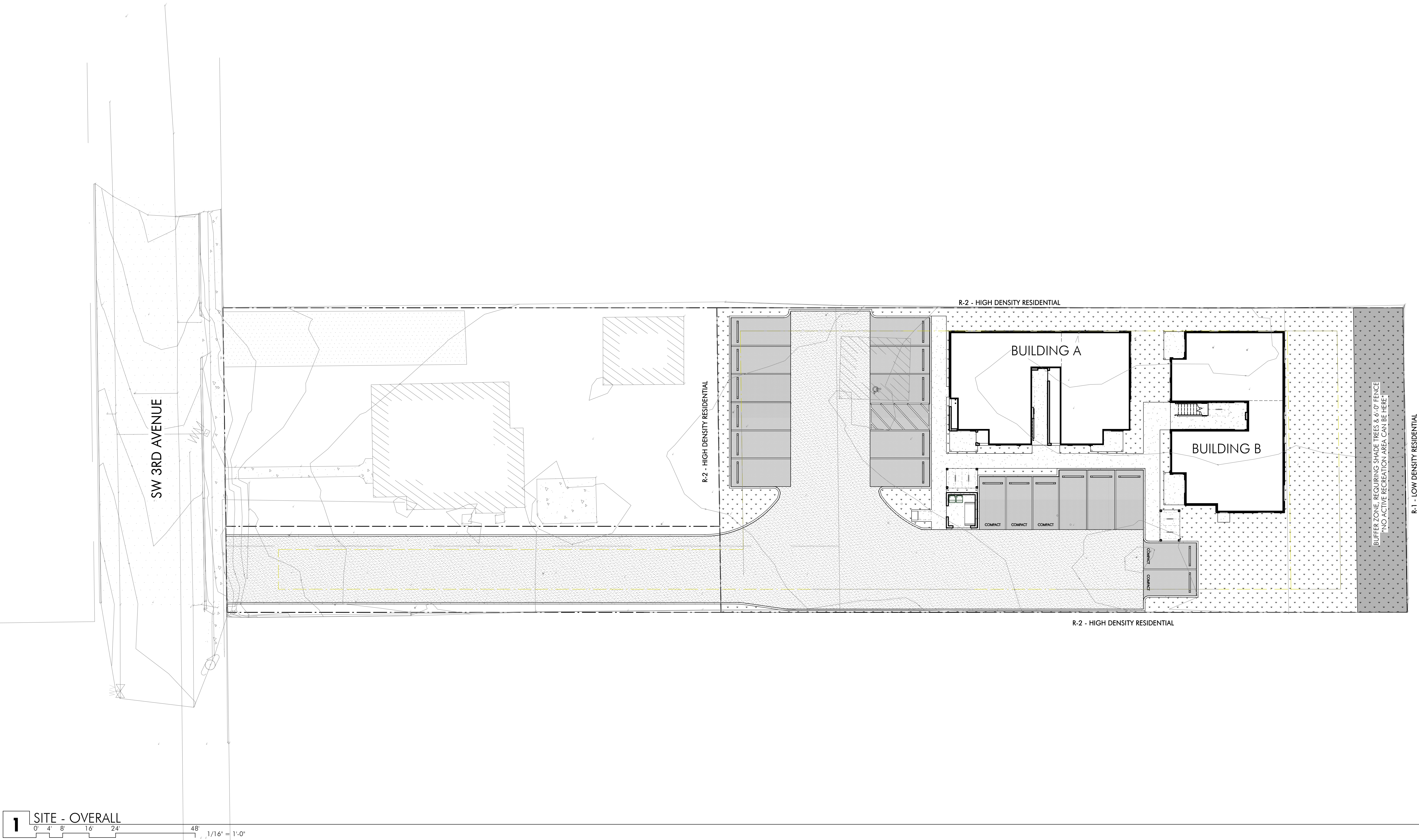
EXTREME CARE SHOULD BE TAKEN TO PRESERVE EXISTING ROOTS OF TREES TO REMAIN
4.

REFER TO CIVIL DRAWINGS FOR GRADING. SITE IS REQUIRED TO MEET THE LAWS OF FHA AND ADA. ACCESSIBLE ROUTES SHALL NOT EXCEED 5% (1 IN 20) OR CROSS SLOPES SHALL NOT EXCEED 2% (1 IN 50). ALL AT GRADE SIDEWALKS ARE ACCESSIBLE ROUTES
5.

JOINTS IN CONCRETE WALKS NOTED AS E.J. ARE TO BE CONSTRUCTED AS EXPANSION JOINTS. ALL OTHER JOINTS SHOWN, TO BE TOOLED CONTROL JOINTS, SEE CIVIL
6.

SEE LANDSCAPE DRAWINGS FOR LANDSCAPE AND IRRIGATION ELEMENTS
7.

SEE ELECTRICAL DRAWINGS FOR SITE LIGHTING



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PROJECT # 2020-012
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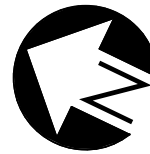
REVISIONS

NEW MULTI-FAMILY DEVELOPMENT
3RD AVENUE APARTMENTS
CANBY, OREGON

SHEET:

A1.01

SITE PLAN - OVERALL



SITE PLAN NOTES:

1. THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVES. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTORS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES

2. PROVIDE CONSTRUCTION FENCING AS REQUIRED TO SECURE SITE AND BUILDING DURING CONSTRUCTION

3. EXTREME CARE SHOULD BE TAKEN TO PRESERVE EXISTING ROOTS OF TREES TO REMAIN
4. REFER TO CIVIL DRAWINGS FOR GRADING. SITE IS REQUIRED TO MEET THE LAWS OF FHA AND ADA. ACCESSIBLE ROUTES SHALL NOT EXCEED 5% (1 IN 20) OR CROSS SLOPES SHALL NOT EXCEED 2% (1 IN 50). ALL AT GRADE SIDEWALKS ARE ACCESSIBLE ROUTES

5. JOINTS IN CONCRETE WALKS NOTED AS E.J. ARE TO BE CONSTRUCTED AS EXPANSION JOINTS. ALL OTHER JOINTS SHOWN, TO BE TOOLED CONTROL JOINTS, SEE CIVIL

6. SEE LANDSCAPE DRAWINGS FOR LANDSCAPE AND IRRIGATION ELEMENTS

7. SEE ELECTRICAL DRAWINGS FOR SITE LIGHTING

SITE CALCULATIONS AND LEGEND:

SITE ELEMENT DESCRIPTION:	LEGEND:	AREA: (sf)	PERCENTAGE: (%)
BUILDINGS:		3,529.50 sf	18.52 %
BUILDINGS OVERHANG ABOVE:			
LANDSCAPING:		6,099.94 sf	32.01 %
ASPHALT PAVING:		4,804.11 sf	25.21 %
POROUS ASPHALT PAVING:		2,973.68 sf	15.61 %
ACCESSORY STRUCTURES		213.06 sf	1.12 %
CONCRETE SIDEWALKS:		1026.37 sf	5.39 %
CONCRETE PAVING & CURBS:		257.41 sf	1.35 %
CONCRETE PATIOS		151.67 sf	0.80 %
TOTALS:		19,055.74 sf	100.0 %

SITE DEVELOPMENT:

SITE AREA: 19,055.74 sf = 0.4375 ac
ZONING: R2 HIGH DENSITY RESIDENTIAL
DENSITY: MIN. 14 UNITS PER ACRE = 5 UNITS
12 UNITS PROVIDED
SETBACKS: STREET YARD - 20'-0"
REAR YARD - 20'-0" (15'-0" BUFFER)
INTERIOR YARD - 7'-0"
BUILDING HEIGHT: MAX = 35'-0"
ADJACENT TO AN R-1 ZONE = 1'-0"
IN HEIGHT FOR EVERY 1'-0"
IN SETBACK
RECREATION AREA: >10 UNITS REQUIRES 150 sf OF REACRATIONAL AREA
12 UNITS PROVIDED,
REQUIRING 1,800 sf OF OPEN AREA, MET WITH PATIOS & LANDSCAPING
BUILDING AREAS:
• BLDG A: 5,294.25 sf
• BLDG B: 5,294.25 sf
OVERALL = 10,588.5 sf
PARKING:
• RESIDENTIAL USES:
1 SPACE PER 1 BD UNIT
2 SPACES PER 2 BD UNIT
1 VISITOR PER 5 UNITS
= 21 SPACES (THIS MAY BE REDUCED UP TO 10% PER 16.10.030.H.1)
19 PROVIDED
26% COMPACT
BIKE PARKING:
• RESIDENTIAL USES:
1 SPACE PER UNIT
= 12 SPACES
12 PROVIDED

SITE PLAN LEGEND:

- PROPERTY LINE
- SETBACK

SITE PLAN NOTES:

- 1 SIDE YARD

2 REAR YARD

3 PEDESTAL MOUNTED MAILBOX CLUSTER

4 RISER ROOM

5 EXTERIOR TRASH ENCLOSURE

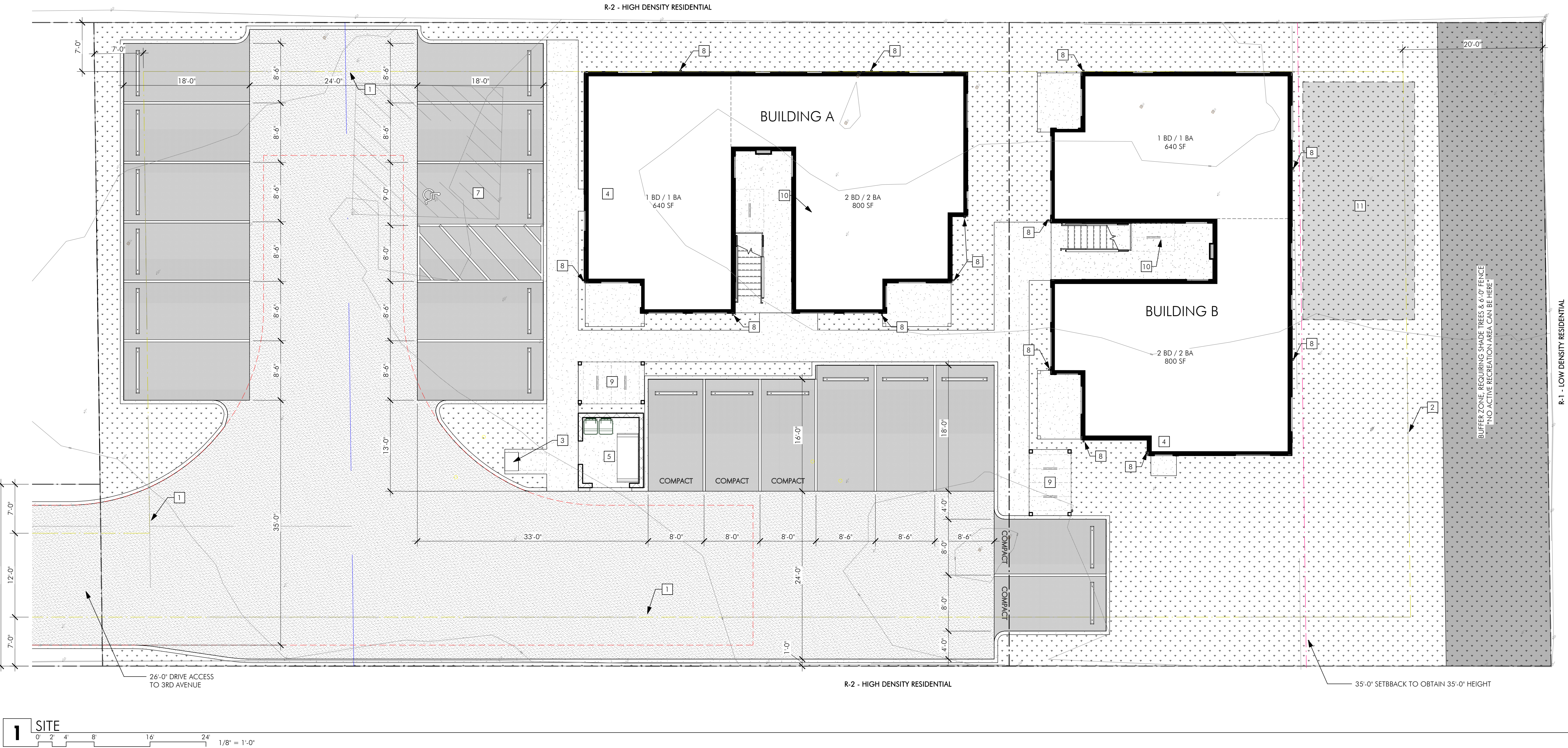
6 4" Ø PERFORATED FOOTING DRAIN SURROUNDED BY DRAIN ROCK AROUND ENTIRE PERIMETER OF BUILDING

7 VAN ACCESSIBLE PARKING, PROVIDE SIGNAGE, TYP.
- 8 PRE-FINISHED METAL DOWNSPOUT

9 BIKE CANOPY

10 BIKE RACK

11 STORMWATER RETENTION, ~544 SF. SEE CIVIL



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3

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REGISTERED ARCHITECT
4449
JAMES G. POLANSKY
SALEM, OREGON
STATE OF OREGON

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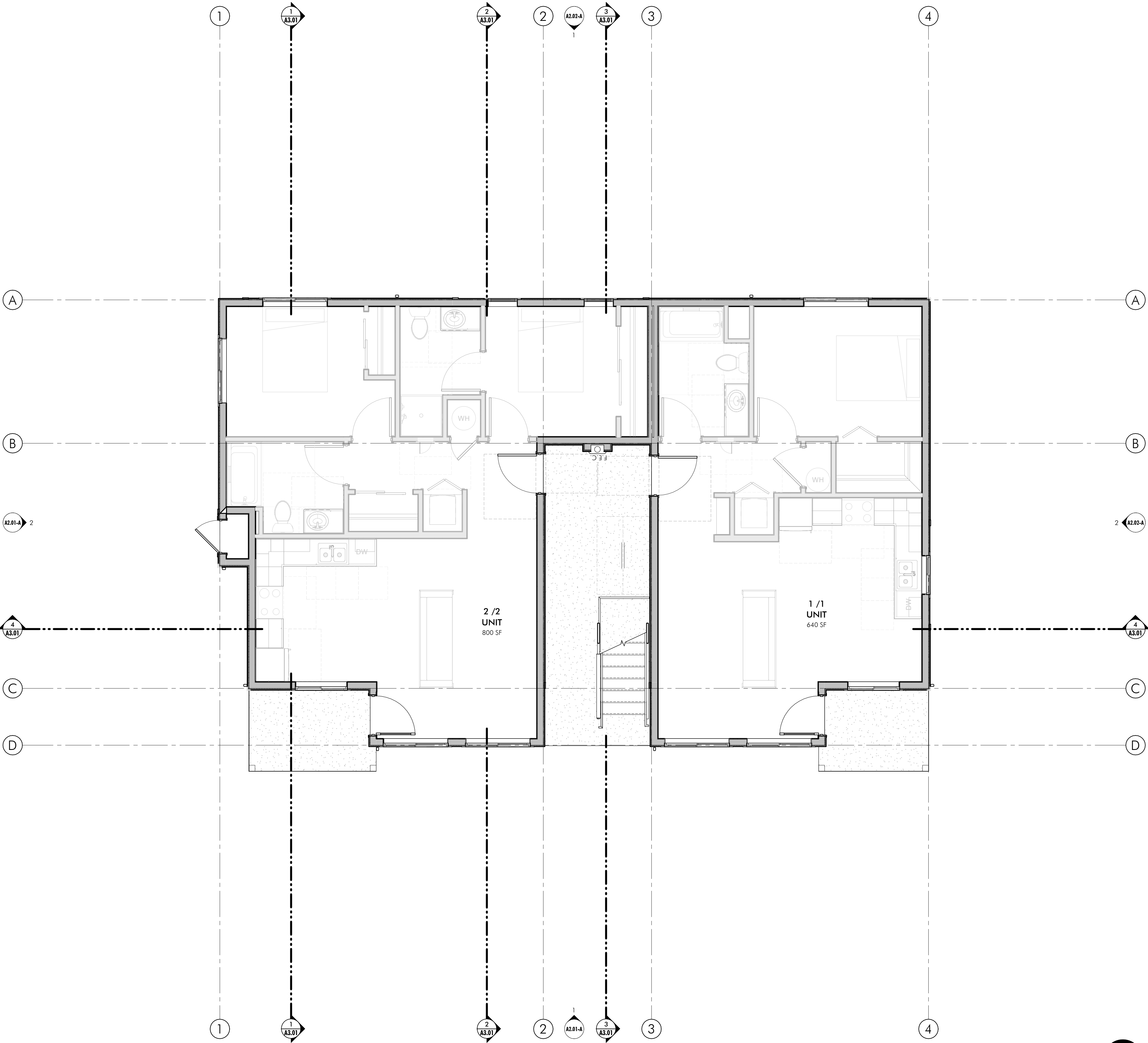
PROJECT # 2020-012
DATE: 02/19/2021

REVISIONS

NEW MULTI-FAMILY DEVELOPMENT
3RD AVENUE APARTMENTS
CANBY, OREGON

SHEET:
A1.02
SITE PLAN





1 BLDG A - LEVEL 01
0' 1' 2' 4' 8' 12' 1/4" = 1'-0"

GENERAL PLAN NOTES:

1. GENERAL NOTES APPLY TO ALL DRAWINGS.

2. DRAWINGS ARE DIAGRAMMATIC ONLY AND SHOULD NOT BE SCALED. NOTIFY ARCHITECT OF ANY DISCREPANCIES IMMEDIATELY UPON DISCOVERY. OBTAIN CLARIFICATION OF DIMENSIONS OR DISCREPANCIES PRIOR TO PROCEEDING WITH AREA OF REQUIRED WORK.

3. DIMENSIONS ARE TO FACE OF FRAMING. DIMENSIONS STATED AS CLEAR ARE TO FACE OF FINISH.

4. SEE WALL SECTIONS FOR DESCRIPTION OF EXTERIOR WALL MATERIALS.

5. ALL INTERIOR PARTITIONS TO RECEIVE GLASS FIBER INSULATION, FULL HEIGHT.

6. COORDINATE LOCATION OF RECESSED OR SEMI-RECESSED ITEMS TO AVOID BACK TO BACK INSTALLATION AND TO REDUCE NOISE TRANSFER THROUGH PARTITIONS.

7. INSTALL WALL BACKING FOR ALL WALL MOUNTED ITEMS, INCLUDING BUT NOT LIMITED TO THE FOLLOWING: DOOR STOPS, FIXTURES, WALL CABINETS, SHELVING, COUNTERS, TOILET ACCESSORIES, SECURITY EQUIPMENT, TACK BOARDS AND MARKER BOARDS, HAND RAILS AND WINDOW COVERING TRACKS.

8. SEPARATE AREAS IN WHICH WORK IS BEING CONDUCTED FROM OTHER AREAS THAT ARE STILL OCCUPIED.

A. PROVIDE, ERECT, AND MAINTAIN TEMPORARY DUSTPROOF PARTITIONS OF SUITABLE CONSTRUCTION IN LOCATIONS INDICATED ON DRAWINGS OR AS DIRECTED.
9. PROTECT EXISTING WORK TO REMAIN.

A. PREVENT MOVEMENT OF STRUCTURE; PROVIDE SHORING AND BRACING IF NECESSARY.

B. PERFORM CUTTING TO ACCOMPLISH REMOVALS NEATLY AND AS SPECIFIED FOR CUTTING NEW WORK.

C. REPAIR ADJACENT CONSTRUCTION AND FINISHES DAMAGED DURING REMOVAL WORK.

D. PATCH AS SPECIFIED FOR PATCHING NEW WORK.
10. REMOVE DEBRIS, JUNK, AND TRASH FROM SITE.
11. REMOVE FROM SITE ALL MATERIALS NOT TO BE REUSED ON SITE; DO NOT BURN OR BURY.
12. LEAVE SITE IN CLEAN CONDITION, READY FOR SUBSEQUENT WORK.
13. CLEAN UP SPILLAGE AND WIND-BLOWN DEBRIS FROM PUBLIC AND PRIVATE LANDS.
14. WORK SHOWN ON THESE DRAWINGS IS TO BE SUPPLIED, FURNISHED, CONSTRUCTED, INSTALLED ALL AS PER THE GENERAL CONDITIONS AND THE SPECIFICATIONS: EXCEPTIONS AS DESCRIBED BY THE FOLLOWING ABBREVIATIONS:

A. CFCI - CONTRACTOR FURNISHED - CONTRACTOR INSTALLED.

B. OFCI - OWNER FURNISHED - CONTRACTOR INSTALLED.

C. OFOI - OWNER FURNISHED - OWNER INSTALLED.

D. NIC OR N.I.C. - NOT IN CONTRACT OR NOT A PART OF THIS CONTRACT.

FLOOR PLAN NOTES:

- 1 SAMPLE PLAN NOTE

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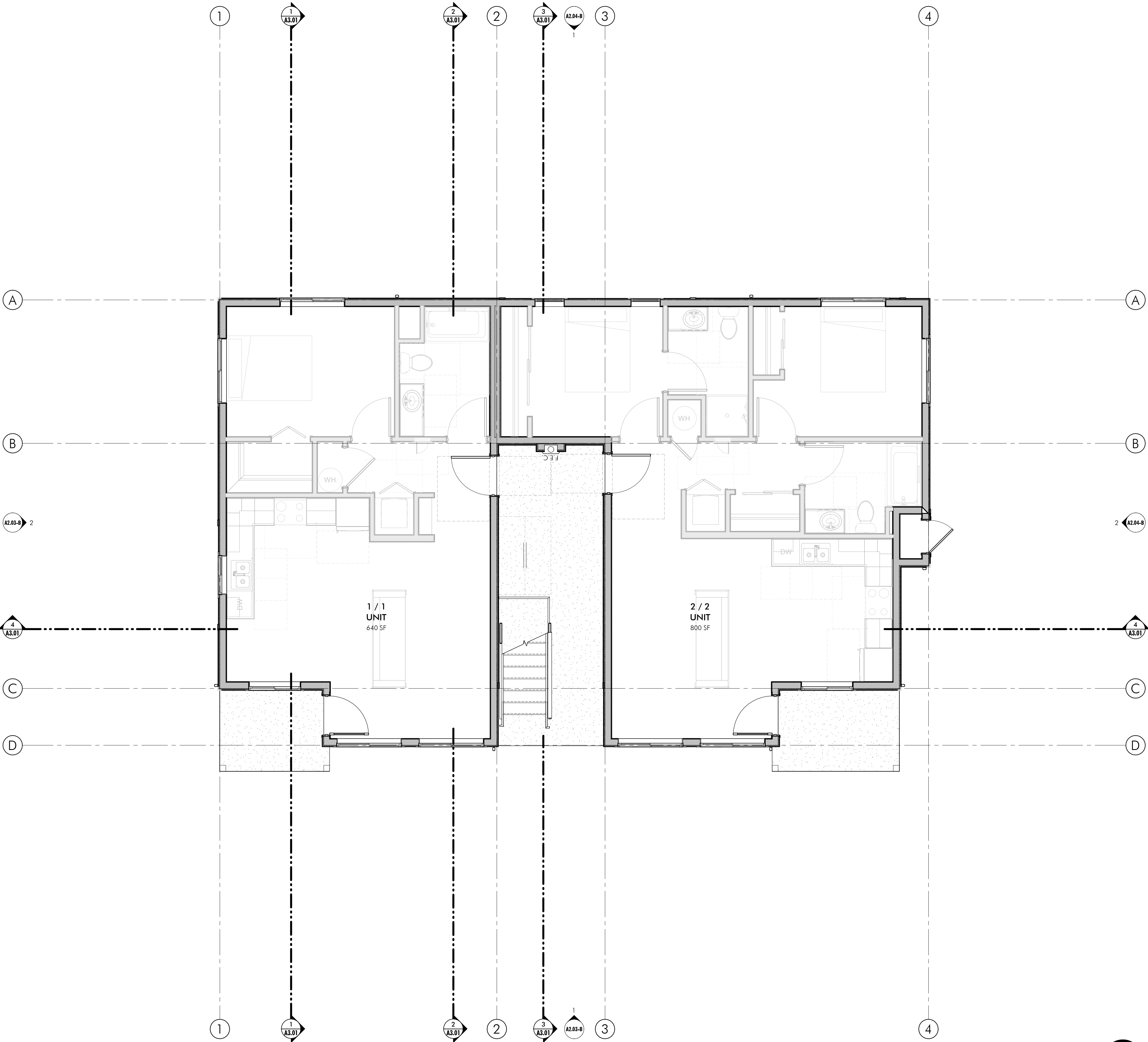
REVISIONS

NEW MULTI-FAMILY DEVELOPMENT
3RD AVENUE APARTMENTS
CANBY, OREGON

SHEET:

A1.21-A

BLDG A - FLOOR PLAN
- LEVEL 01



1 BLDG B - LEVEL 01
0' 1' 2' 4' 8' 12' 1/4" = 1'-0"

GENERAL PLAN NOTES:

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 - REPAIR ADJACENT CONSTRUCTION AND FINISHES DAMAGED DURING REMOVAL WORK.
 - PATCH AS SPECIFIED FOR PATCHING NEW WORK.
- REMOVE DEBRIS, JUNK, AND TRASH FROM SITE.
- REMOVE FROM SITE ALL MATERIALS NOT TO BE REUSED ON SITE; DO NOT BURN OR BURY.
- LEAVE SITE IN CLEAN CONDITION, READY FOR SUBSEQUENT WORK.
- CLEAN UP SPILLAGE AND WIND-BLOWN DEBRIS FROM PUBLIC AND PRIVATE LANDS.
- WORK SHOWN ON THESE DRAWINGS IS TO BE SUPPLIED, FURNISHED, CONSTRUCTED, INSTALLED ALL AS PER THE GENERAL CONDITIONS AND THE SPECIFICATIONS: EXCEPTIONS AS DESCRIBED BY THE FOLLOWING ABBREVIATIONS:
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FLOOR PLAN NOTES:

- 1 SAMPLE PLAN NOTE

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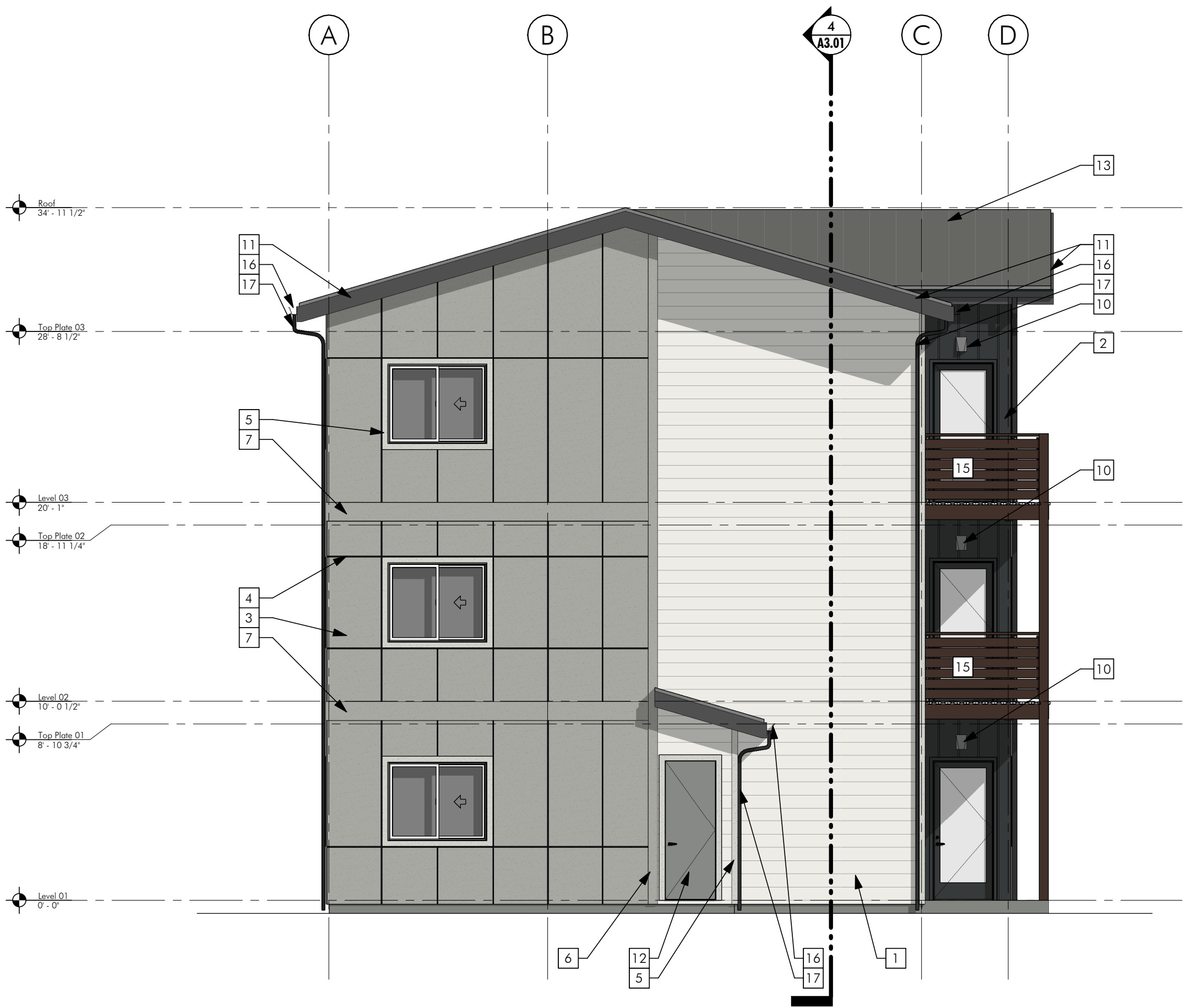
REVISIONS

NEW MULTI-FAMILY DEVELOPMENT
3RD AVENUE APARTMENTS
CANBY, OREGON

SHEET:
A1.21-B
BLDG B - FLOOR PLAN
- LEVEL 01

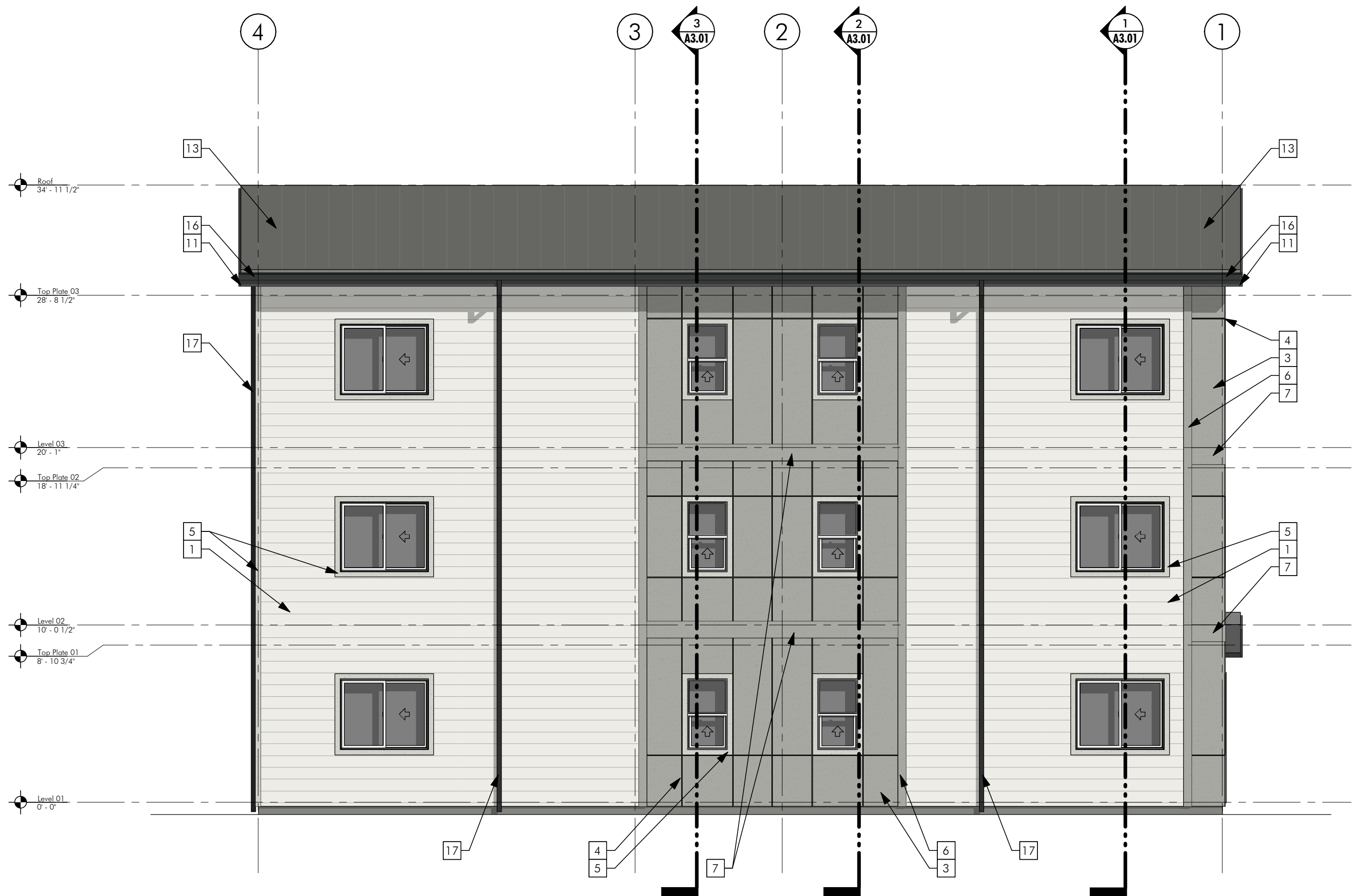


1 BLDG A - WEST ELEVATION



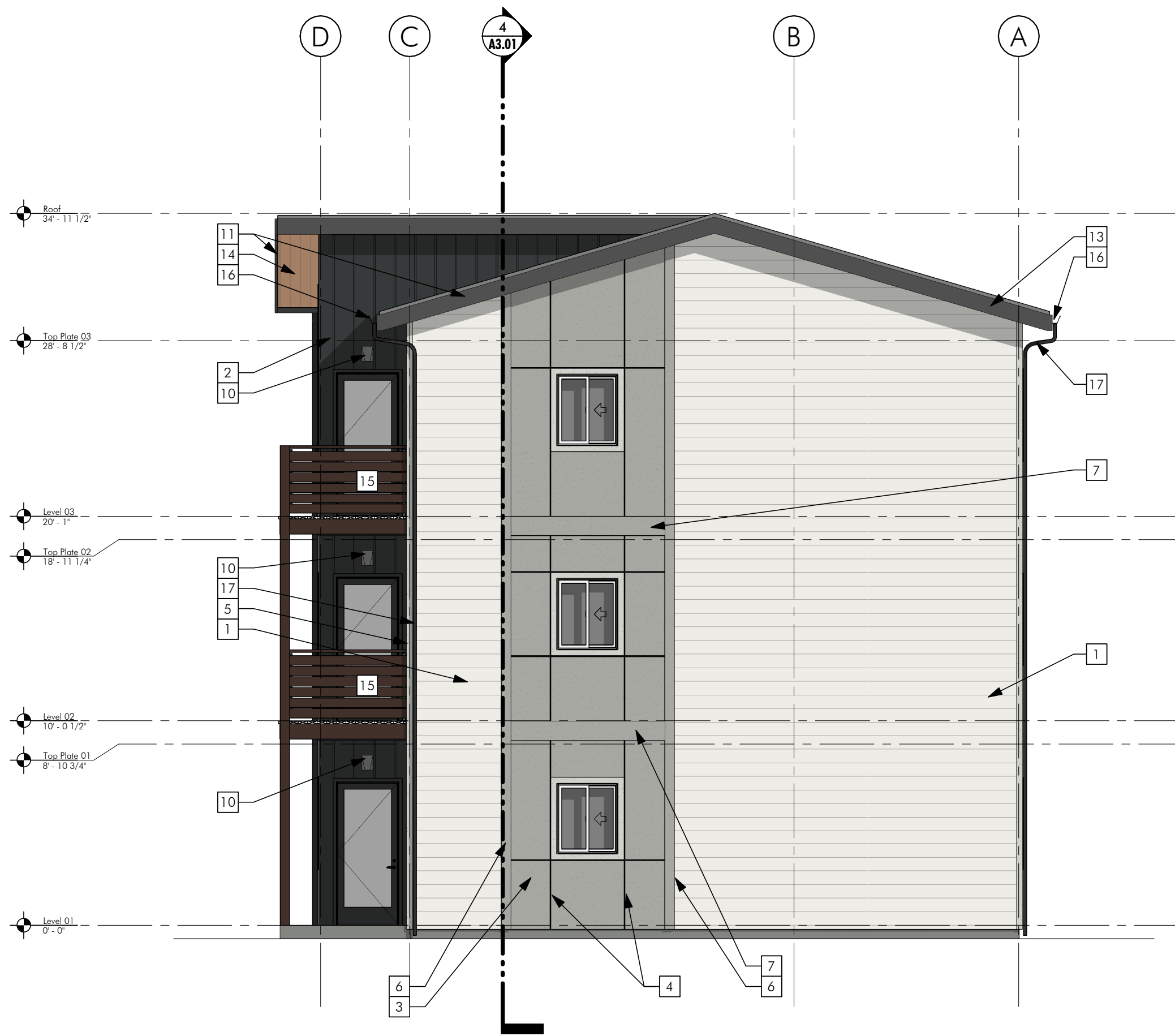
2 BLDG A - NORTH ELEVATION

- ELEVATION KEYNOTES:
- 1 HORIZONTAL LAPPED FIBER CEMENT SIDING, 8" EXPOSURE, PRIMED AND PAINTED, COLOR: SILVERPOINTE, SW7653
 - 2 VERTICAL FIBER CEMENT BOARD & BATT SIDING, PRIMED AND PAINTED, COLOR: GREENBLACK, SW6994
 - 3 FIBER CEMENT PANEL SIDING, PRIMED AND PAINTED, COLOR: ATTITUDE GRAY, SW7060
 - 4 1/2" REVEAL, TYP.
 - 5 3 1/2" TRIM BOARD AT ALL LAPPED SIDING EXTERIOR CORNERS AND AROUND ALL OPENINGS, PRIMED AND PAINTED, COLOR: SILVERPOINTE, SW7653
 - 6 5 1/2" TRIM BOARD, PRIMED AND PAINTED, COLOR: GREENBLACK, SW7060
 - 7 2" x 12" TRIM BOARD, PRIMED AND PAINTED, COLOR: ATTITUDE GRAY, SW7060
 - 8 2" x 12" TRIM BOARD, PRIMED AND PAINTED, COLOR: GREENBLACK, SW6994
 - 9 STAIR GUARDRAIL, SEE DETAIL -/-
 - 10 WALL PACK LIGHT, SEE LIGHT SCHEDULE ON A6.01
 - 11 2x10 WOOD FASCIA BOARD, PRIMED AND PAINTED, COLOR: GREENBLACK, SW6994
 - 12 DOOR TO RISER ROOM, PROVIDE EXTERIOR SIGNAGE MOUNTED ADJACENT TO DOOR
 - 13 12" STANDING SEAM METAL ROOF, BASIS OF DESIGN: AEP SPAN, COLOR: MIDNIGHT BRONZE
 - 14 2x6 T&G WOOD SIDING
 - 15 WOOD BALCONY. SEE DETAIL -/-
 - 16 PREFINISHED METAL GUTTER, COLOR: BRONZE
 - 17 PREFINISHED METAL DOWNSPOUT, COLOR: BRONZE
 - 18 BUILDING ADDRESS NUMBER. NUMBERS SHALL CONTRAST WITH BACKGROUND AND BE A MINIMUM 4" IN HEIGHT AND A MINIMUM STROKE WIDTH OF 0.5 INCHES



1 BLDG A - EAST ELEVATION

0' 2' 4' 6' 8' 10' 16' 3/16" = 1'-0"



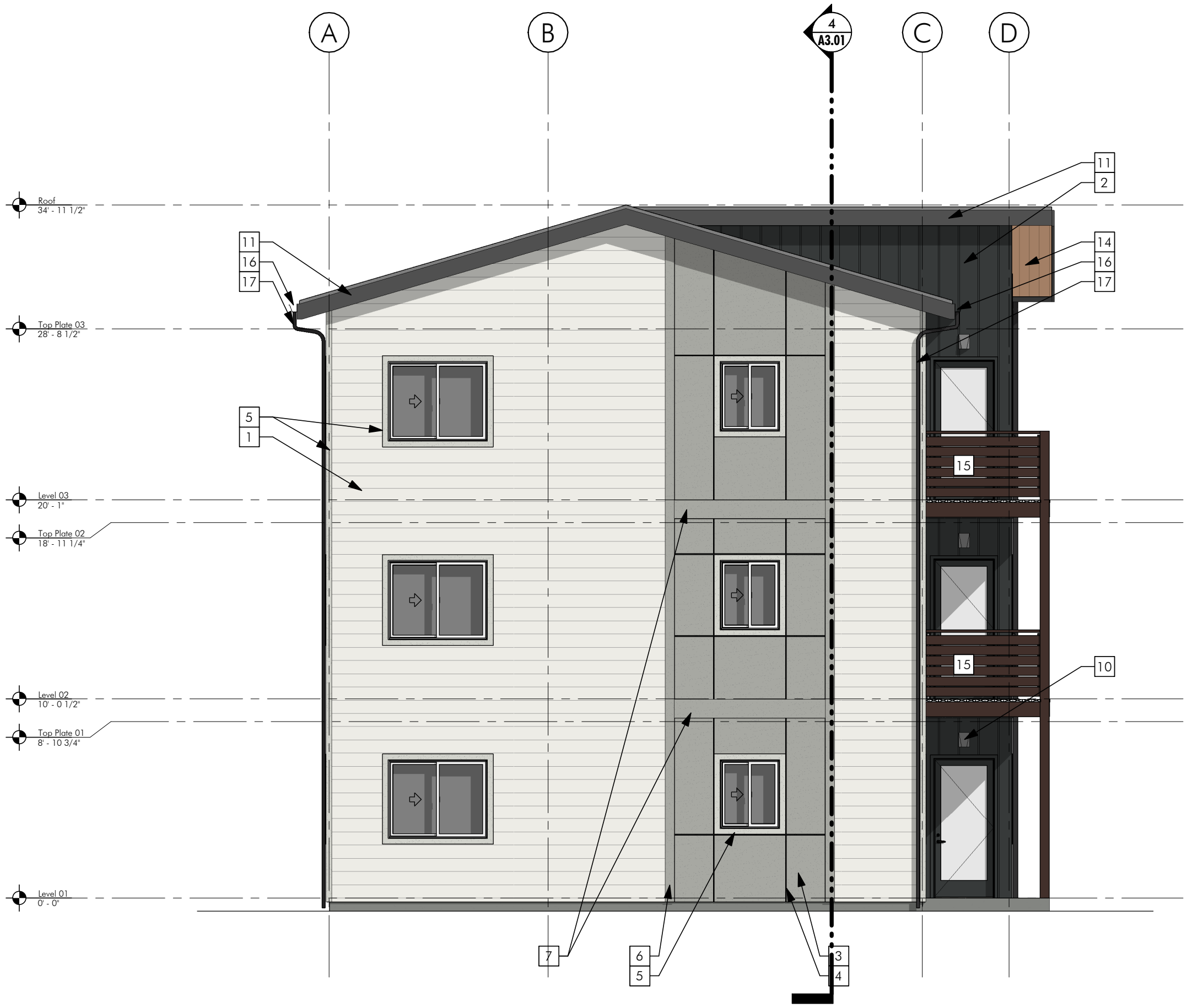
2 BLDG A - SOUTH ELEVATION

0' 2' 4' 6' 8' 10' 16' 3/16" = 1'-0"

- ELEVATION KEYNOTES:
- 1 HORIZONTAL LAPPED FIBER CEMENT SIDING, 8" EXPOSURE, PRIMED AND PAINTED, COLOR: SILVERPOINTE, SW7653
 - 2 VERTICAL FIBER CEMENT BOARD & BATT SIDING, PRIMED AND PAINTED, COLOR: GREENBLACK, SW6994
 - 3 FIBER CEMENT PANEL SIDING, PRIMED AND PAINTED, COLOR: ATTITUDE GRAY, SW7060
 - 4 1/2" REVEAL, TYP.
 - 5 3 1/2" TRIM BOARD AT ALL LAPPED SIDING EXTERIOR CORNERS AND AROUND ALL OPENINGS, PRIMED AND PAINTED, COLOR: SILVERPOINTE, SW7653
 - 6 5 1/2" TRIM BOARD, PRIMED AND PAINTED, COLOR: GREENBLACK, SW7060
 - 7 2" x 12" TRIM BOARD, PRIMED AND PAINTED, COLOR: ATTITUDE GRAY, SW7060
 - 8 2" x 12" TRIM BOARD, PRIMED AND PAINTED, COLOR: GREENBLACK, SW6994
 - 9 STAIR GUARDRAIL, SEE DETAIL -/ ---
 - 10 WALL PACK LIGHT, SEE LIGHT SCHEDULE ON A6.01
 - 11 2x10 WOOD FASCIA BOARD, PRIMED AND PAINTED, COLOR: GREENBLACK, SW6994
 - 12 DOOR TO RISER ROOM, PROVIDE EXTERIOR SIGNAGE MOUNTED ADJACENT TO DOOR
 - 13 12" STANDING SEAM METAL ROOF, BASIS OF DESIGN: AEP SPAN, COLOR: MIDNIGHT BRONZE
 - 14 2x6 T&G WOOD SIDING
 - 15 WOOD BALCONY. SEE DETAIL -/ ---
 - 16 PREFINISHED METAL GUTTER, COLOR: BRONZE
 - 17 PREFINISHED METAL DOWNSPOUT, COLOR: BRONZE
 - 18 BUILDING ADDRESS NUMBER. NUMBERS SHALL CONTRAST WITH BACKGROUND AND BE A MINIMUM 4" IN HEIGHT AND A MINIMUM STROKE WIDTH OF 0.5 INCHES



1 BLDG B - NORTH ELEVATION

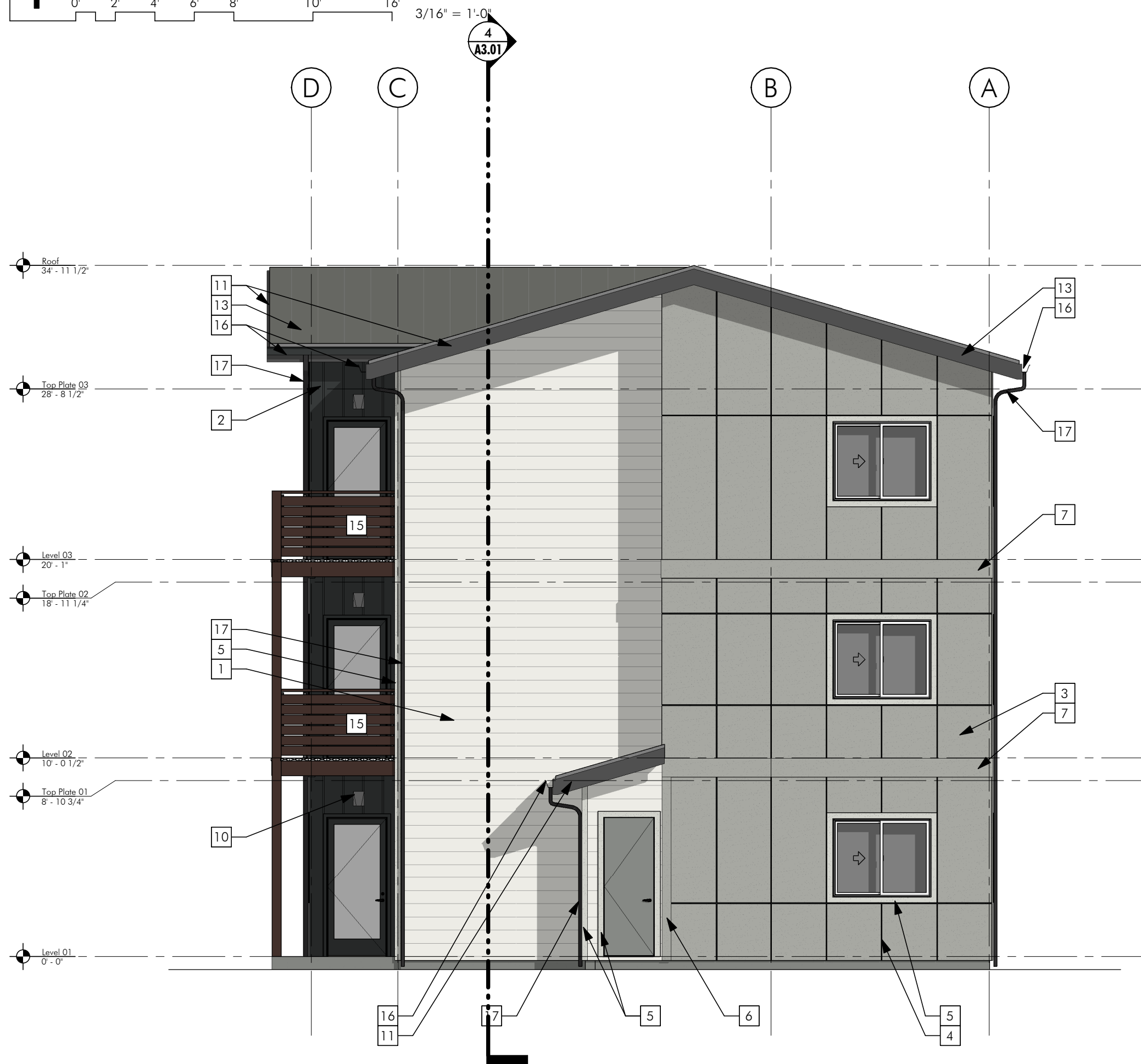


2 BLDG B - EAST ELEVATION

- ELEVATION KEYNOTES:
- 1 HORIZONTAL LAPPED FIBER CEMENT SIDING, 8" EXPOSURE, PRIMED AND PAINTED, COLOR: SILVERPOINTE, SW7653
 - 2 VERTICAL FIBER CEMENT BOARD & BATT SIDING, PRIMED AND PAINTED, COLOR: GREENBLACK, SW6994
 - 3 FIBER CEMENT PANEL SIDING, PRIMED AND PAINTED, COLOR: ATTITUDE GRAY, SW7060
 - 4 1/2" REVEAL, TYP.
 - 5 3 1/2" TRIM BOARD AT ALL LAPPED SIDING EXTERIOR CORNERS AND AROUND ALL OPENINGS, PRIMED AND PAINTED, COLOR: SILVERPOINTE, SW7653
 - 6 5 1/2" TRIM BOARD, PRIMED AND PAINTED, COLOR: GREENBLACK, SW7060
 - 7 2" x 12" TRIM BOARD, PRIMED AND PAINTED, COLOR: ATTITUDE GRAY, SW7060
 - 8 2" x 12" TRIM BOARD, PRIMED AND PAINTED, COLOR: GREENBLACK, SW6994
 - 9 STAIR GUARDRAIL, SEE DETAIL -/ ---
 - 10 WALL PACK LIGHT, SEE LIGHT SCHEDULE ON A6.01
 - 11 2x10 WOOD FASCIA BOARD, PRIMED AND PAINTED, COLOR: GREENBLACK, SW6994
 - 12 DOOR TO RISER ROOM, PROVIDE EXTERIOR SIGNAGE MOUNTED ADJACENT TO DOOR
 - 13 12" STANDING SEAM METAL ROOF, BASIS OF DESIGN: AEP SPAN, COLOR: MIDNIGHT BRONZE
 - 14 2x6 T&G WOOD SIDING
 - 15 WOOD BALCONY. SEE DETAIL -/ ---
 - 17 PREFINISHED METAL DOWNSPOUT, COLOR: BRONZE
 - 18 BUILDING ADDRESS NUMBER. NUMBERS SHALL CONTRAST WITH BACKGROUND AND BE A MINIMUM 4" IN HEIGHT AND A MINIMUM STROKE WIDTH OF 0.5 INCHES



1 BLDG B - SOUTH ELEVATION



2 BLDG B - WEST ELEVATION

ELEVATION KEYNOTES:

- 1 HORIZONTAL LAPPED FIBER CEMENT SIDING, 8" EXPOSURE, PRIMED AND PAINTED, COLOR: SILVERPOINTE, SW7653
- 2 VERTICAL FIBER CEMENT BOARD & BATT SIDING, PRIMED AND PAINTED, COLOR: GREENBLACK, SW6994
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STUDIO

3

ARCHITECTURE
INCORPORATED

275 COURT ST. NE
SALEM, OR 97301-3442
P: 503.390.6500
www.studio3architecture.com



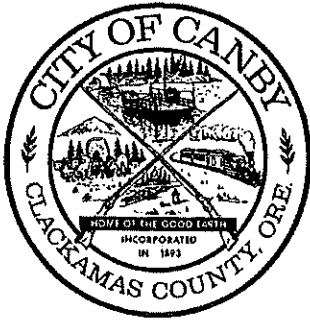
IN THE EVENT CONFLICTS ARE DISCOVERED
BETWEEN THE ORIGINAL SIGNED AND SEALED
DOCUMENTS PREPARED BY THE ARCHITECTS
AND/OR THEIR CONSULTANTS, AND ANY COPY OF
THE DOCUMENTS TRANSMITTED BY MAIL, FAX,
ELECTRONICALLY OR OTHERWISE, THE ORIGINAL
SIGNED AND SEALED DOCUMENTS SHALL GOVERN.

PROJECT # 2021-012
DATE: 02/19/2021

REVISIONS

NEW MULTI-FAMILY DEVELOPMENT
3RD AVENUE APARTMENTS
CANBY, OREGON

SHEET:
A2.04-B
BLDG B - ELEVATIONS



City of Canby

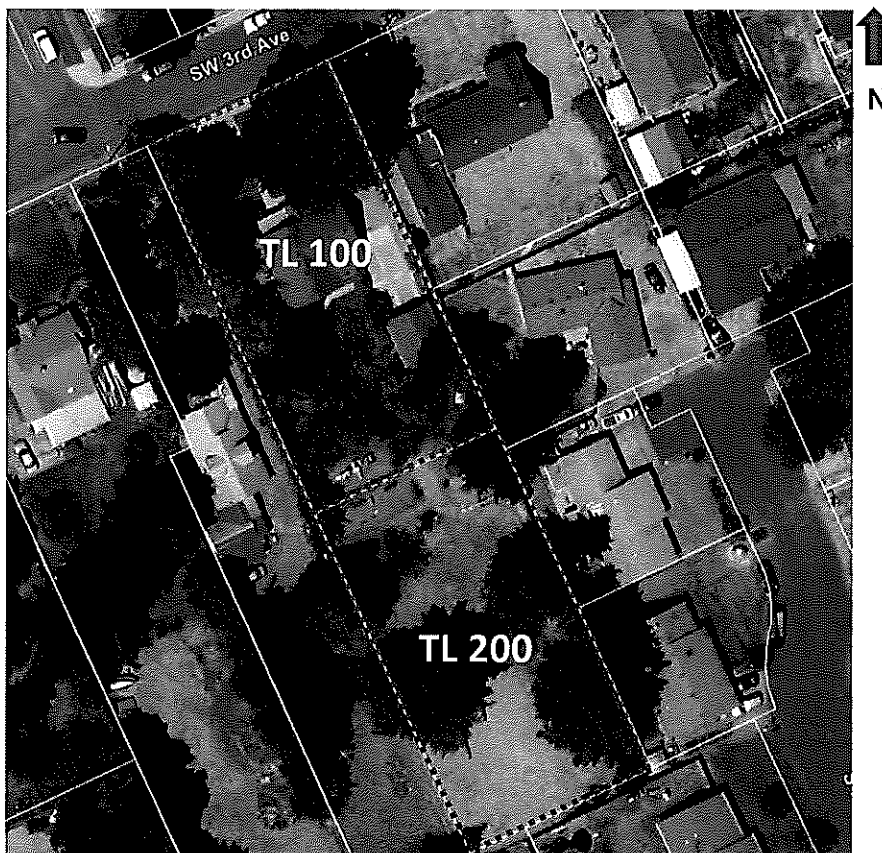
NOTICE OF DECISION

LOT LINE ADJUSTMENT
FILE #: LLA 21-02

DECISION DATE: March 5, 2021
TO: Stuntzner Engineering & Forestry, LLC
STAFF: Erik Forsell, Associate Planner

APPLICANT'S REQUEST

The applicant requests a single Lot Line Adjustment between Tax Lots 41E04BA00100 and 00200 to accommodate for future development on Tax Lot 00200. The applicant is also planning to redefine an existing 20-foot wide access easement that benefits Tax Lot 00200. The easement is recorded in Clackamas County Deeds and Records as Document No. 2015-017991.



DECISION

Based on the application submitted and the facts, findings, and conclusions found herein, staff **APPROVES** the Lot Line Adjustment with Conditions of Approval for City File # LLA 21-02. Conditions of Approval are as presented in *Section V* at the end of this report.

Property/Owner Information

Location	285 SW 3 rd Avenue via S. Grant Street
Tax Lot(s)	41E04BA00100 and 00200
Property Size	±0.39 and ±0.36 acres respectively
Comprehensive Plan	HDR – High Density Residential
Zoning	R-2 High Density Residential
Owner	Daniel and Ashley Starr
Applicant	Corey Woodruff – Stutzner Engineering & Forestry
Application Type	Lot Line Adjustment - Type II
City File Number(s)	LLA 21-02

I. EXISTING CONDITIONS:

The subject property is generally located at 285 SW 3rd Avenue and bounded by residential properties. Existing structures on site include a single-family residence and accessory structures.

II. APPLICABLE CRITERIA & FINDINGS

Applicable criteria used in evaluating this application are found in Chapter 16 of the *City of Canby's Land Development and Planning Ordinance* (Zoning Code) as follows:

- 16.08 General Provisions
- 16.16 R-2 High Density Residential
- 16.58 Lot Line Adjustment
- 16.89 Application and Review Procedures

III. CRITERIA SECTION 16.58.030 – REVIEW BY PLANNER AND ENGINEER

The City Planner and City Engineer shall review the proposed lot line adjustment and shall determine whether the following criteria have been met:

- A. Each of the remaining parcels and any structures located thereon shall be in full compliance with all regulations of this title, including the setback requirements of Division III. Except, however, that lot line adjustments are permitted on nonconforming lots and lots with nonconforming structures provided that the nonconforming lots and structures will be no less in conformity as a result of the lot line adjustment.**

Finding 1: The applicant has indicated in the submittal that the property line will bring all existing structures into compliance with the setbacks of the R-2 – High Density Residential zone found in Canby Municipal Code Chapter 16.20. An existing accessory structure on Tax Lot 200

which is proposed to be demolished will change from non-conformance with the setbacks to conforming to the setback standards of the R-2 zone. The existing garage on Tax Lot 100 is proposed to be 10 feet from the rear property line which meets the setback standards of the R-2 zone, specifically, Canby Municipal Code (CMC) 16.20.030(D)(2).

The R-2 Zone does not have a minimum parcel or lot size. That function is provided through density requirements pursuant to CMC 16.20.030(A). As this property line adjustment does not involve development for either Tax Lot 100 or 200, the necessity to analyze the change in property size is not applicable for a property line adjustment process.

Staff finds this request is consistent with the applicable standards of the *Ordinance*. Therefore, staff finds this criterion has been met.

B. No new lots or parcels will be created as a result of the lot line adjustment without receiving approval as a partition or subdivision.

Finding 2: Staff finds that no new lots are created as part of the boundary line adjustment. This criterion is met.

The applicant states in the application that no new lots or parcels will be created as a result of the lot line adjustment without first receiving approval as a partition or subdivision. Staff concur that approval shall be obtained prior to partitioning the subject site(s), and at this time no partition has been proposed. Therefore, staff finds this criterion has been met.

C. If the City Planner or city engineer deems it necessary to assure the accuracy of recorded information, a survey may be required of the applicant. Such a survey will be at the applicant's cost.

Finding 3: Staff finds that the requirements of ORS 92 take precedence in this process and that the requirements for surveying can be met as conditioned.

The proposed lot line adjustment was prepared by a licensed surveyor, and that if any additional information is needed, it will be provided as necessary. Oregon State Statutes, ORS 92.010(12) identifies lot line adjustments as: *"relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional or parcel."*

ORS 92.060(7) states: *"Except as provided in subsections (8) and (9) of this section, a property line adjustment must be surveyed and monumented in accordance with subsection (3) of this section and a survey, complying with ORS 209.250, must be filed with the county surveyor."*

As a condition of approval, a survey shall be prepared and recorded with Clackamas County Surveying and Deeds and Records. A copy of the recorded documents shall be provided to the City of Canby.

D. Lot line adjustments shall not be permitted where the result will be the creation of additional building sites in known hazardous locations or where the appropriate development or extension of public facilities will be impaired as a result.

Finding 4: Staff finds that there are no known or identified hazardous locations such as floodplain, wetlands, steep slopes or other geographical features on the properties that could be described as hazardous. Adequate public facilities are available for both properties as discussed in a Pre-Application Conference, City File PRA 21-02.

APPEAL PROCEDURE

Chapter 16.89 of the CMC provides that Type II applications be considered first by the Planning Director. If there is any doubt that the application conforms to City adopted land use policies and regulations the Planning Director must condition or deny the application. Anyone who disagrees with the Director's decision may request that the application be considered by the City of Canby Planning Commission after an appeal application and a public hearing. According to state law, the appeal "shall be raised with enough specificity so as to afford the governing body, Planning Commission, hearings body or hearings officer, and parties, an adequate opportunity to respond to each issue." A public hearing is held on appeals subject to the appellant paying a \$250 fee (appeal form available online and at the Planning Department). Request for consideration by the Planning Commission must be in writing and received within 10 days of the mailing date of the Notice of Decision and in this case received in the planning office, 222 NE 2nd Avenue, Canby, by 5:00 p.m. on Monday, March 15, 2021.

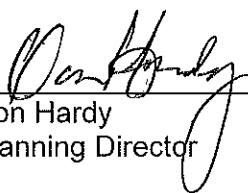
IV. PUBLIC/AGENCY COMMENTS

Notice of this application and opportunity to provide comment was mailed to owners and residents of lots within 100 feet of the subject property and to all applicable public agencies. Summary of any comments are included in the staff report, and complete public comments are part of the file. All comments from agencies and citizens will also be attached to the file electronically.

Three neighbors expressed concern over the property line adjustment. The neighbors' comments are attached as Exhibit C to this staff report. The comments focus largely on future development and not the property line adjustment itself. Future development cannot be a reason to deny an application for a property line adjustment and the criteria for a property line adjustment found in CMC 16.58 are the deciding language for approval or denial. Further opportunities for public involvement involving any future development if it occurs will be provided via public notice at a later date. Future development on the lots will be subject to city noticing, required permit review and will need to comply with zoning and city development standards. This decision is limited to the lot line adjustment. Staff does not believe the property line adjustment public comments received warrant a denial of the proposal. The application has met the approval criteria.

V. CONDITIONS OF APPROVAL:

1. The applicant shall meet the County Surveyor's procedure requirements for the adjustment survey and recording of deeds to receive the County's final implementation approval.
2. The applicant shall have the property surveyed, and the survey shall be filed with the Clackamas County Surveyor.
3. New Lot Line Adjustment Deeds shall be prepared and recorded with the Clackamas County Clerk. A copy of the new recorded deeds and survey implementing this boundary adjustment shall be provided to the Canby Planning Department.
4. The applicant is responsible for obtaining approval from utility providers for the relocation, vacation, and/or addition of public utility easements, if necessary. Easements must be recorded on the new deed.
6. Any driveway relocation or new driveway construction shall require a city Street Opening Permit (from Public Works) to verify compliance with vision clearance and driveway spacing standards.


Don Hardy
Planning Director

3/5/2021
Date

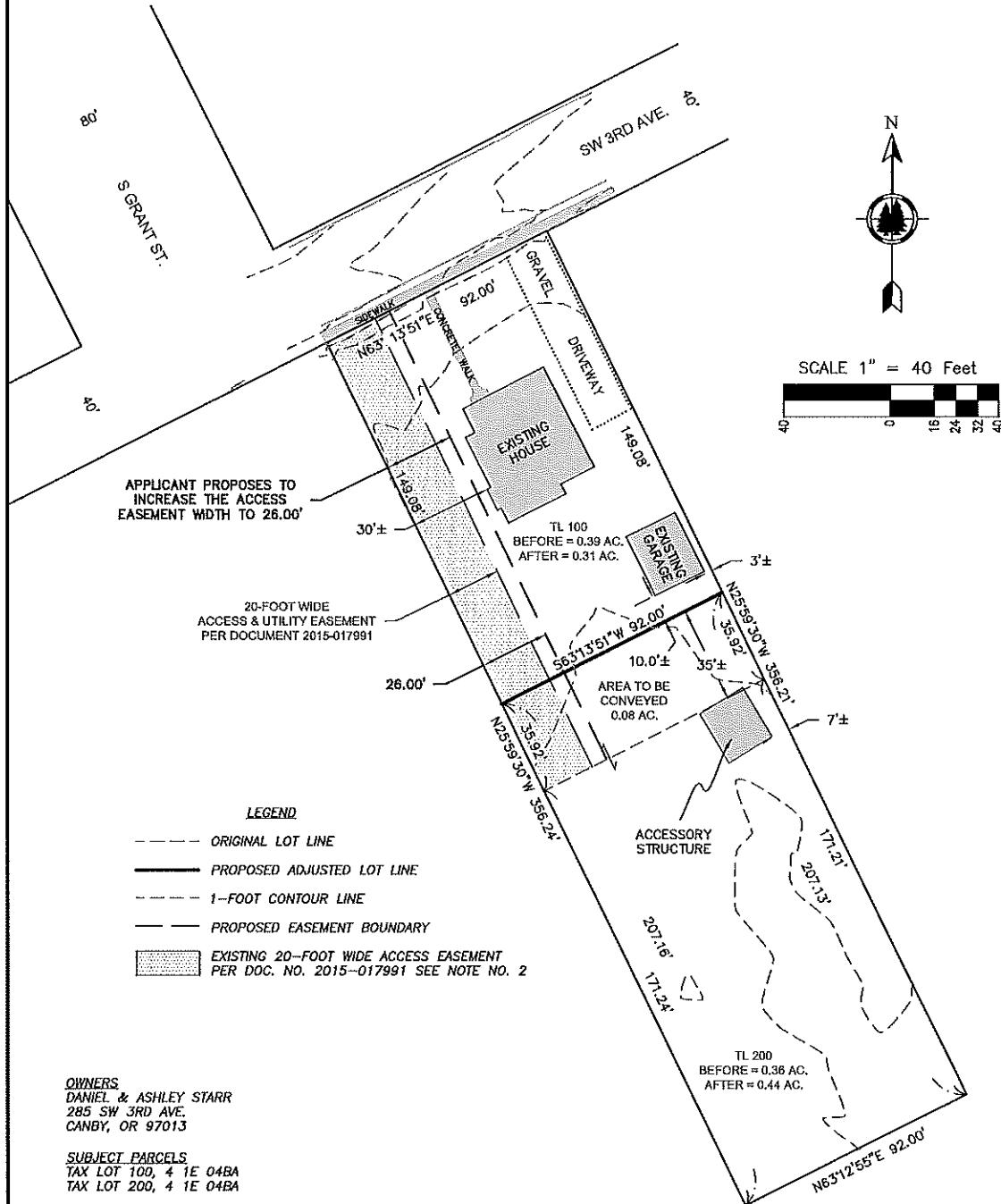
Exhibits:

- A. Preliminary Survey
- B. Vicinity Map
- C. Notice Comments Received

EXHIBIT A

SITE PLAN PROPOSED LOT LINE ADJUSTMENT TAX LOT 100 AND TAX LOT 200, 4 1E 04BA

LOCATED IN THE NORTHEAST 1/4 OF SECTION 4,
TOWNSHIP 4 SOUTH, RANGE 1 EAST, W.M.
CLACKAMAS COUNTY, OREGON



OWNERS
DANIEL & ASHLEY STARR
285 SW 3RD AVE.
CANBY, OR 97013

SUBJECT PARCELS
TAX LOT 100, 4 1E 04BA
TAX LOT 200, 4 1E 04BA

ZONING
R-2 HIGH DENSITY

NOTES

1. NO KNOWN WETLANDS OR WATER COURSES EXIST ON THE SUBJECT PROPERTY
2. TAX LOT 200 IS CURRENTLY SERVED BY A 20-FOOT WIDE ACCESS & UTILITY EASEMENT DESCRIBED PER DOCUMENT NO. 2015-017991. THE APPLICANT PROPOSES TO INCREASE THE WIDTH OF THIS EASEMENT TO 26 FEET.

Stuntzner
Engineering & Forestry, LLC

2318-B PACIFIC AVENUE
FOREST GROVE, OR 97116

PHONE: (503) 357-5717
FAX: (503) 357-5698
www.stuntzner.com

Engineering - Land Surveying - Forestry - Land Planning - Water Rights

JOB #: 321008
DATE: 2/15/21
DRAWN BY: CMW
CHECKED BY: JMH

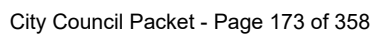
PREPARED FOR:

Dan & Ashley Starr
285 SW 3rd Ave.
Canby, OR 97013

FILE NAME: 321008_SITE PLAN LLA_b.dwg

SHEET 1 OF 1

VICINITY MAP
PROPOSED LOT LINE ADJUSTMENT - STARR
TAX LOT 100 AND TAX LOT 200, 4 1E 04BA



Erik Forsell

From: brittanyb at canby.com <brittanyb@canby.com>
Sent: Sunday, February 28, 2021 10:38 PM
To: PublicComments
Cc: Erik Forsell
Subject: Lot Line Adjustment, City File # LLA 21-02 Starr Lot Line Adjustment - 285 SW 3rd Avenue

Good Evening,

My name is Brittany Morrison and I live at 361 S Holly St. and I am writing in regards to the lot line adjustment mentioned above. I hope I'm sending this email in time as the papers I received mentioned two different dates that I needed to respond by, one page said no later than February, 26, 2021 and the other page said no later than March 3, 2021, but I also just received this letter a few days ago so I'm hoping it's actually the later date.

After reviewing the documents I received I want to make it known that I am not in support of this adjustment and I oppose of it 100%. I am aware that the property is currently up for sale and I understand that this is wanting to be done for "future planned development" as it was stated in the letter, however this is not satisfactory. Last summer we dealt with the noise of apartments being built on the other side of my neighbors properties (those living at 310 S Holly St. & 350 S Holly St.) and that was beyond loud during the process and is honestly an eyesore to look at now. It also takes away the privacy of their own backyards as the people living in the upper levels can look down into their backyards whenever they go outside.

When I bought my home in 2012 I bought it for the privacy and quiet that the dead end road gave me and, like my neighbors, I'd like to keep it that way as much as possible. I don't want to go out into my backyard and have people looking down into my yard, that completely negates the privacy of having a fenced backyard. I think you can understand and agree that there's not a privacy fence tall enough to prevent that if a multi-level, multi occupancy building is constructed behind my property.

Part of the beauty of Canby is the hometown feel, while not being too big or overcrowded. However, if we keep building apartments and duplexes right in the middle of town, that takes away that feeling and is unfair to the residents that moved here for that. Not to mention that we already have issues within the city that even though the city is growing, certain utilities are not addressed and upgraded with it, i.e. the horrendous taste and smell of the water that happens from spring through late fall. Adding more buildings for a bigger population while not addressing these concerns is completely counter productive to the end goals and is plainly unfair to the existing citizens of Canby.

I will say this, though. I am aware that my neighbors that received this letter also do not approve of this adjustment, however, if our wishes and concerns are disregarded and this lot line adjustment proceeds forward, I feel as though it is only fair to request that a high quality, durable and long lasting privacy fence (such as vinyl or something similar) be put up at the expense of those doing the construction/property adjustment(s) and also prior to any construction to try and help with noise and overall inconvenience that it will inevitably bring, both during construction and once it is completed.

I truly hope you will take my concerns into consideration when making your decision. I understand that money ultimately rules the world we live in, however, I can only hope that you will see this from

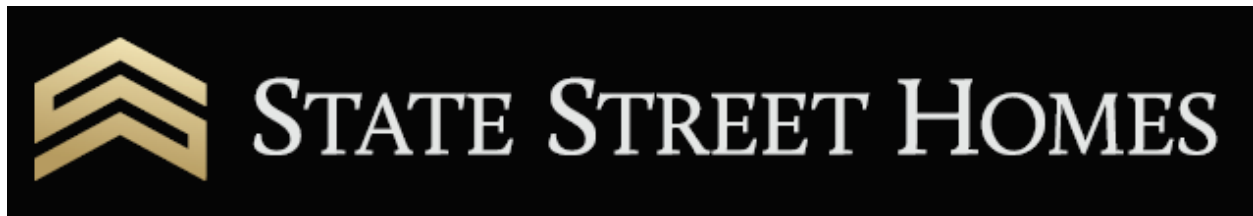
EXHIBIT C

Erik Forsell

From: Sandra Salmonson <sandyjaye57@gmail.com>
Sent: Tuesday, February 23, 2021 4:22 PM
To: PublicComments
Subject: Lot line adjustment #LLA 21-02 Starr Lot Line Adjustment

We live at 399 S Holly St. If this is to be zoned for high density housing we would like to keep some sort of privacy and would like to have them put up a privacy fence. Preferably something that would last like 6 ft tall white vinyl or a fast growing shrub. These apartments will look right into our living area if they are built. I would like to know how many of you would like this in your backyard staring in your home? Needless to say we are opposed to this.

Thank you
Sandra Salmonson
503 351 6156



Neighborhood Meeting - April 26, 2021, 6:00-7:00pm via Zoom

Regarding development of 0.45-acre lot, Parcel ID 41E04BA00200

SW 3rd Ave Canby, OR (land behind 285 SW 3rd Ave Canby, OR)

Invitations sent to residents and owners in a 500' radius

Participants:

<i>State Street Homes</i>	<i>Neighbors</i>
Mark Wilde, Principal	Jennifer Driskill - 249 SW 3 rd Ave
Brandon Gill, Principal	Douglas & Patsy Fifield - 299 SW 3 rd Ave
Kosta Fassilis, Principal	Maria & Carlos Valdez - 407 S Holly St
Katie Parano-Friesen, Project Coordinator	Sandra Salmonson - 399 S Holly St
	Brittany Morrison - 361 S Holly St
	Brian Nava - 310 S Holly
	David & Rhonda Shechtman - 431 SW 3rd Ave
	Jason Bristol – owner, 203 SW 3rd Ave

Mark provided an initial synopsis of the project and then invited an open floor for neighbors to ask questions and express concerns. We screen-shared a few pages of our site plan and elevations.

<i>Primary questions:</i>	<i>Concerns expressed:</i>
Fencing	Parking
Height of building	Noise
Tree removal	Fire apparatus access



Fencing

- We discussed the direction in which the units will face, where the windows will be, and where the outdoor patios will face.
 - The corner patios all face inside towards our parking lot, or Building A.
- We discussed the privacy fencing
 - Wood with tight panels for privacy.
 - 6' is the minimum
 - We can start putting up fencing once the excavation is done and driveway is in.

Height

- Neighbors expressed concerns about the 35' height of the building.
- We discussed another recent development on 3rd Ave adjacent to our property which is similar in height.
 - Mark and Brandon explained the building height is regulated by the code.
- Some neighbors expressed confusion regarding building of high-density housing in the middle of a primarily single-family residential neighborhood.
 - Mark and Brandon explained Canby has a very low vacancy rate and a lack of housing.
- We advised the neighbors that the subject property has been its R-2 zoning for many years.
 - We did not change the zoning.
 - Changing the zoning of land is a very extensive procedure
- This led to a discussion of the City of Canby master plan.
 - While State Street Homes can't comment on, or explain, the City's master plan, we did discuss with the neighbors how these Planning Commissions create plans that account for decades of growth, in which economics can drastically change. Where a large single-family home on a large lot makes sense now, decades from now this will change.
- Neighbors asked if this apartment would decrease their property value.
 - Mark explained that, generally speaking, good improvements often increases property value, especially in an up-and-coming community like Canby.
- Brian Nava lives adjacent to the above-referenced other 9-Unit development off 3rd Ave.
 - He agreed that the privacy fencing and sound barriers were the biggest improvements we could make to our plan, and said the new neighbors were nice people.



Rents

- Neighbors asked about proposed rent amounts, which have not been decided.
- We build a quality product to attract mid-range rents, approximately 1100-1300 to 1400-1800.
- We also explained that we will be retaining the property, as owners, and have an in-house property management company.
- This allows us to have the maximum amount of control to oversee our property locally.

Tree-removal

- Mark discussed landscaping.
- Some trees which fall in the footprint of the building will have to be removed but we will attempt to retain as many as possible.
 - We will trim up the trees we retain.
- Mark suggested privacy growth like arborvitae and a Green Barrier to help alleviate some of the sound and privacy concerns.
- We shared the initial landscaping plans via screen-share, and discussed the recreational area, which will be near the stormwater retention facility, at the rear of our property.
- Patsy Fifield expressed concern about the large trees abutting her property where our driveway will go.
 - We explained we can remove those trees without impeding her driveway access or trespassing on her property.

Parking

- Concerns about excessive street parking was brought up.
- Jenni Driskill explained 3rd Ave is a route kids often use to walk to the high school so visibility is important.
- Canby has some more strict parking requirements for developments, than other cities.
 - We do meet their code requirements.
 - We acknowledge the Canby community is car dependent, but we believe this to be plenty of parking for our residents.
 - We have other multi-family communities in other similar sized secondary markets so we have experience with providing adequate parking.



- There is also one bicycle spot provided per unit.
- Jason Bristol asked about our parking surface and Mark believes it will be impervious.
 - Mark explained to everyone what pervious vs impervious parking means.

Fire Safety

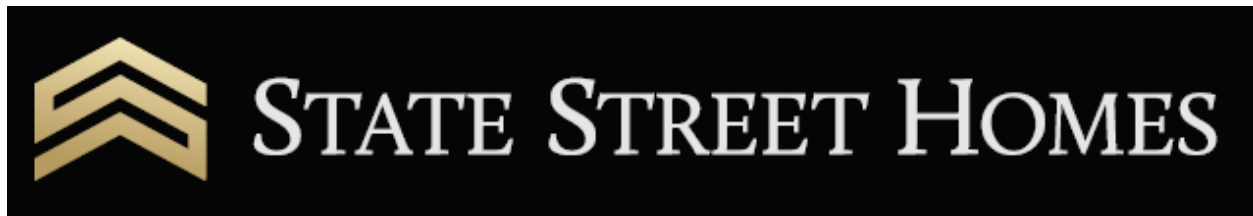
- We discussed the 26' wide driveway and fire apparatus hammer-head turn around for fire safety.
- Mark confirmed the 26' has been surveyed and measured.
- These buildings may be fire sprinklered as well, we're not sure yet.
- There may or may not be pedestrian access and/or room for plantings along the 26' driveway.

History

- The history of the property was discussed briefly.
- The previous owners, Dan & Ashley Starr, have been working on its development since 2018.
 - The property was advertised for sale touting "High Density" for a while before we became involved.
- Jason Bristol pointed out the development should come as no surprise to anyone, however some neighbor expressed surprise, as they have lived in their homes for 20+ years with a vacant lot behind them.
- We explained the city is not required to notify them of the height or details of our project.
 - That is our job as developers, which is the purpose of holding this meeting.

Finish

- Permitting takes a few months and construction maybe eight months so no tenants will be moving in for at least a year.
- Final design has not necessarily been completed.
- Mark requested everyone is who is interested in receiving notifications from us directly, please send in their email address to him to be added to our distribution list.
- We understood the primary concerns were privacy and noise and we appreciated their valuable input.



April 8, 2021

NOTICE OF NEIGHBORHOOD MEETING

Hello,

State Street Homes is a small local builder of high-quality homes in Oregon. We make it a priority to gather feedback from our most valued neighbors.

You are invited to attend a Zoom meeting regarding a proposed project in your neighborhood.

The property is located behind 285 SW 3rd Ave, Parcel ID Number 41E04BA00200.

The proposed project includes the development of two buildings with 12 residential units, approximately 10,588 square feet on a 0.44-acre site. The proposed development will be accessed off of 3rd avenue by the means of an existing easement. Both buildings will be 3-stories in height, approximately 5,294.25 sf, and each are composed of three 2 bed, 2 bath units and three 1 bed, 1 bath units.

Date: April 26, 2021

Time: 6:00PM

Zoom Invitation: <http://bit.ly/SSHcanby>

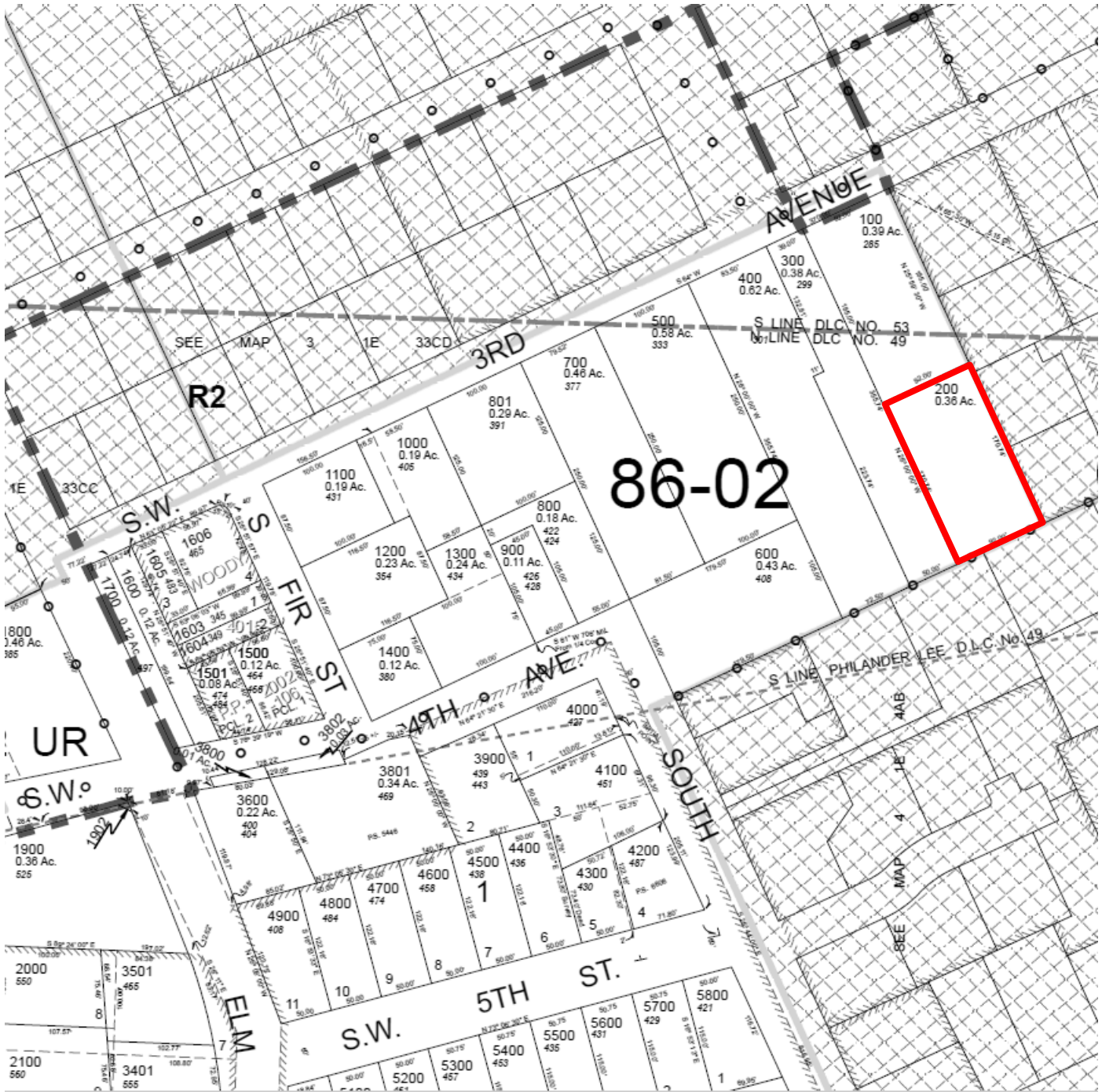
Meeting ID: 938 4522 1917

Passcode: CANBY

If you have any questions please contact us at (503) 954-1545 or mark@statestreet-homes.com

Thank you!

State Street Homes




CURRAN-McLEOD, INC.
CONSULTING ENGINEERS

6655 S.W. HAMPTON STREET, SUITE 210
PORTLAND, OREGON 97223

April 22, 2021

MEMORANDUM

TO: Erik Forsell
City of Canby Planning Department

FROM: Hassan Ibrahim, P.E. 
Curran-McLeod, Inc.

RE: **CITY OF CANBY**
3RD AVENUE APARTMENTS

We have reviewed the submitted preliminary plans on the above referenced project and have the following comments:

1. The driveway access on 3rd Avenue shall be a “commercial” driveway approach shall be constructed consistent with the City of Canby standard detail dwg no. 104.
2. The driveway approach on 3rd Avenue shall be reconstructed to most current ADA guidelines.
3. An 8” public sanitary sewer shall be extended from 3rd Avenue to serve this development. The City will be responsible for the maintenance of the 8” line only. All the branched laterals maintenance and ownership will be the responsibility of this development. The developer shall provide a blanket maintenance easement to the City of Canby over the entire width of the easement to enable the City to maintain the sanitary sewer main line.
4. An erosion control permit will be required from the City of Canby prior to any on-site disturbance.
5. All private storm drainage discharge shall be disposed on-site, the design methodology shall be in conformance with the City of Canby, June 2012 Public Works Standards. No private runoff will be allowed to discharge into 3rd Avenue.
6. The access width, surfacing and turnaround shall meet the approval of Canby Fire District.

Should you have any questions or need additional information, please let me know.

Good Afternoon,

Looking at this proposed project, I would like to bring up the current concerns I have brought to the City's attention through the Public Safety Committee, in regards to parking in this neighborhood, pointing out specially Enterprise Rental using public parking for their business use. (S. Grant St.; SW 2nd Ave.; SW 3rd Ave.)

Adding 12 more dwellings in the middle of this area is another consideration to an already congested neighborhood. I am not against the building of dwellings, but I am opposed to the number of proposed units being considered.

Sincerely,

Karen Bourbonnais

289 S Grant St.

Sent from my iPad

Hi Mark,

Thank you for sharing your project on Zoom. It is obvious your team spent a lot of time working out the details to maximize units and meet code. Great work!

I do have one request. Will you please consider building a metal fence with plastic slats instead of wood that you propose? Reasons for this request:

- It will up the appearance of quality to match that of the similar apartment project at 205 SW 3rd Ave and help set a standard for future developments in this neighborhood.
- Fence maintenance will be minimal for many years to come. This is important on a commercial project like yours especially with multiple neighbors and ownerships.
- Metal fences are more difficult to climb. This is an exceptionally large block and I have seen people cut through yards and climb fences for a "short cut."

Thank you for your consideration and good luck with your project,

Jason

To Whom It May Concern,

I am strongly opposed to the proposed development. Two 35 ft, 3 story apartment buildings looming over a neighborhood of single family homes and yards is antithetical to everything that residents of Canby value about their homes and community. While this lot is zoned R-2, an attempt to infill 12 units only makes sense for an area in decline. Everything nearby has well maintained single family houses – many with owners invested in restoring classic features. It will be a very, very long time (if ever) before nearby land parcels alone are valuable enough to justify removing the single family homes on them today for development. As such these massive apartments would be an out of place anomaly for decades, likely longer. The loss of roughly 10 100 ft+ old growth trees to accommodate the project further erodes the neighborhood aesthetic and makes privacy concerns even more pressing.

Building apartments at this height and density will destroy a collective sense of safety and privacy within our homes, while adding a significant (and literal) traffic safety threat to hundreds of local kids who go to school each day on foot or by bike. The third floor residents in particular will have a near panoramic view of the city, and views into not only the yards, but also windows, of homes far beyond their immediate vicinity. Homeowners will have a never ending rotation of renters that can see into bedrooms, bathrooms, and more. This feels predatory and serves no one but the landowners and developer. It's not reasonable that an extensive swath of a neighborhood would have to close off views in multiple rooms of their homes and not feel comfortable in their yards. Six foot fences can't compete with buildings that size – and we all already have them anyway. There has always been a reasonable sense of privacy here and sunlight is extremely important to mental health. The proposed density of 12 units is double the minimum required for the .44 Acre lot (6.16 units rounds down) and is quite excessive.

Both 3rd Ave and Grant should be considered arterial streets. Any building on this lot needs a Traffic Impact Study (TIS) completed during (non-pandemic) school months. Per 16.08.150, Section C, this project would meet all of the determination requirements, not least of all #5 for “Potential impacts to priority pedestrian and bicycle routes, including, but not limited to school routes...”. The inevitable future increases to traffic on 99E, particularly should the proposed I205 tolling come to pass, must not be disregarded. Traffic on local streets, particularly arterial streets adjacent to Hwy 99, will certainly be notable. Ivy and Elm, flanking SE 3rd Ave on either side, may be further from the proposed site but are also relevant arterial routes.

The neighborhood meeting hosted by State Street Homes via Zoom on 4/26/21 only briefly showed parts of the building plan on the screen. As of 4/30/21 and the deadline for inclusion in publicly distributed packet materials, State Street has not distributed any of the plan information via email as was promised to interested parties at the meeting. To the best of my recollection of brief glimpses of their plan, I believe the following City Standards are all applicable. This is a limited and partial list due to time constraints, but a cursory review immediately raised these concerns:

The development lot is surrounded by both R-2 and R-1 properties.

Development standard 16.20.030, Section E, Item 3 States:

“Maximum building height for multifamily developments abutting an R-1 (Low Density Residential) or R-1.5 (Medium Density Residential) zone shall not exceed a building height greater than one foot for each foot of distance from the R-1 and/or R-1.5 property line.” I believe that means that the proposed building needs to be 35' from the R-1 lot lines on Holly, and that the developer plan does not conform to that requirement.

Development standards of 16.20.030, Section G, Item 4:

"Multi-family developments exceeding ten units shall provide 150 square feet of recreation space per dwelling unit. Recreation spaces shall be no less than 1,500 square feet in size." Two 6 unit buildings, 12 units on the lot, seems like this should apply. I did not see anything to indicate inclusion of an 1,800 sq ft recreation space (12*150 sq ft).

Development standards of 16.20.030, Section F:

"The maximum amount of impervious surface allowed in the R-2 zone shall be 70 percent of the lot area." This was not addressed and needs to be confirmed given the percentage of typically impervious areas in the proposal.

Development standards of 16.20.030, Section D, Item 2:

Rear yard setback standards don't address buildings beyond two stories (20 ft). While Section E, Item 3 appears to indicate the setback needs to be the height of the building (35 ft), I think it's worth noting that the standards don't even anticipate buildings over two stories for R-2 nor the implications for the surrounding residents.

I am concerned about the light pollution from the buildings and parking lot. Safety lighting alone will completely change the ambient level of light overnight. Being in a residential area, having a dark, quiet space at night is one of the things I cherish most. It makes me really sad my kid may not be able to lay in the back yard and enjoy the stars the way I can today. There will always be the honking light of LEDs on poles and tall buildings nearby, affecting us both outside and within the house behind curtains as well.

Regarding the neighborhood streets – this can easily turn on-street parking into a blood sport. While compared to municipalities that do absolutely nothing to include parking we are "better off", the reality is that the mandated 2 parking spaces per two bedroom and 1 space per one bedroom unit is still woefully inadequate in practice. Canby is a bedroom community. We do not have easy access to mass transit yet. Very few residents work here in the city, and exceedingly few renters paying the stated \$1400/mo rate for a one bedroom apartment will be living and paying for that alone. This area of Canby does not have overflow lot options like the Dahlia downtown.

Consider that the 8 unit apartments behind 203 SW 3rd were built with the same parking standards. This much smaller project had four 2 bedroom and four 1 bedroom units. Each of the units currently has two cars, and at one point there was a renter with 4 cars. Residents have repeatedly had their driveways blocked where they could not get to work - and this is an ongoing issue when the streets are not totally full.

Adding a 26' driveway for these apartments is absolutely necessary for emergency vehicle access – but takes away 2-3 parking spots on 3rd Ave. The reality is that at least 5-6 additional cars will need street parking comes along with the one bedroom apartments. There are not many places left for those cars to fit in – it's always full at the Elm St end of 3rd Ave; there's only one side to park on 3rd Ave closer to Ivy St, and that area is full now as well.

The Enterprise Rent-A-Car on Grant does not have a lot and has to park its fleet on the street. There are no alternative street parking areas nearby for them either. If/when they can't continue to operate their business, they may very well elect to leave town. Since COVID, the streets have been more open – Enterprise, like most rental companies, sold off much of it's fleet, and we have all forgone visitors in the interest of safety. But the situation today is not reflective of what we will see returning in the coming months, and that is without additional competition from new rental residents.

Permanently filling up both sides of 3rd Ave with vehicles is problematic on many levels. Any street with cars

parked on both sides prevents more than one vehicle from driving down the road and effectively turns it into a one-way street. This has been the case at the corner of Elm and 3rd Ave for some time. Often there are little pockets further up 3rd Ave that allow one car to pull over and let opposing traffic through. Losing currently available parking near Grant St to a driveway for apartments on 3rd, plus the 5-6 extra apartment resident cars needing space will keep the street full on both sides most of the time. The visibility turning on and off of Grant becomes even more dangerous for drivers and pedestrians. Cars already tend to speed down 3rd because it's a through street with no stops from the high school to Ivy. The 3rd Ave driveway for the apartments would be offset from Grant, so that any vehicle leaving it would be pulling out just as other cars with severely limited visibility have gone through an intersection or made a turn.

No one moves to Canby wanting to live in a neighborhood where visitors have nowhere in walking distance to park. No one ever wants to live in an area where cars pack both sides of the streets, everyone has difficulty driving through and we all have to play chicken with one another just to make it to our homes. No one wants to have to be afraid of backing out of their driveway every day (if they are fortunate enough to even have one!) because they can't see around a wall of parked cars. No one anywhere appreciates not being able to put their trash bins out for collection because there's nowhere to put them. I have always had faith that Canby's decision makers want to protect this place we are proud to call home, and not let it fall victim to these issues. I sincerely hope the planning commission does not create these irreversible problems unnecessarily.

My family chose Canby because we love this community. We chose Canby because it isn't all clusters of "premium" homes where we were all peering in one another's windows. We chose Canby because we couldn't stomach being in one of our many metro neighbor cities where everyone needs cars but no one can ever visit because there is nowhere to park. We chose our specific home in Canby because we adore its craftsmanship and can stay in it far into our old age, and that is what we intend to do.

The lot behind 285 SW 3rd is the only undeveloped residential lot in this area. This 12 unit proposal is not the right project for that lot, for every reason in the book – from the technical to the practical – that density is far too much for that location and street access. It would be terrible for SE Canby and the larger community. Even if you disagree with my concerns about parking, all future R-2 development will keep compounding existing issues to the point where it is undeniable everything I've stated is true. And we can never go back.

We don't have to make the same poor development choices that we see happening so often nearby. Please don't enable the destruction of a neighborhood we all love dearly just so a few people who don't live here can cash in now.

Sincerely,
Jennifer Driskill and Family

I am writing to voice my concerns about the apartments being built at 285 SW3rd Ave. I live at 399 S Holly which is directly behind the .44 acres. I would like to know how you can fit two 3 story apartment buildings on .44 of an acre. How many other 3 story apartments are there in canby that are among single family dwellings? We are concerned that the apartments will look directly into our home and there will be zero privacy. What are the plans for privacy? How will fire trucks turn around in there? Where will the parking be? Have you considered that most families own 2 cars? It seems ridiculous that a 3 story building be placed among single family dwellings. What will happen with the giant fir trees on the lot? 3rd avenue is already a narrow street with folks parking on both sides of the street. I also feel that the apartments will bring down our property values. I would like to ask if any of you would like a 3 story apartment building in your backyard? I feel like this was already decided on before the neighbors were notified. No where in your letter address the fact that they are planning on building 3 story apartments. That is very misleading.

Thank you

Robert and Sandra Salmonson

399 S Holly St

503-351-6156



City of Canby

PO Box 930 Phone: 503.266.4021
222 NE 2nd Ave Fax: 503.266.7961
Canby, OR 97013 www.canbyoregon.gov

SUPPLEMENTAL MEMORANDUM

DATE: June 4, 2021 for June 14, 2021 Planning Commission Meeting
TO: Planning Commission
FROM: Erik Forsell, AICP - Associate Planner
RE: DR 21-04 – State Street (Supplemental Memorandum)

PURPOSE OF THIS MEMORANDUM

This memorandum is intended to provide supplemental information that staff believe is important for the Planning Commission to consider in review of this proposed development. The staff report was originally posted on April 30, 2021 for the May 10, 2021 Planning Commission meeting. That meeting was continued to June 14, 2021 and the staff report remains the same as the previous version.

Staff have received a number of public comments regarding this project. Those comments are included as **Attachment 1**. As a result, the applicant requested and was granted a continuance from the May 10, 2021 public hearing date – the continuance was set to June 14, 2021 so that the applicant could address comments and to conduct a traffic analysis in response to the comments received.

This memorandum also makes additional findings, observations and comments from staff regarding this project and comments received.

DISCUSSION OF COMMENTS RECEIVED

A number of comments were received before the initial May 10, 2021 public hearing and additional comments were received by planning staff after the May 10, 2021 hearing date. Staff summarizes these comments below; full verbatim descriptions are included as **Attachment 1** to this memorandum. Staff note that this is a general summary of what appear to be the principal concerns related to this project – the majority of these were related to parking, traffic and ingress and egress which are further analyzed by the Traffic Analysis Letter (TAL) produced by DKS, the City's traffic engineering consultant.

- **Traffic Generation and Safety**
 - Proximity of proposed approach to an existing driveway and SW Grant Street
 - Ingress and egress safety for other vehicles and pedestrians, including comments suggesting a "right turn exit only"
 - A general request and supporting evidence that a traffic impact analysis should be conducted
 - Spacing considerations for the approach onto SW 3rd
 - Ingress and egress conflicts between vehicles leaving and entering the site

- Concerns about emergency access
- Concerns about pedestrian access and interconnection
- **Parking**
 - Concerns about impacts to on-street parking on nearby public street infrastructure
 - Concerns about internal parking adequacy and maneuverability
- **Compatibility**
 - Concern about the height of the structures and compatibility with surrounding area
 - Concerns about tree removal
 - Compatibility with other properties in the area
 - Historical impacts and suggestion that this impacts the potential of a future unplanned historic district
 - Privacy from tall structures
- **Zoning / Density**
 - Comments related to whether this is an allowed use
 - Comments related to setbacks, recreation area and lighting

TRAFFIC STUDY

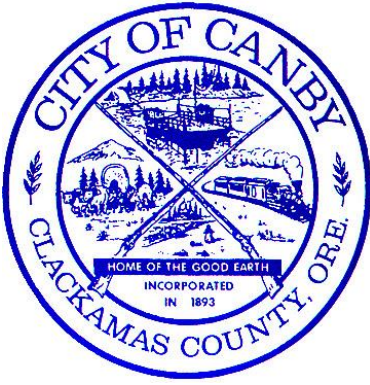
DKS, the City's traffic engineering consulting firm, reviewed the project and provided an analysis letter which largely determined that the project is consistent with City code and will not require further detailed study or mitigation efforts. The traffic study is also significantly consistent with the recommendations and finding included in the staff report. The full analysis is included as **Attachment 2**.

- **Trips generated from the proposed site:**
 - Approximately 6 a.m. peak hour trips, 7 p.m. peak hour trips, and 88 daily trips.
 - The adjacent local streets (i.e., SW 3rd Avenue and S Grant Street) will connect the site with nearby collector and arterial streets and maintain a level of traffic volume that is consistent with the local street classifications.
- **Proposed site access:**
 - Proposed to include a 20-foot drive aisle within an existing 26-foot easement.
 - Proposed to be located approximately 50 feet from the S Grant Street intersection, and about 10 and 70 feet to the nearest driveways to the west and east respectively.
 - The proposed connection complies with the City's driveway spacing and width standards along local streets.
- **Proposed site circulation:**
 - Proposed to include a 20-foot drive aisle that will provide access for vehicles and bicycles.
 - SW 3rd Avenue has an existing sidewalk along the frontage of the site, and bicyclists share the roadway with motor vehicles, consistent with the City Local Roadway cross-section standard.
 - The site will include sidewalk connections from the building entrances to the parking areas, and it is recommended to include a walkway to connect SW 3rd Avenue. This will require that the proposed driveway access be shifted towards the west property line, and a deviation to code will be needed to allow for the driveway to be constructed less than 5-feet from the side property line where it meets SW 3rd Avenue.
 - These streets will safely accommodate additional vehicle, pedestrian and bicycle trips.

ATTACHMENTS

Planning Commission Final Findings

1. Public Comments Received
2. DKS Traffic Analysis Letter for Project



City of Canby

Development Services Department

Sent Via Email

March 23, 2021

TO: Brandon Gill brandon@statestreet-homes.com
Mercedes Butchas Mercedes@studio3architecture.com

RE: Completeness Determination, City File DR 21-04, State Street Homes – Multi-Family Project

Please see my comments below about the completeness determination for this project.

TYPE II / TYPE III Application Process

Planning staff have made further review of the balance between Type II and III land use applications for this Design Review. Despite my efforts to interpret and then process this application through a Type II review process, there is no path forward in our code that would allow for that. Even if Type II were an option, I believe with the design proposal, a Type III process would be necessitated. One reason is the landscaping requirement which has not met the 30% requirement, but could be allowed through the more discretionary approval Type III process. I apologize for any inconvenience this may cause but believe that processing this as a Type II application would not meet the muster of our code requirements.

With that being said, we will need to process this as a Type III with a public hearing before the Planning Commission. I do not anticipate this process will significantly increase timelines and will largely remain the same with the exception of a decision made by the Planning Commission rather than the Planning Director. The application itself largely satisfies the requirements for a Type III process. Some components are needed to deem this application complete. I am willing to set a hearing date time certain with the understanding that the components listed below are provided in a timely manner.

Items Needed for Type III Process

- **A neighborhood meeting (Required for Type III Applications).** We have been allowing applicants to conduct these via Zoom or similar platform. The requirements for a neighborhood meeting are below.

16.89.070 Neighborhood Meetings.

- A. Applicants are encouraged to meet with adjacent property owners and neighborhood representatives prior to submitting their application in order to solicit input, identify issues, and exchange information about the proposed meeting.

222 NE Second Avenue - PO Box 930 - Canby, Oregon 97013 - Phone 503-266-7001 - Fax 503-266-1574
www.canbyoregon.gov

- B. The Planning Commission or Planning Director may require an applicant to hold a meeting in the neighborhood prior to accepting an application as complete. A neighborhood meeting is required for some application types, as shown in Table 16.89.020, unless this requirement is waived by the Planning Director.
- C. At least two weeks prior to the neighborhood meeting, the applicant shall mail notice of the meeting to:
 - 1. The appointed chair of any neighborhood association in whose boundaries the application lies; and
 - 2. All of those who would receive notice of the application's public hearing before the Planning Commission.
- D. The meeting shall be held in a fully accessible location approved by the City.
- E. Following a required neighborhood meeting, applicants shall prepare a written summary of pertinent issues raised and shall prepare a detailed response to each issue. This material shall be submitted to the Planning Department in electronic format at least two weeks before the initial public hearing. F. Applicants or attendees may make audio or video recordings of the neighborhood meeting if desired. (Ord. 1080, 2001; Ord. 1111 section 5, 2003; Ord 1237, 2007; Ord. 1514, 2019)
- **A notice distance area list of 500 feet instead of 100, this will be the same notice list for the neighborhood meeting (Required for Type III Applications).** We will need an updated noticing list for our records in order to process this application via a Type III.

Clarification on the Followings Items is needed for Completeness

- 16.20.030(D)(3) – Please identify what you are designating to be the front, rear and sides of the property. This could be interpreted a number of ways with multiple structures on the property.
- 16.20.030(G)(4) – The application indicates that outdoor patio space and other open space(s) satisfy the 150 sq/ft per unit requirement. Please demonstrate the ratios in this calculation and provide additional explanation on why outdoor patio space is 'recreation space'.
- The drawings provided indicate a 20' travel surface for the access easement. I would suggest confirming with Canby Fire District that the access is sufficient for their needs. My understanding is that you have secured a 26' wide access easement, it was unclear what the travel surface required was from the Canby Fire District.
- Please provide updated recorded deeds and easement for the recently approved property line adjustment, City File LLA 21-01.
- The access easement is used as justification in part for not meeting the 30% landscaping coverages, this easement is not on the subject property. I strongly encourage

strengthening the arguments related to the constraints or barriers preventing a 30% minimum landscape coverage.

A determination of completeness means that planning staff has enough information to proceed with our review of the application and schedule a public hearing. Additional information may be required during the review process.

Upon submittal of a complete application, the project will be reviewed through a Type III Quasi-Judicial procedure with a decision made by the Planning Commission. If appealed, the decision is heard by the City Council. If you have questions, please contact me at (503) 266-0723 or by email at forselle@canbyoregon.gov

Sincerely,

Erik Forsell
Associate Planner
City of Canby

CC:

File DR 21-04
Don Hardy, Planning Director

TECHNICAL MEMORANDUM

DATE: September 3, 2021

TO: Erik Forsell, City of Canby

FROM: Kevin Chewuk, Sarah Keenan and Chris Maciejewski, P.E. | DKS Associates

SUBJECT: Canby 3rd Avenue Apartments

Transportation Analysis Letter

#11010-122

EXECUTIVE SUMMARY

A summary of key findings from the Canby 3rd Avenue Apartments Transportation Analysis Letter is provided below:

- **Expected Additional Vehicle Trips:**

- Approximately 6 a.m. peak hour trips, 7 p.m. peak hour trips, and 88 daily trips.
- The adjacent local streets (i.e., SW 3rd Avenue and S Grant Street) will connect the site with nearby collector and arterial streets and maintain a level of traffic volume that is consistent with the local street classifications (i.e., under 1,200 daily trips).
- No neighborhood trip impacts expected along residential local streets; the proposed site is expected to generate a level of vehicle trips that are well under the standard (i.e., adding 30 peak trips or 300 daily trips to a residential local street).

- **Proposed Site Access:**

- Access proposed via a 20-foot drive aisle within an existing 26-foot easement.
- Complies with the City's spacing and driveway width standards along local streets.

- **Proposed Circulation:**

- 20-foot drive aisle will provide access for vehicles and bicycles.
- SW 3rd Avenue has an existing sidewalk, and bicyclists share the roadway with motor vehicles, consistent with the City's Local Roadway cross-section standard.
- The site will include sidewalk connections from the building entrances to the parking areas, and it is recommended to include a walkway to connect SW 3rd Avenue. This will require that the proposed driveway access be shifted slightly to the east to allow for a 5-foot walkway be constructed along the west side to connect SW 3rd Avenue with the proposed sidewalk running east-to-west along the north side of the most northerly proposed building.
- These facilities can adequately accommodate the expected additional vehicle, pedestrian and bicycle trips.

- **Transportation Approval Criteria and Livability Measures:**

- The proposed site adequately addresses each transportation approval criteria and livability measure.

INTRODUCTION

This memorandum summarizes the transportation impacts associated with the proposed Canby 3rd Avenue Apartments located on the south side of SW 3rd Avenue, just to the east of S Grant Street in Canby, Oregon. The proposed site will consist of 12 multi-family dwelling units in two buildings.

LEVEL OF TRANSPORTATION ANALYSIS REQUIRED

The City requires transportation impacts to be assessed with any proposed development that will increase trips on the transportation system, consistent with requirements in the Canby Municipal Code 16.08.150. These transportation studies implement Sections 660-012-0045(2)(a), -0045(2)(b) and -0045(2)(e) of the State Transportation Planning Rule (TPR), which require the City to adopt access spacing and performance standards and a process to apply conditions to land use proposals to minimize impacts on and protect transportation facilities. These standards are specified in the Canby Municipal Code 16.08.160, with each proposed development approval dependent on meeting the specified criteria. In addition, the City assesses livability measures to each study for neighborhood traffic and pedestrian and bicycle circulation.

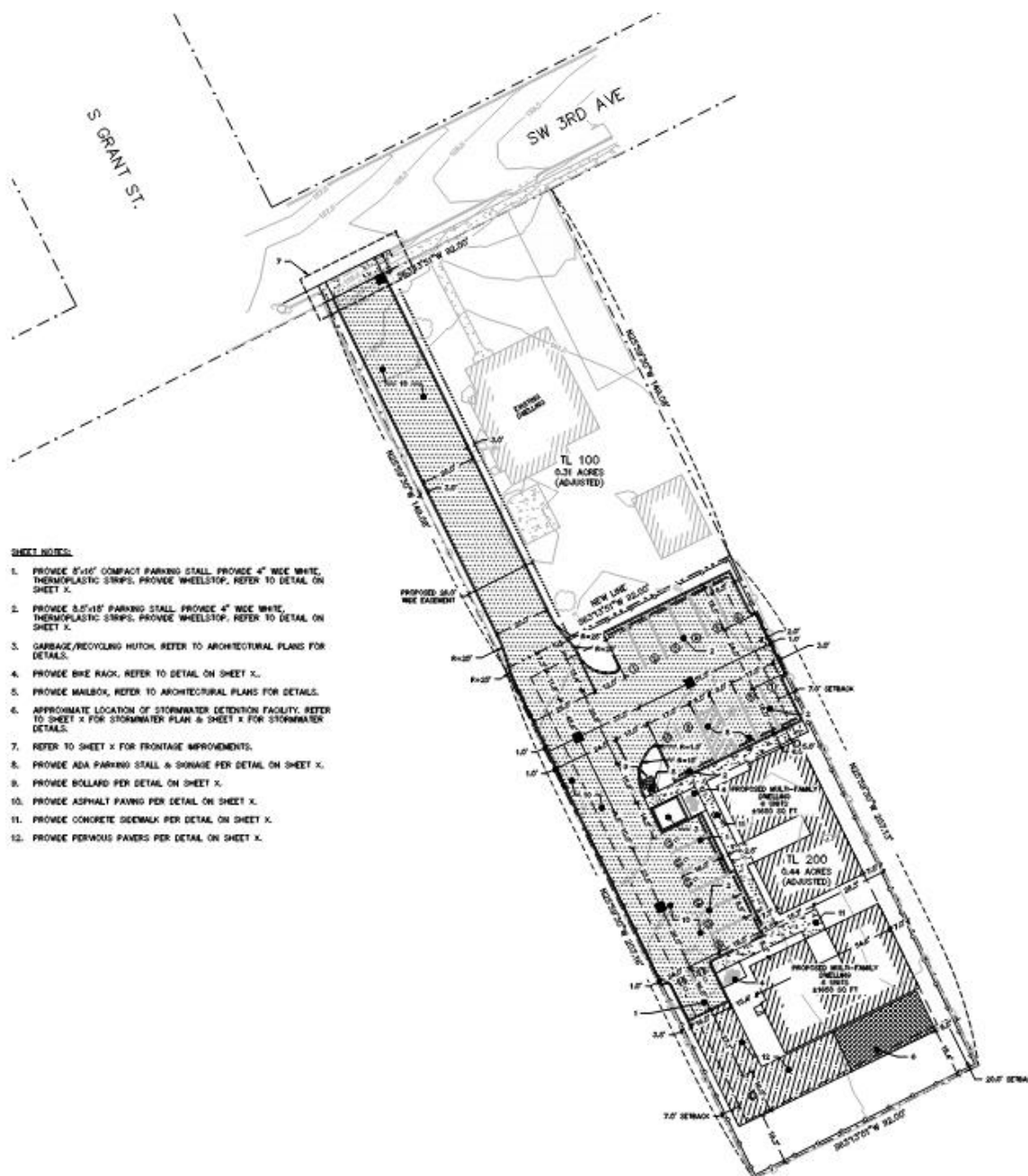
Transportation impacts are assessed by comparing the adopted standards to conditions before and after the proposed development is constructed. In general terms, a full transportation impact analysis (TIS) is required of developments that are presumed to generate a significant number of additional trips (i.e., the site is expected to generate 25 or more trips during the AM and/or PM peak hours or 250 or more daily trips), while those that will not provide analysis consistent with the City Transportation Analysis Letter (TAL) requirements. The key difference between the two levels of analysis is that the TAL does not require peak hour intersection operations to be analyzed. Peak hour intersection operations will not be degraded by proposed developments that generate fewer than 25 AM and/or PM peak trips since these trips are distributed system wide and do not all impact a single location, including intersections and roadway segments. Therefore, these proposed developments are consistent with the approval criteria 16.08.160.F (i.e., adopted intersection mobility standards) and only need to provide a level of analysis that is consistent with the other specified approval criteria included in the Canby Municipal Code 16.08.160, and the various neighborhood traffic and pedestrian and bicycle livability measures.

The proposed development will not result in a significant increase of additional trips (i.e., the site is expected to generate 25 or fewer trips during the AM and/or PM peak hours and fewer than 250 daily trips), so this analysis is consistent with the City TAL requirements as documented in the project scoping memorandum¹.

¹ Scope of Work – 3rd Avenue Apartments, May 21, 2021.

The proposed project is located on the south side of SW 3rd Avenue, just to the east of S Grant Street. The site is proposed to be developed into 12 multi-family dwelling units in two buildings, consistent with the high density residential (R-2) zoning designation. The site plan can be seen in Figure 1.

FIGURE 1: SITE PLAN



SITE ACCESS AND CIRCULATION

SITE ACCESS

Access to the development is proposed from SW 3rd Avenue via an existing easement of 26-feet, of which 20 feet is proposed to be improved as a drive aisle. The proposed driveway will be located just to the east of S Grant Street, which intersects SW 3rd Avenue as a 3-way intersection on the opposite side of the street from the proposed site. City access width requirements for multi-family uses generating fewer than 100 daily trips (see "Trip Generation" section later in this TAL) is 20 feet², with the proposed driveway complying with this standard.

ACCESS SPACING

The City of Canby has jurisdiction over SW 3rd Avenue and applies a functional classification of "Local" to it. City standards require driveways to be spaced at least 10 feet apart on the same side of Local Streets and spaced at least 50 feet from intersections, measured centerline to centerline³. The City also requires the edge of pavement for driveways to be 5 feet from the property line, unless a shared driveway is installed⁴. This standard is intended to ensure that driveways are spaced at least 10 feet apart between neighboring properties (i.e., 5 feet on each neighboring property). These standards cannot prohibit access to a property if no other access option is available, and the City allows exceptions to be approved in all cases.

The nearest roadways on the same side of the street from the proposed driveway are S Fir Street to the west and S Ivy Street to the east, located more than 500-feet from this proposed driveway. The provided distance from S Grant is approximated and reported from the centerline along the opposite side of the street. The centerline of that roadway, should it exist to the south of SW 3rd Avenue, would be 5 feet to the west of the west property line of the neighboring lot from this proposed site. The neighboring lot is 40 feet wide, for a total of 45 feet between the centerline and the east lot line of the neighboring property. It is another 10 to 15 feet to the centerline of the future driveway (depending on the location of the required walkway discussed later in this TAL), or about 55 to 60 feet in total (measured centerline to centerline), complying with the spacing standard.

The nearest driveway to the east on the same side of the street from the proposed driveway will be spaced at least 60 feet away (measured centerline to centerline), complying with the spacing standard. The centerline of the driveway to the property to the west is about 5 feet from the property line, while the driveway edge of pavement is adjacent to the property line. This would entail spacing of at least 15 feet between the neighboring driveway and the proposed driveway to this site (measured centerline to centerline), complying with the spacing standard. As noted earlier, a 5-foot walkway is required adjacent to the proposed driveway to this site to connect the

² Canby Municipal Code 16.10.070.B.7. Retrieved August 2021.

³ Canby Municipal Code 16.46.030, and Canby Transportation System Plan, Table 7-2. Retrieved August 2021.

⁴ Canby Municipal Code 16.10.070.B.9.h. Retrieved August 2021.

proposed building entrances to the street. Placing the walkway on the west side of the proposed driveway and adjacent to the property line will allow for spacing of 5 feet between the edge of pavement of the proposed driveway and the property line, complying with the City standard noted earlier. However, if the walkway is along the west property line, this will prevent future combined access with the adjacent property should it redevelop. In addition, should the property to the west redevelop, its driveway would also have to meet the required 5-foot setback where it meets SW 3rd Avenue (or get an approved design exception), which will allow for spacing of 10-feet between the adjacent edge of pavement for these driveways.

SIGHT DISTANCE

The sight triangle at intersections should be clear of objects (large signs, landscaping, etc.) that could potentially limit vehicle sight distance. In addition, all proposed accesses should meet AASHTO sight distance requirements as measured from 15 feet back from the edge of pavement⁵.

The proposed driveway to SW 3rd Avenue would require a minimum of 280 feet of sight distance based on a 25-mph speed. Preliminary sight distance evaluation from the approximate location of the driveway indicates that the proposed connection would be expected to provide sight distance of at least 280-feet looking to the east, but only about 80-feet of sight distance looking to the west. An existing tree near the property line between the proposed site and the neighboring property to the west limits the line of sight from this proposed driveway. Should this tree be removed to clear the sight triangle, an estimated 280 feet of sight distance would likely be available⁶. In this case, the proposed driveway would be expected to provide adequate sight distance.

However, prior to occupancy, sight distance at the proposed driveway will need to be verified, documented, and stamped by a registered professional Civil or Traffic Engineer licensed in the State of Oregon.

SITE FRONTAGE

The proposed site has no frontage along public streets, although the access easement connects to SW 3rd Avenue. SW 3rd Avenue has an existing 40-foot right-of-way, with a paved width of just over 31 feet. It also includes on-street parking and sidewalks on both sides of the street, and bicyclists share the roadway with motor vehicles, consistent with the City cross-section standard for Local streets. The existing roadway can adequately accommodate the additional vehicle, pedestrian, and bicycle traffic expected.

SW 3rd Avenue is a priority school route to Canby High School. The Canby Transportation System Plan (TSP) includes several proposed projects that are intended to help enhance the walking and biking experience along SW 3rd Avenue and across nearby streets, as shown in Table 1. This

⁵ AASHTO – *Geometric Design of Highways and Streets*, 7th edition, 2018.

⁶ This distance was approximated since a tree is blocking the line of sight. This estimate is based on the line of sight to this tree.

includes diverting traffic from SW 3rd Avenue to SW 2nd Avenue between the S Grant Street and S Ivy Street intersections (TSP Project I6, I7, and I8), and enhancing the street crossing at the SW 3rd Avenue intersection with S Ivy Street. These projects would be expected to reduce the level of traffic along SW 3rd Avenue, and effectively make the segment one-way near the S Ivy Street intersection (i.e., no traffic would be able to turn westbound onto SW 3rd Avenue from S Ivy Street). These projects are included on the City's Transportation System Development Charge improvement list, and the proposed project will be contributing towards these improvements with the fee they are required to pay.

TABLE 1: NEARBY TSP PROJECTS

TSP PROJECT ID	TSP PROJECT LOCATION	TSP PROJECT DESCRIPTION
C8	S Ivy St (south leg at SW 3 rd Ave)	Install crosswalk, ramps, and pedestrian refuge island (remove crosswalk striping on north leg)
I6	S Grant Street/SW 2 nd Avenue	Install westbound right-turn lane
I7	S Ivy Street/SW 2 nd Avenue	Install eastbound right-turn lane
I8	S Ivy Street/SW 3 rd Avenue	Install partial diverter on west leg to close westbound receiving lane (includes Pedestrian Project C8)

INTERNAL SITE CIRCULATION

The proposed site plan (shown earlier in Figure 1) shows the site is proposing one driveway to SW 3rd Avenue. The driveway will be paved with a 20 feet drive aisle and provide access from SW 3rd Avenue to the on-site parking areas for vehicles and bicycles. The proposed driveway access can adequately accommodate vehicle and bicycle circulation to SW 3rd Avenue and internally within the site.

The site plan also includes proposed sidewalk connections from the building entrances to the parking areas, however, it does not include a sidewalk connection to SW 3rd Avenue. City standard requires a sidewalk connection from the building entrances to the public street that provides access⁷. It is recommended that the proposed driveway access be shifted slightly to the east to allow for a 5-foot walkway be constructed along the west side to connect SW 3rd Avenue with the proposed sidewalk running east-to-west along the north side of the most northerly proposed building. However, as noted earlier if the walkway is along the west side of the proposed driveway, this will prevent future combined access with the adjacent property should it redevelop.

⁷ Canby Municipal Code 16.10.070.B.5. Retrieved August 2021.

TRIP GENERATION

The amount of new vehicle trips generated by the proposed land use was estimated using the trip generation estimates based on ITE Code 220 (Multi-Family Housing- Low-Rise) using the latest version of the ITE Trip Generation Manual (10th Edition). Trip generation estimates for the proposed development are provided for daily, morning, and evening peak hours, and are summarized in Table 2. The proposed site will be expected to generate 6 a.m. peak trips, 7 p.m. peak trips, and 88 daily trips. The estimated trip generation of the proposed site will not be expected to result in an increase significant enough to degrade peak hour intersection operations and is therefore consistent with the transportation approval criteria 16.08.160.F (i.e., adopted intersection mobility standards).

While the “low-rise” ITE land use is typically applied to multi-family developments of 1 to 2 stories in height, it is still more applicable to development in Canby. Canby multi-family trip patterns are more typical of the “low-rise” rates versus the “mid-rise”, despite this proposed site including 3 story buildings. The ITE land use for “mid-rise” is based on multi-family buildings of 3 to 10 stories in height but will result in a lower trip rate than the “low-rise” use. For comparison purposes, the trip rate for the “mid-rise” multi-family use would include 65 daily trips versus the 88 daily trips estimated with the “low-rise” use.

TABLE 2: TRIP GENERATION FOR THE PROPOSED PROJECT

LAND USE (SIZE)	AM PEAK			PM PEAK			DAILY TRIPS
	IN	OUT	TOTAL	IN	OUT	TOTAL	
MULTI-FAMILY HOUSING (LOW-RISE) - ITE CODE 220	1	5	6	4	3	7	88

TRIP DISTRIBUTION AND ASSIGNMENT

The estimated site generated traffic for the proposed project was distributed and assigned to the nearby arterial and collector roadway network. A summary of the peak project trips added to nearby intersections is shown in Table 3. As shown, fewer than 4 peak trips will be expected to be added to these nearby intersections. This includes an expected 3 additional a.m. peak trips along S Elm Street, and 1 along S Grant Street and S Ivy Street between OR 99E and SW 3rd Avenue, and 3 additional p.m. peak trips along S Elm Street, 2 along S Ivy Street and 1 along S Grant Street between OR 99E and SW 3rd Avenue.

TABLE 3: PEAK HOUR PROJECT TRIPS ADDED

Intersection	Movement												Peak Hour Total
	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR	
AM Peak Hour													
OR 99E / S Ivy Street	0	0	1	0	0	0	0	0	0	0	0	0	1
OR 99E / S Grant Street	0	1	0	0	0	0	0	0	0	0	0	0	1
OR 99E / S Elm Street	2	0	0	0	0	0	0	0	1	0	0	0	3
S Ivy Street / SW 3rd Avenue	0	0	0	0	0	0	1	0	1	0	0	0	2
S Grant Street / SW 3rd Avenue	0	0	0	0	0	0	0	1	0	0	2	1	4
S Elm Street / SW 3rd Avenue	0	0	0	1	0	0	0	0	0	0	0	2	3
PM Peak Hour													
OR 99E / S Ivy Street	0	0	1	0	0	0	0	0	0	1	0	0	2
OR 99E / S Grant Street	0	0	0	0	1	0	0	0	0	0	0	0	1
OR 99E / S Elm Street	2	0	0	0	0	0	0	0	1	0	0	0	3
S Ivy Street / SW 3rd Avenue	1	0	0	0	0	1	1	0	0	0	0	0	3
S Grant Street / SW 3rd Avenue	0	0	0	1	0	0	0	1	0	0	2	0	4
S Elm Street / SW 3rd Avenue	0	0	0	1	0	0	0	0	0	0	0	2	3

NEIGHBORHOOD TRIPS

A neighborhood trip impact is triggered when a proposed site adds 30 peak trips or 300 daily trips to a residential local street⁸. As shown in Table 1, the proposed site is expected to generate 7 or fewer peak trips, and 88 daily trips, well under this standard. The adjacent local streets (i.e., SW 3rd Avenue, and S Grant Street between SW 3rd Avenue and SW 2nd Avenue) will connect the site with nearby collector and arterial streets (i.e., S Elm Street to the west, S Ivy Street to the east, and S Grant Street to the north of SW 2nd Avenue) and maintain a level of traffic volume that is consistent with the local street classifications (i.e., under 1,200 daily trips). Approximately 34 additional daily trips will be expected along SW 3rd Avenue to the west of S Grant Street, about 34 additional daily trips along SW 3rd Avenue to the east of the proposed driveway, and about 20 additional daily trips along S Grant Street north of SW 3rd Avenue.

⁸ Canby Municipal Code 16.08.150.H. Retrieved August 2021.

APPROVAL CRITERIA AND LIVABILITY MEASURES

The following sections summarize how the proposed project adequately addresses the transportation approval criteria and the livability measures for neighborhood traffic and pedestrian and bicycle circulation.

TRANSPORTATION APPROVAL CRITERIA

The Canby Municipal Code 16.08.160 includes transportation approval criteria that each proposed development must satisfy. This includes criteria B, D, E, and F, as summarized below. While Criteria A, C and E.3 are not transportation related criteria, they are still applicable for approval. See the respective documents or plans for more details on how this proposed development meets Criteria A, C and E.3.

A. ADEQUATE STREET DRAINAGE, AS DETERMINED BY THE CITY.

Non-transportation related criteria. See respective project documents/plans for information.

B. SAFE ACCESS AND CLEAR VISION AT INTERSECTIONS, AS DETERMINED BY THE CITY.

The nearest roadways on the same side of the street from the proposed driveway are S Fir Street to the west and S Ivy Street to the east, located more than 500-feet from the proposed driveway. The provided distance from S Grant is approximated and reported from the centerline along the opposite side of the street. The centerline of that roadway, should it exist to the south of SW 3rd Avenue, would be about 60 feet (measured centerline to centerline) from the proposed driveway, complying with the spacing standard.

The nearest driveway to the east on the same side of the street from the proposed driveway will be spaced at least 60 feet away (measured centerline to centerline), complying with the spacing standard. The centerline of the driveway to the property to the west is about 5 feet from the property line, while the driveway edge of pavement is adjacent to the property line. This would entail spacing of at least 15 feet between the neighboring driveway and the proposed driveway to this site (measured centerline to centerline), complying with the spacing standard. A 5-foot walkway is required adjacent to the proposed driveway to this site to connect the proposed building entrances to the street. Placing the walkway on the west side of the proposed driveway and adjacent to the property line will allow for spacing of 5 feet between the edge of pavement of the proposed driveway and the property line, complying with the City standard. However, if the walkway is along the west property line, this will prevent future combined access with the adjacent property should it redevelop. In addition, should the property to the west redevelop, its driveway would also have to meet the required 5-foot setback where it meets SW 3rd Avenue (or get an approved design exception), which will allow for spacing of 10-feet between the adjacent edge of pavement for these driveways.

Prior to occupancy, sight distance at the proposed driveway will need to be verified, documented, and stamped by a registered professional Civil or Traffic Engineer licensed in the State of Oregon. Preliminary sight distance evaluation from the approximate location of the driveway indicates that the proposed connection would be expected to provide adequate sight distance looking to the east, but not to the west. An existing tree near the property line between the proposed site and the neighboring property to the west limits the line of sight from this proposed driveway. Should this tree be removed to clear the sight triangle, an adequate amount of sight distance would likely be available.

C. ADEQUATE PUBLIC UTILITIES, AS DETERMINED BY THE CITY.

Non-transportation related criteria. See respective project documents/plans for information.

D. ACCESS ONTO A PUBLIC STREET WITH THE MINIMUM PAVED WIDTHS AS STATED IN SUBSECTION E BELOW.

Access to the development is proposed from SW 3rd Avenue via an existing easement of 26-feet, of which 20 feet is proposed to be improved as a drive aisle. City access width requirements for multi-family uses generating fewer than 100 daily trips is 20 feet, with the proposed driveway complying with this standard.

The driveway will provide access from SW 3rd Avenue to the on-site parking areas for vehicles and bicycles. The project proposes sidewalk connections from the building entrances to the parking areas, however, it does not include a sidewalk connection to SW 3rd Avenue. City standard requires a sidewalk connection from the building entrances to the public street that provides access. It is recommended that the proposed driveway access be shifted slightly to the east to allow for a 5-foot walkway be constructed along the west side to connect SW 3rd Avenue with the proposed sidewalk running east-to-west along the north side of the most northerly proposed building.

E. ADEQUATE FRONTAGE IMPROVEMENTS AS FOLLOWS:

1. For local streets and neighborhood connectors, a minimum paved width of 16 feet along the site's frontage.

The proposed site has no frontage along public streets, although the access easement connects to SW 3rd Avenue. SW 3rd Avenue is a Local Street and has an existing 40-foot right-of-way, with a paved width of just over 31 feet. It also includes on-street parking and sidewalks on both sides of the street, and bicyclists share the roadway with motor vehicles, consistent with the City cross-section standard.

2. For collector and arterial streets, a minimum paved width of 20 feet along the site's frontage.

Not applicable- SW 3rd Avenue is a local street.

3. For all streets, a minimum horizontal right-of-way clearance of 20 feet along the site's frontage.

Non-transportation related criteria. See respective project documents/plans for information.

F. COMPLIANCE WITH MOBILITY STANDARDS IDENTIFIED IN THE TSP. IF A MOBILITY DEFICIENCY ALREADY EXISTS, THE DEVELOPMENT SHALL NOT CREATE FURTHER DEFICIENCIES.

The proposed development will generate no more than 7 peak hour trips, and 88 daily trips, and met criteria for a TAL level of analysis. Peak hour intersection operations will not be degraded by proposed developments that generate fewer than 25 AM and/or PM peak trips since these trips are distributed system wide and do not all impact a single location, including intersections and roadway segments. Proposed developments that meet the TAL criteria are deemed consistent with this approval criteria (i.e., adopted intersection mobility standards).

LIVABILITY CRITERIA

In addition, each project must comply with livability measures for neighborhood traffic and pedestrian and bicycle circulation. A summary is provided below for the proposed project.

NEIGHBORHOOD TRAFFIC

The proposed site is expected to generate 7 or fewer peak trips, and 88 daily trips, well under the neighborhood trip impact standard. The adjacent local streets (i.e., SW 3rd Avenue, and S Grant Street between SW 3rd Avenue and SW 2nd Avenue) will connect the site with nearby collector and arterial streets (i.e., S Elm Street to the west, S Ivy Street to the east, and S Grant Street to the north of SW 2nd Avenue) and maintain a level of traffic volume that is consistent with the local street classifications (i.e., under 1,200 daily trips). Approximately 34 additional daily trips will be expected along SW 3rd Avenue to the west of S Grant Street, about 34 additional daily trips along SW 3rd Avenue to the east of the proposed driveway, and about 20 additional daily trips along S Grant Street north of SW 3rd Avenue.

PEDESTRIAN AND BICYCLE CIRCULATION

The proposed site has no frontage along public streets, although the access easement connects to SW 3rd Avenue. SW 3rd Avenue includes sidewalks on both sides of the street, and bicyclists share the roadway with motor vehicles, consistent with the City cross-section standard for Local streets. The existing roadway can adequately accommodate the additional pedestrian and bicycle traffic expected.

SW 3rd Avenue is a priority school route to Canby High School. The Canby TSP includes several proposed projects that are intended to help enhance the walking and biking experience along SW 3rd Avenue and across nearby streets. This includes diverting traffic from SW 3rd Avenue to SW 2nd Avenue between the S Grant Street and S Ivy Street intersections (TSP Project I6, I7, and I8), and

enhancing the street crossing at the SW 3rd Avenue intersection with S Ivy Street. These projects would be expected to reduce the level of traffic along SW 3rd Avenue, and effectively make the segment one-way near the S Ivy Street intersection (i.e., no traffic would be able to turn westbound onto SW 3rd Avenue from S Ivy Street). These projects are included on the City's Transportation System Development Charge improvement list, and the proposed project will be contributing towards these improvements with the fee they are required to pay.

FINDINGS

The proposed site adequately addresses each transportation approval criteria and livability measure. It is estimated to generate an additional 6 trips in the morning peak period, 7 trips in the evening peak period and 88 daily trips. The adjacent local streets (i.e., SW 3rd Avenue, and S Grant Street between SW 3rd Avenue and SW 2nd Avenue) will connect the site with nearby collector and arterial streets (i.e., S Elm Street to the west, S Ivy Street to the east, and S Grant Street to the north of SW 2nd Avenue) and maintain a level of traffic volume that is consistent with the local street classifications (i.e., under 1,200 daily trips).

The proposed site will include a 20-foot driveway within a 26-foot easement that will provide access for vehicles and bicycles. SW 3rd Avenue has an existing sidewalk, and bicyclists share the roadway with motor vehicles, consistent with the City Local Roadway cross-section standard. The site will include sidewalk connections from the building entrances to the parking areas, and it is recommended that the proposed driveway access be shifted slightly to the east to allow for a 5-foot walkway be constructed along the west side to connect SW 3rd Avenue with the proposed sidewalk running east-to-west along the north side of the most northerly proposed building. These facilities can adequately accommodate the expected additional vehicle, pedestrian and bicycle trips.

Access spacing and driveway width standards are met for the proposed access. Preliminary sight distance evaluation indicated that adequate sight lines will be provided for the proposed roadway access. However, prior to occupancy, sight distance at any existing access points will need to be verified, documented, and stamped by a registered professional Civil or Traffic Engineer licensed in the State of Oregon.

If you have any questions, please feel free to call or email.

Erik Forsell

From: Ben Sigler <siglerrealestate@gmail.com>
Sent: Tuesday, September 7, 2021 9:39 PM
To: Katie Parano-Friesen; Brandon Gill
Cc: Erik Forsell
Subject: Re: 285 SW 3rd Ave, Canby -Sale

Good Evening Erik & Katie,

It was disclosed to the Claybornes that the rear property was going to be developed as a high density residential property.

As part of the sales agreement they agreed to the final lot line adjustment between the 2 lots reducing the size of their property and they agreed to allow the 20' wide easement to their west to be increased to a width of 26' wide in order to accommodate the development on the lot behind them.

The buyer's agent, Jesse Lippold, can also collaborate on this. His contact info is 503-508-5513
jesse@blumre.com

A few lines referencing it, that they had wrote into the offer were

"Subject lot line adjustment being recorded, buyer to approve of final recorded survey showing new property lines and easement for ingress/egress to lot behind"

"Buyer acknowledges that the current 20' wide easement in the title report is going to be changed to a 26' wide easement prior to the close of escrow.

Sale is subject to the final lot line adjustment and recording at the county."

On different occasions the buyers agent asked about how many units would be built behind the home as did Mr Clayborne directly to me one day. My response every time was that I was not sure and that it would be based off of the site design and the city planners approval. I said that the similar development down the road had 8 units and that based on the zoning the city would require a minimum of approximately 6.16 units after the lot line adjustment was completed, but that there was no maximum amount allowed based upon the city's zoning requirements.

I also sat in on the city's planning meeting on the property. I saw Mr & Mrs Clayborens public comments, and noticed that he was stating that he had no knowledge of the proposed development on the lot behind him. This is not the case. Also, through his agent, he had mentioned that he would like to be able to buy the backlot himself, I told them it was already under contract. The Claybornes did not show any interest in the property until after we received an offer on the back lot and listed the house on just the front lot.

Please let me know if you need any additional information from me,

Thank you,

Ben Sigler
Sigler Real Estate

541-829-1514

On Tue, Sep 7, 2021 at 1:47 PM Katie Parano-Friesen <katie@statestreet-homes.com> wrote:

Hi Ben,

I have copied here Erik Forsell with the City of Canby Planning Department. They are needing information regarding the recent transaction at 285 SW 3rd Ave in Canby. I believe you represented the Sellers, the Starr's.

It is our understanding that you have information regarding the sale between the Starr's (Sellers) and the Clayborne's (Buyers) and the buyer's knowledge of the proposed development of the lot behind (0 SW 3rd Ave). Anything you are able to share would be helpful, that demonstrates the Buyers were aware of the concurrent transaction and application for development.

MLS records show the Clayborne's went into pending escrow to purchase the property 02/11/2021 and closed on 04/06/2021. We went pending escrow to purchase 0 SW 3rd Ave on 01/07/2021 and closed on 04/08/2021.

Your assistance is much appreciated, thank you! Erik, Ben Sigler can be reached at 541-829-1514 if you have any additional questions.

Katie Parano-Friesen
Project Coordinator

Direct: 503.893.5958

Web: statestreet-homes.com

Address: 1233 NW Northrup St #125, Portland, OR 97209



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City of Canby

STAFF REPORT CITY FILE #: DR 21-04 STATE STREET MULTI-FAMILY PROJECT

HEARING DATE: May 10, 2021
STAFF REPORT DATE: April 30, 2021
TO: Planning Commission
STAFF: Erik Forsell, Associate Planner

Applicant Request

The applicant requests Planning Commission approval to develop two buildings with 12 residential units, totaling approximately 10,588 square feet on a 0.44-acre site. The proposed development will be accessed off of SW 3rd avenue by the means of an existing easement. Both buildings will be 3-stories in height, approximately 5,294.25 SF. The proposal is to have a total of six (6) two bedroom / two bathroom units and six (6) one bedroom / one bathroom units. Each individual multifamily structure will have a total of six (6) units with a mixture of one and two bedroom units.

STAFF RECOMMENDATION

Based on the applications submitted and the facts, findings, and conclusions of this report, staff recommends **Approval** of DR 21-04 pursuant to the **Conditions of Approval** identified in Section VI of this Staff Report.



**Proposed Development
Area**



PROPERTY/OWNER INFORMATION

Location:	No Situs – Directly Adjacent to 285 SW 3 rd Avenue
Tax Lots:	41E04BA00200 (Development Area) and #41E04BA00100 (Easement)
Size:	~ 0.44
Comprehensive Plan:	HDR – High Density Residential
Current Zoning:	R-2 – High Density Residential
Owner:	State Street Homes, Inc.
Applicant:	State Street Homes, Inc. – Brandon Gill
Application Type:	Site and Design Review (DR)
City File Number:	DR 21-04

EXHIBITS

- A. Land Use Application
- B. Application Narrative and Criteria Responses
- C. Applicant Diagrams (Site Plan, Landscape Plan, Elevations)
- D. Lot Line Adjustment – LLA 21-01
- E. Neighborhood Meeting
- F. City Engineer Comments
- G. Public Comments

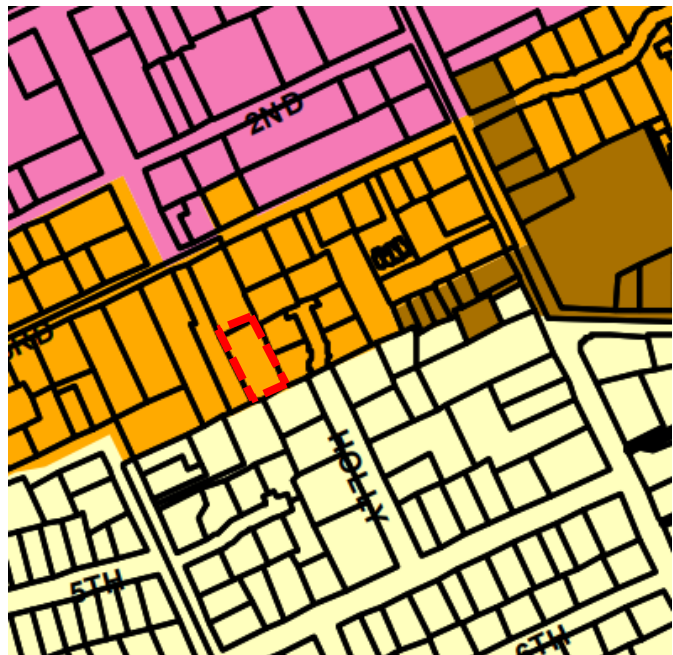
EXISTING CONDITIONS

The subject property is approximately 0.44 acres in size and rectangular in shape. The property contains an existing structure which is proposed to be demolished to accommodate the new proposed development. The property is largely grass with a few trees that are proposed for removal to accommodate the new development.

The subject property is zoned R-2 – High Density Residential. Refer to **Figure 1** for the official zoning of the subject property and surrounding area.

- R-1 Low Density Residential
- R-1.5 Medium Density Residential
- R-2 High Density Residential
- C-R Residential Commercial
- C-2 Highway Commercial

Figure 1 – Zoning Map



The site has no frontage on SW 3rd Avenue and is proposed to take access via an existing easement across Tax Lot 100 adjacent to the north. Refer to **Figure 2**, below for a description of the recently executed property line and easement boundary line adjustments. Refer to **Exhibit E** for more detail related to the Lot Line Adjustment.

Figure 2 – Lot Line Adjustment; City File LLA 21-02

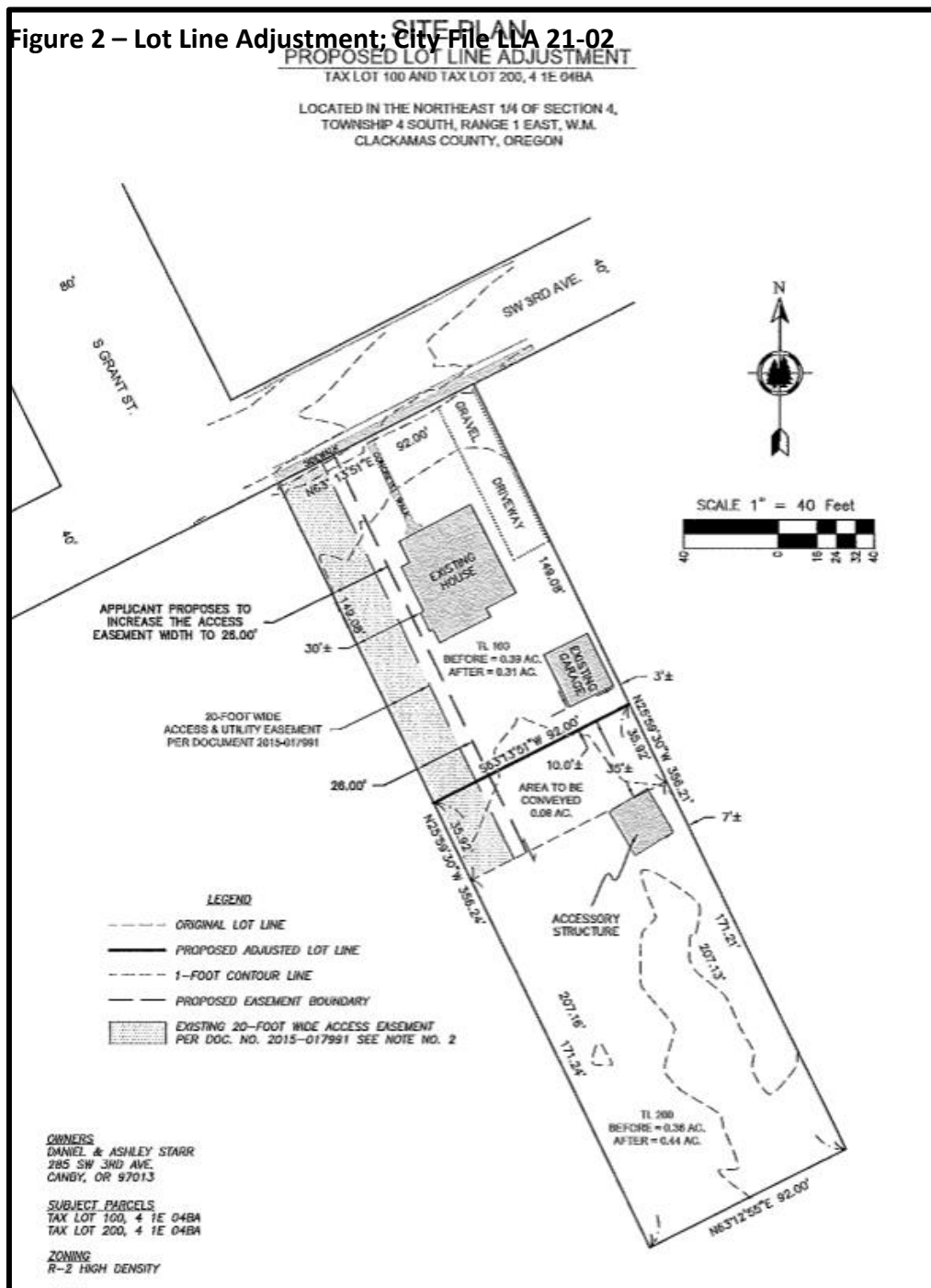


Figure 3 – Surrounding Uses

Location	Zone	Uses
North	R-2 Property	Easement Area and Single Family Dwelling
South	R-1 Properties	Single Family Dwellings
East	R-2 Properties	Single Family Dwellings
West	R-2 Property	Single Family Dwelling

PROJECT OVERVIEW

The applicant is proposing to develop two buildings with 12 total residential units, approximately 10,588.5 square feet on a 0.44-acre site. The proposed development will be accessed off of SW 3rd avenue by the means of an existing easement. Both buildings will be 3-stories in height, approximately 5,294.25 SF, and each are composed of three (3) 2 bedroom / 2 bathroom units and three (3) 1 bedroom / 1 bathroom units – essentially creating 6 apartment units of different configuration per proposed structure.

The proposed development will have required improvements including: landscaping, parking, fire turnaround areas, stormwater facilities, street lighting, an improved access easement area and approach.

ANALYSIS AND FINDINGS

I. APPLICABLE CRITERIA

Applicable criteria used in evaluating this application are listed in the following sections of the City of Canby's Land Development and Planning Ordinance:

- 16.08 General Provisions
- 16.10 Off-street Parking and Loading
- 16.20 R-2 High Density Residential Zone
- 16.42 Signs
- 16.43 Outdoor Lighting Standards
- 16.46 Access Limitations on Project Density
- 16.49 Site and Design Review
- 16.88 General Standards and Procedures
- 16.89 Application and Review Procedures

II. **FACTS AND FINDINGS**

The following analysis evaluates the proposed project's conformance with applicable approval criteria and other municipal code sections, as listed above in Section I. Sections of the Canby Municipal Code (CMC) are analyzed in the order that they appear in the code. Code language is provided in **bold type** and staff findings and response follow each applicable code section.

Section 16.08.070: Illegally Created Lots

As discussed in this section of the CMC, in no case shall a lot created in violation of state statute or City ordinance be considered as a lot of record for development purposes, until such violation has been legally remedied.

Finding 1: Lot Line Adjustment application City File # LLA 21-01 includes findings regarding the legal lot status of the subject property. See **Exhibit E** for more detail regarding the lot line adjustment.

Section 16.08.150: Traffic Impact Study

This section of the CMC outlines requirements for studying the transportation impacts of a proposed project.

Finding 2: Planning staff determined that a Transportation Impact Analysis (TIA)¹ is not required. This decision was based on the information provided by the project applicant and the factors identified in Subsection 16.08.150 (C). A traffic impact analysis is conducted typically with a change in zoning designation, land division, annexation or large square footage commercial, residential and industrial project.

Should the Planning Commission request a traffic study that would require continuing this hearing to a later date.

Chapter 16.10: Off-Street Parking and Loading

This chapter of the CMC identifies requirements for vehicular parking, bicycle parking, and loading facilities when new development occurs.

16.10.030 General Requirements

H. The number of vehicular spaces required in Table 16.10.050 may be reduced by up to 10% if one of the following is demonstrated to the satisfaction of the Planning Director or Planning Commission:

- 1. Residential densities greater than nine units per gross acre (limit parking to no less than one space per unit for multi-family structures); or**
- 2. The proposed development is pedestrian-oriented by virtue of a location which is within convenient walking distance of existing or planned neighborhood activities (such as schools, parks, shopping, etc.) and the development provides additional pedestrian amenities not required by the code which, when taken together, significantly contribute to making walking convenient (e.g., wider sidewalks, pedestrian plazas, pedestrian scale lighting, benches, etc.). (Ord. 890 section 10, 1993; Ord. 854 section 2 [part], 1991; Ord. 848, Part V, section 16.10.030,**

1990; Ord. 1043 section 3, 2000; Ord. 1338, 2010)

Table 16.10.50

Off-street Parking Provisions – The following are the minimum standards for off-street vehicle parking.

USE	PARKING REQUIREMENT
<i>Residential Uses:</i>	
a. Single-family dwellings	2.00 spaces per dwelling unit for new construction. (Existing single-family dwellings having only a single parking space shall not be considered to be nonconforming.)
b. Two-family dwellings	2.00 spaces per dwelling unit.
c. Multi-family dwellings in complexes with private internal driveways	One space per studio or 1-bedroom unit. 2.00 spaces per 2-bedroom or larger unit. One additional guest parking space shall be provided for every five units for each development often or more units.

Finding 3: Chapter 16.10 identifies multifamily dwellings as a parking standard of 1.00 spaces per studio or 1-bedroom unit; 2.00 spaces per 2-bedroom or larger unit and, 1.00 additional space of guest parking per every five units. Additionally, the applicant is requesting a 10% reduction to the total parking count. This is described in greater detail in **Finding 4.**

Housing Type	Parking Required	Parking Provided
Six (2)-bedroom units	12 spaces	12 spaces
Six (1) bedroom units	6 spaces	6 spaces
Guest Parking	3 spaces	3 spaces
Total:	21	19 via 10% reduction

Finding 4: The applicant's proposal is to create 12 units on the subject property. The subject property is 0.44 acres in size. This meets the threshold above for residential density greater than 9 units per gross acres. Accordingly, the applicant may reduce the parking by 10%.

16.10.060 Off-street loading facilities

A. The minimum number of off-street loading berths for commercial and industrial uses is as follows:

SQUARE FEET OF FLOOR AREA	NUMBER OF BERTHS
Less than 5,000	0
5000 – 25,000	1
25,000 – 60,000	2
60,000 and over	3

B. Loading berths shall conform to the following minimum size specifications:

- 1. Commercial uses – 13' x 35'**
- 2. Industrial uses – 12' x 60'**
- 3. Berths shall have an unobstructed minimum height of 14'.**

C. Required loading areas shall be screened from public view, from public streets, and adjacent properties by means of sight-site obscuring landscaping, walls or other means, as approved through the site and design review process.

D. Required loading facilities shall be installed prior to final building inspection and shall be permanently maintained as a condition of use.

Finding 5: Not applicable to this development proposal; the subject property is not in an industrial or commercial use.

16.10.070 Parking lots and access.

A. Parking Lots. A parking lot, whether as accessory or principal use, intended for the parking of automobiles or trucks, shall comply with the following:

- 1. Parking lot design shall comply with the dimensional standards set forth in Figure 1 of this section.**
- 2. Parking stalls of eight (8) feet in width and sixteen (16) feet in length for compact vehicles may comprise up to a maximum of thirty (30) percent of the total number of parking stalls. Such parking stalls shall be marked "Compact Parking only" either on the parking surface or on a sign in front of the parking stalls.**

Finding 6: The applicant is proposing five (5) compact stalls which is 26 percent of the total number of stalls. Staff finds this portion of the criteria is met. The stalls shall meet the above stated dimensions and marked with signage or on the surface itself to designate those stalls as 'compact parking only'.

3. Areas used for standing or maneuvering of vehicles shall have paved asphalt, concrete, solid concrete paver surfaces, or paved "tire track" strips maintained adequately for all weather use and so drained as to avoid the flow of water across sidewalks or into public streets, with the following exception:

- a. The Planning Director or Planning Commission may approve the use of an engineered aggregate system for outdoor storage and/or non-required parking areas provided that the applicant can demonstrate that City Standards related to:**

- i. minimizing dust generation,
- ii. minimizing transportation of aggregate to city streets, and
- iii. minimizing infiltration of environmental contaminants including, but not limited to, motor oils, fuels, volatile organic compounds (e.g. benzene, toluene, ethylbenzene, xylene), and ethylene glycol are met.

The decision maker may impose conditions as necessary to meet City Standards.

Finding 7: The applicant's plans demonstrate consistency with the requirements for standing and maneuvering vehicles. No areas of outdoor storage or non-required parking spaces are included in the applicant's proposal. Staff finds these criteria are met.

b. Use of permeable surfacing materials for parking lots and driveways is encouraged whenever site and soil conditions make permeable surfacing feasible. Permeable surfacing includes, but is not limited to: paving blocks, turf block, pervious concrete, and porous asphalt. All permeable surfacing shall be designed, constructed, and maintained in accordance with the Canby Public Works Design Standards and the manufacturer's recommendations. Maintenance of permeable surfacing materials located on private property are the responsibility of the property owner.

Finding 8: The applicant is proposing a mixture of porous and non-porous materials for the surfacing of driveways and parking lots. The actual design of these areas must meet the standards of Canby Public Works. The applicant shall supply copies of manufactured specifications, engineer stormwater reports or other materials that demonstrate the functionality of the proposed LID and permeable surfacing as a condition of approval. Those documents shall also be provided during the pre-construction phase of this project to be verified by Canby Public Works and the City's consulting engineer.

4. The full width of driveways must be paved in accordance with (3) above:

- a. For a minimum of 20 feet from the right-of-way line back into the private property to prevent debris from entering public streets, and**
- b. To within 150 feet of all portions of the exterior wall of the first story of any structure(s) served by the driveway to ensure fire and emergency service provision.**

Finding 9: The applicant is proposing to pave the full width of the driveway across Tax Lot 100 in the easement area to the subject property. Staff finds that these criteria are met.

5. Except for parking to serve residential uses, parking areas adjacent to or within residential planning districts or adjacent to residential uses shall be designed to minimize disturbance of residents. Artificial lighting, which may be provided, shall be so deflected as not to shine or create glare in any residential planning district or on

any adjacent dwelling, or any street right-of-way in such a manner as to impair the use of such way.

Finding 10: These standards are generally applied to commercial and industrial properties. To the extent that this section applies, it is further addressed in the Lighting Section of this staff report.

6. Groups of more than four (4) parking spaces shall be so located and served by driveways that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.

Finding 11: These standards are met; no backing movement or other maneuvering will occur within a street right-of-way.

7. Off-street parking areas, and the accesses to them, shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and the maximum safety of pedestrian and vehicular traffic on the site and in adjacent roadways. The Planning Director or Planning Commission may require engineering analysis and/or truck turning diagrams to ensure safe and efficient traffic flow based on the number and type of vehicles using the site, the classification of the public roadway, and the design of the parking lot and access drives.

Finding 12: These standards are met; no backing movement or other maneuvering will occur within a street right-of-way.

8. Parking bumpers or wheel stops shall be provided to prevent cars from encroaching on the street right-of-way, adjacent landscaped areas, or adjacent pedestrian walkways.

9. Accessible parking shall be provided, constructed, striped, signed and maintained as required by ORS 447.233 and all Oregon Structural Specialty Code requirements.

Finding 13: According to the applicant's provided narrative and site plan diagrams, these standards will be met. ADA parking will be verified as part of the building permit review process with Clackamas County. Striping areas, parking bumpers and other devices used to prevent cars from encroaching into landscape and pedestrian areas will be verified through site visits by Canby planning staff.

B. Access.

1. The provision and maintenance of vehicular and pedestrian ingress and egress from private property to the public streets as stipulated in this ordinance are continuing requirements for the use of any structure or parcel of real property in the City of Canby. No building permit or other permits shall be issued until scaled plans are presented that show how the ingress and egress requirement is to be fulfilled. Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing ingress and egress requirements, it shall be unlawful and a violation of this ordinance to begin or maintain such altered use until the required increase in ingress and egress is provided.

2. The City of Canby encourages joint/shared access. Owners of two (2) or more uses, structures, or parcels of land may agree to, or may be required by the City to, utilized

jointly the same ingress and egress when the combined ingress and egress of both uses, structures, or parcels of land satisfies their combined requirements as designed in this ordinance, provided that satisfactory legal evidence is presented to the City Attorney in the form of deeds, easements.

3. All ingress and egress shall connect directly with public streets

Finding 14: The proposed development and subject property will have direct access to SW 3rd Avenue via a 20-foot wide paved surface through a 26-foot wide access easement across 285 SW 3rd Avenue. Staff finds these criteria are met. As a condition of approval, the applicant shall supply a copy of the access and maintenance easement for both Tax Lot 41E04BA00200 and 41E04BA00100 which benefits tax lot 100. The easement shall be a permanent and binding lawful grant of access to the subject property. Staff finds these criteria can be met as conditioned.

4. Vehicular access for residential uses shall be brought to within fifty (50) feet of the ground floor entrances or the ground floor landing of a stairway, ramp or elevator leading to dwelling units.

Finding 15: Staff finds the applicant's submitted plans demonstrate consistency with this criteria.

5. Required sidewalks shall extend from the ground floor entrances or the ground floor landing of a stairs, ramps or elevators to the sidewalk or curb of the public street or streets that provide the required access and egress.

Finding 16: The use of an access easement is slightly unusual for this project –typically most lots contain real physical access to a public street. This is not always the case but in this instance the subject property takes access via a private easement with an approach onto SW 3rd.

The code specifically states that sidewalks shall continue from ground floor entrances to the sidewalk or curb of the public street that provides the required access and egress. Staff interpret the code so that a sidewalk provides access to the public street—pedestrian interconnectivity. The 26' access easement does not include a designated sidewalk. Staff finds that the interconnection of public sidewalks is a necessary public benefit for future residents of the subject property. As a condition of approval, the applicant shall provide a sidewalk or designated pedestrian path within the easement area that provides real and physical access and separation from the travel surface path. This can be a mountable or "rollable" curb or at grade concrete sidewalk that is part of the travel surface.

This requirement also provides compliance with the Transportation System Plan (TSP) and Safe Route's to School; which among other requirements, necessitate paths for pedestrians and specifically children to have a safe walking path to the public interface for access to school bus stops or other mobility options.

6. To afford safe pedestrian access and egress for properties within the city, a sidewalk shall be constructed along all street frontages, prior to use or occupancy of

the building or structure proposed for said property. The sidewalks required by this section shall be constructed to city standards except in the case of streets with inadequate right-of-way width or where the final street design and grade have not been established, in which case the sidewalks shall be constructed to a design, and in a manner approved by the Site and Design Review Board. Sidewalks approved by Board may include temporary sidewalks and sidewalks constructed on private property; provided, however, that such sidewalks shall provide continuity with sidewalks of adjoining commercial developments existing or proposed. When a sidewalk is to adjoin a future street improvement, the sidewalk construction shall include construction of the curb and gutter section to grade and alignment established by the Site and Design Review Board., leases or contracts shall be placed on permanent files with the city recorder.

Finding 17: The subject property does not have frontage along a public street; however, sidewalk reconstruction directly adjacent may be required near the new commercial approach onto SW 3rd Avenue. The details of this will be discussed during a pre-construction component of the approval process. As discussed above, in **Finding 16**, staff are requiring a condition to designate a separate sidewalk path with at-grade or mountable curbs to provide a designated walking route to the public streetscape.

7. The standards set forth in this ordinance are minimum standards for access and egress, and may be increased through the site and design review process in any particular instance where the standards provided herein are deemed insufficient to protect the public health, safety and general welfare. (Ord. 890 section 12, 1993; Ord. 1237, 2007; Ord. 1338, 2010)

Finding 18: As mentioned above in **Finding 16**, staff recommend the inclusion of a marked and separate pedestrian access component to the easement area. Staff understand that the applicant is complying with Canby Fire District requests to provide 26-foot wide clear area for fire access. Staff recommend that the Planning Commission require a 5-foot rollable curb sidewalk surface or at-grade sidewalk that is clearly delineated as a pedestrian travel way. This could be part of the 20' wide travel surface or within the 26-foot wide private access easement. Staff believes this meets the Nolan/Dolan scrutiny for a nexus to the development and the rough proportionality of the development and the requirement. Safe pedestrian access is a paramount component to the Transportation System Plan and City of Canby's Development Code. If this property was on a public street these requirements would be placed on a similar development proposal.

8. One-Way Ingress or Egress – The hard surfaced pavement of one-way drives shall not be less than twelve (12) feet for multi-family residential, commercial or industrial uses. (Ord. 1514, 2019)

Finding 19: The proposed access easement has a minimum of 20-foot wide paved surfacing which surpasses the standards described above.

Minimum Access Requirements			
16.10.070(B)(8): Minimum access requirements for residential uses - ingress and egress for residential uses shall not be less than the following (except that in the case of flag lots, section 16.64.0400) shall apply):			
<i>Dwelling units</i>	<i>Minimum number of accesses required</i>	<i>Minimum access width</i>	<i>Sidewalks & Curbs (in addition to driveways)</i>
1 or 2	1	12 feet	none required
3-19	1	20 feet	Minimum of one sidewalk connection to residences and parking areas; curb required if sidewalk adjacent to driveway.
20-49	Option A: 1 access OR Option B: 2 accesses	20 feet 12 feet	Minimum of one sidewalk connection to residences and parking areas; curb required if sidewalk adjacent to driveway.

Finding 20: The City Engineer has required the applicant construct a commercial approach that is consistent with Detail Drawing No. 104 to serve the access easement. This criteria can be met as conditioned.

Finding 21: Staff finds that the subject property's access meets the definition of 16.04.318 Lot, flag. A flag lot is a lot that does not meet minimum frontage requirements and where access to the public road is by a narrow, private right-of-way. (Ord. 1043 section 3, 2000). As such access requirements and setbacks are set forth by Chapter 16.64.100. However, staff recommend the Planning Commission impose an additional requirement to construct a mountable or "rollcurb" or at grade sidewalk within the travel surface itself or within the access easement. **See also Findings 16 through 19.**

9. Driveways:

a. Access to private property shall be permitted with the use of driveway curb cuts. The access points with the street shall be the minimum necessary to provide access while not inhibiting the safe circulation and carrying capacity of the street. Driveways shall meet all applicable guidelines of the Americans with Disabilities Act (ADA). Driveway distance shall be measured from the curb intersection point [as measured for vision clearance area (16.04.670)]. Distances to an intersection shall be measured from the stop bar at the intersection.

b. Driveways shall be limited to one per property except for certain uses which include large commercial uses such as large box stores, large public uses such as schools and parks, drive through facilities, property with a frontage of over 250-feet and similar uses.

c. Double frontage lots and corner lots may be limited to access from a single street, usually the lower classification street. Single family residential shall not have access onto arterials, and shall have access onto collectors only if

there is no other option.

d. If additional driveways are approved by the City Administrator or designee, a finding shall be made that no eminent traffic hazard would result and impacts on through traffic would be minimal. Restrictions may be imposed on additional driveways, such as limited turn movements, shared access between uses, closure of existing driveways, or other access management actions.

e. Within commercial, industrial, and multi-family areas, shared driveways and internal access between similar uses are encouraged to reduce the access points to the higher classified roadways, to improve internal site circulation, and to reduce local trips or movements on the street system. Shared driveways or internal access between uses will be established by means of common access easements at the time of development.

f. Driveway widths shall be as shown on the following table

Driveway Widths (Minimum/Maximum, Ft.)

Street Classification	Res.	Comm.	Ind.
Arterial:	NA (1)	12/36	12/36
Industrial:	NA (1)	12/36	12/36
Collector:	12/24 (2)	12/36	12/36
Neighborhood Route:	12/24 (2)	12/36	12/36
Local:	12/24 (2)	12/36	12/36
Cul-de-sac:	12/24 (2)	12/36	12/36
Public Alley	12/24 (2)	NA	NA

Res. = Residential Zone

Comm. = Commercial Zone

Ind. = Industrial Zone

Notes: (1) Special conditions may warrant access.

(2) 28' maximum width for 3-car garage.

g. Driveway spacing shall be as shown in the following table.

Minimum Driveway Spacing

<u>Street Classification</u>	<u>Intersection</u>	<u>Driveway</u>
Arterial (2)	330' (1)	330' (1)
Industrial Streets (2)	100' (1)	100' (1)
Collector (2)	100' (1)	100' (1)
Neighborhood Route	50' (1)(3)	10'
Local (all)	50' (1)(3)	10'
Cul-de-sac	50' (1)(3)	10'
Public Alley	50' (1)(3)	

Notes: (1) Minimum distance or no closer than 60% of parcel frontage unless this prohibits access to the site, in which case City Administrator or designee may approve a deviation.

(2) Direct access to this street will not be allowed if an alternative exists or is planned.

(3) For single-family residential houses, the minimum distance between driveways and an intersection shall be thirty (30) feet.

h. Curb cuts shall be a minimum of five feet from the property line, unless a shared driveway is installed. Single driveways may be paved up to an adjacent property line but shall maintain a five (5) foot separation from the side property line where the driveway enters the property. Driveways shall not be constructed within the curb return of a street intersection. Deviations may be approved by the City Administrator or designee.

i. For roads with a classification of Collector and above, driveways adjacent to street intersections shall be located beyond the required queue length for traffic movements at the intersection. If this requirement prohibits access to the site, a driveway with restricted turn movements may be permitted.

j. Multi-family access driveways will be required to meet the same access requirements as commercial driveways if the multi-family site generated 100 or more trips per day.

k. For circular type driveways, the minimum distance between the two driveway curb cuts on one single-family residential lot shall be thirty (30) feet. (Ord. 1514, 2019)

Finding 22: The City Engineer has required a commercial driveway approach for the subject property's access easement. A 20-foot wide travel surface and 26-foot wide clear area is intended to provide adequate access to fire district standards which meets the commercial access standards. As this property only has access via an easement it is limited to where an approach can be placed. Staff find that the property's approach onto a public street is appropriate to the extent it is possible to mitigate distances from other private driveway approaches and public streets.

16.10.100 Bicycle Parking.

Bicycle parking shall be provided for all multi-family residential, institutional, commercial, and industrial uses.

A. Dimensions and characteristics: Bicycle parking spaces shall be a minimum of six (6) feet long and two (2) feet wide, and overhead clearance in covered spaces shall be a minimum of seven (7) feet. A minimum five (5) foot aisle for bicycle maneuvering shall be provided and maintained beside or between each row of bicycle parking. Bicycle racks located on a sidewalk shall provide a minimum of two (2) feet between the rack and a wall or other obstacle, and between the rack and curb face. Bicycle racks or lockers shall be securely anchored to the surface or a structure. Bicycle racks located in the Downtown Commercial Zone shall be of the inverted U style (a.k.a. staple racks). See Figure 20 of the Canby Downtown Plan for correct rack placement.

B. Location: Bicycle parking shall be located in well-lit, secure locations within fifty (50) feet of the main entrance to a building, but not further from the entrance than the closest automobile parking space, and in no case further than 50 feet from an entrance when several entrances are involved.

C. Number of spaces: The bicycle parking standards set out in Table 16.10.100 shall be observed. (Ord. 1019 section 1, 1999; Ord. 1076, 2001)

TABLE 16.10.100 BICYCLE PARKING STANDARD	
LAND USE CATEGORY	MINIMUM REQUIRED BICYCLE PARKING SPACES
Residential Multi-family residential, general Multi-family residential, seniors or with physical disabilities	1 space per unit 4, or 1 space per 5 units, whichever is greater

Finding 23: The applicant's submitted plans include 12 total bicycle parking spaces which meet the style, location and dimension requirements set forth in the above criteria. Staff finds this criterion is met.

CHAPTER 16.20 – R-2 High Density Residential

16.20.010 Uses permitted outright.

Uses permitted outright in the R-2 zone shall be as follows:

D. Multi-family dwelling;

Finding 24: The subject property is zoned R-2. See **Figure 4 below**. The applicant is proposing a multi-family development project; this is an outright permitted use so long as it meets the density requirements and other development standards of the zone.

Figure 4 – Zoning Map



- R-1 Low Density Residential
- R-1.5 Medium Density Residential
- R-2 High Density Residential
- C-R Residential Commercial
- C-2 Highway Commercial

16.20.030 Development standards.

The following subsections indicate the required development standards of the R-2 zone:

A Minimum residential density: New development shall achieve a minimum density of 14 units per acre. Minimum density for a property is calculated by multiplying its area in acres (minus area required for street right-of-way and public park/open space areas) by the density standard. For example, 0.18 acres x 14 units/acre = minimum of 2.52 units. Decimals are rounded to the nearest

whole number (e.g., a minimum of 2.52 units becomes a minimum of 3 units). The Planning Commission may modify the density standard if it cannot be met due to existing lot dimensions, road patterns, or other site characteristics.

Finding 25: The subject property is approximately 0.44 acres; the applicant is proposing 12 units on the subject property which well exceeds the minimum density requirements – approximately 7 units would be required for this property. Staff finds this criterion is met. There is no maximum density standard for the R-2 zone which places density restrictions via other measures such as maximum height of structure, parking, impervious percentages and other means.

B. Townhouses with common wall construction must be placed on a maximum 3000 square foot lot in order to meet the density required in this section.

C. Minimum width and frontage: Twenty feet except that the Planning Commission may require additional width to ensure that all applicable access standards are met.

D. Minimum yard requirements:

Finding 26: The subject property meets the definition of a Flag Lot pursuant to CMC 16.04.318 *Lot, flag. A flag lot is a lot that does not meet minimum frontage requirements and where access to the public road is by a narrow, private right-of-way. (Ord. 1043 section 3, 2000).*

Finding 27: The applicant has met the normal setbacks despite the standards described for flag lots. Refer to **Figure 5** on the following page for a copy the applicant's preliminary site plan.

1. Street yard: twenty feet on side with driveway; fifteen feet for all other street sides; except that street yards may be reduced to ten feet for covered porches only. Street yards for multifamily development (3 or more units located on the same property) located adjacent and on the same side of the street to an R-1 (Low Density Residential) or R-1.5 (Medium Density Residential) zone shall establish a front yard setback that is within 5 feet of the front yard setback of the adjacent home in the R-1 or R-1.5 zone but shall not be less than 10 feet from the property line. This standard does not apply if the closest adjacent home has a front yard setback greater than 30 feet.

Finding 28: Staff finds that the applicant has met these standards. The subject property is not located adjacent to and on the same side of a street to an R-1 or R-1.5 zone.

2. Rear yard: all corner lots, ten feet single story or fifteen feet two-story; all other lots: fifteen feet single story or twenty feet two-story. One story building components must meet the single story setback requirements; two story building components must meet the two-story setback requirements;

Finding 29: Staff finds these standards are largely overridden by more restrictive standards found in Chapter 16.49 – Design Review. To the extent they apply, these standards are met.

3. Interior yard: seven feet, except as otherwise provided for zero-lot line housing.

Finding 30: Staff finds these standards are met.

4. Interior and rear yards may be reduced to three feet, or the width of any existing utility easement, whichever is greater, for detached accessory structures erected sixty feet or more from any street other than an alley. The height limitations noted in subsection D.2 below apply to such structures. Utility easements may only be reduced with the approval of all utility providers.

Finding 31: Not applicable to this development proposal.

5. Multifamily development (3 or more units on the same property) that is adjacent to an R-1 (Low Density Residential) or R-1.5 (Medium Density Residential) zone must provide a minimum 15-foot buffer area between the multifamily development and the R-1 or R-1.5 zoned property. Within this buffer the following applies (see figure 16.20-1):

a. Site obscuring landscaping shall be required. The Planning Commission may require retention of existing vegetation; installation of a 6-foot minimum height site-obscuring fence with shade trees planted a maximum of 30 feet on center; and/or other landscaping to provide visual buffering.

b. No active recreation areas (tot lots, swimming pools, etc.) shall be allowed within the 15-foot buffer (garden spaces shall not be considered active recreation areas);

Finding 32: Staff finds the applicant's site plan demonstrates consistency with these standards. As a condition of approval, site obscuring landscaping and/or fencing shall be provided along the perimeter of the enter property. The applicant's site plan demonstrates the placement of shade trees and other landscaping as a buffer to adjacent properties.

6. Infill standards may also apply. See CMC 16.20.030(D)(3) and CMC 16.21.050.

Finding 33: Staff finds that pursuant to CMC 16.05.255 this development proposal is not subject to the infill home standards.

E. Maximum building height and length:

1. Principal building: thirty-five feet.

Finding 34: Staff finds that the applicant's submitted elevations indicate structures that are 34 feet 11 inches in max height which is consistent with these standards. (Refer to Exhibit D for copies of the applicant's submitted structure elevations).

2. Detached accessory structure:

a. If located inside the allowed building footprint for the principal building, a detached accessory structure may be up to twenty-two feet tall, as measured to the highest point of the roof.

b. If located outside the allowed building footprint for the principal building, a detached accessory structure is subject to a step-up height standard, and is allowed outright only if it meets this standard. The structure shall not exceed eight feet tall, as measured to the highest point of the roof, at a distance of three feet from the property line. The structure may increase in height by one foot vertically for every one foot horizontally away from the three foot line, up to the maximum height of twenty-two feet.

c. A conditional use permit is required to locate the structure outside of the allowed building footprint for the principal building in violation of the step-up height standard.

d. Detached accessory structures over twenty-two feet tall are not permitted.

Finding 35: No accessory structures are proposed with this development project. Should accessory structures be proposed at a later date they will be evaluated on their merits against the code.

3. Maximum building height for multifamily developments abutting an R-1 (Low Density Residential) or R-1.5 (Medium Density Residential) zone shall not exceed a building height greater than one foot for each foot of distance from the R-1 and/or R-1.5 property line.

Finding 36: Refer to **Figure 6** for a copy of the applicant's site plan. The structure closest to the R-1 property line adjacent south is setback over 35-feet from that property line. The structure is slightly less than 35-feet tall. Staff finds that the applicant's proposal meets these standards.

4. Maximum building length shall be 120 feet.

Finding 37: The proposed structures are 54-feet wide; staff finds this length standard is met.

F. The maximum amount of impervious surface allowed in the R-2 zone shall be 70 percent of the lot area.

1. Impervious surface includes all surface areas that create a barrier to or hinder the entry of water into the soil in comparison with natural conditions prior to development. Impervious surfaces includes, but are not limited to, buildings, parking areas, driveways, roads, sidewalks, patios, packed earth, and oiled surfaces. Open, uncovered retention/detention facilities, green roofs, and permeable surfacing materials shall not be considered impervious surfaces. Roof surfaces are also considered 'pervious' when 100% of the annual average roof runoff is captured and reused on-site for irrigation or approved interior uses.

2. To limit impervious surface, alternative surfacing materials may be used.



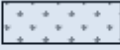


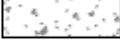
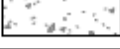
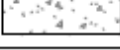
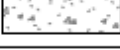
Alternative surfacing includes, but is not limited to paving blocks, turf block, pervious concrete, and porous asphalt. Other similar approved materials are encouraged. Utilization

of alternative surfacing methods shall be subject to review and approval by the City Public Works Department for compliance with other applicable regulations and development standards. Maintenance of alternative surfacing materials located on private property are the responsibility of the property owner.

Finding 38: Staff finds that the applicant has met the impervious standards for the zone based on the submitted plans and table below in **Figure 5 and 7**. Further discussion regarding Low Impact Development (LID) standards and landscaping is included in the design review section of this report.

Figure 5 – Impervious / Pervious Percentage

SITE CALCULATIONS AND LEGEND:

<u>SITE ELEMENT DESCRIPTION:</u>	<u>LEGEND:</u>	<u>AREA: (sf)</u>	<u>PERCENTAGE: (%)</u>
BUILDINGS:		3,529.50 sf	18.52 %
BUILDINGS OVERHANG ABOVE:			
LANDSCAPING:		6,099.94 sf	32.01 %
ASPHALT PAVING:		4,804.11 sf	25.21 %
POROUS ASPHALT PAVING:		2,973.68 sf	15.61 %
ACCESSORY STRUCTURES		213.06 sf	1.12 %
CONCRETE SIDEWALKS:		1026.37 sf	5.39 %
CONCRETE PAVING & CURBS:		257.41 sf	1.35 %
CONCRETE PATIOS		151.67 sf	0.80 %
TOTALS:		19,055.74 sf	100.0 %

G. Other regulations:

4. Multi-family developments exceeding ten units shall provide 150 square feet of recreation space per dwelling unit. Recreation spaces shall be no less than 1,500 square feet in size.

Finding 39: The applicant is proposing 1,800 square feet of recreation space in the south and southwest portion of the site. This area is outside of the 15-foot buffer from the R-1 Zone adjacent. See **Figures 6 and 7** below for more information. Staff finds this criterion is met.

Figure 6 – Applicant's Site Plan

CHAPTER 16.42 – Signs

Finding 40: The applicant is not proposing any signs at this time. These criteria are not applicable to the development proposal. Should signs be proposed at a later date those signs shall comply with the applicable components of CMC 16.42.

CHAPTER 16.43 – Outdoor Lighting Standards

16.43.030 Applicability.

The outdoor lighting standards in this section apply to the following:

A. New uses, buildings, and major additions or modifications:

1. For all proposed new land uses, developments, buildings, and structures that require a building permit, all outdoor lighting fixtures shall meet the requirements of this Code.
2. All building additions or modifications of fifty (50) percent or greater in terms of additional dwelling units, gross floor area, or parking spaces, either with a single addition or cumulative additions, shall meet the requirements of this Code for the entire property, including previously installed and any new outdoor lighting.

B. Minor additions. Additions or modifications of less than fifty (50) percent to existing uses, in terms of additional dwelling units, gross floor area, or parking spaces, shall meet the requirements of this Code with regard to shielding and lamp type for all new lighting.

Finding 41: The proposed development is subject to the outdoor light standards of this chapter; additional discussion is found below.

16.43.040 Lighting Zones.

A. Zoning districts designated for residential uses (R-1, R-1.5 and R-2) are designated Lighting Zone One (LZ 1). All other zoning districts are designated Lighting Zone Two (LZ 2).

B. The designated Lighting Zone of a parcel or project shall determine the limitations for lighting as specified in this ordinance.

Finding 42: The subject property is subject to Light Zone One (LZ 1).

16.43.070 Luminaire Lamp Lumens, Shielding, and Installation Requirements.

A. All outdoor lighting shall comply with the limits to lamp wattage and the shielding requirements in Table 16.43.070 per the applicable Lighting Zone. These limits are the upper limits. Good lighting design will usually result in lower limits.

B. The city may accept a photometric test report, lighting plan, demonstration or sample, or other satisfactory confirmation that the luminaire meets the requirements of the shielding classification.

C. Such shielded fixtures must be constructed and installed in such a manner that all light emitted by the fixture complies with the specification given. This includes all the light emitted by the fixture, either directly from the lamp or by a diffusing element, or indirectly by reflection or refraction from any part of the fixture. Any structural part of the fixture providing this shielding must be permanently affixed.

D. All canopy lighting must be fully shielded. However, indirect upward light is permitted under an opaque canopy provided that no lamp or vertical element of a lens or diffuser is visible from beyond the canopy and such that no direct upward light is emitted beyond the opaque canopy.

E. Landscape features shall be used to block vehicle headlight trespass while vehicles are at an external point of service (i.e. drive-thru aisle).

F. All facade lighting must be restricted to the facade surface. The margins of the facade shall not be illuminated. Light trespass is prohibited.

Table 16.43.070 – Luminaire Maximum Lumens and Required Shielding

Lighting Zone	Fully Shielded	Shielded	Partly Shielded	Unshielded (Shielding is highly encouraged. Light trespass is prohibited.)
LZ 1	2600 lumens or less	800 lumens or less	None Permitted	Low voltage landscape lighting and temporary holiday lighting.
LZ 2	7800 lumens or less	1600 lumens or less	800 lumens or less	Landscape and facade lighting 1600 lumens or less; ornamental lights of 800 lumens or less.

Finding 43: Given the proximity to other homes and the height of the structures, special consideration shall be applied when reviewing the lighting criteria as part of the building permit submittal. The applicant states that all installed lighting will meet the above requirements.

Specifications of the lighting fixtures have not been provided but will be required with the building permit submittals along with an overall lighting plan and specification sheets for the lamps themselves. Staff finds these criteria can be met as conditioned.

16.43.080 Height Limits.

Pole and surface-mounted luminaires under this section must conform with Section 16.43.070.

A. Lighting mounted onto poles or any structures intended primarily for mounting of lighting shall not exceed a mounting height of 40% of the horizontal distance of the light pole from the property line, nor a maximum height according to Table 16.43.080, whichever is lower. The following exceptions apply:

- 1. Lighting for residential sports courts and pools shall not exceed 15 feet above court or pool deck surface.**
- 2. Lights specifically for driveways, and then only at the intersection of the road providing access to the site, may be mounted at any distance relative to the property line, but may not exceed the mounting height listed in Table 16.43.080.**
- 3. Mounting heights greater than 40% of the horizontal distance to the property line**

but no greater than permitted by Table 16.43.080 may be used provided that the luminaire is side-shielded toward the property line.

4. Landscape lighting installed in a tree. See the Definitions section.

5. Street and bicycle path lights.

B. Lighting mounted onto buildings or other structures shall not exceed a mounting height greater than 4 feet higher than the tallest part of the building or structure at the place where the lighting is installed, nor higher than 40% of the horizontal distance of the light from the property line, whichever is less. The following exceptions apply:

1. Lighting attached to single family residences shall not exceed the height of the eave. Lighting for driveways shall conform to Table 16.43.080.

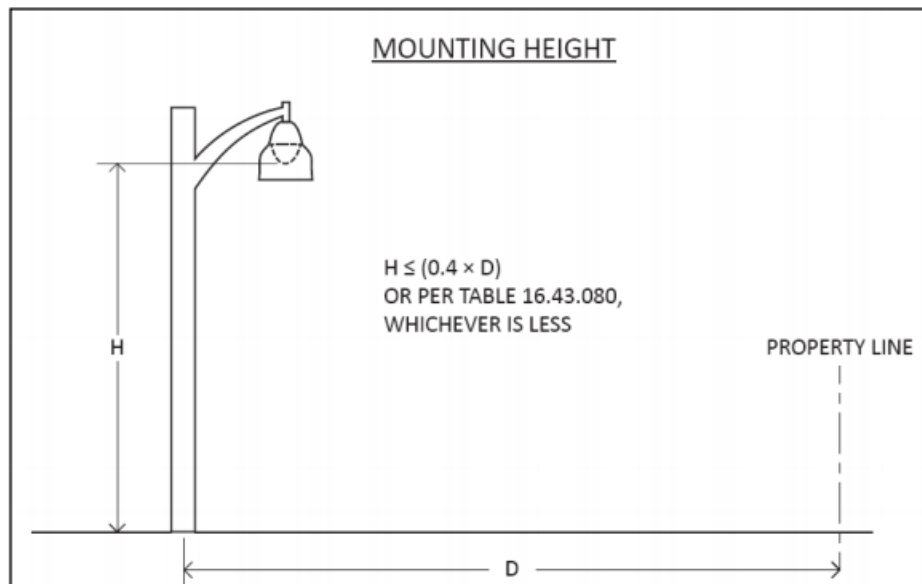
2. Lighting for facades may be mounted at any height equal to or less than the total height of the structure being illuminated regardless of horizontal distance to property line.

3. For buildings less than 40 feet to the property line, including canopies or overhangs onto the sidewalk or public right of way, luminaires may be mounted to the vertical facade or the underside of canopies at 16 feet or less.

4. The top exterior deck of parking garages should be treated as normal pole mounted lighting rather than as lights mounted to buildings. The lights on the outside edges of such a deck must be side shielded to the property line

Table 16.43.080 – Maximum Lighting Mounting Height in Feet

Lighting Zone	Lighting for Driveways, Parking and Transit	Lighting for Walkways, Plazas and other Pedestrian Areas	All Other Lighting
LZ 1	35.0	18.0	8.0
LZ 2	37.5	18.0	15.0



Finding 44: Given the proximity to other homes and the height of the structures, special consideration shall be applied when reviewing the lighting criteria as part of the building permit submittal. The applicant states that they will be installing lighting that meets the above requirements.

Specifications of the lighting fixtures have not been provided but will be required with the building permit submittals along with an overall lighting plan and specification sheets for the lamps themselves. Staff finds these criteria can be met as conditioned.

16.43.110 Lighting Plan Required

A lighting plan shall be submitted with the development or building permit application and shall include:

- A. A site plan showing the location of all buildings and building heights, parking, and pedestrian areas.**
- B. The location and height (above grade) of all proposed and existing luminaires on the subject property.**
- C. Luminaire details including type and lumens of each lamp, shielding and cutoff information, and a copy of the manufacturer's specification sheet for each luminaire.**
- D. Control descriptions including type of control (time, motion sensor, etc.), the luminaire to be controlled by each control type, and the control schedule when applicable.**
- E. Any additional information necessary to demonstrate compliance with the standards in this section. (Ord.1338, 2010)**

Finding 45: As mentioned above in **Findings 43 and 44**, a lighting plan describing compliance with Chapter 16.43 will be evaluated at the time of building permit submittal. As conditioned, staff finds these criteria can be met.

CHAPTER 16.49 – SITE AND DESIGN REVIEW

16.49.035 Application for Site and Design Review

A. For site and design review projects in the Downtown Canby Overlay Zone (DCO), applicants may choose one of the following two processes:

- 1. Type II – If the applicant meets all applicable site and design review standards set forth in Chapters 16.41(Downtown Canby Overlay Zone) and 16.49; the applicant shall submit a Type II application for approval pursuant to the approval criteria set forth in 16.49.040.A; or**
- 2. Type III – If the applicant proposes the use of alternative methods or materials to meet the intent of the site and design review standards set forth in Chapter 16.41.070, the applicant shall submit a Type III application for approval pursuant to the approval criteria set forth in 16.49.040.B. The applicant must still meet all applicable requirements of Chapter 16.49.**

B. All other projects subject to site and design review approval pursuant to Section 16.49.030 are subject to the Type III procedural requirements set forth in Chapter 16.89. The applicant shall submit a Type III application for approval pursuant to the approval criteria set forth in 16.49.040. (Ord.1296, 2008)

Finding 46: The subject property is not within the Downtown Canby Overlay Zone and therefore must pursue a Type III process. The proposal is subject to the standards and criteria found in CMC 16.49.040(B).

16.49.40 Criteria and standards

B. In review of a Type III Site and Design Review Application, the Board shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the following:

- 1. The proposed site development, including the site plan, architecture, landscaping and graphic design, is in conformance with the standards of this and other applicable city ordinances insofar as the location, height and appearance of the proposed development are involved; and**
- 2. The proposed design of the development is compatible with the design of other developments in the same general vicinity; and**
- 3. The location, design, size, color and materials of the exterior of all structures and signs are compatible with the proposed development and appropriate to the design character of other structures in the same vicinity.**
- 4. The proposed development incorporates the use of LID best management practices whenever feasible based on site and soil conditions. LID best management practices include, but are not limited to, minimizing impervious surfaces, designing on-site LID stormwater management facilities, and retaining native vegetation.**
- 5. The Board shall, in making its determination of compliance with this Ordinance, shall use the matrix in Table 16.49.040 to determine compatibility unless this matrix is superseded by another matrix applicable to a specific zone or zones under this title.**

An application is considered to be compatible with the standards of Table 16.49.040 if the following conditions are met:

- a. The development accumulates a minimum of 60 percent of the total possible number of points from the list of design criteria in Table 16.49.040; and
- b. At least 10 percent of the points used to comply with (a) above must be from the list of LID Elements in Table 16.49.040.

6. Street lights installation may be required on any public street or roadway as part of the Design Review Application.

D. In review of a Type III Site and Design Review Application, the Board shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the INTENT of the design review standards set forth in this ordinance.

E. The Board shall, in making its determination of compliance with the above requirements, be guided by the objectives and standards set forth in this ordinance. 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 development. If the site and design review plan includes utility facilities or public utility facility, then the City Planner shall determine whether those aspects of the proposed plan comply with applicable standards.

F. The Board shall, in making its determination of compliance with the requirements set forth, consider the effect of its action on the availability and cost of needed housing. The Board shall not use the requirements of this section to exclude needed housing types. However consideration of these factors shall not prevent the Board from imposing conditions of approval necessary to meet the requirements of this section. The costs of such conditions shall not unduly increase the cost of housing beyond the minimum necessary to achieve the purposes of this ordinance.

G. As part of the site and design review, the property owner may apply for approval to cut trees in addition to those allowed in Chapter 12.32, the city Tree ordinance. The granting or denial of said application will be based on the criteria in Chapter 12.32. The cutting of trees does not in and of itself constitute change in the appearance of the property which would necessitate application for site and design review. (Ord. 848, Part III, section 2, 1991; Ord. 955 section 24 & 25, 1996; Ord.1237, 2007, Ord.1296, 2008; Ord. 1338, 2010; Ord. 1514, 2019)

Finding 47: The above standards are general guidance for the Design Board (Planning Commission) to consider when reviewing a design review application.

Table 16.49.040 Site Design Review Menu

As part of Site and Design Review, the following menu shall be used as part of the review. In order to “pass” this table 60% of total possible points shall be earned, 10% of the total possible points must be from LID element

Finding 48: The tables on the following pages are the scoring matrix for the design review. Green boxes indicate staff verified points towards the total requirement. The table found in CMC 16.21.070 replaces the table in 16.49.040.

Design Criteria	Possible Points				
Parking	0	1	2	3	4
Screening of parking and/or loading facilities from public right-of-way	Not screened	Partially screened	Fully screened	Points = 5	
Parking lot lighting provided	No	Yes	-		
Parking location (behind building is best)	Front	Side	Behind		
Number of parking spaces provided (% of minimum required)	>120%	101-120%	100%		
Tree Retention	0	1	2	3	4
Percentage of trees retained	<10%	10-50%	51-75%	Points = 1	
Replacement of trees removed	<50%	≥50%	-		
Building Orientation to the Street	0	1	2	3	4
Primary entrances face the street	Not street-facing	Entrance breezeway faces street	All entrances face the street	Points = 2	
Building Orientation to the Street, cont.	0	1	2	3	4
Site's frontage has buildings within 25 feet of front lot line. (Full points may be given when courtyards are adjacent to the frontage.)	0-25% of street frontage	26-50% of street frontage	≥51% of street frontage	Points = 1	
Screening of Storage Areas and Utility Boxes	0	1	2	3	4
Trash storage is screened from view by solid wood fence, masonry wall or landscaping.	No	Yes	-	Points = 5	
Trash storage is located away from adjacent property lines.	0 - 10 feet from adjacent property	11 - 25 feet from adjacent property	>25 feet from adjacent property		
Utility equipment is screened from view.	Not screened	Partially screened	Fully screened		
Prevention of Monotonous and Incompatible Design	0	1	2	3	4
Horizontal length of all buildings is a maximum of 120 feet.	101 - 120 feet	81 - 100 feet	≤80 feet	Points = 3	
Roofs have a gable, hip or gambel form, minimum pitch of 3 to 12 with at least 6-inch overhang.	No	Yes	-		

Design Criteria	Possible Points				
A minimum of 15% of street façade areas contains windows or doors. All windows provide trim, recess, or other method of providing shadowing.	No	Yes	-	Points = 3	
Garages are located to minimize their visual impact.	Front of building	Side of building	Back of building		
Exterior design features include offsets, balconies, projections, window reveals, or similar elements to break up large building expanses.	Less than one design feature within every 30 feet of longest façade.	One design feature within every 30 feet of longest façade.	Two or more design features within every 30 feet of longest façade.		
Private Open Space and Landscaping	0	1	2	3	4
Private open space provided in addition to what is required for the base zone.	No additional open space.	Patios or balconies (at least 48 square feet) provided for 50% of units.	Patios or balconies (at least 48 square feet) provided for 51-100% of units.	Points = 2	
Number of non-required trees provided.	-	At least one tree per 500 square feet of landscaping.	-		
Private Open Space and Landscaping, cont.	0	1	2	3	4
Amount of grass (less grass is better) (% of total landscaped area)	>50%	25-50%	<25%	Points = 2	
Street and Block Framework	0	1	2	3	4
Multi-family developments 8 acres or larger are developed as a series of complete blocks bounded by a network of public or private streets with sidewalks and street trees.	No blocks or network.	10-50% of units are along a street with sidewalks, street trees, and on-street parking.	51-100% of units are along a street with sidewalks, street trees, and on-street parking.	Points = 2	

Low Impact Development (LID)	0	1	2	3	4
Use of pervious paving materials (% of total paved area)	<10%	-	10-50%	51-75%	>75%
Provision of park or open space area for public use	None	-	Open Space(Generally not for public use)	-	Park (public or privately owned for public use)
Use of drought tolerant species in landscaping (% of total plants)	<25% drought tolerant	-	25-50% drought tolerant	51-75% drought tolerant	>75% drought tolerant
Design Criteria	Possible Points				
Provision of additional interior parking lot landscaping (% of minimum required)	100%	101-110%	111-120%	>120%	-
Provision of an eco-roof or rooftop garden (% of total roof area)	<10%	-	-	Points = 15	
Parking integrated within building footprint (below-grade, structured parking, or tuck-under parking) (% of total on-site parking)	<10%	-	-		
Disconnecting downspouts from city stormwater facilities	None	Some downspouts disconnected	All downspouts disconnected		
Shared parking with adjacent uses or public parking structure (% of total required parking spaces)	None	<50%	≥50%		
Provision of rain gardens/bioretention areas for stormwater runoff (% of total landscaped area)	None	-	10-50%		

Finding 49: Staff finds that the applicant passes the test by acquiring 39 of 65 available for 60% of the points available with 15 coming from LID elements. Staff notes that this development is relatively unusual in that it does not have public facing frontage which makes one section of points impossible to evaluate. Additionally, according to the applicant's elevation plans, the buildings are oriented to the private street infrastructure which scores two points not one. Staff finds that the applicant has incorporated design elements, layout, parking and other components that are addressing the design elements satisfactorily. Given the unusual circumstances of the property and a clear design path staff provided by the applicant, staff recommend approval of the design review aspect of the table. The Director and the Planning Commission have authority to waive requirements that are stated in the design review standards and to review the intent of the code pursuant to CMC 16.21.060 and 16.49.040 (D).

Finding 50: Staff finds that specific directions are included to contemplate evaluation of hosing cost any types as part of the review. 'Middle Housing' is a significant component of the State's direction on provisions for additional housing types; refer to 16.49.040 (F):

The Board shall, in making its determination of compliance with the requirements set forth, consider the effect of its action on the availability and cost of needed housing. The

Board shall not use the requirements of this section to exclude needed housing types. However, consideration of these factors shall not prevent the Board from imposing conditions of approval necessary to meet the requirements of this section. The costs of such conditions shall not unduly increase the cost of housing beyond the minimum necessary to achieve the purposes of this ordinance.

16.49.050 Conditions placed on site and design review approvals.

A. A site and design review approval may include restrictions and conditions. These restrictions and conditions shall be reasonably conceived to:

- 1. Protect the public from the potentially deleterious effects of the proposal; and/or**
- 2. Fulfill the need for services created, increased or in part attributable to the proposal; and/or**
- 3. Further the implementation of the requirements of the Canby Municipal Code.**

B. The following types of conditions may be contemplated, and the listing below is intended to be illustrative only and not to be construed as a limitation of the authority granted by this section.

- 1. Development Schedule.** A reasonable time schedule may be placed on construction activities associated with the proposed development, or any portion thereof.
- 2. Dedications, Reservation.** Dedication or reservation of land, or fee in lieu thereof for park, open space purposes, rights-of-way, bicycle or pedestrian paths, green way, riverbank or easements; the conveyance of title or easements to a homeowners' association.
- 3. Construction and Maintenance Guarantees.** Security from the property owners in such an amount that will assure compliance with approval granted.
- 4. Plan Modification.** Changes in the design or intensity of the proposed development, or in proposed construction methods or practices, necessary to assure compliance with this Ordinance.
- 5. Off-Site Improvements.** Improvements in public facilities, including public utilities, not located on the project site where necessary to assure adequate capacity and where service demand will be created or increased by the proposed development. The costs of such improvements may be paid for in full while allowing for recovery of costs from users on other development sites, or they may be pro-rated to the proposed development in proportion to the service demand projected to be created on increases by the project. If determined appropriate by the city based on specific site conditions, off-site roadway improvements may be required to accommodate bicycle and pedestrian travel consistent with the TSP and applicable sections of this code.
- 6. Other Approvals.** Evaluation, inspections or approval by other agencies, jurisdictions, public utilities or qualified consultants may be required for all or any part of the proposed development.
- 7. Access Limitation.** The number, location and design of street accesses to a proposed development may be limited or specified where necessary to maintain the capacity

of streets to carry traffic safely, provided that sufficient access to the development is maintained.

8. Screening. The Planning Commission may require additional screening with landscaping, decorative fencing, decorative walls, or other means in Order to screen outdoor storage areas, rooftop/ground mechanical equipment, garbage/recycling areas, or other visual clutter. (Ord.. 890 section 44, 1993; Ord.. 848, Part III, section 3, 1991; 1340, 2011)

Finding 51: The above criteria are intended for the Planning Commission as a guide for imposing additional conditions as deemed appropriate.

16.49.060 Time limit on approval.

Site and Design Review Board approvals shall be void after twelve (12) months unless:

A. A building permit has been issued and substantial construction pursuant thereto has taken place, as defined by the state Uniform Building Code; or

B. The Planning Department finds that there have been no changes in any Ordinances, standards, regulations or other conditions affecting the previously approved project so as to warrant its resubmittal. (Ord. 848, Part III, section 4, 1091)

Finding 52: As a condition of approval, the building permits must be issued and substantial construction conducted within twelve months of the final decision for DR 21-04 – State Street.

16.49.065 Bicycle and pedestrian facilities.

Developments coming under design review shall meet the following standards:

A. The internal walkway system shall be extended to the boundaries of the property to adjoining properties developed or zoned for commercial, public, or multi-family uses. The walkway shall connect to an existing walkway system on adjoining property or be located so as to provide for development of a logical connection in the future when the adjoining property is developed or redeveloped.

B. On-site facilities shall be provided to accommodate safe and convenient pedestrian and bicycle access within new subdivisions, multi-family developments, planned development, shopping centers, and commercial districts, and connecting to adjacent residential areas and neighborhood activity centers. Residential developments shall include streets with sidewalks and access ways.

Finding 53: As mentioned previously in this report, staff believe there is a responsibility to provide some demarcation of pedestrian access along the private access easement. Staff discussed this item with Canby Fire District and a different material such as concrete, bricks, pavers or striping delineating the pedestrian portion of the paved access surface is appropriate or providing a zone for pedestrians to walk in and out of the property to the public street infrastructure. This improvement could be a gentle roll curb or at-grade cement which indicates a pedestrian path. In addition staff find that a privately installed 'Stop Sign' with striped 'Stop' shall be placed at the egress point of the approach onto SW 3rd Avenue. Staff finds that there is a sufficient nexus and rough proportionality between the code, the development and the condition in this instance

to include this improvement within the private access easement.

C. For new office parks and commercial development:

- 1. At least one sidewalk connection between the proposed development and each abutting commercial or office property shall be provided. One connection shall also be provided to each neighborhood.**
- 2. Walkways shall be provided to the street for every 300 feet of developed frontage.**
- 3. Walkways shall be direct with minimal driveway crossings.**
- 4. Walkways shall be linked to the internal circulation of the building.**
- 5. Walkways shall be at least five feet wide and shall be raised, or have different paving materials when crossing driveways or other vehicle maneuvering areas.**

Finding 54: These criteria are largely intended for commercial projects and office type land uses. To the extent that the criteria apply, the proposed and existing development at the subject property have linked internal circulation, striping in maneuvering areas.

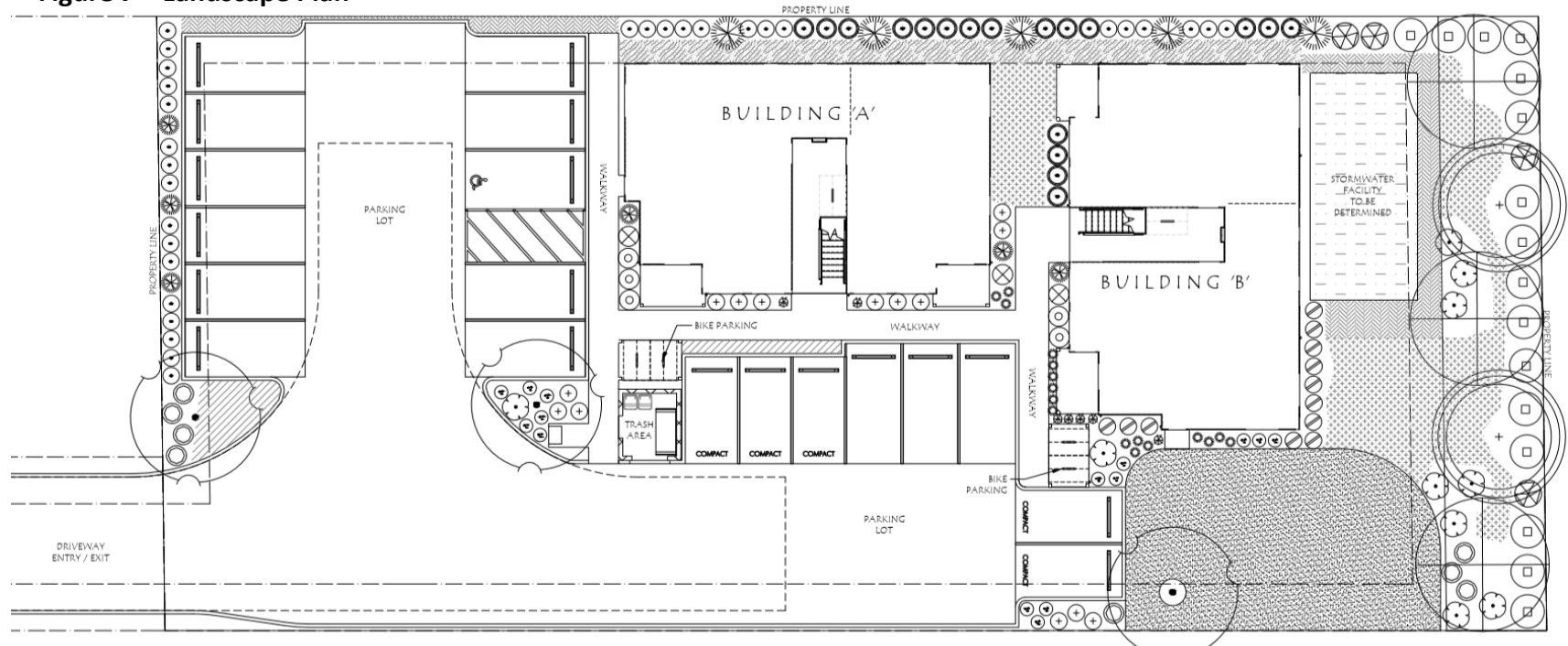
D. Use of permeable surfacing materials for walkways is encouraged whenever site and soil conditions make it feasible. Permeable surfacing includes, but is not limited to, paving blocks, turf blocks, and porous asphalt. All permeable surfacing shall be designed, constructed, and maintained in accordance with the Canby Public Works Design Standards.

Finding 55: The applicant is not proposing permeable materials for walkways.

E. Developments that abut the Molalla Forest Road multi-use path shall provide a pedestrian/bicycle access to the path. The city may determine the development to be exempt from this standard if there is an existing or planned access to the path within 300 feet of the development. (Ord. 1043 section 3, 2000; Ord. 1339, 2010; Ord. 1340, 2011; Ord. 1514, 2019)

Finding 56: Not applicable this development does not abut the Molalla Forest Road.

Figure 7 – Landscape Plan



16.49.080 General provisions for landscaping.

A. The standards set forth in this section are minimum standards for landscaping.

B. The purpose of these landscaping standards is to provide uniform standards for the development and maintenance of the landscaping of private property and public rights-of-way. The purpose of landscaping is to improve the livability of residential neighborhoods, enhance the customer attraction of commercial areas, increase property values, improve the compatibility of adjacent uses, provide visual separation and physical buffers between incompatible adjacent land uses, provide visual relief from the expanse of parking lots, screen undesirable views, contribute to the image and appeal of the overall community, and mitigate air and noise pollution.

These standards are also intended to facilitate Low Impact Development (LID) techniques through the retention of existing native vegetation and mature, healthy trees, to the extent feasible. Additional LID related goals of this chapter are to: reduce erosion and storm water runoff; preserve and promote urban wildlife habitats; reduce the amount of carbon dioxide in the air; shade and reduce the temperature of adjacent waterways; and enhance the streetscapes along the city's public rights-of-way with an emphasis on trees and LID stormwater facilities.

C. The minimum area requirement for landscaping for developments coming under design review shall be the percentage of the total land area to be developed as follows. Parking lot landscaping area is included in calculating the following landscape areas:

- 1. Fifteen (15) percent for all industrial and commercial zones (except the Downtown-Commercial zone, but including the Commercial-Residential zone).**
- 2. Seven and one-half (7.5) percent for the Downtown-Commercial zone.**
- 3. Thirty (30) percent for all residential zones**

D. LID stormwater management facilities, such as rain gardens and bioretention areas, may be counted toward the minimum landscaping requirement when they are located on private property. LID facilities in the public right-of-way cannot be counted toward the minimum landscaping requirement. The integration of LID stormwater management facilities within required landscaping must be approved by the city and shall comply with the design and construction standards set forth in the Canby Public Works Design Standards.

Finding 57: The applicant has provided approximately 6,100 square feet or 32% of the subject property area that is landscaped. The applicant also has preliminary designs for a stormwater management facility and proposing porous asphalt for portions of the parking stalls. Staff finds that this meets the standard in 16.49.080(C)(3). **(Refer to Figure 7 for the applicant's landscape plan).**

E. Trees and other plant materials to be retained shall be identified on the landscape plan. The Site and Design Review Board encourages the retention, to the extent practicable, of existing healthy trees and vegetation.

Finding 58: The applicant has provided a landscape plan that demonstrates materials and vegetation that will be retained.

F. During the construction process:

- 1. The owner or the owner's agent shall provide above and below ground protection for existing trees and plant materials identified to remain.**
- 2. Trees and plant materials identified for preservation shall be protected by chain link fencing placed around the tree, at the drip line.**
- 3. If it is necessary to fence within the drip line, such fencing shall be specified by a qualified arborist, nurseryman or landscape architect.**
- 4. Neither top soil storage nor construction material storage shall be located within the drip line of trees designated to be preserved.**
- 5. Where site conditions make necessary grading, building, paving, trenching, boring, digging, or other similar encroachment upon a preserved tree's drip line area, such grading, paving, trenching, boring, digging or similar encroachment shall only be permitted under the direction of a qualified arborist, nurseryman or landscape architect. Such direction must assure that the health needs of trees within the preserved area can be met.**
- 6. Tree root ends shall not remain exposed.**

G. Landscaping under preserved trees shall be compatible with the retention and health of said trees.

H. When it is necessary for a preserved tree to be moved in accordance with the Tree Ordinance, the landscaped area surrounding said tree or trees shall be maintained and replanted with trees which relate to the present landscape plan, or if there is no landscaping plan, then trees which are complimentary with existing, nearby landscape materials.

I. Any required landscaped area shall be designed, constructed, installed and maintained so that within three (3) years, the ground shall be covered by living grass or other plant material. (The foliage crown of trees shall not be used to meet this requirement.) A maximum of five percent of the landscaped area may be covered with bark chips, mulch, or other similar materials. A maximum of five percent of the landscaped area may be covered with rock, stones, walkways, or other similar material acceptable to the Board. Required sidewalks shall not be used to meet the landscaping requirements.

J. All trees and plant materials shall be healthy, disease-free, damage-free, well branched stock, characteristic of the species. The use of tree and plant species native to the Pacific Northwest is encouraged. Any new street tree planted must be included on the city's list of approved tree species.

K. Landscaping methods should be guided by the provisions of the most recent edition of the Sunset Western Garden Book or similar publication.

L. The following guidelines are suggested to insure the longevity and continued vigor of plant materials:

- 1. Select and site permanent landscape materials in such a manner as to produce a hardy and drought-resistant landscaped area.**
- 2. Consider soil type and depth, spacing, exposure to sun and wind, slope and**

contours of the site, building walls and overhangs, and compatibility with existing native vegetation preserved on the site or in the vicinity.

M. All plant growth in landscaped areas of developments shall be controlled by pruning, trimming or otherwise, so that:

1. It will not interfere with designated pedestrian or vehicular access; and
2. It will not constitute a traffic hazard because of reduced visibility.
3. It will not hinder solar access considerations.

N. After completion of site grading, topsoil is to be restored to exposed cut and fill areas to provide a suitable base for seeding and planting.

O. All planting areas shall be graded to provide positive drainage.

P. Neither soil, water, plant materials nor mulching materials shall be allowed to wash across roadways or walkways. (Ord.. 890 section 49, 1993; Ord.. 854 section 1,1991; Ord.. 848, Part IV, section 2, 1990; Ord.. 955 section 26, 1996; Ord. 1237, 2007; Ord.. 1338, 2010)

Finding 59: The criteria in Section 16.49.080(f) through (p) shall be observed by the applicant and property owner. As a condition of approval, the applicant shall implement the landscape plan in adherence with the criteria found in 16.490.080(f) through (p) above.

16.49.100 Landscaping installation and maintenance.

A. Except as allowed by subsection (2), all landscaping and exterior improvements required as part of the site and design review approval shall be completed prior to the issuance of any certificate of occupancy.

B. A temporary certificate of occupancy may be issued prior to the complete installation of all required landscaping and exterior improvements if security equal to 110 percent of the cost of the landscaping and exterior improvements, as determined by the Site and Design Review Board or City Planner, is filed with the city, assuring such installation within a time specified by the Board, but not to exceed six (6) months after occupancy. The applicant shall provide the cost estimates of landscaping materials and installation to the satisfaction of the Site and Design Review Board, City Planner, or city forester, prior to approval of the security. Security may consist of a faithful performance bond payable to the City of Canby, cash, certified check, time certificate of deposit, or assignment of a savings account; and the form shall meet with the approval of the City Attorney. If the installation of the landscaping or other exterior improvements is not completed within the period specified by the Board or City Planner, the security may be used by the city to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the city shall be returned. The final landscape and exterior improvement inspection shall be made prior to any security being returned. Any portion of the plan not installed, not installed properly, or not properly maintained shall cause the inspection to be postponed until the project is completed, or shall cause the security to be used by the city.

Finding 60: The applicant shall finalize all landscaping prior to the issuance of any certificate of occupancy. Should a temporary certificate of occupancy be required, the applicant shall meet the standards of 16.49.100(B). These requirements have been made conditions of approval.

C. All landscaping approved through the site and design review process shall be continually maintained, including necessary watering, weeding, pruning and replacement, in a manner substantially similar to that originally approved by the Site and Design Review Board, unless later altered with Board approval. (Ord.. 890 section 47, 1993; Ord.. 848, Part IV, section 4, 1990.

Finding 61: The landscaping approved through this site design review process shall be continually maintained as needed. This has been made a condition of approval.

16.49.120 Parking lot landscaping standards.

A. General Provisions. In addition to the objectives stated in section 2 of this Ordinance, goals of parking lot standards are to create shaded areas in parking lots to reduce glare, enhance the visual environment, and encourage the use of LID practices. The design of the parking area shall be the responsibility of the developer and should consider visibility of signage, traffic circulation, comfortable pedestrian access, and aesthetics. Trees shall not be cited as a reason for applying for or granting a variance on placement of signs.

B. Application. Parking lot landscaping standards shall apply to any surface passenger vehicle parking area of ten (10) spaces or more, or to any paved vehicular use area 3,500 square feet or larger on the same tax lot or on contiguous tax lots under common ownership. Any paved vehicular area which is used specifically as a utility storage lot or a truck loading area shall be exempt from landscaping requirements within a parking lot.

C. Landscaping Within a Parking Lot.

1. Area within a parking lot shall include the paved parking and maneuvering area, as well as any area within ten (10) feet of any exterior face of curb surrounding the paved parking and maneuvering area.
2. Each interior landscaped area shall be a minimum of six (6) feet wide, unless the area is added to the required perimeter landscaping.
3. The use of LID best management practices in parking lots is encouraged whenever site and soil conditions make it feasible. Such practices include, but are not limited to, permeable surfacing materials, and integrating LID stormwater management facilities into the required landscaping areas.

Finding 62: The applicant's submitted narrative, site plan diagram, and landscape diagram indicate that the parking lot area is approximately 5,967 square feet and the interior landscape area is approximately 1,283 square feet. This nets approximately ~ 21% of parking lot landscape area. The required area for parking lot landscaping for this zone is 15% Staff finds that the applicant has provided sufficient landscaping in the parking lot area.

D. Computing Minimum Area Required to be Landscaped Within a Parking Lot. Minimum area required to be landscaped within a parking lot shall be as follows:

1. Fifteen (15) percent for all residential, industrial, and commercial zones
2. Five (5) percent for the Downtown-Commercial Zone for any off-street parking spaces provided.
3. Ten (10) percent for the Core Commercial (CC) sub-area of the Downtown Canby

Overlay Zone for any off-street parking spaces provided.

Finding 63: As mentioned above in **Finding 62**, the interior landscape parking area is approximately 1,283 square feet. This nets approximately ~ 21% of parking lot landscape area. Staff finds this criterion is met. The total landscaping provided is approximately ~ 32% of the subject property.

F. Criteria for Trees in Parking Lots. Deciduous, evergreen and/or shade trees shall meet the following criteria:

1. Reach a mature height of approximately forty (40) feet. Trees must be approximately two-inch (2") caliper at the time of planting.
2. Cast moderate to dense shade in summer.
3. Be long lived, i.e., live to be over approximately sixty (60) years.
4. Do well in an urban environment:
 - a. Be pollution tolerant; and
 - b. Be tolerant of direct and reflected heat.
5. Require little maintenance:
 - a. Be mechanically strong;
 - b. Be insect and disease resistant; and
 - c. Require little pruning.
6. Be resistant to drought conditions.
7. Be barren of fruit production.

Finding 64: As a general standard, all trees planted as part of the landscape plan shall meet these minimum requirements. These criteria for trees are made as condition of approval.

G. Perimeter of Parking and Loading Areas:

1. Screening of parking and loading areas is required. Within three (3) years of planting, screening shall be of such height and density as to shield vehicle headlights from head-on visibility.
2. In addition, one (1) deciduous, evergreen and/or shade tree shall be planted every forty (40) feet, minimum, along the required setback of the vehicular use area.

Finding 65: The applicant has indicated in submitted narratives and accompanying landscape plan the screening of parking and loading areas with plantings and trees. Staff finds this criterion is met.

H. Irrigation System or Available Water Supply Required. Landscaped areas shall be provided with automatic irrigation systems or a readily available water supply with at least one (1) outlet located within approximately 150 feet of all plant materials to be maintained. (Ord.. 890 section 49, 1993; Ord.. 848, Part IV, section 6, 1990, Ord. 1296, 2008; Ord.. 1338, 2010)

Finding 66: The applicant has indicated in the narrative that an irrigation system will be installed to provide water for landscaping. This requirement is a condition of approval.

IV. PUBLIC COMMENTS RECEIVED – Verbatim comments are attached as Exhibit G

- Karen Bourbonnais – Expressed concern regarding the parking and the amount of units but stated that they are not against the project itself.
- Jason Bristol – Expressed some interest in the fencing and what type of materials make the most sense.
- Robert and Sandra Salmonson – Concerns related to privacy and size of structure, fire truck turnaround, parking.
- Jennifer Driskill – A variety of concerns some of which are value based and are related to aesthetics, privacy, neighborhood compatibility, lighting, pedestrian safety, on and off street parking. The comments make direct findings to the criteria, which staff address below.
- “The development lot is surrounded by both R-2 and R-1 properties. Development standard 16.20.030, Section E, Item 3 States: “Maximum building height for multifamily developments abutting an R-1 (Low Density Residential) or R-1.5 (Medium Density Residential) zone shall not exceed a building height greater than one foot for each foot of distance from the R-1 and/or R-1.5 property line.” I believe that means that the proposed building needs to be 35' from the R-1 lot lines on Holly, and that the developer plan does not conform to that requirement.
 - **Staff Response:** According to the applicant’s submitted plan sets, the structures meet a 35-foot setback from the R-1 property line. There are two R-1 properties adjacent to the subject property which are south from the subject property.
- “Multi-family developments exceeding ten units shall provide 150 square feet of recreation space per dwelling unit. Recreation spaces shall be no less than 1,500 square feet in size.” Two 6 unit buildings, 12 units on the lot, seems like this should apply. I did not see anything to indicate inclusion of a 1,800 sq. ft. recreation space (12*150 sq. ft.).
 - **Staff Response:** The applicant’s plans appear to demonstrate consistency with these standards. Staff addressed this initially with the applicant during the completeness review of the project and deemed the application incomplete because the applicant was using outdoor balconies and patios as part of that space. Staff agrees that the applicant could provide a more clear indication of the active recreation space, but the plans appear to demonstrate a consolidated and active recreation space along the south and southwestern portions of the site. These areas are also outside of the 15-foot buffer required by the adjoining R-1 Zones.
- Development standards of 16.20.030, Section D, Item 2: Rear yard setback standards don't address buildings beyond two stories (20 ft.). While Section E, Item 3 appears to indicate the setback needs to be the height of the building (35 ft.), I think it's worth noting that the standards don't even anticipate buildings over two stories for R-2 nor the implications for the surrounding residents.

- **Staff Response:** The setback based on the height of the building is staff's understanding for accommodating structures that are over 2-stories in height. As such, a 27.5-foot structure would require a setback of 27.5-feet. Staff recognize that development does not always fit neatly within code and that conflicts can and will exist. At this time, it appears that because of the R-2 zone and the majority of the property surrounding the subject property is zoned R-2 that the setbacks meet the letter of the code.
- Adding a 26' driveway for these apartments is absolutely necessary for emergency vehicle access – but takes away 2-3 parking spots on 3rd Ave. The reality is that at least 5-6 additional cars will need street parking comes along with the one bedroom apartments. There are not many places left for those cars to fit in – it's always full at the Elm St end of 3rd Ave; there's only one side to park on 3rd Ave closer to Ivy St, and that area is full now as well.
 - **Staff Response:** A 26' wide access easement exceeds the code standards and is required for fire access. Access to property was granted via easement and must be lawfully given despite the impacts to on-street parking. The applicant has provided the amount of parking required by code.
- Both 3rd Ave and Grant should be considered arterial streets. Any building on this lot needs a Traffic Impact Study (TIS) completed during (non-pandemic) school months. Per 16.08.150, Section C, this project would meet all of the determination requirements, not least of all #5 for "Potential impacts to priority pedestrian and bicycle routes, including, but not limited to school routes...". The inevitable future increases to traffic on 99E, particularly should the proposed I205 tolling come to pass, must not be disregarded. Traffic on local streets, particularly arterial streets adjacent to Hwy 99, will certainly be notable. Ivy and Elm, flanking SE 3rd Ave on either side, may be further from the proposed site but are also relevant arterial routes.
 - **Staff Response:** Arterial streets are a functional classification determined by certain metrics in the Transportation System Plan (TSP) and other traffic engineering. Staff understand future changes may impact prior decisions but in this instance staff cannot make recommendations based on uncertainties in the future that may or may not be actualized. Staff have required as a condition of approval, to place demarcated pedestrian travel paths within the access easement for pedestrians entering and exiting the site. The City's Engineering Consultant has required a commercial approach from the access easement onto SW 3rd to adequately provide for site distance considerations for on and off loading onto the property. Staff is also requiring a posted stop sign and striped stop bar at the egress point of the private access easement.

Should the Planning Commission require an extensive Traffic Impact Study as part of this project, it may lead to not substantial changes to the existing levels of services on nearby roads. The Transportation Planning Rules found in the OAR only apply in certain situations, usually during larger scale developments, zone

changes, annexations and comprehensive plan amendments.

- I am concerned about the light pollution from the buildings and parking lot. Safety lighting alone will completely change the ambient level of light overnight. Being in a residential area, having a dark, quiet space at night is one of the things I cherish most. It makes me really sad my kid may not be able to lay in the back yard and enjoy the stars the way I can today. There will always be the honking light of LEDs on poles and tall buildings nearby, affecting us both outside and within the house behind curtains as well.
 - **Staff Response:** The applicant is required to submit a lighting plan that is consistent with the standards of the Canby Municipal Code, which is intended to reduce if not altogether eliminate light trespass and pollution. Should the Planning Commission impose additional conditions on lighting those could be evaluated during the hearing.

STAFF'S GENERAL RESPONSE TO COMMENTS

Staff recognize that new development that causes changes to neighborhoods can be difficult for existing landowners. As with many things in this world, one person's opinion on aesthetics or 'what is good' for the neighborhood or community may differ greatly from another person's opinions.

Staff strive to make objectively based assumptions and to make a critical review of a proposal versus the criteria. The R-2 zone has been in place for some time and some portions of the city are zoned R-2 to anticipate for and accommodate different types of housing products. To the extent possible, staff impose reasonable conditions to reduce impacts to neighbors and to accommodate development. Staff are limited to the evaluating projects on code and do not have ultimate flexibility provide through a more advanced design review process.

Should the Planning Commission impose additional conditions to further reduce impacts, that discretion is available to the Commission.

V. CONCLUSION

Staff has reviewed the applicant's narrative and submitted application materials and finds that the applications listed above conform to the applicable review criteria and standards, subject to the conditions of approval noted in Section VI of this Staff Report. Planning Staff recommends that the Planning Commission **APPROVE** design review application DR 21-04.

VI. CONDITIONS OF APPROVAL

Access:

1. The driveway access on SW 3rd Avenue shall be a commercial driveway approach and shall be constructed consistent with the City of Canby standard detail drawing No. 104.
2. The driveway approach on SW 3rd Avenue shall be a reconstructed to most current ADA guidelines.
3. The access width, surfacing and turnaround shall meet the approval of the Canby Fire District.

4. A demarcated 5-foot pedestrian walking surface shall be provide within the 20-foot paved area or within the 26-foot access easement area itself. The path shall be at grade and constructed of concrete, pavers, brick or other differentiated material from the asphalt vehicle travel surface.
5. The applicant shall provide a private stop sign at the egress point of the private access easement with a striped line stop bar that is consistent with Canby Public Work's Standards.

Public and Utility Improvements:

6. An 8-inch sanitary sewer shall be extended from SW 3rd Avenue to serve this development. The City will be responsible for the maintenance of the 8-inch line only. All the branched lateral maintenance and ownership shall be the responsibility of the development. The developer shall provide a blanket maintenance easement to the City of Canby over the entire width of the easement to enable the City to maintain the sewer line.
7. Any new water services shall be constructed in conformance with Canby Utility requirements.
8. Any new electrical connection, trenching or extension shall be conducted in conformance with DirectLink and Canby Utility.
9. Public improvements shall comply with all applicable City of Canby Public Works Design Standards. (Public Works / City Engineer).
10. All private storm drainage shall be disposed of onsite. A final drainage report shall be submitted with the final construction plans (Public Works / City Engineer).
11. No private storm drainage discharge shall be allowed to discharge into SW 3rd Avenue.

The applicant shall demonstrate how the storm runoff generated from the new impervious surfaces will be disposed. If drywells (UIC) are used as a means to discharge storm runoff, they must meet the following criteria:

- a. The UIC structures' location shall meet at least of the two conditions:
 - i. The vertical separation distance between the UIC and seasonal high groundwater is more than 2.5 feet, or
 - ii. The horizontal separation distance between the UIC and any water well is a minimum of 267 feet in accordance with the City of Canby Stormwater Master Plan, Appendix "C", *Groundwater Protectiveness Demonstration and Risk Prioritization for Underground Injection Control Devices*.

The storm water drainage report and design methodology shall be in conformance with the requirements as stated in Chapter 4 of the City of Canby Public Works Design Standards dated December 2019. (Public Works / City Engineer).

Project Design / Process:

12. The project shall substantially comply with the submitted narrative and plans. Any deviation from the plans may require additional land use review (Planning).
13. A narrative with accompanying materials shall be provided during the final certificate of occupancy process that demonstrates how the project is consistent with the conditions of

approval stated in this report (Planning).

14. A pre-construction conference request is required prior to the start of any improvement on the property. This includes review and redlines of all public and private utilities, landscaping, parking, and signage, lighting and building components. All redlines required by Public Works, the City Engineer or Planning Staff must be substantially addressed prior to the start of work (Planning).
15. An erosion control permit is required prior to any site disturbance and grading required for predevelopment phasing of the proposal (Planning).
16. All landscaping must meet the requirements of Chapter 16.49 for longevity, planting types, irrigation requirements and general coverage (Planning).
17. A lighting plan demonstrating compliance with Chapter 16.43 is required with the building permit submittal.
18. All proposed lighting shall meet the standards described in Chapter 16.43 and must have cut-off shielding and be installed as described in the manufactures specifications sheets.
19. The applicant shall work with Canby Utility and the Canby Public Works Department in order to provide the appropriate connections to all required utilities prior to site plan approval (Planning).

Legal Lot / Easement

20. The applicant shall provide a copy of the recorded access easement that benefits Tax Lot 200 through 100 demonstrating permanent, non-revocable access. A maintenance agreement if established, shall be provided demonstrating the responsibilities of each party for repair and regular maintenance of the private driveway.
21. The developer/builder of the proposed buildings shall consult with Canby Disposal regarding final architectural plans and design considerations for solid waste pickup. (Canby Disposal)

Building Permits:

22. Pursuant to 16.49.060 Time limit on approval, Site and Design Review Board approvals shall be void after twelve (12) months unless: A building permit has been issued and substantial construction pursuant thereto has taken place, as defined by the state Uniform Building Code; or The Planning Department finds that there have been no changes in any Ordinances, standards, regulations or other conditions affecting the previously approved project so as to warrant its resubmittal. (Ord. 848, Part III, section 4, 1091) (Planning).
23. The project applicant shall apply for a City of Canby Site Plan Permit, Clackamas County Building permits, and a City of Canby Erosion Control Permit prior to project construction (Planning).
24. Clackamas County Building Services will provide structural, electrical, plumbing, and mechanical plan review and inspection services (Planning).
25. The applicant shall submit sign applications to the City for any future signs. Proposed signs shall conform to provisions of Chapter 16.42 of the CMC and shall secure a building permit from Clackamas County Building Services prior to their installation if applicable (Planning).

Prior to Occupancy:

- 26.** Prior to occupancy of the station, all landscaping plant material indicated on the submitted landscape plan shall either be installed and irrigated as proposed, or sufficient security (bonding, escrow, etc.) shall be provided pursuant to the provisions of CMC 16.49.100 (B). (Planning)
- 27.** All parking striping, wheel stops, ADA space requirements and signage shall be installed (Planning).
- 28.** All pedestrian infrastructure including sidewalks, pathways and striping shall be installed (Planning).



City of Canby

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SUPPLEMENTAL MEMORANDUM

DATE: June 4, 2021 for June 14, 2021 Planning Commission Meeting
TO: Planning Commission
FROM: Erik Forsell, AICP - Associate Planner
RE: DR 21-04 – State Street (Supplemental Memorandum)

PURPOSE OF THIS MEMORANDUM

This memorandum is intended to provide supplemental information that staff believe is important for the Planning Commission to consider in review of this proposed development. The staff report was originally posted on April 30, 2021 for the May 10, 2021 Planning Commission meeting. That meeting was continued to June 14, 2021 and the staff report remains the same as the previous version.

Staff have received a number of public comments regarding this project. Those comments are included as **Attachment 1**. As a result, the applicant requested and was granted a continuance from the May 10, 2021 public hearing date – the continuance was set to June 14, 2021 so that the applicant could address comments and to conduct a traffic analysis in response to the comments received.

This memorandum also makes additional findings, observations and comments from staff regarding this project and comments received.

DISCUSSION OF COMMENTS RECEIVED

A number of comments were received before the initial May 10, 2021 public hearing and additional comments were received by planning staff after the May 10, 2021 hearing date. Staff summarizes these comments below; full verbatim descriptions are included as **Attachment 1** to this memorandum. Staff note that this is a general summary of what appear to be the principal concerns related to this project – the majority of these were related to parking, traffic and ingress and egress which are further analyzed by the Traffic Analysis Letter (TAL) produced by DKS, the City's traffic engineering consultant.

- **Traffic Generation and Safety**

- Proximity of proposed approach to an existing driveway and SW Grant Street
- Ingress and egress safety for other vehicles and pedestrians, including comments suggesting a "right turn exit only"
- A general request and supporting evidence that a traffic impact analysis should be conducted
- Spacing considerations for the approach onto SW 3rd
- Ingress and egress conflicts between vehicles leaving and entering the site

- Concerns about emergency access
- Concerns about pedestrian access and interconnection
- **Parking**
 - Concerns about impacts to on-street parking on nearby public street infrastructure
 - Concerns about internal parking adequacy and maneuverability
- **Compatibility**
 - Concern about the height of the structures and compatibility with surrounding area
 - Concerns about tree removal
 - Compatibility with other properties in the area
 - Historical impacts and suggestion that this impacts the potential of a future unplanned historic district
 - Privacy from tall structures
- **Zoning / Density**
 - Comments related to whether this is an allowed use
 - Comments related to setbacks, recreation area and lighting

TRAFFIC STUDY

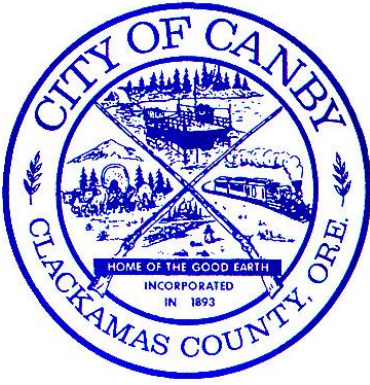
DKS, the City's traffic engineering consulting firm, reviewed the project and provided an analysis letter which largely determined that the project is consistent with City code and will not require further detailed study or mitigation efforts. The traffic study is also significantly consistent with the recommendations and finding included in the staff report. The full analysis is included as **Attachment 2**.

- **Trips generated from the proposed site:**
 - Approximately 6 a.m. peak hour trips, 7 p.m. peak hour trips, and 88 daily trips.
 - The adjacent local streets (i.e., SW 3rd Avenue and S Grant Street) will connect the site with nearby collector and arterial streets and maintain a level of traffic volume that is consistent with the local street classifications.
- **Proposed site access:**
 - Proposed to include a 20-foot drive aisle within an existing 26-foot easement.
 - Proposed to be located approximately 50 feet from the S Grant Street intersection, and about 10 and 70 feet to the nearest driveways to the west and east respectively.
 - The proposed connection complies with the City's driveway spacing and width standards along local streets.
- **Proposed site circulation:**
 - Proposed to include a 20-foot drive aisle that will provide access for vehicles and bicycles.
 - SW 3rd Avenue has an existing sidewalk along the frontage of the site, and bicyclists share the roadway with motor vehicles, consistent with the City Local Roadway cross-section standard.
 - The site will include sidewalk connections from the building entrances to the parking areas, and it is recommended to include a walkway to connect SW 3rd Avenue. This will require that the proposed driveway access be shifted towards the west property line, and a deviation to code will be needed to allow for the driveway to be constructed less than 5-feet from the side property line where it meets SW 3rd Avenue.
 - These streets will safely accommodate additional vehicle, pedestrian and bicycle trips.

ATTACHMENTS

Planning Commission Final Findings

1. Public Comments Received
2. DKS Traffic Analysis Letter for Project



City of Canby

Development Services Department

Sent Via Email

March 23, 2021

TO: Brandon Gill brandon@statestreet-homes.com
Mercedes Butchas Mercedes@studio3architecture.com

RE: **Completeness Determination, City File DR 21-04, State Street Homes – Multi-Family Project**

Please see my comments below about the completeness determination for this project.

TYPE II / TYPE III Application Process

Planning staff have made further review of the balance between Type II and III land use applications for this Design Review. Despite my efforts to interpret and then process this application through a Type II review process, there is no path forward in our code that would allow for that. Even if Type II were an option, I believe with the design proposal, a Type III process would be necessitated. One reason is the landscaping requirement which has not met the 30% requirement, but could be allowed through the more discretionary approval Type III process. I apologize for any inconvenience this may cause but believe that processing this as a Type II application would not meet the muster of our code requirements.

With that being said, we will need to process this as a Type III with a public hearing before the Planning Commission. I do not anticipate this process will significantly increase timelines and will largely remain the same with the exception of a decision made by the Planning Commission rather than the Planning Director. The application itself largely satisfies the requirements for a Type III process. Some components are needed to deem this application complete. I am willing to set a hearing date time certain with the understanding that the components listed below are provided in a timely manner.

Items Needed for Type III Process

- **A neighborhood meeting (Required for Type III Applications).** We have been allowing applicants to conduct these via Zoom or similar platform. The requirements for a neighborhood meeting are below.

16.89.070 Neighborhood Meetings.

- A. Applicants are encouraged to meet with adjacent property owners and neighborhood representatives prior to submitting their application in order to solicit input, identify issues, and exchange information about the proposed meeting.

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www.canbyoregon.gov

- B. The Planning Commission or Planning Director may require an applicant to hold a meeting in the neighborhood prior to accepting an application as complete. A neighborhood meeting is required for some application types, as shown in Table 16.89.020, unless this requirement is waived by the Planning Director.
- C. At least two weeks prior to the neighborhood meeting, the applicant shall mail notice of the meeting to:
 - 1. The appointed chair of any neighborhood association in whose boundaries the application lies; and
 - 2. All of those who would receive notice of the application's public hearing before the Planning Commission.
- D. The meeting shall be held in a fully accessible location approved by the City.
- E. Following a required neighborhood meeting, applicants shall prepare a written summary of pertinent issues raised and shall prepare a detailed response to each issue. This material shall be submitted to the Planning Department in electronic format at least two weeks before the initial public hearing. F. Applicants or attendees may make audio or video recordings of the neighborhood meeting if desired. (Ord. 1080, 2001; Ord. 1111 section 5, 2003; Ord 1237, 2007; Ord. 1514, 2019)
- **A notice distance area list of 500 feet instead of 100, this will be the same notice list for the neighborhood meeting (Required for Type III Applications).** We will need an updated noticing list for our records in order to process this application via a Type III.

Clarification on the Followings Items is needed for Completeness

- 16.20.030(D)(3) – Please identify what you are designating to be the front, rear and sides of the property. This could be interpreted a number of ways with multiple structures on the property.
- 16.20.030(G)(4) – The application indicates that outdoor patio space and other open space(s) satisfy the 150 sq/ft per unit requirement. Please demonstrate the ratios in this calculation and provide additional explanation on why outdoor patio space is 'recreation space'.
- The drawings provided indicate a 20' travel surface for the access easement. I would suggest confirming with Canby Fire District that the access is sufficient for their needs. My understanding is that you have secured a 26' wide access easement, it was unclear what the travel surface required was from the Canby Fire District.
- Please provide updated recorded deeds and easement for the recently approved property line adjustment, City File LLA 21-01.
- The access easement is used as justification in part for not meeting the 30% landscaping coverages, this easement is not on the subject property. I strongly encourage

strengthening the arguments related to the constraints or barriers preventing a 30% minimum landscape coverage.

A determination of completeness means that planning staff has enough information to proceed with our review of the application and schedule a public hearing. Additional information may be required during the review process.

Upon submittal of a complete application, the project will be reviewed through a Type III Quasi-Judicial procedure with a decision made by the Planning Commission. If appealed, the decision is heard by the City Council. If you have questions, please contact me at (503) 266-0723 or by email at forselle@canbyoregon.gov

Sincerely,

Erik Forsell
Associate Planner
City of Canby

CC:

File DR 21-04
Don Hardy, Planning Director

TECHNICAL MEMORANDUM

DATE: September 3, 2021

TO: Erik Forsell, City of Canby

FROM: Kevin Chewuk, Sarah Keenan and Chris Maciejewski, P.E. | DKS Associates

SUBJECT: Canby 3rd Avenue Apartments

Transportation Analysis Letter

#11010-122

EXECUTIVE SUMMARY

A summary of key findings from the Canby 3rd Avenue Apartments Transportation Analysis Letter is provided below:

- **Expected Additional Vehicle Trips:**

- Approximately 6 a.m. peak hour trips, 7 p.m. peak hour trips, and 88 daily trips.
- The adjacent local streets (i.e., SW 3rd Avenue and S Grant Street) will connect the site with nearby collector and arterial streets and maintain a level of traffic volume that is consistent with the local street classifications (i.e., under 1,200 daily trips).
- No neighborhood trip impacts expected along residential local streets; the proposed site is expected to generate a level of vehicle trips that are well under the standard (i.e., adding 30 peak trips or 300 daily trips to a residential local street).

- **Proposed Site Access:**

- Access proposed via a 20-foot drive aisle within an existing 26-foot easement.
- Complies with the City's spacing and driveway width standards along local streets.

- **Proposed Circulation:**

- 20-foot drive aisle will provide access for vehicles and bicycles.
- SW 3rd Avenue has an existing sidewalk, and bicyclists share the roadway with motor vehicles, consistent with the City's Local Roadway cross-section standard.
- The site will include sidewalk connections from the building entrances to the parking areas, and it is recommended to include a walkway to connect SW 3rd Avenue. This will require that the proposed driveway access be shifted slightly to the east to allow for a 5-foot walkway be constructed along the west side to connect SW 3rd Avenue with the proposed sidewalk running east-to-west along the north side of the most northerly proposed building.
- These facilities can adequately accommodate the expected additional vehicle, pedestrian and bicycle trips.

- **Transportation Approval Criteria and Livability Measures:**

- The proposed site adequately addresses each transportation approval criteria and livability measure.

INTRODUCTION

This memorandum summarizes the transportation impacts associated with the proposed Canby 3rd Avenue Apartments located on the south side of SW 3rd Avenue, just to the east of S Grant Street in Canby, Oregon. The proposed site will consist of 12 multi-family dwelling units in two buildings.

LEVEL OF TRANSPORTATION ANALYSIS REQUIRED

The City requires transportation impacts to be assessed with any proposed development that will increase trips on the transportation system, consistent with requirements in the Canby Municipal Code 16.08.150. These transportation studies implement Sections 660-012-0045(2)(a), -0045(2)(b) and -0045(2)(e) of the State Transportation Planning Rule (TPR), which require the City to adopt access spacing and performance standards and a process to apply conditions to land use proposals to minimize impacts on and protect transportation facilities. These standards are specified in the Canby Municipal Code 16.08.160, with each proposed development approval dependent on meeting the specified criteria. In addition, the City assesses livability measures to each study for neighborhood traffic and pedestrian and bicycle circulation.

Transportation impacts are assessed by comparing the adopted standards to conditions before and after the proposed development is constructed. In general terms, a full transportation impact analysis (TIS) is required of developments that are presumed to generate a significant number of additional trips (i.e., the site is expected to generate 25 or more trips during the AM and/or PM peak hours or 250 or more daily trips), while those that will not provide analysis consistent with the City Transportation Analysis Letter (TAL) requirements. The key difference between the two levels of analysis is that the TAL does not require peak hour intersection operations to be analyzed. Peak hour intersection operations will not be degraded by proposed developments that generate fewer than 25 AM and/or PM peak trips since these trips are distributed system wide and do not all impact a single location, including intersections and roadway segments. Therefore, these proposed developments are consistent with the approval criteria 16.08.160.F (i.e., adopted intersection mobility standards) and only need to provide a level of analysis that is consistent with the other specified approval criteria included in the Canby Municipal Code 16.08.160, and the various neighborhood traffic and pedestrian and bicycle livability measures.

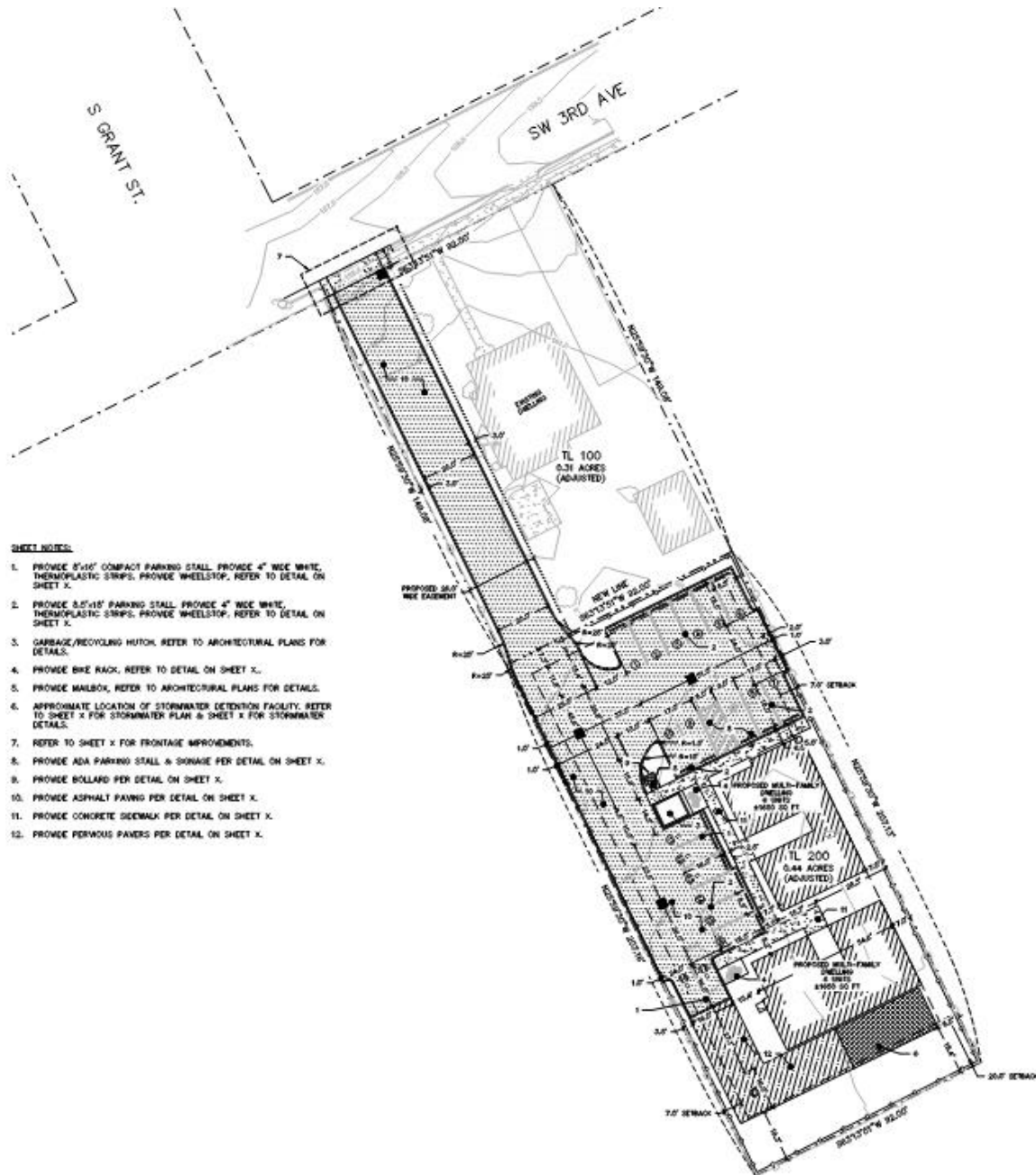
The proposed development will not result in a significant increase of additional trips (i.e., the site is expected to generate 25 or fewer trips during the AM and/or PM peak hours and fewer than 250 daily trips), so this analysis is consistent with the City TAL requirements as documented in the project scoping memorandum¹.

¹ Scope of Work – 3rd Avenue Apartments, May 21, 2021.

PROJECT DESCRIPTION

The proposed project is located on the south side of SW 3rd Avenue, just to the east of S Grant Street. The site is proposed to be developed into 12 multi-family dwelling units in two buildings, consistent with the high density residential (R-2) zoning designation. The site plan can be seen in Figure 1.

FIGURE 1: SITE PLAN



SITE ACCESS AND CIRCULATION

SITE ACCESS

Access to the development is proposed from SW 3rd Avenue via an existing easement of 26-feet, of which 20 feet is proposed to be improved as a drive aisle. The proposed driveway will be located just to the east of S Grant Street, which intersects SW 3rd Avenue as a 3-way intersection on the opposite side of the street from the proposed site. City access width requirements for multi-family uses generating fewer than 100 daily trips (see "Trip Generation" section later in this TAL) is 20 feet², with the proposed driveway complying with this standard.

ACCESS SPACING

The City of Canby has jurisdiction over SW 3rd Avenue and applies a functional classification of "Local" to it. City standards require driveways to be spaced at least 10 feet apart on the same side of Local Streets and spaced at least 50 feet from intersections, measured centerline to centerline³. The City also requires the edge of pavement for driveways to be 5 feet from the property line, unless a shared driveway is installed⁴. This standard is intended to ensure that driveways are spaced at least 10 feet apart between neighboring properties (i.e., 5 feet on each neighboring property). These standards cannot prohibit access to a property if no other access option is available, and the City allows exceptions to be approved in all cases.

The nearest roadways on the same side of the street from the proposed driveway are S Fir Street to the west and S Ivy Street to the east, located more than 500-feet from this proposed driveway. The provided distance from S Grant is approximated and reported from the centerline along the opposite side of the street. The centerline of that roadway, should it exist to the south of SW 3rd Avenue, would be 5 feet to the west of the west property line of the neighboring lot from this proposed site. The neighboring lot is 40 feet wide, for a total of 45 feet between the centerline and the east lot line of the neighboring property. It is another 10 to 15 feet to the centerline of the future driveway (depending on the location of the required walkway discussed later in this TAL), or about 55 to 60 feet in total (measured centerline to centerline), complying with the spacing standard.

The nearest driveway to the east on the same side of the street from the proposed driveway will be spaced at least 60 feet away (measured centerline to centerline), complying with the spacing standard. The centerline of the driveway to the property to the west is about 5 feet from the property line, while the driveway edge of pavement is adjacent to the property line. This would entail spacing of at least 15 feet between the neighboring driveway and the proposed driveway to this site (measured centerline to centerline), complying with the spacing standard. As noted earlier, a 5-foot walkway is required adjacent to the proposed driveway to this site to connect the

² Canby Municipal Code 16.10.070.B.7. Retrieved August 2021.

³ Canby Municipal Code 16.46.030, and Canby Transportation System Plan, Table 7-2. Retrieved August 2021.

⁴ Canby Municipal Code 16.10.070.B.9.h. Retrieved August 2021.

proposed building entrances to the street. Placing the walkway on the west side of the proposed driveway and adjacent to the property line will allow for spacing of 5 feet between the edge of pavement of the proposed driveway and the property line, complying with the City standard noted earlier. However, if the walkway is along the west property line, this will prevent future combined access with the adjacent property should it redevelop. In addition, should the property to the west redevelop, its driveway would also have to meet the required 5-foot setback where it meets SW 3rd Avenue (or get an approved design exception), which will allow for spacing of 10-feet between the adjacent edge of pavement for these driveways.

SIGHT DISTANCE

The sight triangle at intersections should be clear of objects (large signs, landscaping, etc.) that could potentially limit vehicle sight distance. In addition, all proposed accesses should meet AASHTO sight distance requirements as measured from 15 feet back from the edge of pavement⁵.

The proposed driveway to SW 3rd Avenue would require a minimum of 280 feet of sight distance based on a 25-mph speed. Preliminary sight distance evaluation from the approximate location of the driveway indicates that the proposed connection would be expected to provide sight distance of at least 280-feet looking to the east, but only about 80-feet of sight distance looking to the west. An existing tree near the property line between the proposed site and the neighboring property to the west limits the line of sight from this proposed driveway. Should this tree be removed to clear the sight triangle, an estimated 280 feet of sight distance would likely be available⁶. In this case, the proposed driveway would be expected to provide adequate sight distance.

However, prior to occupancy, sight distance at the proposed driveway will need to be verified, documented, and stamped by a registered professional Civil or Traffic Engineer licensed in the State of Oregon.

SITE FRONTAGE

The proposed site has no frontage along public streets, although the access easement connects to SW 3rd Avenue. SW 3rd Avenue has an existing 40-foot right-of-way, with a paved width of just over 31 feet. It also includes on-street parking and sidewalks on both sides of the street, and bicyclists share the roadway with motor vehicles, consistent with the City cross-section standard for Local streets. The existing roadway can adequately accommodate the additional vehicle, pedestrian, and bicycle traffic expected.

SW 3rd Avenue is a priority school route to Canby High School. The Canby Transportation System Plan (TSP) includes several proposed projects that are intended to help enhance the walking and biking experience along SW 3rd Avenue and across nearby streets, as shown in Table 1. This

⁵ AASHTO – *Geometric Design of Highways and Streets*, 7th edition, 2018.

⁶ This distance was approximated since a tree is blocking the line of sight. This estimate is based on the line of sight to this tree.

includes diverting traffic from SW 3rd Avenue to SW 2nd Avenue between the S Grant Street and S Ivy Street intersections (TSP Project I6, I7, and I8), and enhancing the street crossing at the SW 3rd Avenue intersection with S Ivy Street. These projects would be expected to reduce the level of traffic along SW 3rd Avenue, and effectively make the segment one-way near the S Ivy Street intersection (i.e., no traffic would be able to turn westbound onto SW 3rd Avenue from S Ivy Street). These projects are included on the City's Transportation System Development Charge improvement list, and the proposed project will be contributing towards these improvements with the fee they are required to pay.

TABLE 1: NEARBY TSP PROJECTS

TSP PROJECT ID	TSP PROJECT LOCATION	TSP PROJECT DESCRIPTION
C8	S Ivy St (south leg at SW 3 rd Ave)	Install crosswalk, ramps, and pedestrian refuge island (remove crosswalk striping on north leg)
I6	S Grant Street/SW 2 nd Avenue	Install westbound right-turn lane
I7	S Ivy Street/SW 2 nd Avenue	Install eastbound right-turn lane
I8	S Ivy Street/SW 3 rd Avenue	Install partial diverter on west leg to close westbound receiving lane (includes Pedestrian Project C8)

INTERNAL SITE CIRCULATION

The proposed site plan (shown earlier in Figure 1) shows the site is proposing one driveway to SW 3rd Avenue. The driveway will be paved with a 20 feet drive aisle and provide access from SW 3rd Avenue to the on-site parking areas for vehicles and bicycles. The proposed driveway access can adequately accommodate vehicle and bicycle circulation to SW 3rd Avenue and internally within the site.

The site plan also includes proposed sidewalk connections from the building entrances to the parking areas, however, it does not include a sidewalk connection to SW 3rd Avenue. City standard requires a sidewalk connection from the building entrances to the public street that provides access⁷. It is recommended that the proposed driveway access be shifted slightly to the east to allow for a 5-foot walkway be constructed along the west side to connect SW 3rd Avenue with the proposed sidewalk running east-to-west along the north side of the most northerly proposed building. However, as noted earlier if the walkway is along the west side of the proposed driveway, this will prevent future combined access with the adjacent property should it redevelop.

⁷ Canby Municipal Code 16.10.070.B.5. Retrieved August 2021.

TRIP GENERATION

The amount of new vehicle trips generated by the proposed land use was estimated using the trip generation estimates based on ITE Code 220 (Multi-Family Housing- Low-Rise) using the latest version of the ITE Trip Generation Manual (10th Edition). Trip generation estimates for the proposed development are provided for daily, morning, and evening peak hours, and are summarized in Table 2. The proposed site will be expected to generate 6 a.m. peak trips, 7 p.m. peak trips, and 88 daily trips. The estimated trip generation of the proposed site will not be expected to result in an increase significant enough to degrade peak hour intersection operations and is therefore consistent with the transportation approval criteria 16.08.160.F (i.e., adopted intersection mobility standards).

While the “low-rise” ITE land use is typically applied to multi-family developments of 1 to 2 stories in height, it is still more applicable to development in Canby. Canby multi-family trip patterns are more typical of the “low-rise” rates versus the “mid-rise”, despite this proposed site including 3 story buildings. The ITE land use for “mid-rise” is based on multi-family buildings of 3 to 10 stories in height but will result in a lower trip rate than the “low-rise” use. For comparison purposes, the trip rate for the “mid-rise” multi-family use would include 65 daily trips versus the 88 daily trips estimated with the “low-rise” use.

TABLE 2: TRIP GENERATION FOR THE PROPOSED PROJECT

LAND USE (SIZE)	AM PEAK			PM PEAK			DAILY TRIPS
	IN	OUT	TOTAL	IN	OUT	TOTAL	
MULTI-FAMILY HOUSING (LOW-RISE) - ITE CODE 220	1	5	6	4	3	7	88

TRIP DISTRIBUTION AND ASSIGNMENT

The estimated site generated traffic for the proposed project was distributed and assigned to the nearby arterial and collector roadway network. A summary of the peak project trips added to nearby intersections is shown in Table 3. As shown, fewer than 4 peak trips will be expected to be added to these nearby intersections. This includes an expected 3 additional a.m. peak trips along S Elm Street, and 1 along S Grant Street and S Ivy Street between OR 99E and SW 3rd Avenue, and 3 additional p.m. peak trips along S Elm Street, 2 along S Ivy Street and 1 along S Grant Street between OR 99E and SW 3rd Avenue.

TABLE 3: PEAK HOUR PROJECT TRIPS ADDED

Intersection	Movement												Peak Hour Total
	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR	
AM Peak Hour													
OR 99E / S Ivy Street	0	0	1	0	0	0	0	0	0	0	0	0	1
OR 99E / S Grant Street	0	1	0	0	0	0	0	0	0	0	0	0	1
OR 99E / S Elm Street	2	0	0	0	0	0	0	0	1	0	0	0	3
S Ivy Street / SW 3rd Avenue	0	0	0	0	0	0	1	0	1	0	0	0	2
S Grant Street / SW 3rd Avenue	0	0	0	0	0	0	0	1	0	0	2	1	4
S Elm Street / SW 3rd Avenue	0	0	0	1	0	0	0	0	0	0	0	2	3
PM Peak Hour													
OR 99E / S Ivy Street	0	0	1	0	0	0	0	0	0	1	0	0	2
OR 99E / S Grant Street	0	0	0	0	1	0	0	0	0	0	0	0	1
OR 99E / S Elm Street	2	0	0	0	0	0	0	0	1	0	0	0	3
S Ivy Street / SW 3rd Avenue	1	0	0	0	0	1	1	0	0	0	0	0	3
S Grant Street / SW 3rd Avenue	0	0	0	1	0	0	0	1	0	0	2	0	4
S Elm Street / SW 3rd Avenue	0	0	0	1	0	0	0	0	0	0	0	2	3

NEIGHBORHOOD TRIPS

A neighborhood trip impact is triggered when a proposed site adds 30 peak trips or 300 daily trips to a residential local street⁸. As shown in Table 1, the proposed site is expected to generate 7 or fewer peak trips, and 88 daily trips, well under this standard. The adjacent local streets (i.e., SW 3rd Avenue, and S Grant Street between SW 3rd Avenue and SW 2nd Avenue) will connect the site with nearby collector and arterial streets (i.e., S Elm Street to the west, S Ivy Street to the east, and S Grant Street to the north of SW 2nd Avenue) and maintain a level of traffic volume that is consistent with the local street classifications (i.e., under 1,200 daily trips). Approximately 34 additional daily trips will be expected along SW 3rd Avenue to the west of S Grant Street, about 34 additional daily trips along SW 3rd Avenue to the east of the proposed driveway, and about 20 additional daily trips along S Grant Street north of SW 3rd Avenue.

⁸ Canby Municipal Code 16.08.150.H. Retrieved August 2021.

APPROVAL CRITERIA AND LIVABILITY MEASURES

The following sections summarize how the proposed project adequately addresses the transportation approval criteria and the livability measures for neighborhood traffic and pedestrian and bicycle circulation.

TRANSPORTATION APPROVAL CRITERIA

The Canby Municipal Code 16.08.160 includes transportation approval criteria that each proposed development must satisfy. This includes criteria B, D, E, and F, as summarized below. While Criteria A, C and E.3 are not transportation related criteria, they are still applicable for approval. See the respective documents or plans for more details on how this proposed development meets Criteria A, C and E.3.

A. ADEQUATE STREET DRAINAGE, AS DETERMINED BY THE CITY.

Non-transportation related criteria. See respective project documents/plans for information.

B. SAFE ACCESS AND CLEAR VISION AT INTERSECTIONS, AS DETERMINED BY THE CITY.

The nearest roadways on the same side of the street from the proposed driveway are S Fir Street to the west and S Ivy Street to the east, located more than 500-feet from the proposed driveway. The provided distance from S Grant is approximated and reported from the centerline along the opposite side of the street. The centerline of that roadway, should it exist to the south of SW 3rd Avenue, would be about 60 feet (measured centerline to centerline) from the proposed driveway, complying with the spacing standard.

The nearest driveway to the east on the same side of the street from the proposed driveway will be spaced at least 60 feet away (measured centerline to centerline), complying with the spacing standard. The centerline of the driveway to the property to the west is about 5 feet from the property line, while the driveway edge of pavement is adjacent to the property line. This would entail spacing of at least 15 feet between the neighboring driveway and the proposed driveway to this site (measured centerline to centerline), complying with the spacing standard. A 5-foot walkway is required adjacent to the proposed driveway to this site to connect the proposed building entrances to the street. Placing the walkway on the west side of the proposed driveway and adjacent to the property line will allow for spacing of 5 feet between the edge of pavement of the proposed driveway and the property line, complying with the City standard. However, if the walkway is along the west property line, this will prevent future combined access with the adjacent property should it redevelop. In addition, should the property to the west redevelop, its driveway would also have to meet the required 5-foot setback where it meets SW 3rd Avenue (or get an approved design exception), which will allow for spacing of 10-feet between the adjacent edge of pavement for these driveways.

Prior to occupancy, sight distance at the proposed driveway will need to be verified, documented, and stamped by a registered professional Civil or Traffic Engineer licensed in the State of Oregon. Preliminary sight distance evaluation from the approximate location of the driveway indicates that the proposed connection would be expected to provide adequate sight distance looking to the east, but not to the west. An existing tree near the property line between the proposed site and the neighboring property to the west limits the line of sight from this proposed driveway. Should this tree be removed to clear the sight triangle, an adequate amount of sight distance would likely be available.

C. ADEQUATE PUBLIC UTILITIES, AS DETERMINED BY THE CITY.

Non-transportation related criteria. See respective project documents/plans for information.

D. ACCESS ONTO A PUBLIC STREET WITH THE MINIMUM PAVED WIDTHS AS STATED IN SUBSECTION E BELOW.

Access to the development is proposed from SW 3rd Avenue via an existing easement of 26-feet, of which 20 feet is proposed to be improved as a drive aisle. City access width requirements for multi-family uses generating fewer than 100 daily trips is 20 feet, with the proposed driveway complying with this standard.

The driveway will provide access from SW 3rd Avenue to the on-site parking areas for vehicles and bicycles. The project proposes sidewalk connections from the building entrances to the parking areas, however, it does not include a sidewalk connection to SW 3rd Avenue. City standard requires a sidewalk connection from the building entrances to the public street that provides access. It is recommended that the proposed driveway access be shifted slightly to the east to allow for a 5-foot walkway be constructed along the west side to connect SW 3rd Avenue with the proposed sidewalk running east-to-west along the north side of the most northerly proposed building.

E. ADEQUATE FRONTAGE IMPROVEMENTS AS FOLLOWS:

1. For local streets and neighborhood connectors, a minimum paved width of 16 feet along the site's frontage.

The proposed site has no frontage along public streets, although the access easement connects to SW 3rd Avenue. SW 3rd Avenue is a Local Street and has an existing 40-foot right-of-way, with a paved width of just over 31 feet. It also includes on-street parking and sidewalks on both sides of the street, and bicyclists share the roadway with motor vehicles, consistent with the City cross-section standard.

2. For collector and arterial streets, a minimum paved width of 20 feet along the site's frontage.

Not applicable- SW 3rd Avenue is a local street.

3. For all streets, a minimum horizontal right-of-way clearance of 20 feet along the site's frontage.

Non-transportation related criteria. See respective project documents/plans for information.

F. COMPLIANCE WITH MOBILITY STANDARDS IDENTIFIED IN THE TSP. IF A MOBILITY DEFICIENCY ALREADY EXISTS, THE DEVELOPMENT SHALL NOT CREATE FURTHER DEFICIENCIES.

The proposed development will generate no more than 7 peak hour trips, and 88 daily trips, and met criteria for a TAL level of analysis. Peak hour intersection operations will not be degraded by proposed developments that generate fewer than 25 AM and/or PM peak trips since these trips are distributed system wide and do not all impact a single location, including intersections and roadway segments. Proposed developments that meet the TAL criteria are deemed consistent with this approval criteria (i.e., adopted intersection mobility standards).

LIVABILITY CRITERIA

In addition, each project must comply with livability measures for neighborhood traffic and pedestrian and bicycle circulation. A summary is provided below for the proposed project.

NEIGHBORHOOD TRAFFIC

The proposed site is expected to generate 7 or fewer peak trips, and 88 daily trips, well under the neighborhood trip impact standard. The adjacent local streets (i.e., SW 3rd Avenue, and S Grant Street between SW 3rd Avenue and SW 2nd Avenue) will connect the site with nearby collector and arterial streets (i.e., S Elm Street to the west, S Ivy Street to the east, and S Grant Street to the north of SW 2nd Avenue) and maintain a level of traffic volume that is consistent with the local street classifications (i.e., under 1,200 daily trips). Approximately 34 additional daily trips will be expected along SW 3rd Avenue to the west of S Grant Street, about 34 additional daily trips along SW 3rd Avenue to the east of the proposed driveway, and about 20 additional daily trips along S Grant Street north of SW 3rd Avenue.

PEDESTRIAN AND BICYCLE CIRCULATION

The proposed site has no frontage along public streets, although the access easement connects to SW 3rd Avenue. SW 3rd Avenue includes sidewalks on both sides of the street, and bicyclists share the roadway with motor vehicles, consistent with the City cross-section standard for Local streets. The existing roadway can adequately accommodate the additional pedestrian and bicycle traffic expected.

SW 3rd Avenue is a priority school route to Canby High School. The Canby TSP includes several proposed projects that are intended to help enhance the walking and biking experience along SW 3rd Avenue and across nearby streets. This includes diverting traffic from SW 3rd Avenue to SW 2nd Avenue between the S Grant Street and S Ivy Street intersections (TSP Project I6, I7, and I8), and

enhancing the street crossing at the SW 3rd Avenue intersection with S Ivy Street. These projects would be expected to reduce the level of traffic along SW 3rd Avenue, and effectively make the segment one-way near the S Ivy Street intersection (i.e., no traffic would be able to turn westbound onto SW 3rd Avenue from S Ivy Street). These projects are included on the City's Transportation System Development Charge improvement list, and the proposed project will be contributing towards these improvements with the fee they are required to pay.

FINDINGS

The proposed site adequately addresses each transportation approval criteria and livability measure. It is estimated to generate an additional 6 trips in the morning peak period, 7 trips in the evening peak period and 88 daily trips. The adjacent local streets (i.e., SW 3rd Avenue, and S Grant Street between SW 3rd Avenue and SW 2nd Avenue) will connect the site with nearby collector and arterial streets (i.e., S Elm Street to the west, S Ivy Street to the east, and S Grant Street to the north of SW 2nd Avenue) and maintain a level of traffic volume that is consistent with the local street classifications (i.e., under 1,200 daily trips).

The proposed site will include a 20-foot driveway within a 26-foot easement that will provide access for vehicles and bicycles. SW 3rd Avenue has an existing sidewalk, and bicyclists share the roadway with motor vehicles, consistent with the City Local Roadway cross-section standard. The site will include sidewalk connections from the building entrances to the parking areas, and it is recommended that the proposed driveway access be shifted slightly to the east to allow for a 5-foot walkway be constructed along the west side to connect SW 3rd Avenue with the proposed sidewalk running east-to-west along the north side of the most northerly proposed building. These facilities can adequately accommodate the expected additional vehicle, pedestrian and bicycle trips.

Access spacing and driveway width standards are met for the proposed access. Preliminary sight distance evaluation indicated that adequate sight lines will be provided for the proposed roadway access. However, prior to occupancy, sight distance at any existing access points will need to be verified, documented, and stamped by a registered professional Civil or Traffic Engineer licensed in the State of Oregon.

If you have any questions, please feel free to call or email.

Erik Forsell

From: Ben Sigler <siglerrealestate@gmail.com>
Sent: Tuesday, September 7, 2021 9:39 PM
To: Katie Parano-Friesen; Brandon Gill
Cc: Erik Forsell
Subject: Re: 285 SW 3rd Ave, Canby -Sale

Good Evening Erik & Katie,

It was disclosed to the Claybornes that the rear property was going to be developed as a high density residential property.

As part of the sales agreement they agreed to the final lot line adjustment between the 2 lots reducing the size of their property and they agreed to allow the 20' wide easement to their west to be increased to a width of 26' wide in order to accommodate the development on the lot behind them.

The buyer's agent, Jesse Lippold, can also collaborate on this. His contact info is 503-508-5513
jesse@blumre.com

A few lines referencing it, that they had wrote into the offer were

"Subject lot line adjustment being recorded, buyer to approve of final recorded survey showing new property lines and easement for ingress/egress to lot behind"

"Buyer acknowledges that the current 20' wide easement in the title report is going to be changed to a 26' wide easement prior to the close of escrow.

Sale is subject to the final lot line adjustment and recording at the county."

On different occasions the buyers agent asked about how many units would be built behind the home as did Mr Clayborne directly to me one day. My response every time was that I was not sure and that it would be based off of the site design and the city planners approval. I said that the similar development down the road had 8 units and that based on the zoning the city would require a minimum of approximately 6.16 units after the lot line adjustment was completed, but that there was no maximum amount allowed based upon the city's zoning requirements.

I also sat in on the city's planning meeting on the property. I saw Mr & Mrs Clayborens public comments, and noticed that he was stating that he had no knowledge of the proposed development on the lot behind him. This is not the case. Also, through his agent, he had mentioned that he would like to be able to buy the backlot himself, I told them it was already under contract. The Claybornes did not show any interest in the property until after we received an offer on the back lot and listed the house on just the front lot.

Please let me know if you need any additional information from me,

Thank you,

Ben Sigler
Sigler Real Estate

541-829-1514

On Tue, Sep 7, 2021 at 1:47 PM Katie Parano-Friesen <katie@statestreet-homes.com> wrote:

Hi Ben,

I have copied here Erik Forsell with the City of Canby Planning Department. They are needing information regarding the recent transaction at 285 SW 3rd Ave in Canby. I believe you represented the Sellers, the Starr's.

It is our understanding that you have information regarding the sale between the Starr's (Sellers) and the Clayborne's (Buyers) and the buyer's knowledge of the proposed development of the lot behind (0 SW 3rd Ave). Anything you are able to share would be helpful, that demonstrates the Buyers were aware of the concurrent transaction and application for development.

MLS records show the Clayborne's went into pending escrow to purchase the property 02/11/2021 and closed on 04/06/2021. We went pending escrow to purchase 0 SW 3rd Ave on 01/07/2021 and closed on 04/08/2021.

Your assistance is much appreciated, thank you! Erik, Ben Sigler can be reached at 541-829-1514 if you have any additional questions.

Katie Parano-Friesen
Project Coordinator

Direct: 503.893.5958

Web: statestreet-homes.com

Address: 1233 NW Northrup St #125, Portland, OR 97209



NOTICE: This communication including any attachments may contain privileged or confidential information. If you are not the intended recipient, or believe that you received this communication in error, please advise the sender immediately and delete or destroy the communication you received without copying or disclosing the contents. Thank you.

Good Afternoon,

Looking at this proposed project, I would like to bring up the current concerns I have brought to the City's attention through the Public Safety Committee, in regards to parking in this neighborhood, pointing out specially Enterprise Rental using public parking for their business use. (S. Grant St.; SW 2nd Ave.; SW 3rd Ave.)

Adding 12 more dwellings in the middle of this area is another consideration to an already congested neighborhood. I am not against the building of dwellings, but I am opposed to the number of proposed units being considered.

Sincerely,

Karen Bourbonnais

--

Hi Mark,

Thank you for sharing your project on Zoom. It is obvious your team spent a lot of time working out the details to maximize units and meet code. Great work!

I do have one request. Will you please consider building a metal fence with plastic slats instead of wood that you propose? Reasons for this request:

- It will up the appearance of quality to match that of the similar apartment project at 205 SW 3rd Ave and help set a standard for future developments in this neighborhood.
- Fence maintenance will be minimal for many years to come. This is important on a commercial project like yours especially with multiple neighbors and ownerships.
- Metal fences are more difficult to climb. This is an exceptionally large block and I have seen people cut through yards and climb fences for a "short cut."

Thank you for your consideration and good luck with your project,

Jason

Thank you for the opportunity to submit comments on this proposed development.

As I write these comments, I have not seen a published copy of the actual design of the proposed development, specifically the size/shape of the structures, nor the layout of the buildings, ingress/egress, etc therefore I am making comments that are somewhat generic in nature.

My concerns are as follows:

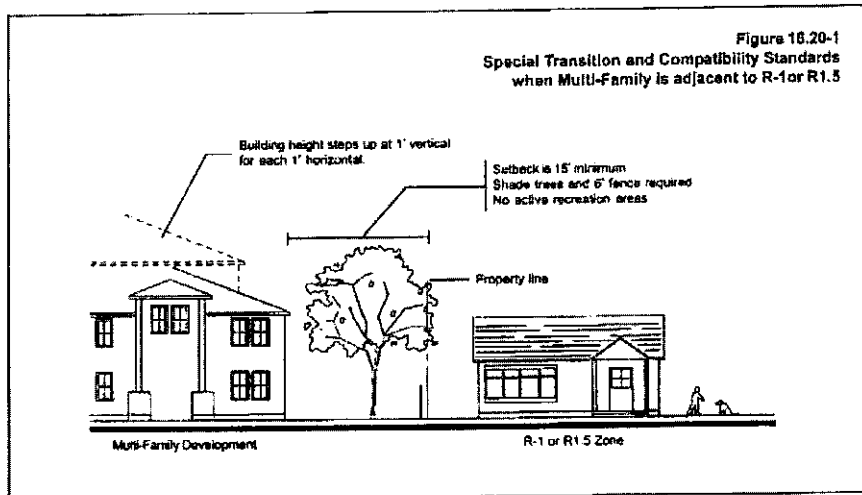
The proposal is for 2 buildings, each 3 stories in height. Canby Code 16.20.030(E)-R2 Development Standards limits the height of the Principal Building to 35 feet, but this property abuts an R-1 Zone to the rear, at Holly Street, which requires the application of compatibility standards that are shown in Figure 16.20-1 of the Canby Municipal Code (see copy of the diagram included, below).

I note there are no other 3 story buildings in this neighborhood. All of the existing single family homes in the area are 1 to 1 ½ stories tall. There are 3 fairly new townhomes constructed at the end of SW 3rd Ave where it intersects with S Fir Street, but they are only two stories tall. The newly constructed townhomes at the intersection of SW 4th and Elm are two stories, and even the new apartment complex that was constructed in the last two years, on SW 3rd, across from the Zion Church, are only 2 stories tall. In keeping with this neighborhood, this new proposal should also be limited to two stories in height.

16.20.030(D)(5) R-2 Development Standards, Minimum Yard Requirements:

This section of the Canby Planning Code provides for specific treatment of Multi-family development, as shown in the cutout of the Canby Municipal Code, below:

- 5. Multifamily development (3 or more units on the same property) that is adjacent to an R-1 (Low Density Residential) or R-1.5 (Medium Density Residential) zone must provide a minimum 15-foot buffer area between the multifamily development and the R-1 or R-1.5 zoned property. Within this buffer the following applies (see figure 16.20-1):**
 - a. Site obscuring landscaping shall be required. The Planning Commission may require retention of existing vegetation; installation of a 6-foot minimum height site-obscuring fence with shade trees planted a maximum of 30 feet on center; and/or other landscaping to provide visual buffering.**
 - b. No active recreation areas (tot lots, swimming pools, etc.) shall be allowed within the 15-foot buffer (garden spaces shall not be considered active recreation areas);**
- 6. Infill standards may also apply. See CMC 16.20.030(D)(3) and CMC 16.21.050.**



16.20.030(E)- R2 Development Standards:

Limits the Principal Building Height to 35 feet and building length to 120 feet but also has specific building height limits regarding developments which abut an R1 Zone, which this property does do, since Holly Street (to the rear of the property) is R1:

3. Maximum building height for multifamily developments abutting an R-1 (Low Density Residential) or R-1.5 (Medium Density Residential) zone shall not exceed a building height greater than one foot for each foot of distance from the R-1 and/or R-1.5 property line.
4. Maximum building length shall be 120 feet.

16.20.030(G) Development Standards-Other Regulations: Recreation Space is required.

4. Multi-family developments exceeding ten units shall provide 150 square feet of recreation space per dwelling unit. Recreation spaces shall be no less than 1,500 square feet in size.

16.10 Off Street Parking and Loading

I am eager to view the diagrams of the design of the proposed development to view the layout, size and design of the ingress/egress, sidewalks and parking, including guest parking, and bicycle racks. The shape and location of the property will make it a challenge to provide sufficient access for vehicles, and provide for the required sidewalks. In particular, the location of the entrance to the property, so close to the intersection of SW 3rd Ave and Grant Street appears to be present obstacles that seem to require a right-turn only when exiting the property. While it is completely understandable that the property can be developed, each potential obstacle should be addressed in the planning stage, and the egress from this property is certainly a concern.

Because Canby's Transportation Plan already includes a proposed future project to improve the flow of traffic in the vicinity of SW 2nd/SW 3rd Ave/SW Grant, this would be an opportune time to have the developer incorporate ingress/egress design features that compliment and work with the Transportation Master Plan. I urge a meeting of the developer and the Canby Transportation officials to discuss the topic, before approval of the development. A screenshot from the Canby Transportation Plan is attached below, showing future proposed projects that could be impacted by this development. It seems appropriate to limit the egress from the site to right hand turn only, primarily due to the nearness of the intersection with Grant Street, and the right-hand turn lane has already been established as the desired method of improving safety and flow for the area. (Transportation Plan manual pg 7-36, below).

I believe a Traffic Impact Report is appropriate, and review for compliance with the Transportation System Plan.

Canby Transportation System Plan

Table 7-6: Motor Vehicle Projects with Planning Level Costs (Financially-Constrained)

Location	Motor Vehicle Project		Planning Level Cost
Motor Vehicle Improvements			
		a right-turn lane	
South Grant Street/SW 2 nd Avenue	16 ^c	Install westbound right-turn lane	\$100,000
South Ivy Street/SW 2 nd Avenue	17 ^c	Install eastbound right-turn lane	\$100,000
South Ivy Street/SW 3 rd Avenue	18 ^c	Install partial diverter on west leg to close westbound receiving lane (includes Pedestrian Project C8)	\$40,000
TOTAL			\$25,605,000

^a ODOT approval required for implementation of all portions of projects on OR 99E. Engineering studies, signal warrant and traffic analysis, and conformance with ODOT standards will be evaluated as projects are developed.

^b Project L6 is identified in both pedestrian and bicycle improvement lists, with corresponding portions of total cost provided in each list (i.e., sidewalk costs in pedestrian list and bike lane costs in bicycle list).

^c Projects 16, 17, and 18 are intended to divert traffic from SW 3rd Avenue to SW 2nd Avenue and should be constructed together.

The chart on the next page (from the Transportation Manual) gives the guidelines for Access Management for City Streets; the unique location of this property seems to be far less than the 50 feet of minimum spacing that is needed "roadway to driveway" or even the 10 feet "driveway to driveway", and does not even address the extreme proximity of the intersection with Grant Street, but since we cannot prevent the property from being developed, we must do our very best to alleviate potential safety and traffic issues in this area. **I even urge a study of the pedestrian use of this area, in case some specific pedestrian limitations (like no-crossing areas) can be created, to soothe the congestion in the area of the ingress/egress.**

TABLE 16.46.30

Access Management Guidelines for City Streets*

Street Facility	Maximum spacing** of roadways	Minimum spacing** of roadways	Minimum spacing** of roadway to driveway***	Minimum Spacing** driveway***
Arterial	1,000 feet	660 feet	330 feet	330 feet or combine
Collector	600 feet	250 feet	100 feet	100 feet or combine
Neighborhood/Local	600 feet	150 feet	50 feet****	10 feet

* Exceptions may be made in the downtown commercial district, if approved by the City Engineering or Public Works Department, where alleys and historic street grids do not conform to access spacing standards.

** Measured centerline on both sides of the street

*** Private access to arterial roadways shall only be granted through a requested variance of access spacing policies when access to a lower classification facility is not feasible (which shall include an access management plan evaluation).

**** Not applicable for single-family residential driveways; refer to section 16.10.070(B)(10) for single-family residential access standards

Note: Spacing shall be measured between access points on both sides of the street. (Ord. 1340, 2011)

The following clipping from the Canby Code reminds us that the City can (and in this case, probably SHOULD) request a traffic study of the proposed ingress/egress.

16.46.035 Restricted access.

The City may allow an access to a City street that does not meet the spacing requirements of Table 16.46.030 if the proposed access is restricted (prevents certain turning movements). The City may require an applicant to provide an engineered traffic study, access management plan, or other information as needed to demonstrate that the roadway will operate within the acceptable standards with the restricted access in place. (Ord. 1237, 2007). Access to OR 99E shall be regulated by ODOT through OAR 734.51. (Ord. 1340, 2011)

And lastly, it is important for the developer to provide adequate sidewalks (all the way to the public street at SW 3rd Ave) and roads/drives, as indicated in the charts below.

16.10.070 Parking lots and access

B. Access: Sidewalks required.

Minimum Access Requirements			
16.10.070(B)(B): Minimum access requirements for residential uses - ingress and egress for residential uses shall not be less than the following (except that in the case of flag lots, section 16.64.0400) shall apply):			
<i>Dwelling units</i>	<i>Minimum number of accesses required</i>	<i>Minimum access width</i>	<i>Sidewalks & Curbs (in addition to driveways)</i>
1 or 2	1	12 feet	none required
3-19	1	20 feet	Minimum of one sidewalk connection to residences and parking areas; curb required if sidewalk adjacent to driveway.

16.46.010 Number of units in residential development.

A major factor in determining the appropriate density of residential development, particularly in higher density areas, is vehicular access. In order to assure that sufficient access is provided for emergency response as well as the convenience of residents, the following special limitations shall be placed on the allowable number of units in a residential development:

B. Single ownership developments (condominiums, townhouses, manufactured homes, multi-family developments, etc.).

1. Two lane access roads/drives shall be a minimum width of 20 feet with no parking permitted, or 28 feet with parking restricted to one side only, or 34 feet with no parking restrictions. Three lane access roads/drives shall be a minimum width of 32 feet with no parking permitted, or 40 feet with parking restricted to one side.

2. The number of units permitted are as follows:

<u>Two lane access road/drive</u>		<u>Three lane access road/drive</u>	
One access:	30 units	One access:	30 units
Two accesses:	165 units	Two accesses:	220 units
Three accesses:	258 units	Three accesses:	345 units

Thank you for allowing me to provide comments on this proposed development.

Regina Taylor

Canby, OR 97013

Comments for the Planning Commission Meeting for DR 21-04 State Street

Submitted by:
Regina Taylor,

Canby, OR 97013

MY COMMENTS:

1) **DENSITY:** It is important to establish the correct minimum density for this project, since inadequate access to the site might limit the developer from increasing the number of units in the development beyond the minimum number.

The correct minimum density is 5 units, as shown engineer and architects reports.
(Not 7 units as stated in Finding 25 by Staff)

*Canby Municipal Code: **16.20.030 Development Standards (A):**
Minimum Density for a property is calculated by multiplying its area in acres **minus the area required for street-right-of way and public/ open space areas by the density standard."***

Here is the correct calculation:

Before easement: .36 acres-Minus .04 acres required recreational space*=.32 acres.
(*The required Recreational space is 1,800 sq ft divided by 43,560 sq ft/acre=.04)
.32 acres x 14/units acre=4.48 (Rounded to 5 units minimum for this property)

NOTE: If the project was reduced to less than 10 units, recreational space is not required; however the minimum number of units remains at 5: Calculation: 36 acres x 14/units acre=5.04 minimum units.

The" KEY" to the documents submitted by Studio 3 Architecture indicates the minimum number of units is 5; and this proposal is for 12 units:

SITE DEVELOPMENT:	
SITE AREA:	19,055.74 sf = 0.4375 ac
ZONING:	R2 HIGH DENSITY RESIDENTIAL
DENSITY:	MIN. 14 UNITS PER ACRE = 5 UNITS 12 UNITS PROVIDED

WE HAVE ESTABLISHED THE CORRECT
MINIMUM DENSITY FOR THE PROPERTY IS:
5 UNITS.

2) A TRAFFIC IMPACT STUDY IS NEEDED. Staff has indicated a Traffic Study was not completed. The Study is required to determine the impact of the density the developer desires, which is 2 ½ times the minimum density.

Overview: The access to this proposed multi-family development is situated in an awkward congregation of SW 3rd Avenue, SW Grant Avenue (Grant Street happens to end here) and an existing driveway about 10 feet to the west that services a neighbor's single family residence. Commercial businesses directly across SW 3rd Avenue from the proposed development add an additional element of confusion to the traffic pattern.

Entry/exit from the proposed development onto Grant Street will place drivers in a situation where they need to *drive diagonally across the traffic lanes*, which is an unusual and unexpected and nonconforming driving maneuver.

A traffic study is needed to determine how much distraction these maneuvers will cause other drivers, and how the traffic pattern will be affected by this proposed development. The experts who conduct the Traffic Study will recommend a list of solutions for any safety issues that are identified.

The request for a Traffic Impact Study is supported by the following Ordinances:

- A) Canby Public Works Design Standards, Chapter 2: Streets: 2.103: General: A transportation impact study (TIS) may be required. a. If a transportation impact study was required during land use planning, then it shall be finalized as part of the design. This should take into account any changes to the development, existing conditions, or agency requirements since the time the draft report was done. b. *If a transportation study was not required during land use planning, it shall be required during design* if the proposed development creates more than 1,000 trips per day based upon the ITE Trip Generation Manual, if the development appears to have a significant impact upon local transportation, *or if the development will negatively affect an existing traffic concern.*

EXPLANATION: The Canby Transportation System Plan lists SW 3rd Avenue in the "roadway projects that are important to improving the capacity and connectivity of the transportation system". (Page 7-33) and includes it in the "Motor Vehicles Projects" Table 7-6: and in Pedestrian Project C8. (A cut-out portion of the table is provided below: NOTICE THE FOOTNOTE C STATES: "Projects 16, 17, 18 are intended to divert traffic FROM SW 3rd Avenue to SW 2nd Avenue and should be constructed together."

Since the City of Canby has a published plan to divert traffic away from SW 3rd Avenue due to existing traffic concerns, (prior to this development), a Traffic Impact Report will be beneficial in identifying potential solutions, including if limiting the density of the development is advised.

Canby Transportation System Plan

Table 7-6: Motor Vehicle Projects with Planning Level Costs (Financially-Constrained)

Location	Motor Vehicle Project		Planning Level Cost
South Grant Street/SW 2 nd Avenue	16 ^c	Install westbound right-turn lane	\$100,000
South Ivy Street/SW 2 nd Avenue	17 ^c	Install eastbound right-turn lane	\$100,000
South Ivy Street/SW 3 rd Avenue	18 ^c	Install partial diverter on west leg to close westbound receiving lane (includes Pedestrian Project C8)	\$40,000
TOTAL			\$25,605,000

^c Projects I6, I7, and I8 are intended to divert traffic from SW 3rd Avenue to SW 2nd Avenue and should be constructed together.

- B) CMC 16.04.318 Lot, Flag: A flag lot is a lot *that does not meet minimum frontage requirements* and where access to the public road is by a narrow, private right-of-way.

EXPLANATION: Staff has indicated this land is a flag lot. A Traffic Impact Report will help determine if any safety issues are created by ingress/egress from a nonconforming, narrow private road intersecting with SW 3rd Ave, and mitigation options, such as joint access with the neighbor to the west.

- C) Canby Public Works Standards, 2.211 Driveways:

- g. Driveway spacing shall be as shown in the following table.

Minimum Driveway Spacing

Street Classification	Intersection	Driveway
Arterial (2)	330' (1)	330' (1)
Industrial Streets (2)	100' (1)	100' (1)
Collector (2)	100' (1)	100' (1)
Neighborhood Route	50' (1)	10'
Local (all)	50' (1)	10'
Cul-de-sac	50' (1)	10'
Public Alley	50' (1)	

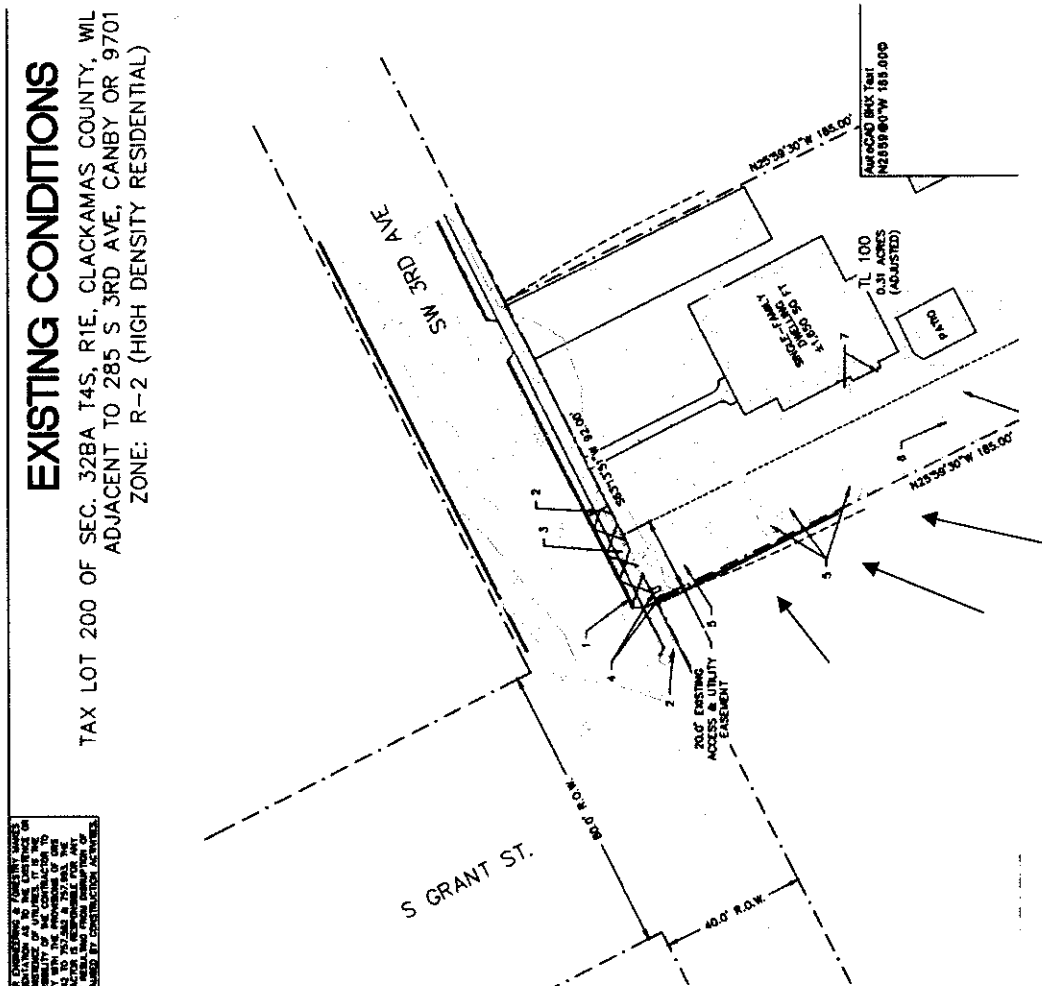
Notes: (1) Minimum distance or no closer than 60% of parcel frontage unless this prohibits access to the site, in which case City Administrator or designee may approve a deviation.
(2) Direct access to this street will not be allowed if an alternative exists or is planned.

* Driveways shall not be constructed within the curb return of a street intersection.

- j. Multi-family access driveways will be required to meet the same access requirements as commercial driveways if the multi-family site generated 100 or more trips per day.

EXPLANATION: The driveway spacing for this new development fails to comply with the spacing to TWO local streets: SW 3rd Ave AND also with Grant Avenue. In addition, it is located within about 10 feet of the driveway to the neighbor to the west. A Traffic Impact Report will provide insight into how to mitigate this issue, including possibly imposing a

The engineers drawing of the proposed location of the new driveway is seen in the diagram below. The engineer did not include the existing driveway for the neighbor to the West, however, it runs parallel to the subject property, in the area indicated by my arrows.



D) CMC 16.46.010 Access Limitation on Project Density. Number of units in residential development. A major factor in ***determining the appropriate density of residential development, particularly in higher density areas, is vehicular access.*** In order to assure that sufficient access is provided for emergency response ***as well as the convenience of residents,*** the following special limitations shall be placed on the **allowable number of units** in a residential development:

B. Single ownership developments (condominiums, townhouses, manufactured homes, multi-family developments, etc.).

- 1. Two lane access roads/drives shall be a minimum width of 20 feet with no parking permitted, or 28 feet with parking restricted to one side only, or 34 feet with no parking restrictions. Three lane access roads/drives shall be a minimum width of 32 feet with no parking permitted, or 40 feet with parking restricted to one side.**

E. All on-site private roads and drives shall be designed and constructed to provide safe intersections and travel surfaces which will not result in hazards for motorists, bicyclists or pedestrians.

EXPLANATION: The CMC states that vehicular access and convenience of the neighbors (old and new neighbors), is a “major factor” in land development and can be used to limit project density. Specific widths and parking restrictions are listed; A Traffic Impact Study is essential to collect the information needed for making this decision, including if a joint/shared driveway is preferred (with the neighbor to the west), and the optimal configuration of such a joint driveway (Width, parking, sidewalks, etc).

E) **CMC 16.08.150 Traffic Impact Study** A) Purpose. The purpose of this section of the code is to implement Section 660-012- 0045(2)(b) of the State Transportation Planning Rule, which requires the city to adopt a process to apply conditions to development proposals ***in order to minimize adverse impacts to and protect transportation facilities.*** This section *establishes the standards to determine when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Study must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities: what information must be included in a Traffic Impact Study; and who is qualified to prepare the Study.*

CMC 16.08.150.C. Determination. Based on information provided by the applicant about the proposed development, the city will determine when a TIS is required and will consider the following when making that determination.

- 1. Changes in land use designation, zoning designation, or development standard.**
- 2. Changes in use or intensity of use.**
- 3. Projected increase in trip generation.**
- 4. Potential impacts to residential areas and local streets.**
- 5. Potential impacts to priority pedestrian and bicycle routes, including, but not limited to school routes and multimodal street improvements identified in the TSP.**
- 6. Potential impacts to intersection level of service (LOS).**

EXPLANATION: This ordinance specifically identifies the reason a Traffic Report is needed; as I have highlighted in RED. The development standard and intensity of use the minimum density of 5 units has been increased by 2 ½ times, to 12 units by the developer.

F) **CMC.46.030 Access Connection.** A. Spacing of accesses on City Streets. The number and spacing of accesses on City streets shall be specified in Table 16.46.020. Proposed developments or land use actions that do not comply with these standards will be required to obtain an access spacing exception and address the joint and cross access requirements of this Chapter.

TABLE 16.46.30
Access Management Guidelines for City Streets*

Street Facility	Maximum spacing** of roadways	Minimum spacing** of roadways	Minimum spacing** of roadway to driveway***	Minimum Spacing** driveway to driveway***
Arterial	1,000 feet	660 feet	330 feet	330 feet or combine
Collector	600 feet	250 feet	100 feet	100 feet or combine
Neighborhood/Local	600 feet	150 feet	50 feet****	10 feet

CMC 16.46.035 Restricted access. The City may allow an access to a City street that does not meet the spacing requirements of Table 16.46.030 if the proposed access is restricted (prevents certain turning movements). The City may require an applicant to provide an engineered traffic study, access management plan, or other information as needed to demonstrate that the roadway will operate within the acceptable standards with the restricted access in place.)

EXPLANATION: Findings 20 and 21 indicate the ingress/egress is problematic. A Traffic Impact Study is needed to identify the need for restricted access, such as reducing the number of driveways (imposing joint/shared access with the neighbor to the west). In addition, access by pedestrians can be restricted by installing traffic and/or pedestrian controlling or calming mechanisms (perhaps eliminating pedestrian access to a short section of SW 3rd where the Ingress/Egress occurs, where pedestrians could be directed to use the other side of the street).

G) **CMC 16.46.040 Joint and cross access.** Any developments requiring site plan review that ***do not meet access spacing requirements are subject to these requirements***. In these cases, the following information shall be shown on the site plan.

B. A system of joint use driveways and cross access easements shall be established wherever feasible and shall incorporate the following:

1. A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards; 2. A design speed of 10 mph and a minimum width of 20 feet to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles; 3. Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive; 4. A unified access and circulation system plan for coordinated or shared parking areas is encouraged. E. The City may reduce required separation distance of access points where they prove impractical, ***provided all of the following requirements are met: 1. Joint access driveways and cross access easements are provided in accordance with this section.***

EXPLANATION: Data from a Traffic Impact Study would help determine if joining/sharing the driveway of State Street Apartments and the neighbor to the west is beneficial. The neighbor's driveway currently runs parallel to the proposed development; joining them would decrease the number of drive lanes from 3 to 2, provide ample room for safe, wide sidewalks, and possibly additional parking for the proposed development. This shared driveway could be beneficial in the future, should the neighbor(s) to the west decide they also desire to develop their large back yard into an apartment complex.

H) **CMC 16.08.150 Traffic Impact Study (I):** Conditions of Approval. The city may deny, approve, or approve with appropriate conditions a development proposal in order to **minimize impacts and protect transportation facilities.**

1. Where the existing transportation system will be impacted by the proposed development, dedication of land for streets, transit facilities, sidewalks, bikeways, paths, or accessways may be required to ensure that the transportation system is adequate to handle the additional burden caused by the proposed use.

2. Where the existing transportation system is shown to be burdened by the proposed use, improvements such as paving, curbing, installation or contribution to traffic signals, traffic channelization, construction of sidewalks, bikeways, accessways, paths, or street that serve the proposed use may be required.

3. The city may require the development to grant a cross-over access easement(s) to adjacent parcel(s) to address access spacing standards on arterials and collector roadways or site-specific safety concerns. Construction of shared access may be required at the time of development if feasible, given existing adjacent land use. The access easement must be established by deed.

EXPLANATION: A cross-over access easement should be reviewed for feasibility for this project. Even if the cross-over easement does not extend all the way to the rear of the development, having it in place at the junction with SW 3rd Avenue would eliminate much of the strain, and could completely eliminate the situation of two drivers both exiting onto SW 3rd at the same time (one from the apartment complex, and the other from the neighbor to the West). A partial solution is far better than the current situation.

I) **CMC 16.08.160: Safety and Functionality Standards.** The City will not issue any development permits unless the proposed development complies with the city's basic transportation safety and functionality standards, the purpose of which is to ensure that development does not occur in areas **where the surrounding public facilities are inadequate.** Upon submission of a development permit application, an applicant shall demonstrate that the development property has or will have the following:

B. Safe access and clear vision at intersections, as determined by the city.

EXPLANATION: A Traffic Impact Study would help determine if it would be appropriate to limit parking along SW 3rd Avenue near this confusing nexus of Grant/SW 3rd and the ingress/egress from the proposed development, to provide clear site distances and reduce distractions. Possibly limit parking to one side of SW 3rd Ave or strategic portions of SW 3rd Ave.

J) **16.46.050 Nonconforming access features.** Legal access connections in place as of April 19, 2000 that do not conform with the standards herein are considered nonconforming features **and shall be brought into compliance with applicable standards under the following conditions:**

A. When new access connection permits are requested; or

B. Change in use or enlargements or improvements that will significantly increase trip generation.

16.46.060 Amount of access points. In the interest of promoting unified access and circulation systems, **the number of access points permitted shall be the minimum number necessary** to provide reasonable access to these properties, not the maximum available for that frontage. All

necessary easements, agreements, and stipulations shall be met. This shall also apply to phased development plans. The owner and all lessees within the affected area are responsible for compliance with the requirements of this ordinance and both shall be cited for any violation.

16.46.060 B) Access Management Plan Required. An applicant requesting an access exception may be required to submit an access management plan. The access management plan shall explain the need for the modification and demonstrate that the modification maintains the classified function and integrity of the facility.

1. The minimum study area shall include the length of the site's frontage plus the distance of the applicable access spacing standard, measured from each property line or access point(s), whichever is greater. For example, a property with 500 feet of frontage on an arterial (required 660 foot access spacing standard) shall have a minimum study area which is 1,820 feet in length. 2. The potential safety and operational problems associated with the proposed access point. The access management plan shall review both existing and future access for all properties within the study area as defined above. 3. A comparison of all alternatives examined. At a minimum, the access management plan shall evaluate the proposed modification to the access spacing standard and the impacts of a plan utilizing the City standard for access spacing. Specifically, the access management plan shall identify any impacts on the operations and/or safety of the various alternatives. 4. A list of improvements and recommendations necessary to implement the proposed access modification, specifically addressing all safety and operational concerns identified. C. The granting of the exception shall be in harmony with the purpose and intent of these regulations and shall not be considered until every feasible option for meeting access standards is explored. D. No exception shall be granted where such hardship is self-created. E. Reasons for denying access spacing exception applications include, but are not limited to, traffic safety concerns, expected or planned traffic increases due to development or road construction, and emergency service provision issues.

EXPLANATION: In regards to any arguments against the City requiring the neighbor to the west to be included in a joint access situation, the above ***TWO Canby Municipal Codes*** prove that the need to safely control neighborhood traffic overrules the argument to maintain the single driveway: The current location of the neighbor's driveway, directly in the intersection of SW 3rd Ave and Grant is a nonconforming access feature. I argue that the neighborhood is in "phased development", including the apartments that were built a year ago at 203 SW 3RD Ave, the proposal we are discussing today, and the extremely likely future proposals for the huge rear yards of the three homes to the west of the proposal we are discussing today

K) **CMC 16.46.070 Exception standards.** A. An exception may be allowed from the access spacing standards if the applicant can provide proof of unique or special conditions that make strict application of the provisions impractical. Applicants shall include proof that:

1. Indirect or restricted access cannot be obtained; 2. No engineering or construction solutions can be reasonably applied to mitigate the condition; and 3. No alternative access is available from a street with a lower functional classification than the primary roadway.

B. Access Management Plan Required. An applicant requesting an access exception may be required to submit an access management plan. The access management plan shall explain the need for the modification and demonstrate that the modification maintains the classified function and integrity of the facility. An access management plan shall be prepared and certified by a traffic or civil engineer registered in the State of Oregon. An access management plan shall at minimum contain the following:

1. The minimum study area shall include the length of the site's frontage plus the distance of the applicable access spacing standard, measured from each property line or access point(s),

whichever is greater. For example, a property with 500 feet of frontage on an arterial (required 660 foot access spacing standard) shall have a minimum study area which is 1,820 feet in length. 2. The potential safety and operational problems associated with the proposed access point. The access management plan shall review both existing and future access for all properties within the study area as defined above. 3. A comparison of all alternatives examined. At a minimum, the access management plan shall evaluate the proposed modification to the access spacing standard and the impacts of a plan utilizing the City standard for access spacing. Specifically, the access management plan shall identify any impacts on the operations and/or safety of the various alternatives. 4. A list of improvements and recommendations necessary to implement the proposed access modification, specifically addressing all safety and operational concerns identified. 5. References to standards or publications used to prepare the access management plan.

C. The granting of the exception shall be in harmony with the purpose and intent of these regulations and shall not be considered until every feasible option for meeting access standards is explored.

D. No exception shall be granted where such hardship is self-created.

E. **Reasons for denying access spacing exception applications include, but are not limited to, traffic safety concerns, expected or planned traffic increases due to development or road construction, and emergency service provision issues.**

EXPLANATION: Canby Municipal Code provides a remedy for “Exception Standards”, which apply to the current proposal, but have not yet been applied. I strongly urge a reassessment of the proposal to include the above code, and publication of the findings so that citizens can see that the process was carried out, and the results of each step.

3) RECREATIONAL SPACE: (Labeling the documents, and signage)

FINDING 39: Staff indicates that the proposed 12 units require 1,800 square feet of recreational space, and that this space is located in the south and southwest portion of the site.

Unfortunately, this recreational space is not labeled on the engineering drawings. Specifically, it is not labeled as “**required**” recreational space. Therefore, at some point in the future, this area could be reviewed for some other purpose, and minus the correct labeling, it could be converted to parking, or even converted to a driveway to extend into the undeveloped areas in the four lots to the west, where additional apartment complexes will likely be built in the near future.

It is important to have this required recreational space labeled to prevent it from be converted to other uses.

Also, the required recreational space should have onsite physical signage/designation, and be fenced/separated in some manner from the required 15-foot quiet buffer and trees where no active play is allowed (next to the R-1 zone at Holly Street). Active play is allowed in the recreational space only. Perhaps a few simple “Quiet Zone Beyond This Fence” on the buffer would remedy. The area will likely become a noisy private dog park otherwise.

4) I have extreme concern regarding the conflicting/confusing information regarding the access lane and a one-way drive.

Regarding Staff Findings 14, 16, 17, 18, 19 which deal with the width and use of the ingress/egress from the property:

QUESTIONS:

- 1) How many **drive lanes** are going to be provided into the development? Will there be one lane for cars coming in, and a second lane for cars exiting? Or do the residents actually all have to share a single lane? This is significant, because it can cause an impact at the entrance on SW 3rd Avenue, if several cars are waiting in a queue to gain access to their dwellings in the apartment complex. This can GREATLY impact the flow of traffic on SW 3rd and SW Grant Street.

Imagine CAR #A arriving at the entrance drive at SW 3rd, beginning to turn in, and suddenly realize that CAR #B has already driven half way down the lane to exit; CAR #A would have to back out onto SW 3rd Avenue (if there weren't other cars already in queue also). There could be cars on SW Grant also waiting in queue to enter the development, causing extreme chaos and danger. Add pedestrians to the narrow drive, and the chaos increases even more.

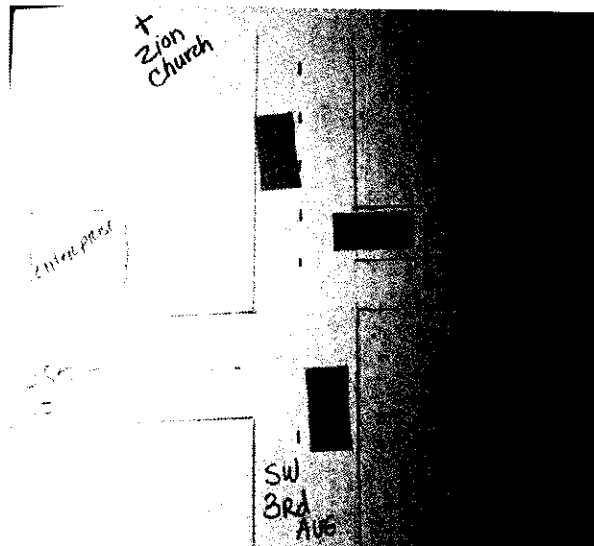


Illustration of cars meeting head-on in the one-way lane while another car queues for entry; will the green car back out onto SW 3rd Ave?

A second issue is the proximity of the proposed access drive to the driveway of the neighbor to the west; there will be a great deal of confusion when cars from both driveways attempt to exit side-by-side, onto Grant Street, simultaneously! Especially if the car on the left needs to turn right, and vice versa.

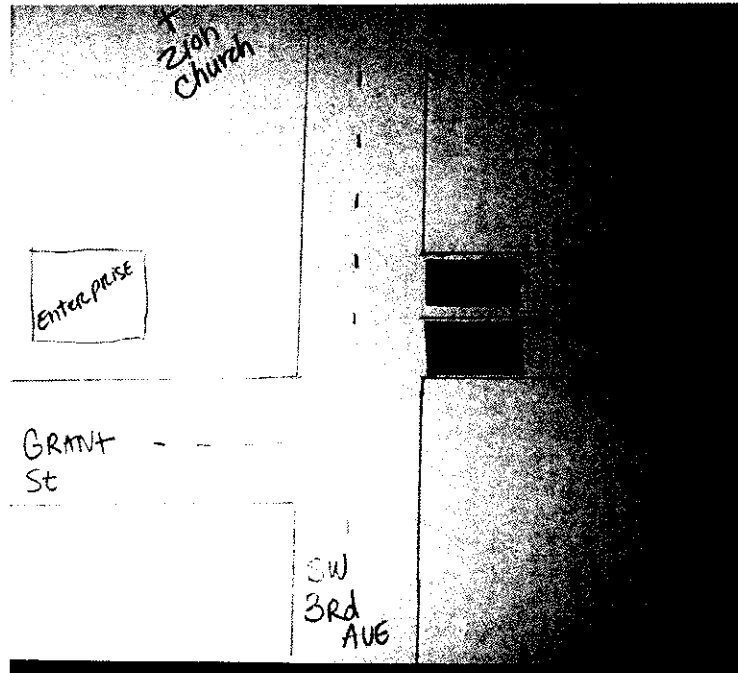


Illustration of the parallel driveways, and a car exiting from each simultaneously.

A Traffic Impact Study will help find any solutions for the above issues and others.

- 2) If only one travel lane is created, and the rolled sidewalk is created for pedestrians, what will stop drivers from becoming impatient and simply using the sidewalk to drive into the development (or stop them from parking there "temporarily")?
- 3) It appears the reason for the rolled sidewalk is that the fire trucks would need to drive upon both the drive lane and the rolled sidewalk area, to have sufficient width area to access the development. Is this correct? And should a fire situation occur, the residents who may need to vacate the apartment area would find the firetruck blocking the entire exit from the complex, is this correct?
- 4) If the above ingress/egress situation is correct, then it is imperative to LIMIT THE PROJECT DENSITY TO THE MINIMUM OF FIVE UNITS, for the obvious safety reasons.
- 5) Another option is for the city to impose as a condition of development of units exceeding the minimum of 5 units, that a joint/shared ingress/egress be developed with the neighbor to the west, who also has a driveway, parallel to this one; combining the drive area of the joint/shared access should gain an additional 10-15 feet and eliminate the above situations. There should be no argument that the density should be limited, if the access is so horrible!

FINAL COMMENTS: It is understood that the developer has the right to build upon the property, and that additional housing is needed (especially apartments) and infill must occur. The neighbors of SW Canby are aware that the large back yards in this R2 Zone are enticing and ripe for development; but we also realize that the development must be controlled, strategic, safe, tolerable, and disciplined. A poorly designed development IN THIS LOCATION at this time could jeopardize the long-range phased development of the nearby real estate.



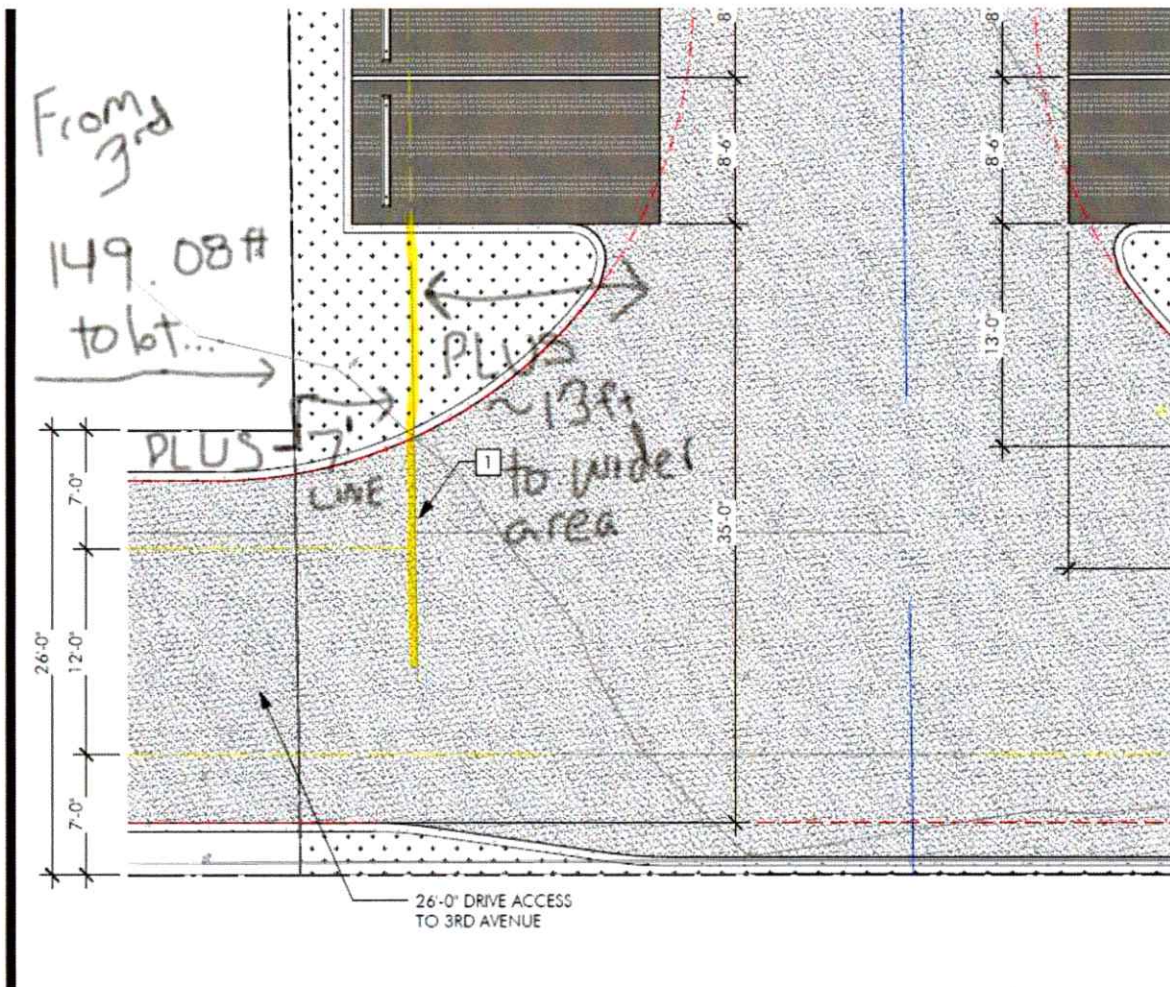
This diagram gives an overview of the proposed State Street development, and shows the undeveloped back yards of four neighbors to the west. It would be far more ideal to have this land developed in a planned manner, instead of piece-meal, and it would be wonderful if the Planning Department and the City could get together to help guide the process. Ultimately it comes down to the timing....when the land owners want to sell and when the developers want to develop, but we have to do our best during each step.

Thank you for your time.
Regina Taylor

Hello,

I would like to clarify that I am not opposed to any development, but am very concerned about the density in this application given its location and access route.

This flag lot is non-conforming. Access to the lot can only be reached via the approximately 170' deep, 26' wide easement. Though there are conflicts in the documentation (185' deep before the lot line adjustment) it is still roughly 170' deep after the adjustment and taking the developer's engineering spec into account, as approximately 20 ft of the back lot remains width restricted before opening up for the turnaround (forgive the markup). The paved parking spaces are 18 ft deep:



Due to the proximity of the easement to neighboring homes (**4 ft to the wall of 285 SW 3rd**) and **on the lot line of 299 SW 3rd** (with ~7ft to the front door of 299 SW 3rd), both sides of the easement are subject to screening: **Finding 32 stated:** As a condition of approval, site obscuring landscaping and/or fencing shall be provided along the perimeter of the enter property.

Though 16.08.110 G.2.c. would typically require "Solid fencing shall be set back at least three (3) feet from the property line that abuts the pathway.", as a non conforming lot this can and clearly must be waived. **Finding 16 states in part:** As a condition of approval, the applicant shall provide a sidewalk or designated pedestrian path within the easement area that provides real and physical access and separation from the travel surface path. This can be a mountable or "rollable" curb or at grade concrete sidewalk that is part of the travel surface.

This requirement also provides compliance with the Transportation System Plan (TSP) and Safe Route's to School; which among other requirements, necessitate paths for pedestrians and specifically children to have a safe walking path to the public interface for access to school bus stops or other mobility options.

Finding 18 states in part: Staff understand that the applicant is complying with Canby Fire District requests to provide 26-foot wide clear area for fire access. Staff recommend that the Planning Commission require a 5-foot rollable curb sidewalk surface or at-grade sidewalk that is clearly delineated as a pedestrian travel way. This could be part of the 20' wide travel surface or within the 26-foot wide private access easement.

There is 26' wide easement, which needs a 5' wide designated pedestrian path. Within the remaining 21' width, sight obscuring fencing will need to be installed to block vehicle headlights from the very nearby homes on either side. Even installing fences right at the lot lines, some width is lost – perhaps 2 feet? Can the fire trucks still get back on a 24' wide easement? EVEN IF THEY CAN, at only 19-20' wide, this is a ONE-WAY drive.....for a length of 170'. While the drive is more than the 12' width required for a One-Way Ingress or Egress, that is not the important point. **Two cars cannot pass one another around the pedestrian path**, and because of this length of drive, many times drivers will be unable to see one another until *after* the vehicle turning off of 3rd Ave has done so.

On a 170' deep, one-way driveway, there is more than ample opportunity for opposing cars to be faced with one another. Who backs up? Does the commission truly find it acceptable to back out on to 3rd, with a driveway that is immediately just beyond the intersection of Grant and SW 3rd? One can not assume the vehicle attempting to leave the apartments will always back up...nor can that be enforced. How then does the developer propose to keep the pedestrian walkways safe?

The (Studio 3 Architecture) Site Plan and Design Review – Written Statement indicates **they do not** believe this to be possible:

- 16.49.065.B – On-site facilities shall be provided to accommodate safe and convenient pedestrian and bicycle access within new subdivisions, multi-family developments, planned development, shopping centers, and commercial districts, and connecting to adjacent residential areas and neighborhood activity centers. Residential developments shall include streets with sidewalks and accessways.
 - The 185'-0" easement off of 3rd avenue is 26'-0" wide. Due to the need for a 26'-0" access and 20'-0" drive aisle for a fire apparatus, the development of sidewalks along this newly established private drive is not possible. However, the internal walkway system connecting the parking lot and bicycle enclosures to the buildings is made as safe and convenient to the pedestrian as possible.

Now, were this initial assertion be retracted and revised by State Street/Studio 3 Architecture, it is still another strong indication of how necessary a Traffic Impact Analysis is. **Finding 2** states "Planning staff determined that a Transportation Impact Analysis (TIA)¹ is not required. This decision was based on the information provided by the project applicant and the factors identified in Subsection 16.08.150 (C). A traffic impact analysis is conducted typically with a change in zoning designation, land division, annexation or large square footage commercial, residential and industrial project. Should the Planning Commission request a traffic study that would require continuing this hearing to a later date." Based on the information provided by the applicant, they did not think both could be done. I maintain that it appears the factors in Subsection 16.08.150 (C) **do indeed apply**.

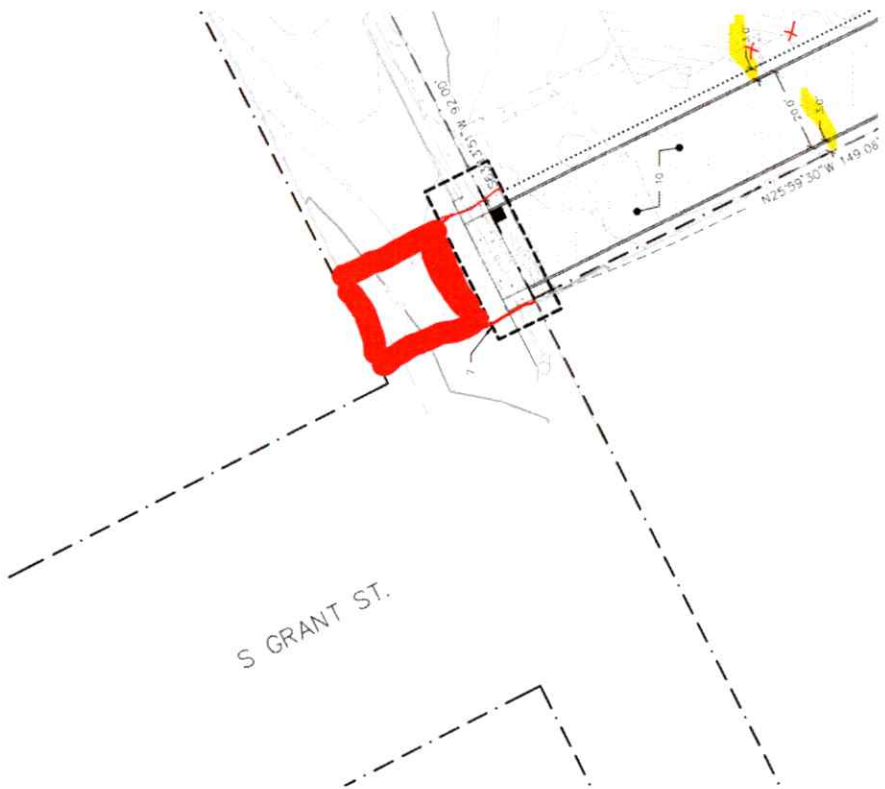
To further support the need for a TIA, please revisit the following criteria:

Minimum Driveway Spacing

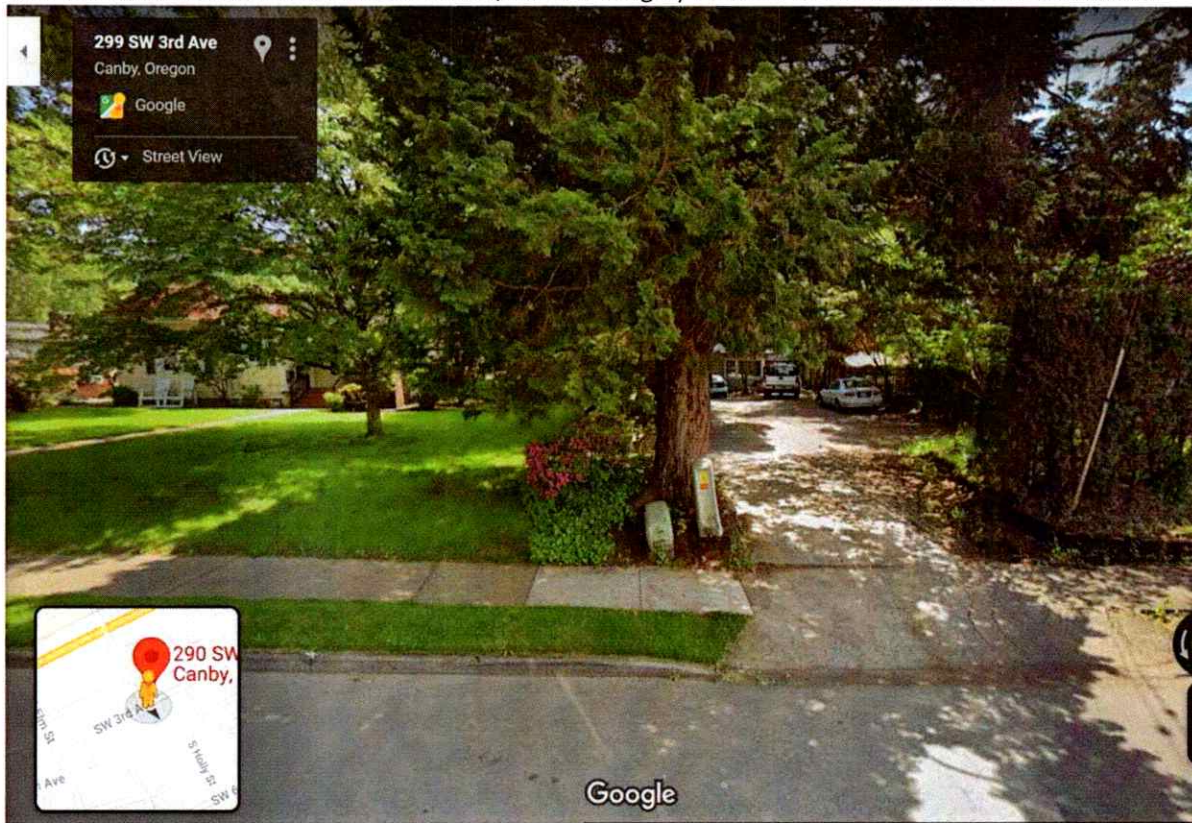
<u>Street Classification</u>	<u>Intersection</u>	<u>Driveway</u>
Arterial (2)	330' (1)	330' (1)
Industrial Streets (2)	100' (1)	100' (1)
Collector (2)	100' (1)	100' (1)
Neighborhood Route	50' (1)(3)	10'
Local (all)	50' (1)(3)	10'
Cul-de-sac	50' (1)(3)	10'
Public Alley	50' (1)(3)	10'

- Notes:** (1) Minimum distance or no closer than 60% of parcel frontage unless this prohibits access to the site, in which case City Administrator or designee may approve a deviation.
- (2) Direct access to this street will not be allowed if an alternative exists or is planned.
- (3) For single-family residential houses, the minimum distance between driveways and an intersection shall be thirty (30) feet.

The distance of the easement to the intersection of Grant/SW 3rd is less than the 50 ft required for driveways on Neighborhood Routes. The neighboring driveway at 299 SW 3rd is less than 10 ft from the easement as well – it's 0 ft! While exceptions can be made for non-conforming lots, they still need a critical review to ensure safety.



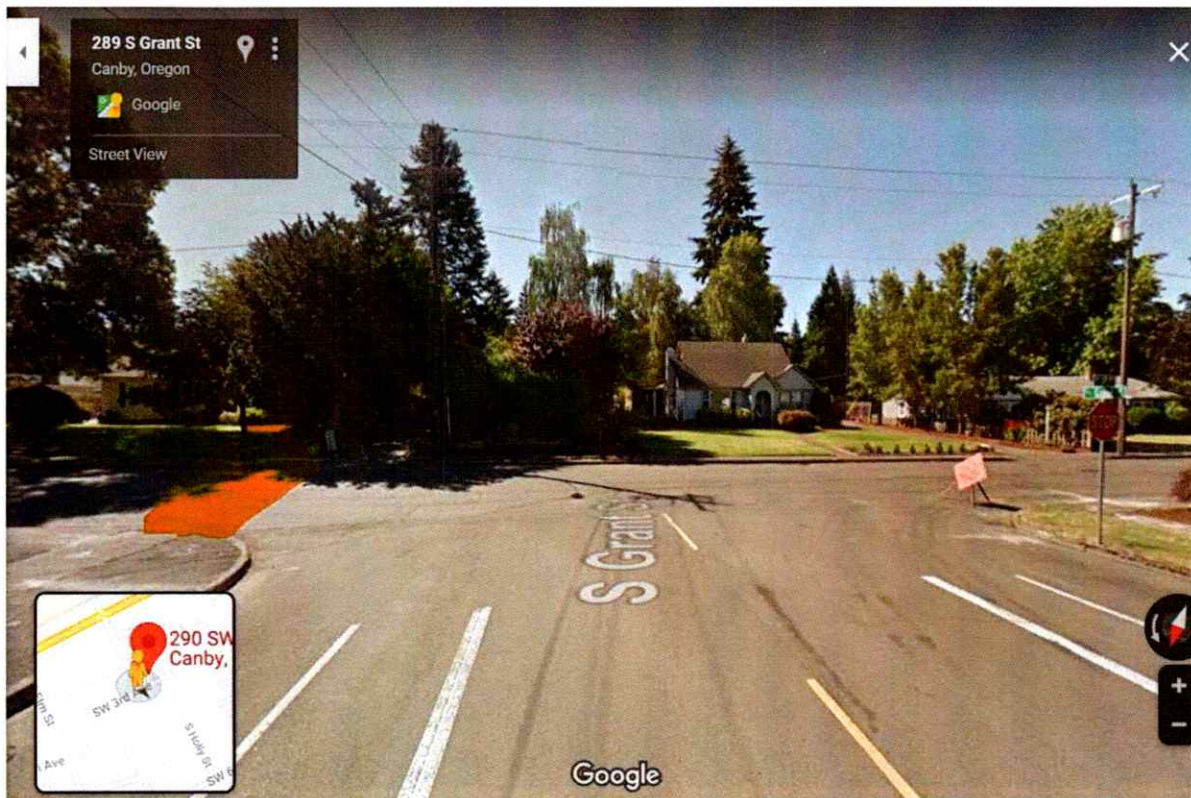
This is a Google Maps view showing the proximity of the easement and the neighboring drive – all of the trees behind the utility accesses are being removed. I believe the smaller tree, set back at 285 SW 3rd on the left must be removed as well to accommodate the easement access, but it is roughly location of the left side of the easement.



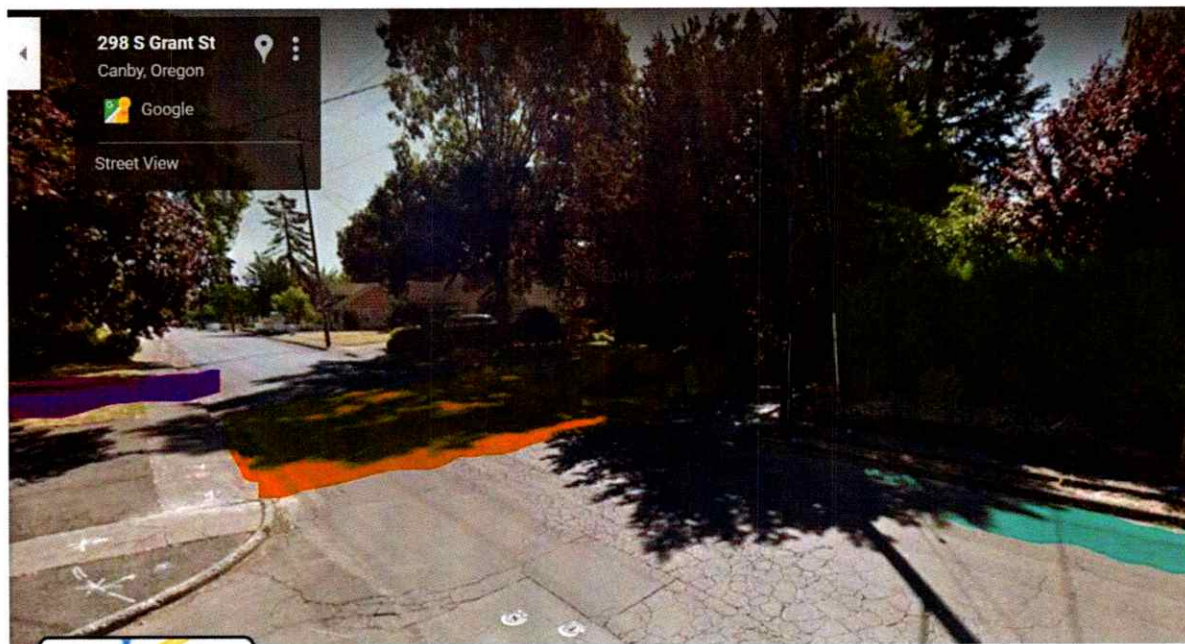
The view on SW 3rd, headed West, approaching Grant. The easement will be added before the existing driveway seen on the left.



The view on SW Grant, approaching 3rd Ave. The area in orange (left side) is the direct line across from the easement access, immediately after the intersection. Vehicles can and do park on the North side of SW 3rd at the intersection, as well as the South side of SW 3rd across from Grant:



Another view of the intersection and distance vehicles leaving the easement will be crossing, in order to turn on to Grant or join Westbound traffic on SW 3rd. Driveway for 290 SW 3rd in purple. Vehicles can park between 290 SW 3rd and the corner on the North side of the street (directly across from easement), and also park in front of 299 on the South side of SW 3rd (area in blue):



According to the **Canby Transportation Plan, Page 3-6**, the four highest pedestrian volumes in the city are:

- 1) **Ivy Street,**
- 2) OR99E at Ivy
- 3) S Ivy at Township Rd, and
- 4) **Elm/Grant Streets**

SW 3rd has Ivy on its East end, Grant at the juncture where this easement is, and Elm at the West end of the street. OR 99 is just two blocks North of the SW 3rd/Ave Grant intersection. **One block North of the SW 3rd/Grant intersection, S Grant was upgraded from a Local Street to a Collector Street** back in 2009 (Table 7-1)....Elm is also Collector Street at the West end of SW 3rd, and SW 3rd meets Arterial Ivy to the East.

Transportation Plan, Page 5-6 - Table 5-1: The city plans to install crosswalk, ramps, and a pedestrian refuge island at S Ivy St and the south leg at SW 3rd Ave, *diverting even more pedestrian traffic from Ivy to the South side of SW 3rd Ave – directly in the path of this one-way easement.*

Given how necessary SW 3rd and all the streets touching it are to pedestrians, this needs to be formally looked at with a TIA before the proposed density can be approved. There are too many non-conforming lot exceptions with distances from intersections, drives, one-way access and visibility needed not to. The density of 12 units and the related number of trips it generates needs weighed as a factor. I do not think it will be safe to allow so many units with this access point.

For the development itself: CDC 16.20.030, Section G, Item 4 requires an 1,800 sq ft recreation area. **Finding 39** says that this is met in Figures 6 & 7, but this is **not clearly designated on any site plan document**. Staff response to my initial inquiry regarding this says “Staff agrees that the applicant could provide a more clear indication of the active recreation space, but the plans appear to demonstrate a consolidated and active recreation space along the south and southwestern portions of the site.” I ask that you make this a firm requirement to be documented and defined as opposed to allowing merely “appear to demonstrate” to suffice. **The 1800 sq ft recreation area is not only a requirement for the density of units requested, but without the 2 points this gives the project in the Site and Design Scoring Matrix for CMC 16.21.070, this project does not pass with the required 60% threshold.**

Given the potential for adjacent lots to want to tie in to this lot in the future, it should be clear that the recreation area space has been properly allocated and will remain designated for that use. The (Studio 3 Architecture) Site Plan and Design Review – Written Statement simply waves a hand at some “open landscaping in the South and Southwest portions”:

- 16.20.030.G.4 – Multifamily development exceeding 10 units shall provide 150 sf of recreation space per dwelling unit
 - The proposed development exceeds 10 units, therefore, is required to provide 150 sf of recreational space per dwelling unit. This 1,800 sf of required open area is met with the use of open landscaping towards the South and Southwest portions of the site.

When the neighboring lots become available, they *should* be connected...but this lot should not be able to lose its needed rec space in the process. It will be even more vital to maintain availability of such spaces for residents as the lots are filled in.

Lastly, I would like to request that the commission requires multi-family projects over 2 stories, such as this, to install sprinklers. From my years implementing Energy Efficiency programs I am more aware than most how quickly new construction burns. Second stories can collapse in a matter of minutes. This project seeks to put three levels of renters on top of one another. I have no doubt this is why the Canby Fire District pushed to ensure truck access to the site. No matter how quickly they arrive to a fire, it might not be fast enough. All it takes is one panicked resident blocking that extremely long access road somehow and the truck may not be able to get as close as they need to, or lose valuable time trying. I have no idea what it costs. State Street says they’re considering it but are not sure if they’ll do it. There is a big risk of injury to the renters in that space in an emergency. We owe it to anyone in a densely populated area to have every chance to get themselves and their loved ones out alive. There will no doubt be families with children renting. The recent Wilsonville fire at Villebois is a good illustration of how quickly fire can spread in dense new construction – let’s not open a door to something like that tearing through Canby just because sprinklers aren’t code in Clackamas County yet.

Thank you for your time and consideration,

Jennifer Driskill

To: Planning Committee

To allow the proposed 3 story, 12 apartment unit on SW 3rd St. in Canby I believe would have a negative impact on the area and constitute poor planning for the following reasons:

1. I believe there is already too many cars parked on 3rd street, and understand no traffic study has been done. I have already had trouble myself when I've had to use 3rd street because of parked cars, visibility and traffic. This would only add to an existing problem.
2. In addition, to plop a three story apartment unit in this space seems ridiculous for the area and would have a negative impact on the people on 3rd street as well as surrounding streets in the neighborhood.
3. Many trees will be lost, and not only the beauty of the area impacted but also the health factors they provide.

I would ask that you deny this application. Thank you.

Bonnie Edwards

Julie Carter

From: Patsy Fifield <[REDACTED]>
Sent: Sunday, May 9, 2021 9:10 PM
To: PublicComments; Erik Forsell
Subject: City File#: DR21-04

Good day,

My name is Patsy Fifield, my husband Doug and I bought the property at [REDACTED] Canby, in October 2020. A few months after we moved in we were told that the home next door owned by Dan and Ashely Starr was to be sold and divided into 2 lots, with the rear of the property to have 2 - 3 story apartment buildings erected. This will also result in an easement for a new driveway to be built next to our driveway and approximately 10 feet from our front door. This is very upsetting to us for many reasons, there are 4 very large trees lining the driveway between our house and the house at 285 SW 3rd Av that will be removed. Not to mention the 7-8 large trees on the .44 acre site that will be cut down. The traffic in and out that close to our front door will be very disruptive and intrusive, and the 3 story buildings "looming" over not only our home but many homes behind us. The proposed buildings will have 12 residences, which could potentially mean 20-30 vehicles, in and out, and parking on the street which is already an issue up and down 3rd Av.

I also believe that our property will be impacted by this project more than most with trees being removed right next to our driveway, which will make it very difficult, if not impossible for us to get in or out as our driveway is already very narrow. Construction vehicles roaring past our front door, dust and debris, excessive noise, all of these things will disrupt our lives for many months.

It is our hope and that of many of our neighbors that you will not approve this project, this small area in the midst of longtime single family homes is not the place for 3 story apartment buildings. Please consider the impact on the families that already live in this neighborhood, and what a negative impact it will have on all our lives. Not to mention the birds, and other small animals that call the majestic trees on this land their homes.

Please send me the Zoom link for the meeting scheduled for Monday, 5/10/2021.

Thank you for your consideration.

Patsy Fifield

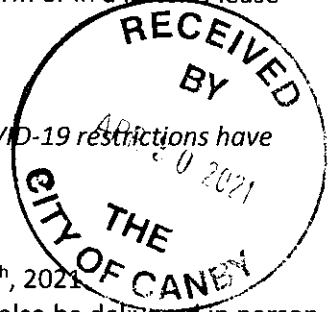
CITY OF CANBY –COMMENT FORM

If you are unable to attend the Public Hearings, you may submit written comments on this form or in a letter. Please send comments to the City of Canby Planning Department:

By mail: Planning Department, PO Box 930, Canby, OR 97013

In person: Planning Department at 222 NE Second Street (Provided COVID-19 restrictions have been lifted.)

E-mail: PublicComments@canbyoregon.gov



Written comments to be included in Planning Commission packet are due by Friday, April 30th, 2021.

Written and oral comments can be submitted up to the time of the Public Hearings and may also be delivered in person during the Public Hearings.

Application: DR 21-04 – State Street Multi-Family

COMMENTS:

As the pastor of Zoar Lutheran Church, 190 SW 3rd Avenue, I'd like to go on record that our church parking lot will NOT be available to residents of the new multi-family housing development proposed at the site directly adjacent and south of 285 SW 3rd Avenue. We've already had issues with residents of the other new multi-family housing development across the street parking cars in our lot because of inadequate parking at their complex. As we move toward fully reopening our church building, we will no longer be able to accommodate any extra cars. As the signage on our lot indicates, violators can expect to have their cars towed at their own expense.

CITIZEN NAME: Michelle Manicke, Pastor, Zoar Lutheran Church

EMAIL: _____

ADDRESS: 190 SW 3rd Avenue, Canby, OR 97013

PHONE # (optional): _____

DATE: April 25, 2021

PLEASE EMAIL COMMENTS TO
PublicComments@canbyoregon.gov

AGENCIES: Please check one box and fill in your Name/Agency/Date below:

- ☐ 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
- ☐ No Comments

NAME: _____

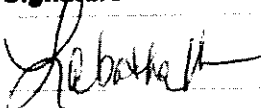

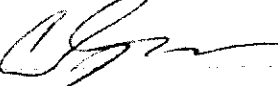



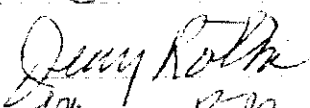
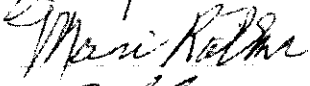
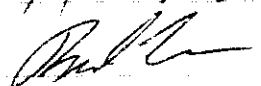

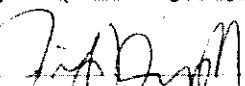
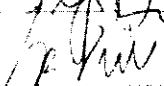
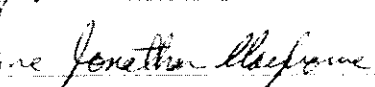

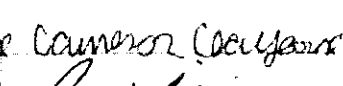
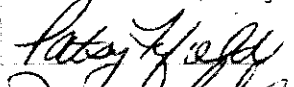


AGENCY: _____

DATE: _____

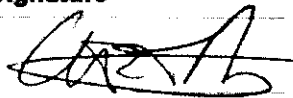
Thank you!

Petition for State Street Homes

Action petitioned for To opposed State Street Homes Lot development of building two 6 unit apartments

Printed Name	Signature	Address/Phone #	Date
Taketha Barnett			5/2/2021
Stephen Barnett			5/2/2021
Corey Spickler			5/2/2021
Edward Palmer			5/2/2021
Darlene Austin Dandley Gumb			5-2-2021
Kristina Chutkan			5-2-2021
Jasen Davis			5-2-21
Jerry Roth			5-2-21
MARIE Roth			5-2-21
Rachel Logue			5-2-21
Merrill Farrington			5-2-21
Samir Doshi			5/2/21
Ron Doshi			5-2-21
Jonathan Clayborne			5-2-21
Billieann Clayborne			5/2/21
Cameron Clayborne			5/2/21
Lacey Fifield			5/2/21
Doug Fifield			5/2/21
JEROMY PENDERGRAFT			5/2/21

Petition for State Street Homes

Printed Name	Signature	Address	Date
Adelela Trumherz			5/1
Al Smith	Al Smith		5-2
Carol Jackson	Carol Jackson		5-2
Roger Jackson	Roger Jackson		5-2
Elisabeth Wosley	E. Wosley		5/2
25 Brian Voss	Brian Voss		5/2/21
David J. Grsten	David J. Grsten		5/2/21
Jill Stegmeyer	Jill Stegmeyer		5/2/21
Tyler Little	Tyler Little		5-2-21
Jeanna Little	Jeanna Little		5/2/21
Kathy Blewett	Kathy Blewett		5/2/21
NGRID CERES	NGRID CERES		5-2-21
WALTER ROSEN	WALTER ROSEN		5-2-21
SCOTT KENAGY	SCOTT KENAGY		5-2-21
Paul Salmonson	Paul Salmonson		5-2-21
CHARLIE TANKUS	CHARLIE TANKUS		5.3.21
TEERI TANKUS	TEERI TANKUS		5.3.21

May 4, 2021

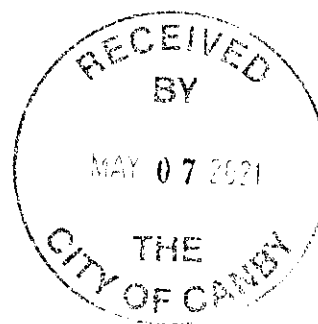
From: Jerald Rothi

Canby, Oregon

To: City of Canby

222 NE 2nd Ave

Canby, Oregon 97013



I am writing you in concern for City File #DR21-04

You will be having a public hearing on May 10th and I will be out of town for a memorial for my brother-in-law in Mnn.

I am adamantly opposed to allowing additional multi housing on 285 SW 3rd avenue, there is not sufficient parking as it is for the houses that have sprouted up in the last 10 yrs. on SW 3rd. in order to drive down the street you have to wait for a car coming at you or pull into the sidewalk to allow a car to pass through. The homes already here do not have sufficient parking, if there would be a fire or ambulance need, the house in need will be in big trouble as things are now. This is a problem not only for traffic coming and going but for fire, ambulance and school buses. I think you will not understand until a death or serious misshape occurs and then it will too late. The city should not have a death or near death on their hands because of traffic unable to pass etc.

Each of you should take a drive so you can clearly see the situation of parking on SW 3rd.

I hope you will do what is best for Canby Police and Ambulance services and the citizens now living on SW 3rd.

Respectfully,

Jerald Rothi

A handwritten signature in black ink, appearing to read "J. Rothi".

I am writing to voice my concerns about the apartments being built at 285 SW3rd Ave. I live at / which is directly behind the .44 acres. I would like to know how you can fit two 3 story apartment buildings on .44 of an acre. How many other 3 story apartments are there in canby that are among single family dwellings? We are concerned that the apartments will look directly into our home and there will be zero privacy. What are the plans for privacy? How will fire trucks turn around in there? Where will the parking be? Have you considered that most families own 2 cars? It seems ridiculous that a 3 story building be placed among single family dwellings. What will happen with the giant fir trees on the lot? 3rd avenue is already a narrow street with folks parking on both sides of the street. I also feel that the apartments will bring down our property values. I would like to ask if any of you would like a 3 story apartment building in your backyard? I feel like this was already decided on before the neighbors were notified. No where in your letter address the fact that they are planning on building 3 story apartments. That is very misleading.

Thank you

Robert and Sandra Salmonson

Comments Regarding the State Street Proposal for Development of a Flag Lot on SW 3rd Ave:

One of the things that I like most about my neighborhood on SW 3rd Ave are the beautiful old homes. I like walking down my street and seeing the history in each house that I pass. The thing that concerns me most about the State Street proposal is how incompatible the structures and density are with the historic architecture in this neighborhood. I believe that this project will not support the “small town” atmosphere that is so valued by the residents who live there.

I purchased my home, e., precisely because I wanted to live in an old neighborhood in an historic home. I wanted a big lot. Had there been 12 apartments next door, I would not have purchased this home. In fact, there were other properties I considered, but did not purchase for this exact reason.

I looked into what policies the city has regarding historic preservation, and it is obvious that the other residents and the City Council itself also value the historic areas in Canby. Here is a summary of the documents I found:

Historic Preservation 16.110, January 2018, was created to, “Safeguard the city’s historic and cultural heritage through the identification, preservation and protection of structures, sites, objects and **DISTRICTS**.” By, preserving “diverse architectural styles reflecting periods of the city’s historical and architectural development, and to encourage **COMPLEMENTARY** design and construction impacting historic development.” To resolve conflicts between the preservation of historic resources and other land uses, and integrate the management of historic resources into public and **PRIVATE** development.

An Historic District “includes contiguous or non-contiguous districts ... composed of structures, sites, and objects classified as Landmarks, **CONTRIBUTING RESOURCES** and non-contributing resources.

An Historic Resource is a “general term for buildings, sites, structures and objects which are Historic Landmarks or Historic Districts, or **HAVE THE POTENTIAL TO BE**.

An Historic Landmark is “any building, site, object, or structure and the **PROPERTY SURROUNDING IT**.”

I believe my neighborhood, the area including at least SW 2nd and SW 3rd between Ivy and Elm, and extending to the Knight House on SW 4th and Elm, qualifies as an Historic District under these definitions. As far as I know, this area has not been officially named as an Historic District. However, it certainly has the **POTENTIAL TO BE**. Many of the homes in this area have already been designated as **CONTRIBUTING RESOURCES** by the SHPO and listed in the following document.

The Historic Preservation Plan of the City of Canby, July 2020, was created to “Provide appropriate guidance to elected and appointed officials when making development decisions that could affect the character of the community, and promote preservation as a tool for revitalizing Canby’s unique neighborhoods”, (as described by the initial proposal, January 2019.) “The need for this plan is exacerbated by the rapid growth occurring in the Portland Metro area which is affecting the City. **Long-term and new residents alike have expressed concerns about the population increase and how the City’s heritage and ‘small town’ feel might be lost.**”

The surveys conducted by Northwest Vernacular in the production of this plan support the conclusion that the residents of Canby, “desire to maintain Canby’s small-town charm.” The goal of this plan is to “Utilize historic preservation to inform city decision making.” “**Canby clearly has a certain character and**

charm to it that makes it a desirable city for people to live, work, and play [which] should be carefully considered as new construction and development progresses within the city.”

Recommendation B.2.1. regarding land use says:

*In order to support density and provide housing, downtown Canby needs to be a desirable destination for renters and homeowners. This can be reinforced through zoning and quality of design requirements that develop the downtown (C-1) and **adjacent R-2 zoned areas**...where new renters and property owners buy into a vision of density that supports the small town feeling of Canby through design that is **COMPATIBLE** with historic resources and area character, and that includes compatible design elements such as **MASS, SCALE, HEIGHT**, materials, setting, and setbacks.*

Furthermore, this plan describes how historic preservation is integral to the economic development of Canby, which has the goal of becoming part of the Willamette Falls and Landings Heritage Area. It recommends promoting tourism based on the historic nature of Canby, including walking tours of the historic homes and neighborhoods. SW 3rd Avenue and its surrounding area are the original, historic, “old” Canby. I cannot imagine a walking tour occurring in my neighborhood if behind each house is a flag lot with a complex of apartments.

Included in the Historic Preservation Plan, is the “Canby Inventory of Historic Resources”, which lists the structures that have already been surveyed for their historic significance. In this area there are **at least** 16 (1f not 19) different homes which have been designated as a “contributing structure” (EC) by the SHPO. Six of these have been identified as valuable examples of period architecture (*). All of the homes listed are over 50 years old, and 12 of them are pre-WWII (1940 or earlier), and 4 are 1910 or earlier. The William Knight House, built in 1874, is listed on the National Registry of Historic Places, officially giving it and its **SURROUNDING PROPERTY** Historical Landmark/Significant Structure (ES) status.

<u>Address</u>	<u>Built</u>	<u>SHPO Evaluation</u>	<u>Architectural Example</u>
1. 361 SW Second Ave.	1939	EC*	Craftsman
2. 394 SW Second Ave.	1953	EC	
3. 419 SW Second Ave.	1939	EC	
4. 445 SW Second Ave.	1933	EC*	Tudor Revival
5. 290 SW Third Ave.	1964	EC	
6. 348 SW Third Ave.	1964	EC	
7. 368 SW Third Ave.	1910	EC	
8. 402 SW Third Ave.	1948	EC	
9. 431 SW Third Ave.	1924	EC	
10. 494 SW Third Ave.	1905	EC*	Vernacular
11. 181 S Ivy St.	1952	EC	
12. 235 S Ivy St.	1958	EC	
13. 275 S Ivy St.	1935	EC	
14. 160 S Grant St.	1936	EC	
15. 189 S Grant St.	1904	NC* (typo?)	Craftsman
16. 233 S Grant St.	1933	NC (typo?)	
17. 242 S Grant St.	1960	EC	

18. 194 S Elm St.	1939	NC* (typo?)	Minimal Traditional
19. 525 SW Fourth Ave.	1874	ES*	Classical Revival (Knight House)

It is unfortunate that this area also happens to be zoned R-2. Since this is a high-density residential area it is not even protected by policy 16.21.050 which requires infill homes to be a maximum of 28 feet, among other protective design requirements. This area of historic value deserves to be protected by the Historical Protection Overlay Zone 16.38, which purpose is to “**assure that the future development of the site will provide ample protection for identified historically architecturally significant structures, features or sites.**” The Historical Preservation Plan/SHPO has provided such identification for these properties.

The area where State Street proposes to build 12 modern 3 story units is literally the heart of Historic Canby. I hope that the above data, provided directly from the City of Canby’s own documentation, will be enough to demonstrate the **POTENTIAL TO BE** an Historic District. I hope that the city council will appreciate the historical resources and the **SURROUNDING PROPERTY** in this area and move to protect them by ensuring that the “**design is COMPATIBLE with historic resources and area character, and that includes compatible design elements such as MASS, SCALE, HEIGHT, materials, setting, and setbacks.**” And I would add - appropriate density.

In my search for information, I have discovered that Historical Preservation is important not only to me but to the other residents of Canby as well. The City Council of Canby created the Historical Preservation Plan for exactly this type of situation. To help guide the city as it balances the need for increased density with the need to preserve the unique, historically diverse architecture, and small-town charm that is the key to Canby’s economic success.

State Street’s proposal is neither compatible nor complementary with the surrounding properties. If built, its presence will significantly diminish the historical small-town feel of the neighborhood and discourage renters and buyers from living in this neighborhood. I have spoken with some of my neighbors and City Planner Erik Forsell about officially pursuing Historic District status for our neighborhood. This process is complicated and lengthy, and certainly cannot be completed before the decision on this proposal is made.

Unfortunately, once a structure is built it cannot be unbuilt. I hope that the City Council will choose to follow the plan that they themselves adopted **less than a year ago** to identify and protect this valued area – official or not.

I for one, would love to see this land purchased by the SW Canby Neighborhood or the city to be used as a community garden. However, I would accept a much less obtrusive, less dense, and certainly architecturally compatible plan.

Respectfully,
Rhonda Shechtman

Canby, OR 97013

Monday, May 10, 2021

City of Canby
222 NE 2nd Ave
Canby, OR 97013

I have concerns regarding the proposed Multi-family development and the design review III application submitted to the City of Canby, file: DR21-04 (S of SW 3rd Avenue and North of S Holly Street, Canby). There are concerns regarding number of units, traffic, & access. How is this proposed Multi-family development protecting the “small town” quality of life and ensuring the protection of neighborhoods and adhering to policies, procedures and regulations that are to be enforced by the City of Canby? It’s concerning that a conditional approval is noted on the Canby Staff report before the Public hearing’s and public voice. I have listed the following concerns:

1. MINIMUM DENSITY

The number of apartments proposed does not follow the recommendations of Studio 3 Architecture site plan and design review.

Canby Municipal Code: 16.20.030 Development Standards (A):

Comment:

According to the Studio 3 Architecture site plan and design review report (16.20 “R-2 High Density Residential Zone”) it states the minimum residential density for 1 acre is 14. The minimum residential density is 5 units for .35 acres. Why are there 12 apartments proposed? This lot is too small to force 12 apartments that includes 19 parking spaces and cars accessing this property with a poor design for the space due to access via a long driveway.

2. Traffic Impact Study

There are publicly known concerns of Traffic on SW 3rd as noted in the Canby Transportation System plan and a Traffic Impact Study is necessary to sort out the existing concerns and this does not take

into consideration this proposed Multi-family development or the development that was built on 203 SW 3rd Ave that was built 1 year ago. I listed the Canby Municipal Code, the Canby Transportation System plan & the City of Canby Public facility improvements, Design Manual and Standard Specifications that addresses the need for a Traffic Impact study.

Comment:

The Canby Staff report does not mention all of the requirements that are necessary to require a Traffic Impact Study.

Staff report Finding 2:

Planning staff determined that a Transportation Impact Analysis (TIA)¹ is not required. This decision was based on the information provided by the project applicant and the factors identified in Subsection 16.08.150 (C). A traffic impact analysis is conducted typically with a change in zoning designation, land division, annexation or large square footage commercial, residential and industrial project.

Canby Municipal Code:16.08.150.C.

Determination. Based on information provided by the applicant about the proposed development, the city will determine when a TIS is required and will consider the following when making that determination.

1. Changes in land use designation, zoning designation, **or development standard.**
2. **Changes in use or intensity of use.**
3. **Projected increase in trip generation.**
4. **Potential impacts to residential areas and local streets.**
5. **Potential impacts to priority pedestrian and bicycle routes, including, but not limited to school routes and multimodal street improvements identified in the TSP.**
6. **Potential impacts to intersection level of service (LOS).**

Canby Transportation System 20 year plan notes “Project 16,17,18 are intended to divert traffic from SW 3rd avenue”. This identifies that there are existing traffic concerns with this street. In order to have a good assessment on the impact of traffic a Traffic Impact Study must be required.

Canby Transportation System plan identified Goals and Policies Goal 1:

Livability: Design and construct transportation facilities to enhance the livability of the Canby neighborhoods and business community. C, page 2-1 “Protect residential neighborhoods from excessive through traffic and travel speeds by constructing needed multi-modal capacity improvement projects, modernizing key existing residential roads to arterial or collector standards, and implementing appropriate traffic calming measures on local streets.”

Canby Public Works Design Standards, Chapter 2-1: Streets: 2.103:

General: A transportation impact study (TIS) may be required.

a. If a transportation impact study was required during land use planning, then it shall be finalized as part of the design. This should take into account any changes to the development, existing conditions, or agency requirements since the time the draft report was done.

b. If a transportation study was not required during land use planning, it shall be required during design if the proposed development creates more than 1,000 trips per day based upon the ITE Trip Generation Manual, if the development appears to have a significant impact upon local transportation, ***or if the development will negatively affect an existing traffic concern.***

Canby Transportation System plan (page 9-10) Developer Exactions

Exactions are roadway and/or intersection improvements that are partially or fully funded by developers as conditions of development approval.

Typically, all developers are required to improve the roadways along their frontage upon site redevelopment. ***In addition, when a site develops or redevelops, the developer may be required to provide off- site improvements depending upon the expected level of traffic generation and the resulting impacts to the transportation system.***

16.04.318 Lot, flag. CMC 16.04.318

A flag lot is a lot that does not meet minimum frontage requirements and where access to the public road is by a narrow, private right-of-way. (Ord. 1043 section 3, 2000).

Comments: There are many concerns noted above that support a Traffic Study.

Conclusion:

My assessment is that the City of Canby is responsible for ensuring relief of traffic congestion, betterment of housing and sanitation conditions?

Adhering to planning policies, procedures, and regulations that have not been followed. The transparency of this process is crucial in having buy-in with neighbors because there are over 30 neighbors so far who oppose this project.

It is inevitable that housing will be developed due to the needs of the community and Canby's development plan. Despite this it is essential to follow the rules, regulations in an objective manner in order to ensure that decisions promote safe and thoughtful plans for promoting the public interest, health, safety and welfare of the city and surrounding area which are within the scope of your duties.

Sincerely,

Maria Navidad Valadez

**CANBY CITY COUNCIL
SPECIAL CALLED MEETING
July 28, 2021**

PRESIDING: Mayor Brian Hodson

COUNCIL PRESENT: Traci Hensley, Jordan Tibbals, Sarah Spoon, Greg Parker, and Shawn Varwig.

COUNCIL ABSENT: Christopher Bangs

STAFF PRESENT: Scott Archer, City Administrator; Joseph Lindsay, City Attorney/ Assistant City Administrator; Melissa Bisset, City Recorder/ HR Manager; Brianna Addotta, Associate Planner; and Don Hardy, Planning Director

CALL TO ORDER: Mayor Hodson called the Special Called Meeting to order at 7:30 pm.

PUBLIC HEARINGS: Comprehensive Plan Map Amendment and Concurrent Zone Change for 102 NE Territorial Road –

Mayor Hodson read the public hearing statement.

STAFF REPORT: Brianna Addotta, Associate Planner, explained the process for the Hemmerling project. This project contained multiple land use applications that formed a single development proposal. The applicant would need to follow the steps outlined in the conditions of approval for both CPA/ZC 21-01 and SUB 21-02 to move forward with a final plat of the subdivision as proposed. This was a Comprehensive Plan Amendment to change the designation from low density residential (LDR) to medium density residential (MDR) and a concurrent zone change from low density residential (R-1) to medium density residential (R-1.5). She explained the Statewide Planning Goals were the framework for all Oregon municipal governments' comprehensive plans and all comprehensive plans had to be consistent with the goals, Oregon Administrative Rules, and Oregon Revised Statutes. The Development Code was the implementing tool of the Comprehensive Plan and was intended to guide development and be consistent with the Comprehensive Plan, and therefore consistent with the Statewide Planning Goals. Staff found that the proposed Comprehensive Plan Map amendment was consistent with the Statewide Planning Goals and Comprehensive Plan. There were no goal exceptions requested as part of this proposal. She reviewed the approval criteria to be used in evaluating this application. The subject property was about 3.17 acres on NE Territorial Road. The property was relatively flat with existing structures that would be removed. It had frontage along N Locust Street and NE Territorial Road. She then described the surrounding uses, survey conducted by the applicant, and comments received. There were agency comments from the City Engineer and Public Works as well as five public comments related to traffic congestion, speed, pedestrian safety, water quality, and power availability. There were concerns about the rezone, support for the amendment and zone change, and concern about the potential for multifamily housing. The traffic analysis letter recommended reducing foliage for sight distances on the N Locust approach onto Territorial. It also found that the project did not degrade performance for any existing or planned transportation facility beyond what was allowed in the current or proposed

zone. The Planning Commission voted 4/1 to forward a recommendation of denial to the City Council. The reasons for the recommendation of denial were: the proposed medium density residential designation was not compatible with the surrounding area and was not consistent with the original depiction of R-1 in the N Holly Development Concept Plan. Staff found that a change from R-1 to R-1.5 netted a maximum possible of 5 additional single family dwellings. The surrounding area had property with similar zoning designations. R-1.5 was directly across the street from the subject property and was on the corner of an intersection. There were no regulations in the Code strictly limiting rezoning to only the designations expressly included in a Development Concept Plan. The Comprehensive Plan was the guiding document on rezoning and the applicant's proposal to rezone from R-1 to R-1.5 was consistent with the Comprehensive Plan. Staff thought the Planning Commission incorrectly interpreted and applied the Development Code in this instance and did not provide justification related to the approval criteria. Staff recommended approval of the application subject to the identified conditions of approval.

Don Hardy, Planning Director, said the end result of this application would be single family residential lots. This was not a multifamily project. The Comprehensive Plan was the driver for the policy direction. The surrounding character of this site fit with the request. The change in designation would result in 4 to 5 more lots, although the lots would be smaller.

Councilor Spoon asked about the zoning of the surrounding properties. Ms. Addotta said three sides of the property were R-1 or EFU and one side was zoned R-1.5.

Councilor Spoon asked if there were approval criteria for the zone change or if it was entirely discretionary. Joe Lindsay, City Attorney, said it was discretionary, but there needed to be a valid reason for the decision.

Councilor Parker asked why the Planning Commission thought it was not compatible with the surrounding area. Was R-1.5 incompatible with R-1 and EFU? Mr. Hardy said the standards for a rezone were consistency with the Comprehensive Plan and public facilities were available to serve the development. Staff thought it was compatible because it was single family residential and that was consistent with the Comprehensive Plan. The Comprehensive Plan trumped the Development Concept Plan.

Councilor Tibbals asked if the parking requirements were different between R-1 and R-1.5. Ms. Addotta said the parking requirements were the same. R-1 had 60% impervious surface, R-1.5 had 70%. Setbacks were largely the same. It was the lot size that was the biggest difference.

Councilor Hensley asked about traffic counts for the smaller lot sizes. Ms. Addotta said the total increase for the proposed R-1.5 homes was four additional trips in the morning peak hour and five additional trips in the afternoon peak hour. This included the Dodds addition numbers.

There was discussion regarding the Comprehensive Plan amendment, distinguishing between R-1 and R-1.5, assumption that the single family homes fit the Comprehensive Plan designation, and examples of R-1.5 next to EFU zoning in the City.

Ms. Addotta clarified to change any zone in the City, they also had to change the Comprehensive Plan. She said the intent of the N Holly Development Concept Plan was to put in single family homes in this area.

Councilor Varwig questioned the traffic count numbers. Mr. Hardy explained how the traffic analysis used the Institute of Transportation Engineers assessment tool. It was an industry standard across the nation. The applicant provided the traffic study and the City's consultant reviewed it. Ms. Addotta said as part of the subdivision application, they would be installing pedestrian facilities on both streets.

Councilor Varwig did not think an algorithm could be trustworthy to determine how much traffic was going to come from a development. He thought it would be more than what the traffic study said.

Ms. Addotta said that was the projected traffic during peak hours, not total trips. For weekdays there would be 188 more trips throughout the 24 hours.

Mr. Lindsay said if it was left at R-1, it would generate 142 trips per day. Mr. Hardy said that followed the average for single family homes, which was 10 trips per day.

Councilor Tibbals asked about the differences between R-1 and R-1.5. Ms. Addotta described the differences in the setbacks and size of the lots. The height and design standards would be the same.

Councilor Tibbals was concerned about setting a precedent with this application.

Mayor Hodson opened the public hearing.

Hal Kever, representing the applicant, said they concurred with the staff report and conditions of approval. The N Holly Development Concept Plan cited a significant shortage of single family lots. Territorial Road was a collector street and was meant to handle higher density. He thought there was only a very subtle difference between R-1 and R-1.5. His client did not build multifamily. The Planning Commission had concerns about 20 lots. They were proposing 19 lots which took away the need to adjust the setbacks.

Councilor Spoon asked why they were requesting R-1.5. Mr. Kever said generally residential development had become denser due to the housing shortage. They were trying to be compatible with the neighborhood with single family detached homes, but also increase the density.

There was no other public testimony.

Mayor Hodson closed the public hearing.

Councilor Spoon was concerned about the infrastructure to support the rezoning and setting a precedent for the future. She was not in support of rezoning after the Comprehensive Plan designation was established. The Comprehensive Plan took into account the needs and desires of the neighborhood and changing the designation felt underhanded to the neighbors who were expecting a certain density. She did not take the market into a factor as to what should or should

not exist there and did not think the EFU property would come in at a higher density in the future. She did not want to create an island of higher density surrounded by R-1. The City had annexed in more land and she questioned whether there was a shortage. She was not in favor of the rezone.

Ms. Addotta confirmed the infrastructure would be able to handle the rezone to R-1.5. Public Works had no concerns with the capacity of the infrastructure.

Councilor Varwig was also concerned about setting a precedent. He did not think it should matter whether this was single family or multi-family. Adding more traffic was concerning as well.

Council President Hensley agreed they should not change the zone after the fact. They made a promise to the community that it would look like R-1. She was also concerned about the traffic.

Councilor Tibbals agreed about setting a precedent. The zoning should not be changed after the fact.

Mayor Hodson did not see the issue about precedence. The Comprehensive Plan allowed them to be flexible when these types of requests occurred to look at a single piece of property and evaluate its merits.

****Councilor Spoon moved to deny CPA/ZC 21-01 and affirm the Planning Commission's final written findings. Motion seconded by Council President Hensley and passed 5-0.**

Mr. Lindsay clarified the reason for denial was inconsistency with the Development Concept Plan and Comprehensive Plan. The Council concurred.

Appeal (APP 21-02) of the Planning Commission's denial of a 20-unit subdivision at 102 NE Territorial Road (SUB 21-02) –

Mayor Hodson read the public hearing statement.

CONFLICT OF INTEREST:

Council President Hensley – No conflict, plan to participate.

Councilor Varwig – No conflict, plan to participate.

Councilor Tibbals – No conflict, plan to participate.

Councilor Parker – No conflict, plan to participate.

Councilor Spoon – No conflict, plan to participate.

Mayor Hodson – No conflict, plan to participate.

EX PARTE CONTACT:

Council President Hensley – No contact.

Councilor Varwig – No contact.

Councilor Tibbals – No contact.

Councilor Parker – No contact.

Councilor Spoon – Driven by the site.
Mayor Hodson – No contact.

STAFF REPORT: Mr. Hardy said since the Comprehensive Plan and zone change applications were denied and the subdivision approval was based on those applications being approved, staff could not support the subdivision application since it was no longer consistent with the zoning and could not meet the current code.

Mayor Hodson opened the public hearing.

Mr. Keever said the applicant would like the Council to consider leaving the record open to amend the application to the R-1 zoning.

Mr. Lindsay asked if the applicant was willing to extend the 120 day deadline to remand it back to the Planning Commission. The applicant was willing.

****Councilor Varwig moved to remand SUB 21-02 back to the August 23, 2021 Planning Commission meeting for a subdivision plan consistent with an R-1 zone and sending notice to the neighbors. Motion seconded by Council President Hensley and passed 5-0.**

ORDINANCE: Ordinance No. 1551 – This ordinance was unnecessary due to the remand.

ACTION REVIEW:

1. Denied CPA/ZC 21-01.
2. Remanded SUB 21-02 to the Planning Commission for their August 23, 2021 meeting.

Mayor Hodson adjourned the meeting at 9:11 p.m.

Melissa Bisset
City Recorder

Brian Hodson
Mayor

Assisted with Preparation of Minutes - Susan Wood

CANBY CITY COUNCIL & PLANNING COMMISSION
WORK SESSION
August 4, 2021

PRESIDING: Council President Traci Hensley

COUNCIL PRESENT: Christopher Bangs, Sarah Spoon, and Shawn Varwig.

ABSENT: Mayor Brian Hodson, Councilor Greg Parker, and Councilor Jordan Tibbals.

PLANNING COMMISSIONERS PRESENT: Larry Boatright, John Savory, Jeff Mills, Jason Padden, and Michael Hutchinson.

PLANNING COMMISSIONERS ABSENT: James Hieb and Jennifer Trundy

STAFF PRESENT: Scott Archer, City Administrator; Joseph Lindsay, City Attorney/Assistant City Administrator; Melissa Bisset, City Recorder/HR Manager; Brianna Addotta, Associate Planner; Ryan Potter, Senior Planner; Don Hardy, Planning Director; and Jamie Stickel, Economic Development Director.

OTHERS PRESENT: Matt English, Canby Fire

CALL TO ORDER: Council President Hensley called the Work Session to order at 6:00 p.m.

PRESENTATION AND DISCUSSION RELATED TO AMENDING THE CANBY CITY CODE TO INCLUDE FOOD CARTS:

Jamie Stickel, Economic Development Director, gave a history of food carts in Canby. In 2013, the Planning Commission received a food cart presentation. At that time there was not a lot of traction to address food carts. Demand for food carts had increased since then. Currently the code allowed a food cart for six months, but that was a difficult business model. She explained what businesses were saying and how they all supported food carts. Food trucks had gone from “underground” to commonplace. They brought “new and different” to downtown districts and added new cuisines to established business offerings. A single food truck could become an attractor. Farmer’s markets had traditionally acted as incubators for small businesses. Food carts provided social engagement opportunities and entrepreneurship.

Brianna Addotta, Associate Planner, discussed the benefits of mobile food vendors including local business incubators, community vitality, expanded culinary options, and flexibility. The types of food cart developments were individual food cart vendors and food cart pods. Canby currently allowed temporary vendors for a 90 day maximum with a 90 day renewal option for a maximum of 180 days per year on any particular site. Safety considerations were access, circulation, parking, and vision clearance. Design considerations were equipment screening and standards of the zone. Temporary vendor permits were better suited to short term sales of prepackaged products. Considerations specific to food vendors were: food storage and refrigeration, cooking equipment and appliances, trash and recycling generation, seating options, lighting, weather protection, utilities, access, screening, security, and business model. What

worked elsewhere for individual food cart vendors were mobile vendor permits tailored to food carts on private property. Common regulations were cart maximum, longer durations, additional renewals, storage, seating, and utilities. What worked elsewhere for food cart pods were tenants, communal seating, beer gardens, security, utility plan, dedicated parking, and consolidated disposal. Regarding zoning districts where food carts should be allowed, the easiest would be to allow them in zones that allowed restaurants. Site accommodations should take into account perimeter, restrooms and hand washing, trash and recycling, utilities, parking, and surfacing. Site design should include entry, number and configuration of carts, landscaping, seating, and weather protection. She then showed pictures comparing existing developments and preferred concepts. These were locations in Hillsboro, Beaverton, Portland, Milwaukie, Happy Valley, and Oregon City. Based on the desired options, staff requested recommendations from the Council and Planning Commission for ordinance text regulating individual food carts and food cart pods.

Council President Hensley thought a hybrid situation like what was done in Milwaukie and Happy Valley could work in Canby. She asked about parking requirements.

Ms. Addotta thought a reduced parking ratio for downtown would be appropriate.

Councilor Bangs thought they should not only look at food carts in downtown, but also make them accessible to the Logging Road Trail and Industrial Park.

Commissioner Padden was under the impression that the last time this was discussed businesses were against it. Ms. Stickel said staff did not talk to businesses at that time. Staff saw that changes were coming and wanted Canby to be on the forefront of those changes. It was viewed as being an incubator for businesses downtown.

Commissioner Padden asked about the impact of grease and fats going through the Wastewater Treatment Plant system. Would there be regulations for that? Ms. Stickel had talked to Wastewater staff to let them know about this possibility and about what was needed. If this was to move forward, they would provide more input.

Commissioner Padden wanted to make sure the rules were equitable and food carts did not have an advantage over brick and mortar restaurants. He thought there should be some contribution to the street maintenance program. There should be a parking requirement for the carts, landscaping should be flexible, there should be mixed outdoor table sizes, and cover provided for pods. He was in favor of food carts, which could be incubators for businesses to then go to a micro-kitchen and then brick and mortar restaurants. It would entice businesses to stay in the City to expand and would help keep the City vibrant.

Council President Hensley thought the mixed table sizes and flexible landscapes were great ideas. She was still unsure about the parking.

Councilor Bangs asked who would be responsible for the garbage, utilities, cleaning restrooms and tables, stocking napkins, etc. Ms. Addotta said the City would only be responsible for providing the licensing for the food carts, not any of the other responsibilities. Part of the application would show what the operations looked like.

Councilor Bangs thought it would be difficult to add parking downtown, but not for other areas in the City. There should be flexibility for the parking.

Councilor Varwig was in favor of moving forward with food cart regulations. He wanted to make sure the regulations were not too strict so that businesses would not want to come to Canby.

Councilor Spoon was also in favor of food carts and not over-regulating them. Regarding rules for grease and fats, they should not regulate food carts any more than what was done for restaurants. She stated there should be a bathroom structure or enclosed higher end porta-potty. She thought there should be a reduced parking requirement for downtown. She felt there should be a signage requirement and she liked the idea of an entry. She also thought there should be landscaping requirements, but they should be flexible. The surface and utilities should also be flexible. She did not think they should regulate table size and there should be design standards for the cover. Land owners should have the right to decide whether one food cart or a pod went in on their properties.

Chair Savory was opposed to food carts in the past as the regulations were not as well thought out as they were presented today. He asked if they would permit alcohol. Ms. Addotta said the carts would have to get a liquor license like any other restaurant. It was not something the City could control.

Chair Savory was concerned about cleanliness, security, parking, garbage, and alcohol.

Council President Hensley suggested limiting the number of food carts that could offer alcohol.

Commissioner Mills was also in support of food carts overall. He would like more outreach to restaurant owners. Parking would have to be looked at on a case by case basis and there should be different standards for pods and individual food carts. He was also concerned about security, safety, and disability access especially for pods. He had reservations about using gravel and about fencing.

Commissioner Hutchinson agreed with limiting the number that offered alcohol as well as having a perimeter that could be monitored. There would need to be some organization that would take care of servicing the grease traps, roofs, bathrooms, etc. He was in favor of food carts and thought they could market commercial kitchens in town where food could be prepared.

Commissioner Boatright said if they were going to have food carts, they would have to be able to renew and not be canceled in six months. He did not think they should be over-regulated.

Councilor Spoon thought they should get codes from other cities to see how they regulated food carts.

Councilor Varwig said every food cart should have a business license that could be renewed.

Council President Hensley adjourned the Work Session at 7:23 p.m.

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
August 4, 2021**

PRESIDING: Council President Traci Hensley

COUNCIL PRESENT: Christopher Bangs, Sarah Spoon, and Shawn Varwig.

ABSENT: Mayor Brian Hodson, Councilor Greg Parker, and Councilor Jordan Tibbals.

STAFF PRESENT: Scott Archer, City Administrator; Joseph Lindsay, City Attorney/ Assistant City Administrator; Melissa Bisset, City Recorder/ HR Manager.

OTHERS PRESENT: Matt English and Chief Jim Davis, Canby Fire

CALL TO ORDER: Council President Hensley called the Regular Meeting to order at 7:32.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS:

Irene Breshears, Canby resident, announced the Canby Vietnam Era Memorial's tenth anniversary on August 6.

Joann Smith, Canby resident, said the splash pad at Maple Street Park ended the opportunity for tennis at the park. The original plan was to rebuild the tennis courts, but that had been changed to pickle ball courts. She suggested the tennis courts be taped for pickle ball courts as well so both could be played.

Councilor Bangs would work with the School District on reopening the tennis courts at the high school.

CONSENT AGENDA: ****Councilor Varwig moved to approve the June 16th Regular City Council meeting and the OLCC Liquor License application for Dede's Deli located at 1477 SE 1st Avenue, Suite 112. Motion was seconded by Councilor Spoon and passed 4-0.**

ORDINANCE: Ordinance 1559 – Scott Archer, City Administrator, said the plan was not to replace the tennis courts but put in a dedicated pickle ball court facility. The pickle ball court had different dimensions and was laid out differently than tennis courts. The tennis courts did not fit in this location. He appreciated the need for tennis courts and making them available at the high school was a good alternative. They would look at other options and it could be included in the Park Master Plan update.

****Councilor Bangs moved to adopt Ordinance 1559, AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH R.L. REIMERS COMPANY FOR THE MAPLE STREET PARK PICKLEBALL COURT AND GAZEBO IMPROVEMENT PROJECT. Motion was seconded by Councilor Varwig and passed 4-0 by roll call vote.**

Councilor Varwig wanted to make sure the tennis courts were a high priority.

UNFINISHED BUSINESS: Findings, Conclusion and Final Order (CPA/ZC 21-01) – Joe Lindsay, City Attorney, said the Council denied this application at their last meeting and these were the final findings for that decision.

****Councilor Varwig moved to adopt the findings, conclusion, and final order denying CPA/ZC 21-01. Motion was seconded by Councilor Spoon and passed 3-0-1 with Councilor Bangs abstaining.**

MAYOR'S BUSINESS: None

COUNCILOR COMMENTS & LIAISON REPORTS: Councilor Bangs discussed his suggestion for student members on advisory committees to become voting members. It would require an ordinance to make that change. He asked if there was any opposition.

Council President Hensley thought they should wait until the full Council was present to decide.

Councilor Spoon said the Kiwanis Kiddie Caper Parade would be on August 17. There were two vacancies on the Transit Advisory Committee.

CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS: Mr. Archer reported that the new City website went live this week. The first public input meetings on the Park Master Plan occurred last week. There would be more opportunities for people to weigh in. There were no agenda items for the August 18 meeting.

****Councilor Bangs moved to cancel the August 18, 2021 meeting. Motion was seconded by Councilor Varwig and passed 4-0.**

CITIZEN INPUT: None

ACTION REVIEW:

1. Approved the Consent Agenda.
2. Adopted Ordinance No. 1559.
3. Adopted Final Findings for CPA/ZC 21-01.
4. Cancelled the August 18, 2021 meeting.

Council President Hensley adjourned the meeting at 8:09 p.m.

Melissa Bisset
City Recorder

Brian Hodson
Mayor

Assisted with Preparation of Minutes - Susan Wood



City of Canby

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City Council Staff Report

DATE: September 15, 2021

TO: Honorable Mayor Hodson and City Council

THRU: Scott Archer, City Administrator

ITEM: A RESOLUTION GIVING CONSENT FOR THE ASSIGNMENT OF ALL CONTRACTUAL RIGHTS, DUTIES, AND OBLIGATIONS IN THE EXCLUSIVE FRANCHISE TO PROVIDE WASTE DISPOSAL IN THE CITY OF CANBY FROM CANBY DISPOSAL COMPANY (CDC) TO KAHUT COMPANIES HOLDINGS INCORPORATED (KCH)

Summary

Since 1986 under Ordinance 793, Canby Disposal Company has operated in the City of Canby as the exclusive franchisee for waste disposal. They are currently operating under Ordinance 1328, that gives them a rolling, ten-year, exclusive franchise. The contract has a provision to allow for the assignment of the contract in the event of control and/or ownership transfers.

Here, Canby Disposal Company desires to assign the franchise agreement to Kahut Companies Holdings upon the selling of stock in the company. The services, trucks, and employees should remain the same in the City of Canby, but the technical ownership and control at the company is changing.

Attachments

Letters regarding the stock sale and proposed assumption of obligations by KHC

Fiscal Impact

None

Options

1. Consent to the assignment tonight
2. Do not consent to the assignment

Staff Recommendation

Consent to the assignment, following the provision (Section 13.5.1) in the existing contract.

Motion

"I move to adopt resolution 1358, A RESOLUTION GIVING CONSENT FOR THE ASSIGNMENT OF ALL CONTRACTUAL RIGHTS, DUTIES, AND OBLIGATIONS IN THE EXCLUSIVE FRANCHISE TO PROVIDE WASTE DISPOSAL IN THE CITY OF CANBY FROM CANBY DISPOSAL COMPANY (CDC) TO KAHUT COMPANIES HOLDINGS INCORPORATED (KCH)".

RESOLUTION NO. 1358

A RESOLUTION GIVING CONSENT FOR THE ASSIGNMENT OF ALL CONTRACTUAL RIGHTS, DUTIES, AND OBLIGATIONS IN THE EXCLUSIVE FRANCHISE TO PROVIDE WASTE DISPOSAL IN THE CITY OF CANBY FROM CANBY DISPOSAL COMPANY (CDC) TO KAHUT COMPANIES HOLDINGS INCORPORATED (KCH)

WHEREAS, the City of Canby and Canby Disposal Company currently have a contractual agreement for an exclusive franchise to provide waste disposal in the Canby under CMC Ordinance 1328, and;

WHEREAS, the aforementioned franchise agreement is a ten-year, rolling agreement that allows for assignment under Section 13.5.1, and;

WHEREAS, Canby Disposal Company is asking for the City of Canby's consent to exercise their assignment rights under the assignment clause because of the selling of company stock, and;

WHEREAS, Kahut Companies Holdings Incorporated has agreed in writing to the assumption of all contractual obligations and has proposed no change or disruption to service because of this assignment;

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Canby, as follows:

BE IT RESOLVED, the people of the City of Canby hereby consents to the assignment of the contractual rights, duties, and obligations regarding the exclusive franchise of Ordinance 1328 from Canby Disposal Company to Kahut Companies Holdings Incorporated.

This resolution shall take effect September 15, 2021.

ADOPTED this 15th day of September, 2021, by the Canby City Council.

Brian Hodson
Mayor

ATTEST:

Melissa Bisset
City Recorder

September 1, 2021

By Email to LindsayJ@canbyoregon.gov

Joseph Lindsay
City Attorney
City of Canby, Oregon

Re: Kahut Companies Holdings, Inc., purchase of Canby Disposal Company

Dear Mr. Lindsay:

As we previously communicated to you, Kahut Companies Holdings, Inc. (KCH), a wholly owned subsidiary of Waste Connections US, Inc., is purchasing all the stock in Canby Disposal Company (CDC) (such transaction, the "Transaction"). The target date for closing the Transaction remains October 1, 2021.

The purpose of this letter is to confirm that, pursuant to Section 13.5.1(A) of the Franchise Agreement with Canby Disposal Company and the City of Canby, that KCH will assume, effective upon the closing of the Transaction, all obligations under such Franchise Agreement.

Sincerely,



Worthing F. Jackman
President and Chief Executive Officer
Kahut Companies Holdings, Inc.

August 25, 2021

By Email to LindsayJ@canbyoregon.gov

Joseph Lindsay
City Attorney
City of Canby, Oregon

Re: Kahut Companies Holdings, Inc., purchase of Canby Disposal Company

Dear Mr. Lindsay:

Kahut Companies Holdings, Inc. (KCH), a wholly owned subsidiary of Waste Connections US, Inc., is purchasing all the stock in Canby Disposal Company (CDC). The target date for closing the transaction is October 1, 2021. KCH will retain all employees and equipment of CDC upon transfer. All customers will be notified of the transfer. All services will remain the same. We request that the City consent to this transfer of control.

We are committed to providing residents and businesses with a seamless transition from CDC to KCH.

Sincerely,



Andy Kahut
President
Hoodview Disposal & Recycling, Inc.



Worthing F. Jackman
President and Chief Executive Officer
Kahut Companies Holdings, Inc.



**City of Canby Bi-Monthly Report
Department: Administration
For Months of July & August 2021**

To: The Honorable Mayor Hodson & City Council
From: Melissa Bisset, City Recorder/ HR Manager
Prepared by: Erin Burkhard, Office Specialist II
Through: Scott Archer, City Administrator
Date: September 15, 2021

Board and Commissions

Board/ Commission/ Committee	Vacancy	Applications Received	Status
Heritage and Landmark Commission	1	0	
Library Board	3	4	Appointments made on 9-1-2021
Transit Advisory Committee	2	0	
URA Budget Committee	1	0	

Business Licenses

	Issued	Inactivated	Renewals Mailed	Total Licenses
May & June 2021	23	21	241	682 have Canby Addresses 1559 Total
May & June 2020	45	36	236	686 have Canby addresses 1538 Total

Cemetery

	Property purchases recorded	Internments recorded
July 2021	3	6
August 2021	2	6

Recruitments

- Conducted interviews Entry Level Officer position.
- Advertised for Economic Development & Tourism Coordinator, Deputy City Recorder, Police Records Clerk I and Custodian.
- Continued implementation of NEOGOV software (onboarding solution)

Liquor Licenses/ Noise Variance Application

One liquor license was processed.

Public Records Requests

Processed six public records requests.

Special Animal Permits

One special animal permit was issued.



City of Canby Bi-Monthly Report
Department: Court
July and August, 2021

To: The Honorable Mayor Hodson and City Council
Prepared By: Jessica Roberts, Municipal Court Supervisor
Through: Scott Archer, City Administrator
Date: September 7, 2021

Canby Municipal Court has jurisdiction over all city and state law offenses committed within city limits other than felonies. These include: violations, traffic crimes, misdemeanors and City code violations. *Note: Statistic category terms outlined on page 2*

Monthly Statistics	July	August
Misdemeanors		
Offenses Filed	32	38
Cases Filed	31	25
Warrants Issued	21	20
Misdemeanor Case Detail		
Diversion/Deferred Sentence	3	7
Offenses Dismissed	3	7
Offenses Sentenced	10	10
Offenses not filed by City Prosecutor	7	6
Traffic & Other Violations		
Offenses Filed	149	148
Cases/Citations Filed	111	112
Parking Citations Filed	11	9
Traffic & Other Violations Case Detail		
Diversion (Good Driver Class/MIP)	8	8
Dismissal (Fix It Tickets)	2	4
Dismissed by City Prosecutor or Judge	14	16
Sentenced by Judge	28	35
Handled by Violations Bureau	49	33
Guilty by Default	70	41
Traffic and Criminal Trials		
Court Trial (Misdemeanor)	0	0
Jury	0	0
Traffic Trial	6	4
Defendant Accounts referred to Collections	\$0	\$73,562.50
Fines & Surcharges Collected	\$33,903.83	\$37,614.63

Explanation of terms:

1. Difference between Offenses Filed vs. Cases Filed
 - Multiple offenses (charges) can be filed on any one defendant from a single traffic stop or arrest.
 - Offenses filed reflects this number. Cases filed (also called docket numbers) refers to a single defendant's matter before the court.
2. Offenses not filed by City Prosecutor. Crimes cited by the police department go to the city prosecutor for review. At times those charges are not filed on against the defendant at the determination of the City Prosecutor.
3. Guilty by Default. When a defendant does not appear or contact the court on their scheduled court date a defaulted conviction is entered against them on the following Wednesday. A court clerk processes the default convictions.
4. The Violations Bureau applies to traffic violations only.

Under the Judge's authority, court clerks can accept pleas, offer a deferred sentence program (if qualified) and set a payment plan. Where a crime is charged, a court appearance before the judge is mandatory.

If a defendant qualifies, the clerks can offer an option to participate in an informative driving education course for a fee to the court. If there are no convictions during the following two months, the case will be dismissed.

Current programs and to qualify:

- Good Drivers Program (no prior traffic convictions in the last five years and no further convictions for 60 days)
- 1st Offender – Traffic violation (if under the age of 18)
- 1st Offender - Minor in Possession of Alcohol/Marijuana citation

5. Fix It Citations

The court offers a Fix It program, which allows the defendant to have a citation dismissed if an issue with their vehicle, registration or license is fixed. There is a \$50 dismissal fee owed for each fixed violation. This is reflected in the traffic violations dismissed statistic.



City of Canby Bi-Monthly Report Department: Economic Development For Months of: July & August 2021

To: The Honorable Mayor Hodson & City Council
From: Jamie Stickel, Economic Development Director
Prepared by: Same as above
Through: Scott Archer, City Administrator
Date: 9/10/2021

Economic Development Updates

Communications: On July 1st, the City Administrator expanded the Director of Economic Development's role to include Communications Specialist. The focus of the appointment will have three main components: Internal Communications, External Communications, and Emergency Communications. As Communications Specialist, a great deal of work will be finding new and creative ways of expanding outreach in the community including residents, businesses, and visitors. The work will include assisting the leadership team in expanding the City's communication by writing and distributing press releases, social media posts, and assisting at events.

Press Releases were sent to local media and shared through social media channels on the following topics:

- Canby Website: announcing new City of Canby website and seeking volunteers to test and review the site.
- City of Canby Reopening: announcing City reopening its facilities to the public on a modified schedule.
- City of Canby Resuming Monday – Friday Operations: announcing the City resuming Monday through Friday operation and stating new hours of operation at the Civic Center.
- Waste Water Treatment Plant's FOG Campaign: 4-part campaign highlighting fats, oils, and grease and the hazards they can cause to the sanitary sewer system and Waste Water Treatment Plant.
- Parks Master Plan: assisted with the creation and distribution on the Parks Master Plan efforts and public meeting.
- Fireworks: highlighting the dangers of fireworks near the Fourth of July due to the particularly dry weather in the area.
- Canby's Big Night Out Street Dance: announcing the return of the Big Night Out Street Dance.
- Mask Mandate: highlighting Governor's Facemask Mandate as being applicable to City of Canby indoor facilities beginning August 13.

Industrial Park Engagement:

Caruso Produce: In early July, the Director of Economic Development worked with new Canby Pioneer Industrial Park business, Caruso Produce to schedule a two tours. The first was a tour for the Mayor and City Council, as well as City Administrator Scott Archer and City Attorney/Assistant City Administrator Joe Lindsay. After the tour, Caruso Produce invited some of the key city staff who worked directly on the development for a tour which included Public Works Director Jerry Nelzen and Senior Planner Ryan Potter. Caruso Produce is a third-generation family business that warehouses and distributes produce throughout the Pacific Northwest. Caruso moved from Tualatin and built a new, state of the art building of nearly 100,000 square feet in Canby.

Dragonberry Produce Expansion + Groundbreaking: Dragonberry Produce is expanding in the Canby Pioneer Industrial Park with a Phase 2 building. The building will be 30,000 square feet and allow Dragonberry to expand their operations. Canby Development Services has been working with Dragonberry and their team as they work through the planning process to build. A groundbreaking ceremony was held on Thursday, August 26th. The Economic Development Director assisted Dragonberry's event team with invitations and the ceremony.

Stanton Furniture: Stanton Furniture is developing a new building in the Canby Pioneer Industrial Park. Canby Economic Development staff has assisted in the coordination of the final stages of development by coordinating with Planning Staff, Clackamas County, and attending on-site meeting with public utility partners. Stanton hopes to have a certificate of occupancy in early September so they can move to Canby from their current site in Tualatin.

Oregon City Brewing Company Presentation: The Economic Development Department continues to work with Oregon City Brewing Company as plans for the Canby Beer Library continue to evolve. Oregon City Brewing Company owner, Bryce Morrow, presented his renderings for the Canby Beer Library – to be housed at 292 N Holly Street, the former Canby Public Library Building. The City of Canby opened a Request for Expressions of Interested (RFEI) in February 2020 for the former Canby Public Library Building. The City received five proposals and chose Oregon City Brewing Company to negotiate with for their idea for the Canby Beer Library. Through most of 2020, the City negotiated with Oregon City Brewing Company and a purchase and sale agreement was agreed upon. The Planning Department held a pre-application conference on June 9th.

New City of Canby Website: At the July 21st City Council meeting, the Economic Development Director + Communications Specialist presented the new City website. The City of Canby opened a Request for Proposals (RFP) in January 2020 and received nine proposals. A committee of city staff members from various departments reviewed the proposals for the new website and invited three companies to come back and present to city staff. After the presentations, city staff chose the company Municode to construct the new website. City of Canby staff worked with Municode to develop a new city website. The new website went live on Thursday, July 8th and features all of the city's webpages on one comprehensive website. The City also sought volunteers from the public to review, test, and provide feedback for the new City website. Feedback was received by completing a brief survey concerning the new website and users were entered into a drawing for local gift cards.

Canby Food Cart Joint Work Session: Brianna Addotta, Canby Planner, and Jamie Stickel, Economic Development Director, presented at a City Council + Planning Commission joint Work Session on Wednesday, August 4th. The joint Work Session provided an overview of food carts and food cart pods as well as to present regulations from other cities within the region. The Canby Planning Department and Economic Development Department have received increased community interest. While Brianna focused on the regulations and potential code language, Jamie included an broad cross-section of comments from downtown businesses, as well as provided a brief overview of language from a Main Street America/Urban Main article titled, "The Future of Retail: Creative Approaches to Place-Based Entrepreneurship". Overall the information was well-received and the team was asked to bring more information at a work session to be scheduled in the fall.

Reinvigoration of First Thursday: First Thursday is an event which features local businesses within the downtown commercial district, as well as those throughout Canby. First Thursday is held the first Thursday of the month and many local businesses stay open late, provide offerings for patrons such as giveaways and sales. COVID-19 slowed the success of First Thursday, however, as restrictions continue to be lifted, it became clear many of the businesses were eager to pick up where things left off. On July 17th, the Economic Development Director met with Vanessa Zimmerman, Academy Mortgage. Zimmerman has been instrumental in creating community and business support for First Thursday events in the past. The City will host a business meeting at the Backstop Bar + Grill in September to bring businesses together to reinvigorate and plan for 2022 First Thursday.

Economic Development + Tourism Coordinator: The City of Canby is hiring a new Economic Development + Tourism Coordinator. The position became vacant in early August. The Economic Development + Tourism Coordinator position looks to generate and support business vitality and investment in Canby through economic development coordination and tourism efforts. It also provides support to the Economic Development Department through special project and event coordination, business outreach, meeting coordination, marketing and promotion, and grant research and writing. Furthermore, it supports the Economic Development Department through business outreach, marketing and promotion, special project and event coordination, meeting coordination, and grant research and writing. Those interested in applying can see the full job description and application:

<https://www.governmentjobs.com/careers/canbyoregon/jobs/3205892/economic-development-tourism-coordinator>

6th Annual Canby's Big Night Out Street Dance: The sixth annual Canby Big Night Out Street Dance was held on Friday, August 26th from 6:00 – 11:00p. This time honored event boasts the main features: local food and

beverage vendors, free children's activities, and live music. The 2021 event was the best turn out and had the most participation of any of the Big Night Out Street Dances in the past. Greg Perez returned as the emcee of the event. The Canby Fire District presented the American Flag behind the stage and the Junior ROTC lead the crowd in a flag salute. Ten local bricks and mortar businesses and non-profits who sold food, beverages, and adult beverages during the event. Free children's activities included the return of the arcade GameTruck, Giggles the Clown and her balloon animals, bouncy house, and bouncy obstacle course. Live music kicked off at 6:00p with "Return Flight" as the opening band. At 8:00p, 21 Turns Band took the stage to rock into the night.

In addition to the activities provided by the City, there were several businesses who also participated in the event. **Vanessa Zimmerman, Academy Mortgage**, hosted face painting and henna tattoos, while **Donna Ellison, Ellison Team Homes**, put on quite the show with her Dunk Tank. Both businesses also hosted free give-aways and a drawing for a Traeger grill. The **Canby Book Nook** held an outdoor display that included a Photo Booth Stand featuring book characters like Waldo, Dog Man and back drops such as Platform 9 3/4 from Harry Potter; Gaming Tables displayed under their tent on N Grant Street with sample games from the store for people to enjoy with their music including checkers, chess, etc; the Book Nook will be open late for shopping! Also, on hand will be the real "Three Bill Goats Gruff" for children to pet and the Book Nook will be featuring a children's story called "Escape Goat" written by Ann Patchett. **Art-O-Maddic** hosted Kids Coloring Station with crayons and coloring pages; Paint Your Own Magnet - for all ages; Face Painting; Balloon Animals; Special Guest from Wonderland; Meet the Artist event and wine was sold inside the gallery. A new addition to the event was **Calibration Cornhole**, which promoted and hosted a cornhole tournament as part of the event.

The event was successful due to the support of Canby Public Works and Parks Departments who helped in layout of the event, setup and tear down, and were also on hand to for cleanup, maintenance, and support during the event. Furthermore, local sponsors who helped to make the event possible were: **Backstop Bar + Grill, Canby Rental + Equipment, Columbia Distributing, DirectLink**, and **Greg + Kristie (Community Members)**.

Photos of Canby's Big Night Canby found on the following page. Photo credit: Tyler Francke, Canby Current + Now Hear This Media.



Fleet Service BI-Monthly Report

By Robert Stricker, Lead Mechanic

Jul-21

Department	Work Orders	Labor Cost	Material Cost	Fuel Cost	Total Cost
Administration	0	\$0.00	\$0.00	\$0.00	\$0.00
Adult Center	0	\$0.00	\$0.00	\$42.55	\$42.55
Facilities	0	\$0.00	\$0.00	\$176.93	\$176.93
Wastewater Collections	4	\$116.13	\$1.10	\$167.70	\$284.93
Wastewater Treatment	4	\$259.33	\$0.00	\$537.07	\$796.40
Parks	5	\$934.65	\$202.70	\$1,847.78	\$2,985.13
Police	14	\$2,357.07	\$2,043.11	\$6,166.58	\$10,566.76
Streets	5	\$454.88	\$210.69	\$1,564.37	\$2,229.94
Fleet Services	2	\$0.00	\$0.00	\$177.50	\$177.50
Canby Area Transit (CAT)	13	\$2,640.32	\$2,120.58	\$9,530.43	\$14,291.33
Total	47				\$31,551.47

Aug-21

Department	Work Orders	Labor Cost	Material Cost	Fuel Cost	Total Cost
Administration	0	\$0.00	\$0.00	\$0.00	\$0.00
Adult Center	0	\$0.00	\$0.00	\$87.67	\$87.67
Facilities	1	\$648.11	\$0.00	\$238.54	\$886.65
Wastewater Collections	7	\$565.15	\$920.62	\$563.44	\$2,049.21
Wastewater Treatment	1	\$29.07	\$27.28	\$604.60	\$660.95
Parks	9	\$1,603.23	\$497.65	\$1,200.93	\$3,301.81
Police	26	\$4,791.21	\$2,751.42	\$5,789.69	\$13,332.32
Streets	11	\$244.46	\$337.51	\$1,985.27	\$2,567.24
Fleet Services	0	\$0.00	\$0.00	\$130.31	\$130.31
Canby Area Transit (CAT)	13	\$10,955.36	\$9,861.60	\$9,394.42	\$30,211.38
Total	68				\$53,227.54

Fleet Service Highlights



City of Canby Bi-Monthly Report
Department: Parks
For Months of: July & August 2021

To: The Honorable Mayor Hodson & City Council
 From: Jeff Snyder, Parks Maintenance Lead Worker
 Prepared by: Same as above
 Through: Scott Archer, City Administrator
 Date: 9/7/2021

Two Month Deferred Maintenance Report

July and August

City Park Properties	July August 2020	July August 2021	Deferred Maintenance Tasks
	Snapshot of Actual Hours		
Arneson Gardens	41	48	Increase in landscaping
Baker Prairie Cemetery	4.5	6	Increase in landscaping
Beck Pond trail	12.5	8	Service as needed
Community Park	259.5	265.5	Increase in cleaning
Disc Golf	2	5.5	Increase in debris removal
Eco Park	19.5	22.5	Increase in maintenance
Faist 5 - Undeveloped	3	1	Service as needed
Legacy Park	108	218	increase in landscaping
S. Locust Park	69.5	175.5	Increase in landscaping and cleaning
Forest Road Path	36	93	Increase in storm debris cleanup and mowing
Fish Eddy	38.5	61.5	Service as needed
Maple Park	463.5	311.5	Splash pad project compleeted
19 th Loop	4	8.5	Increase in landscaping
Northwood Park	43	54.5	Increase in landscaping
Simnitt - Undeveloped	0	0	Service as needed
Skate Park	23	17	Service as needed
Territorial CLC	4.5	1.5	Maintained by volunteers
Timber Park	42.5	91	Increase in landscaping
Triangle Park	15.5	28	Increased in landscaping
Wait Park	107	188	Increase in landscaping

Within the body of the July/August snapshot, the difference between the 2020 and 2021 cycles, there has been an increase of 307.5 hours dedicated towards all park maintenance.

Parks Maintenance

July - August 2021

Park Renovations

Sign restoration was completed over the last two Months at Wait Park, Legacy Park and at Community Park. Two more signs are being fabricated by BBC Steel for Timber Park and Northwood Park.

New rims were installed on the backboards at S. Locust St. Park to enhance the basketball courts that were resurfaced last spring. A backhoe digger was replaced at Maple St. in the 5-12 year old playground.



Park Maintenance

Building maintenance issues and playground repairs were address as they were found in the parks. Mowing, edging, string trimming, has occupied staffs time over the last couple of months. All the turf areas have been fertilized, irrigation repairs and adjustment have been performed as needed. Sod repairs were performed at Wait and S. Locust Parks. All the drinking fountains were turned on for the season in early July. Staff also spent time grinding stump, spraying weeds, trimming shrubs and trees to help with vision clearances. The wetlands trail and the Eco Park trails have also been cut back. The planters in the civic plaza and on 2nd. Ave have received weekly trimming and deadheading. All the rough area boom mowing has been completed for the season.

The Parks Department spent 13 hrs. addressing graffiti and vandalism over the last two months. Regular maintenance was not performed at the 34 areas the Parks Department is responsible for, the Adult Center, Arneson Gardens Horticultural Park, Baker Prairie Cemetery, Beck Pond, Community Park (River), CPIP sign, Disc Golf Park, Eco Park natural area, Faist V property, Holly & Territorial welcome sign property, Hulbert's welcome sign property, Klohe Fountain, Knights Bridge right of way, Legacy Park, South Locust Street Park, Logging Road Trail and Fish Eddy/Log Boom property, Maple Street Park, Nineteenth Loop Natural area, Northwood Estates Park, NW 1st Ave., NW 2nd Ave., Police Department landscaping, Simnitt Property, Skate Park, Shop Ground, Swim Center, Timber Park, Territorial Estates Future CLC Park, Transit Bus Stop, Triangle Park, Wait Park, Willow Creek Wetlands (19th Loop), WWTP property and Zion Cemetery.

Meetings attended

I attended the Park and Recreation meetings.

I attended meetings regarding the Parks Master plan, Pickleball court construction and the St. Dance.

I attended meetings with FEMA and NW Tree Specialists to assess hazard tree removal in the parks.

I met with Anderson Pool Works to workout warranty issues with the splash pad.

Zion Cemetery

At the cemetery mowing, irrigating repairs/adjustments, floral decoration cleanup, building maintenance issues and sexton duties were performed as needed.

For your Information

All the Christmas lights have been ordered for Wait Park, 1st. and 2nd. Ave.

Please see attached park maintenance actual hours for the months of May and June 2021. Hours are based on number of employee's (each day) x 7.5hrs.

Parks Department

July 2021 Actual Hours

Total

Adult Center	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	
	0.5											0.5	1.0		2.0				1.5				13.0			8.0		15.5			42.0	
Arneson Gardens	1.0	1.5				1.0		1.5	1.0			3.0			1.5						1.5	1.5	1.5					2.0	1.0	6.0		24.0
Baker Prairie Cem.		2.5																													2.5	
Beck Pond									1.0			0.5										2.0				3.0					6.5	
Community Park	8.5	13.5				8.0	4.5	6.5	1.0			6.0	5.0	3.0	6.0	7.0			6.0	2.0	5.0	4.0	3.0		3.0	3.0	1.0	6.0	7.0		109.0	
CPJP Sign Property																															0.0	
Disc Golf Course																															0.0	
Eco Park						11.0	6.0	1.5							1.5							1.5									1.0	22.5
Faist V (5)											0.5										0.5										1.0	
Holly-Territorial Sign																															0.0	
Hulberts-sign property													2.0									2.0									4.0	
Klohe Fountain																															0.0	
Knights Brdg.																												1.0			1.0	
Legacy Park	3.5	3.0				3.0	1.5	9.5	1.0			7.5	9.5		13.0	11.5			5.5	8.0		8.0	3.0			5.5	3.0	4.5	2.0	3.0	105.5	
S. Locust Park	9.5	7.5				1.5	16.5	2.5	1.0			3.5	2.5	1.5	1.0	1.5			4.0	16.0	9.0	9.0	3.0			3.0	1.5	2.5	2.0	2.0	100.5	
Logging Rd. Path		3.0				4.0			2.0			3.0				3.0			2.0		1.5					3.0	1.5	2.5	2.0	2.0	29.5	
Fish Eddy-Log Boom						5.5	7.5	7.5	6.5			1.5	1.5						7.5	7.5											45.0	
Maple St. Park	3.0	6.0				3.0	1.5	3.5	1.0			7.5	11.0	23.0	12.0	5.5			12.5	5.0	5.0	6.0	5.5		9.0	3.0	1.5	8.0	2.5	135.0		
19th Loop	4.5							3.0														0.5									8.0	
Northwood Park	2.5	1.5				1.0	1.5	1.5				1.5	1.5	1.5	4.0					3.0		3.0					4.5	2.5			29.5	
Street landscaping	1.0	2.0				1.5	6.0	5.0	16.0			1.5	3.0	1.0	8.0						22.5	0.5	2.0		6.0	10.0	6.5		4.0		96.5	
Storm/Collect mow															3.0						0.5	0.5								3.5	7.5	
Police Department									1.0				4.5			2.0			1.5		7.5	8.5	7.5			2.0					34.5	
Simnitt Property																															0.0	
Skate Park	0.5	1.5				2.0	1.5	1.5	1.0			3.0	1.5									1.0					1.5				15.0	
Shops/tools-trucks		2.0														1.0															3.0	
Swim Center		1.0										0.5										1.0									2.5	
Territorial-CLC Prop.												1.5																			1.5	
Timber Park	3.0	1.5				1.5	1.5	1.5	1.0			3.5	1.5	1.5	3.0	4.0			3.0	0.5		3.5	1.5		1.5	1.5	2.5	1.0	1.0		39.5	
Transit Bus stop	1.0					1.0		1.5	1.0			1.5		0.5	1.5	1.5			1.0		1.5	1.5	0.5		1.5	1.5	0.5	1.0	1.0		19.5	
Triangle Park	0.5											2.0	1.0	10.0	2.0				2.0			1.0	0.5								19.0	
Wait Park	8.0	9.0				3.0	3.0	1.5	2.0			4.0	1.5	3.0	5.5	3.0			2.0	10.0	3.0	3.0	1.5		9.5	9.0	1.0	2.0		84.5		
Veterans Memorial	1.0																				1.5				1.5			21.5	9.0		34.5	
WWTP property																															0.0	
Zion Cemetery	7.5					15.0	9.0	16.0	7.5			15.0	15.5	15.0	15.0	4.5			15.0	15.0	15.0	15.5	5.0		15.0	15.0	15.0	7.5	7.5		245.5	
Administration	2.0	2.0				3.0	7.5	3.5					2.0		4.0				4.0	0.5	3.5	7.5	1.5		6.0	7.5	3.0	5.0			62.5	

Parks Department	August 2021 Actual Hours																															Total	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31		
Adult Center						1.5			1.0										0.5							1.5					1.0		5.5
Arneson Gardens			1.5	0.5	1.5	1.0			1.5	5.5		5.0				5.0			1.0						1.5							24.0	
Baker Prairie Cem.											0.5	1.0							2.5													3.5	
Beck Pond																		1.0														1.5	
Community Park		6.0	10.0	9.0	5.5	8.0		6.0	6.0	12.5	10.0	10.5			14.0	8.0	3.5	4.0	3.5				8.0	5.0	6.5	9.0	1.0			4.5	6.0	156.5	
CCIP Sign Property																																0.0	
Disc Golf Course			1.5					1.0				3.0																				5.5	
Eco Park																																0.0	
Faist V (5)																																0.0	
Holly-Territorial Sign																																0.0	
Hulberts-sign property																		4.0														4.0	
Klohe Fountain																	2.0															2.0	
Knights Brdg.																																0.0	
Legacy Park		1.5	3.0	7.0	5.5	5.0		3.5	10.0	2.5	3.0	2.0			3.5	7.0	1.0	6.5	8.0				13.5	3.0	9.0	3.0	1.0			2.0	12.0	112.5	
S. Locust Park		2.0	3.0	2.5	2.5	2.0		5.0	2.0	2.0	3.0	1.0			5.0	1.5	7.0	7.0	1.0				3.0	3.0	17.0	1.5	0.5			2.0	1.5	75.0	
Logging Rd. Path		6.0	2.0		4.0	3.0		6.0	2.0	2.0	3.0	2.0			5.0	3.0		6.0	2.0				1.5	1.5	2.5	7.0				2.0	3.0	63.5	
Fish Eddy-log Boom		4.5	4.0		4.0					4.0																						16.5	
Maple St. Park		18.0	9.0	19.0	9.0	4.0		3.0	3.0	2.0	5.5	2.0			12.0	22.0	6.0	6.0	2.5				19.0	10.0	3.0	3.0	1.0			11.5	6.0	176.5	
19th Loop											0.5																					0.5	
Northwood Park								6.5								5.5								7.5							4.0	1.5	25.0
Street Landscaping					6.0	4.0			6.0	3.0		6.0					4.0		10.0				2.0	12.0		5.0	43.0					101.0	
Storm/Collect mowing																																0.0	
Police Department						2.5											5.0		2.0				3.0			16.0				2.5	2.0	33.0	
Simnitz Property																																0.0	
Skate Park										1.0					0.5										0.5							2.0	
Shops/Tools-Trucks			3.5			0.5			3.0			3.0	7.5			1.0	2.0	2.0					2.0	1.5		1.0					3.0	30.0	
Swim Center																																0.0	
Territorial-CLC Prop.																																0.0	
Timber Park		1.5	1.5	0.5	1.5	5.0		2.5	1.0	1.5	5.0	1.0			3.0	3.5	4.0	2.0	3.0				1.5	1.5	4.5	1.5	0.5			4.0	1.5	51.5	
Transit Bus stop		1.5	1.5	0.5	1.5	1.0		1.5	1.0	1.0	1.5	1.0			1.5	1.5	0.5	1.0	1.0				1.5	1.5	1.5	1.5	1.0			1.0	1.5	27.0	
Triangle Park					1.0			2.0		0.5							1.0	0.5	1.0							2.0					1.0	9.0	
Wait Park		4.0	3.0	9.5	3.0	4.0		8.0	11.5	4.0	3.0	2.0			4.0	3.0	4.0	5.0	3.5				4.0	7.0	5.0	6.0	1.0			2.0	7.0	103.5	
Veterans Memorial																																0.0	
WWTP property																																0.0	
Zion Cemetery		7.5	7.5	15.0	15.0	15.0		15.0	15.0	17.0	15.0	5.0			15.0	15.0	15.0	7.5	15.0				7.5	7.5	7.5	7.5				7.5	7.5	239.5	
Administration		3.0	7.5	4.0		4.0		1.5	0.5		6.0	7.5			7.5	2.0	4.0	4.5					4.0	5.0	7.0	2.0						70.0	



City of Canby Bi-Monthly Report
Department: Development Services
For Months of: July & August 2021

To: The Honorable Mayor Hodson & City Council
From: Don Hardy, Planning Director
Prepared by: Laney Fouse Lawrence, Planning Office Specialist II
Through: Scott Archer, City Administrator
Date: 9/7/2021

The following report provides a summary of Planning and Development Services activities for the months of July and August, 2021. Please feel free to call department staff if you have questions or desire additional information about any of the listed projects or activities. This report identifies ongoing planning activities, a list of pre-application and pre-construction applications, a list of project hearings and a list of projects for which the City has performed site plan review for building permits and a list of active final occupancy permits.

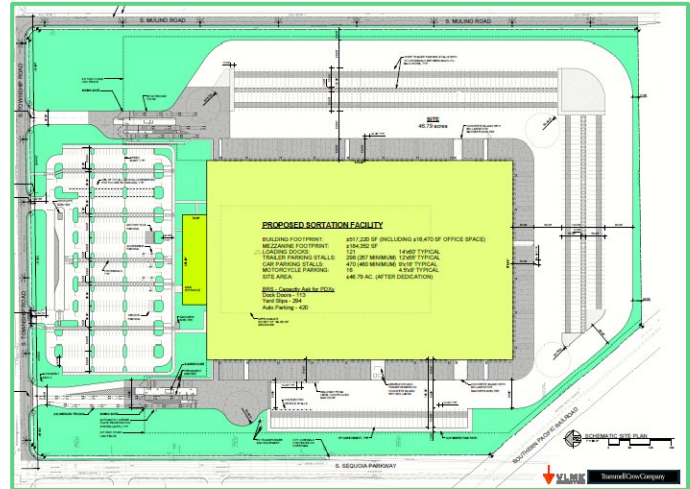
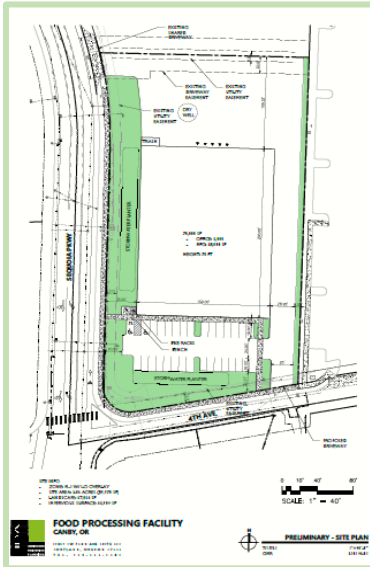
Development Services Activities:

- 1. DLCD Housing Needs Analysis (HNA) and Housing Production Strategy (HPS) Grants.** Staff received the City Council support letter and provided to DLCD. Grant awards are anticipated Fall 2021.
- 2. Parks Master Plan.** The City hosted a week of public engagement activities facilitated by GreenPlay between July 27th and 29th. This included six small-group stakeholder interviews, three larger focus groups, a group leadership interview, and a public forum. The public forum held in Council Chambers was well-attended and centered around GreenPlay presenting their findings from the aforementioned activities and then collecting additional input and feedback from attendees. Members of the consultant team conducted in-depth park evaluation site visits between August 4-6, where they visited all City parks and open spaces, non-City recreational amenities (e.g., Molalla State Park), and other facilities that could represent opportunities for joint use (e.g., the County fairgrounds and school campuses). The list of sites was generated in part by City staff using GIS data. Individual physical components were inventoried and the conditions of each site were scored. GreenPlay assembled a draft Parks Inventory Atlas based on the collected information. A second public opinion survey will occur in September.
- 3. Food Carts Joint Work Session.** Planning and Economic Development staff made a presentation on the possible allowance of Food Carts in the city on August 4 before the Planning Commission and City Council. A second work session is anticipated on November 3, 2021. Staff is seeking direction to develop code to address food carts and associated development standards.

LAND USE APPLICATION ACTIVITY

1. Pre-Application Conferences Submitted July 1 – August 31, 2021:

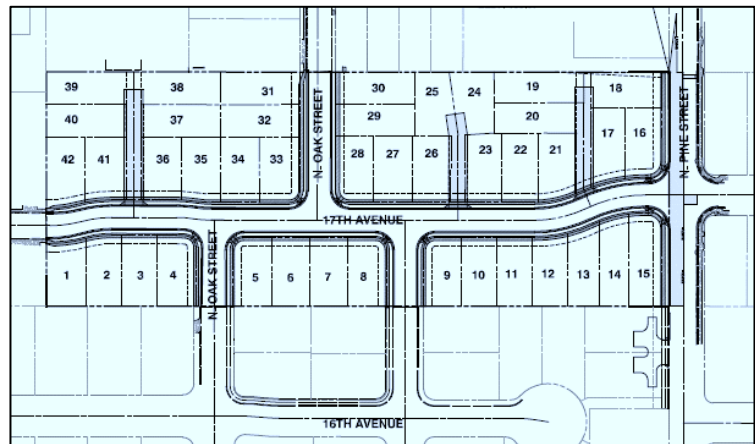
- a. PRA 21-20, VLMK, Canby South - Modified Project, Township/Mulino/Sequoia



- b. PRA 21-19, CIDA, Food Processing Facility, Sequoia Pkwy & 4th Ave

2. Pre-Construction Conferences held July 1 – August 31, 2021

- a. PRC 21-07, ICON Construction, Beckwood Subdivision, 1787 N Pine St



Pre-Construction Conferences held July 1 – August 31, 2021 Continued:

- b. PRC 21-06, Dragonberry Produce Expansion, 386 S Sequoia Pkwy



3. PC Agenda Items Reviewed July 1 – August 31, 2021:

- a. **July 12, 2021:** Remand of the Appeal application (APP 20-01) for the Memory Care Facility to Request for Conditional Use and Design Review approval for a Senior Living and Memory Care Facility with 102 beds and four independent living duplexes, with associated parking and site improvements.
- b. **July 26, 2021:** Planning Staff and Planning Commission held a Work Session to discuss quasi-judicial permitting and hearings process with Joe Lindsay, City Attorney.
- c. **August 23, 2021:** Remand of the Appeal application (APP 21-02) for the Hemmerling Subdivision, redesigned under the current zoning designation of R-1 (low density residential).

4. Site Plans Submitted for Zoning Conformance and Authorization for Release of County Building Permits July 1 – August 31, 2021:

SP 21-115	7/1/2021	SR Smith Phase II
SP 21-116	7/2/2021	1265 SE 3rd Ave, Canby Utility, Security Fence
SP 21-117	7/8/2021	SE 1st Ave Suite 112 TI
SP 21-118	7/10/2021	Place Holder (Application came in 1/2 scanned)
SP 21-119	7/13/2021	386 S. Sequoia Parkway, Dragonberry
SP 21-120	7/13/2021	2349 S Mulino Road, TI
SP 21-121	7/19/2021	442 SW 16th Ave RADD
SP 21-122	7/26/2021	1631 N Sycamore Street, Patio w/ Cover and Shed
SP 21-123	8/6/2021	2027 SE 12th Faist Add. 8 Lot 45
SP 21-124	6/29/2021	Hope Village Expansion Area (no address) - Mass Grading
SP 21-125	8/16/2021	Bathroom Remodel
SP 21-126	8/16/2021	1608 N Redwood St, Shop
SP 21-127	8/5/2021	183 NE 19th Ave Dodds Lot 17
SP 21-128	8/17/2021	Maple St Apartments Residing
SP 21-129	8/24/2021	1648 N Oak St, Hamilton Acres Lot 1, ICON (Revised Plans)

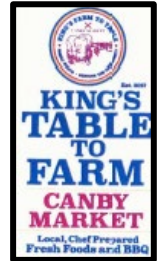
5. Signs Submitted for Plan Review July 1 – August 31, 2021:



a. SN 21-13, Ento Park's Alpha Scents, new wall sign



b. SN 21-12, Stanton Furniture, new wall sign for furniture store



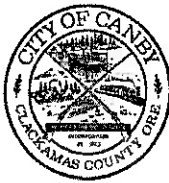
c. SN 21-11, King's Farm to Table, sign for new Specialty Foods Market



d. SN 21-10, Rudnick Signs for Caruso Produce, two American flag wall signs

6. Active Permit Finals for Occupancy by Clackamas County, July 1 –August 31, 2021:

DATE	WORK DESCRIPTION	PROPERTY ADDRESS
8/31/2021	EPR - FAIST 8 - LOT 51 NSFR (MASTER PLAN B0312420)	2025 SE 11TH PL
8/31/2021	IVY RIDGE ESTATES - LOT 14 - NSFR	1915 S FIR LOOP
8/30/2021	EPR IVY RIDGE ESTATES LOT 04 - NSFR - NEW MASTER PLAN	270 SW 18TH AVE
8/26/2021	EPR IVY RIDGE ESTATES LOT 5 - NSFR	248 SW 18TH AVE
8/19/2021	EPR - TRAIL CROSSING APARTMENTS - BUILDING 6 - 12 UNITS	1203 NE TERRITORIAL RD
8/19/2021	EPR NSFR IVY RIDGE ESTATES LOT 24	1914 FIR LOOP
8/17/2021	EPR - POSTLEWAIT HOMESTEAD LOT 2 - NSFR	1485 NE 17TH ST
8/10/2021	EPR - HAMILTON ACRES - LOT 32 - NSFR	1518 N OAK ST
8/6/2021	HAMILTON ACRES - LOT 5 - NSFR	1650 N PERSIMMON ST
7/30/2021	EPR NSFR HAMILTON ACRES LOT 20	1064 NE 15TH AVE
7/27/2021	EPR NSFR IVY RIDGE LOT 16	1923 S FIR LOOP
7/23/2021	EPR IVY RIDGE ESTATES LOT 21 NSFR	1996 S GRANT ST
7/20/2021	EPR - HAMILTON ACRES - LOT 33 - NSFR	1540 N OAK ST
7/20/2021	EPR - NSFR - ATTACHED TOWNHOUSE	309 S KNOTT CT
7/16/2021	EPR NSFR HAMILTON ACRES LOT 34	1560 N OAK ST
7/15/2021	EPR - BERGMAN SQUARE TOWNHOMES - 647 LOT 3 BUILDING A	647 NW 4TH AVE
7/15/2021	EPR - BERGMAN SQUARE TOWNHOMES - 659 LOT 1 BUILDING A	659 NW 4TH AVE
7/15/2021	EPR REDWOOD LANDING LOT 82 - NSFR	1516 N SYCAMORE ST
7/14/2021	EPR REDWOOD LANDING LOT 81 - NSFR	1510 N SYCAMORE ST
7/13/2021	EPR IVY RIDGE ESTATES LOT 12 NSFR - SAME AS B0452820	1907 S FIR LOOP
7/13/2021	HAMILTON ACRES - LOT 4 - NSFR	1649 N PERSIMMON ST
7/12/2021	EPR - BERGMAN SQUARE TOWNHOMES - 641 LOT 4 BUILDING B	641 NW 4TH AVE
7/12/2021	EPR - BERGMAN SQUARE TOWNHOMES - 653 LOT 2 BUILDING B	653 NW 4TH AVE
7/8/2021	EPR NSFR HAMILTON ACRES LOT 40	1539 N PERSIMMON ST
7/8/2021	EPR NSFR HAMILTON ACRES LOT 40	1539 N PERSIMMON ST



City of Canby Bi-Monthly Report Department: Police
July / August 2021

To: The Honorable Mayor Hodson and City Council
From: Chief Jorge Tro
Through: Scott Archer, City Administrator
Date: August 7, 2021

	July	August
Calls for Service Dispatched 911 and non-emergency calls	868	863
Property Crimes Reported		
Burglary	3	1
Unauthorized Use of Motor Vehicle / Unlawful entry of Motor Vehicle	4	1
Fraud	2	1
Robbery	0	0
Theft I, II, & III	5	10
Forgery	0	0
Trespass	6	2
Vandalism (Criminal Mischief)	1	6
Person Crimes Reported		
Assault I, II, IV	2	1
Carrying Concealed Weapons (knife, blade, etc.)	0	0
Disorderly Conduct (includes resisting arrest)	0	0
Endangering Welfare of a Minor/Recklessly endangering	0	0
Felon in possession of firearm/restricted weapon	0	0
Harassment, Intimidation or Threats	2	2
Identity Theft	5	2
Interfering with Peace Officer	0	0
Menacing	0	0
Sex Offenses	3	2
Strangulation	0	0
Arrests		
Warrant Arrests (and contempt of court, restraining order, parole violations)	7	4
Adult and Juvenile Custodies (includes juvenile curfew)	42	42
Drug Crimes		
Possession Controlled Substance (Cocaine, Heroin, Marijuana, Meth.)	0	1
Delivery of a Controlled Substance (Cocaine, Heroin, Marijuana, Meth.)	0	0
Manufacture Controlled Substance (Cocaine, Heroin, Marijuana, Meth.)	0	0
Traffic Crimes, Accidents, Citations		
Attempt to Elude	2	4
Driving Under the Influence of Intoxicants	23	22
Other Traffic Crimes (hit & run, driving while suspended, etc.)	17	29
Traffic Accidents	14	15
Traffic Citations	387	421

Crimes combine misdemeanor and felony offenses,
reported to State of Oregon for inclusion in the annual national FBI crime report.





City of Canby Bi-Monthly Report
Department: Public Works
For Months of: July & August 2021

To: The Honorable Mayor Hodson & City Council
From: Jerry Nelzen, Interim Public Works Director
Prepared by: Same as above
Through: Scott Archer, City Administrator
Date: 9/1/2021

Facilities

Facility Maintenance projects for the Police Department installed street lighting for the lower parking lot.



Facilities	Total Hours
July	128
August	183

Streets Department

Public works annual street maintenance paving projects, shown below is NW 2nd Avenue.



July Streets	Total Hours
Street Sweeping	55
Street Maintenance	562
Sidewalks	1
Driveway Approach Inspections	5
Street Sign Manufacturing	2
Street Sign Maintenance	10
Street Lights	10
Tree Trimming/Removal	62
Dump Truck	7
Vactor Usage	3
GIS Mapping	9
Striping Roads	70

August Streets	Total Hours
Street Sweeping	40
Street Maintenance	620.5
Sidewalk Inspections	5
Driveway Approaches	2
Street Sign Manufacturing	20
Street Sign Maintenance	22
Street Sign Installation	2
Street Lights	5
Dump Truck Usage	5
Vactor Usage	11
Mini Trackhoe	14
GIS	23.5
Striping Roads	61

Sewer Collections

Installing 2 inch water line for Vactor and Sweeper cleaning.



July Sewer	Total Hours
Sewer Cleaning	5
Sewer Maintenance/Repair	11
Sewer TV'ing	10
Lift Station Maintenance	14
Locating Utilities	23
Sewer Inspections	1
Vactor Usage	10
Drying Beds	4

August Sewer	Total Hours
Sewer TV	7
Sewer Laterals/Maintenance	63.5
Lift Station Maintenance	100
Locating Utilities	62
Sewer Inspections	12
Vactor Usage	17

Storm Water

Crew finishing large concrete pour at street sweeper dumping bays.



July Stormwater	Total Hours
Drywell Maintenance	6
Storm Line Maintenance/Repair	81.5
Erosion Control	7
Drying Beds	206

August Stormwater	Total Hours
Drywell Maintenance	10
Erosion Control	1
Storm Line Maintenance/Repair	26
Drying Beds	133
Vactor Usage	8

SUBJECT: July 2021 Attendance Numbers
DATE: 2021-2022

CANBY SWIM CENTER	ADMIT	ADMIT	PASS	PASS	TOTAL	TOTAL	YTD TOTAL	YTD TOTAL
July	2020	2021	2020	2021	2020	2021	20-21	21-22
MORNING LAP	0	66	0	280	0	346	0	346
ADULT RECREATION SWIM	0	46	0	294	0	340	0	340
MORNING WATER EXERCISE	0	72	0	265	0	337	0	337
PARENT/ CHILD	0	510	0	0	0	510	0	510
MORNING PUBLIC LESSONS	0	1505	0	0	0	1505	0	1505
SCHOOL LESSONS	0	0	0	0	0	0	0	0
NOON LAP	0	80	0	205	0	285	0	285
TRIATHLON CLASS	0	0	0	0	0	0	0	0
AFTERNOON PUBLIC	0	582	0	82	0	664	0	664
PENGUIN CLUB	0	0	0	381	0	381	0	381
CANBY H.S. SWIM TEAM	0	0	0	0	0	0	0	0
CANBY GATORS	0	0	0	713	0	713	0	713
MASTER SWIMMING	0	0	0	0	0	0	0	0
EVENING LESSONS	0	1128	0	0	0	1128	0	1128
EVENING LAP SWIM	0	33	0	68	0	101	0	101
EVENING PUBLIC SWIM	0	596	0	9	0	605	0	605
EVENING WATER EXERCISE	0	0	0	0	0	0	0	0
ADULT SWIMMING	0	0	0	20	0	20	0	20
GROUPS AND RENTALS	0	12	0	0	0	12	0	12
OUTREACH SWIMMING	0	0	0	0	0	0	0	0
TOTAL ATTENDANCE	0	4630	0	2317	0	6947	0	6947

SUBJECT: August 2021 Attendance Numbers
DATE: 2021-2022

CANBY SWIM CENTER	ADMIT	ADMIT	PASS	PASS	TOTAL	TOTAL	YTD TOTAL	YTD TOTAL
August	2020	2021	2020	2021	2020	2021	20-21	21-22
MORNING LAP	0	39	0	227	0	266	0	612
ADULT RECREATION SWIM	0	87	0	315	0	402	0	742
MORNING WATER EXERCISE	0	28	0	210	0	238	0	575
PARENT/ CHILD	0	490	0	0	0	490	0	1000
MORNING PUBLIC LESSONS	0	1495	0	0	0	1495	0	3000
SCHOOL LESSONS	0	0	0	0	0	0	0	0
NOON LAP	0	69	0	169	0	238	0	523
TRIATHLON CLASS	0	0	0	0	0	0	0	0
AFTERNOON PUBLIC	0	711	0	66	0	777	0	1441
PENGUIN CLUB	0	0	0	384	0	384	0	765
CANBY H.S. SWIM TEAM	0	0	0	0	0	0	0	0
CANBY GATORS	0	0	0	384	0	384	0	1097
MASTER SWIMMING	0	0	0	0	0	0	0	0
EVENING LESSONS	0	1216	0	0	0	1216	0	2344
EVENING LAP SWIM	0	42	0	60	0	102	0	203
EVENING PUBLIC SWIM	0	599	0	8	0	607	0	1212
EVENING WATER EXERCISE	0	0	0	0	0	0	0	0
ADULT SWIMMING	0	0	0	0	0	0	0	20
GROUPS AND RENTALS	0	22	0	0	0	22	0	34
OUTREACH SWIMMING	0	0	0	0	0	0	0	0
TOTAL ATTENDANCE	0	4798	0	1823	0	6621	0	13568

SUBJECT: July 2021 Attendance Numbers
DATE: 2021-2022

CANBY SWIM CENTER	ADMIT	ADMIT	PASS	PASS	TOTAL	TOTAL	YTD TOTAL	YTD TOTAL
July	2020	2021	2020	2021	2020	2021	20-21	21-22
MORNING LAP	0	66	0	280	0	346	0	346
ADULT RECREATION SWIM	0	46	0	294	0	340	0	340
MORNING WATER EXERCISE	0	72	0	265	0	337	0	337
PARENT/ CHILD	0	510	0	0	0	510	0	510
MORNING PUBLIC LESSONS	0	1505	0	0	0	1505	0	1505
SCHOOL LESSONS	0	0	0	0	0	0	0	0
NOON LAP	0	80	0	205	0	285	0	285
TRIATHLON CLASS	0	0	0	0	0	0	0	0
AFTERNOON PUBLIC	0	582	0	82	0	664	0	664
PENGUIN CLUB	0	0	0	381	0	381	0	381
CANBY H.S. SWIM TEAM	0	0	0	0	0	0	0	0
CANBY GATORS	0	0	0	713	0	713	0	713
MASTER SWIMMING	0	0	0	0	0	0	0	0
EVENING LESSONS	0	1128	0	0	0	1128	0	1128
EVENING LAP SWIM	0	33	0	68	0	101	0	101
EVENING PUBLIC SWIM	0	596	0	9	0	605	0	605
EVENING WATER EXERCISE	0	0	0	0	0	0	0	0
ADULT SWIMMING	0	0	0	20	0	20	0	20
GROUPS AND RENTALS	0	12	0	0	0	12	0	12
OUTREACH SWIMMING	0	0	0	0	0	0	0	0
TOTAL ATTENDANCE	0	4630	0	2317	0	6947	0	6947

SUBJECT: August 2021 Attendance Numbers
DATE: 2021-2022

CANBY SWIM CENTER	ADMIT	ADMIT	PASS	PASS	TOTAL	TOTAL	YTD TOTAL	YTD TOTAL
August	2020	2021	2020	2021	2020	2021	20-21	21-22
MORNING LAP	0	39	0	227	0	266	0	612
ADULT RECREATION SWIM	0	87	0	315	0	402	0	742
MORNING WATER EXERCISE	0	28	0	210	0	238	0	575
PARENT/ CHILD	0	490	0	0	0	490	0	1000
MORNING PUBLIC LESSONS	0	1495	0	0	0	1495	0	3000
SCHOOL LESSONS	0	0	0	0	0	0	0	0
NOON LAP	0	69	0	169	0	238	0	523
TRIATHLON CLASS	0	0	0	0	0	0	0	0
AFTERNOON PUBLIC	0	711	0	66	0	777	0	1441
PENGUIN CLUB	0	0	0	384	0	384	0	765
CANBY H.S. SWIM TEAM	0	0	0	0	0	0	0	0
CANBY GATORS	0	0	0	384	0	384	0	1097
MASTER SWIMMING	0	0	0	0	0	0	0	0
EVENING LESSONS	0	1216	0	0	0	1216	0	2344
EVENING LAP SWIM	0	42	0	60	0	102	0	203
EVENING PUBLIC SWIM	0	599	0	8	0	607	0	1212
EVENING WATER EXERCISE	0	0	0	0	0	0	0	0
ADULT SWIMMING	0	0	0	0	0	0	0	20
GROUPS AND RENTALS	0	22	0	0	0	22	0	34
OUTREACH SWIMMING	0	0	0	0	0	0	0	0
TOTAL ATTENDANCE	0	4798	0	1823	0	6621	0	13568



**City of Canby Bi-Monthly Report
Department: Canby Swim Center
For Months of: July & August 2021**

To: The Honorable Mayor Hodson & City Council
From: Eric Laitnen, Aquatic Program Manager
Prepared by: Same as above
Through: Scott Archer, City Administrator
Date: 9/8/2021

July and August went very well all things considered. We had a little scaled back schedule a little for the summer, mainly on the weekends. Most of our usual summer schedule was pretty normal, we opened at 5am for lap swim and had all of our daily swims and closed at 8:30pm in the evening. We had some individuals drop a set of lessons from time to time to make sure they were following Covid protocols and it was good that people were self-monitoring. Swimming pools all over the state and the country are having a tough time keeping enough staff for regular programming. We are not an exception but we are able to keep a majority of our schedule right now.

Numbers for were pretty good for July and August both months had almost identical numbers from July to August except for the Gators as they take the last two weeks of August off. We had over 6,500 swims each month, with everything that is happening in the world I thought that was very good. Revenue numbers were not available at this time but, they should be very good as we remained busy for both months. Last year we were closed during July and August so there really isn't anything from last year to compare them to.

As Covid 19 numbers are increasing again I am not sure what will be happening over the next few months, but we hope to continue as we are. We have a pretty normal schedule set up for fall, I may need to reduce it back a little due to staffing shortages but we will do everything we can to make swimming available to the community. Theresa Kelly has been doing a fantastic job with our swimming lessons and everyone was happy that we could offer them again. Theresa joined us at the beginning of the summer as our new Program Coordinator. Nathan is currently finishing up the fall maintenance and he keeps the facility clean and running like it should. This is not an easy task all the time with an older facility, Nathan is always keeping on top of things. Together we can get past our current emergency and hope the next one will be far off in the future.



City of Canby Bi-Monthly Report
Department: Tech Services
For Months of: July & August 2021

To: The Honorable Mayor Hodson & City Council
Prepared by: Valerie Kraxberger, IT Office Specialist
Through: Scott Archer, City Administrator
Date: 9/10/2021

The City of Canby Tech Services Department issued:

July 2021

53 Work Orders with 41 being completed

August 2021

51 Work Orders with 61 being completed

Some of the projects we have been working on for July and August are:

- Onboarded 8 new City employees, offboarded 2
- Caselle Connect Issues
- Software Updates
- Email Forwarding
- PD WatchGuard and various printer issues
- Court computer moves
- PD MDC setups
- PD Office Moves
- More hybrid Council Meeting and Conference Room planning



City of Canby Bi-Monthly Report
Department: Transit
For Months of: July & August 2021

To: The Honorable Mayor Hodson & City Council
From: Todd Wood, Transit Director
Prepared by: Same as above
Through: Scott Archer, City Administrator
Date: 9/10/2021

1) Grant Funding and Contracts:

The following grant activities have taken place:

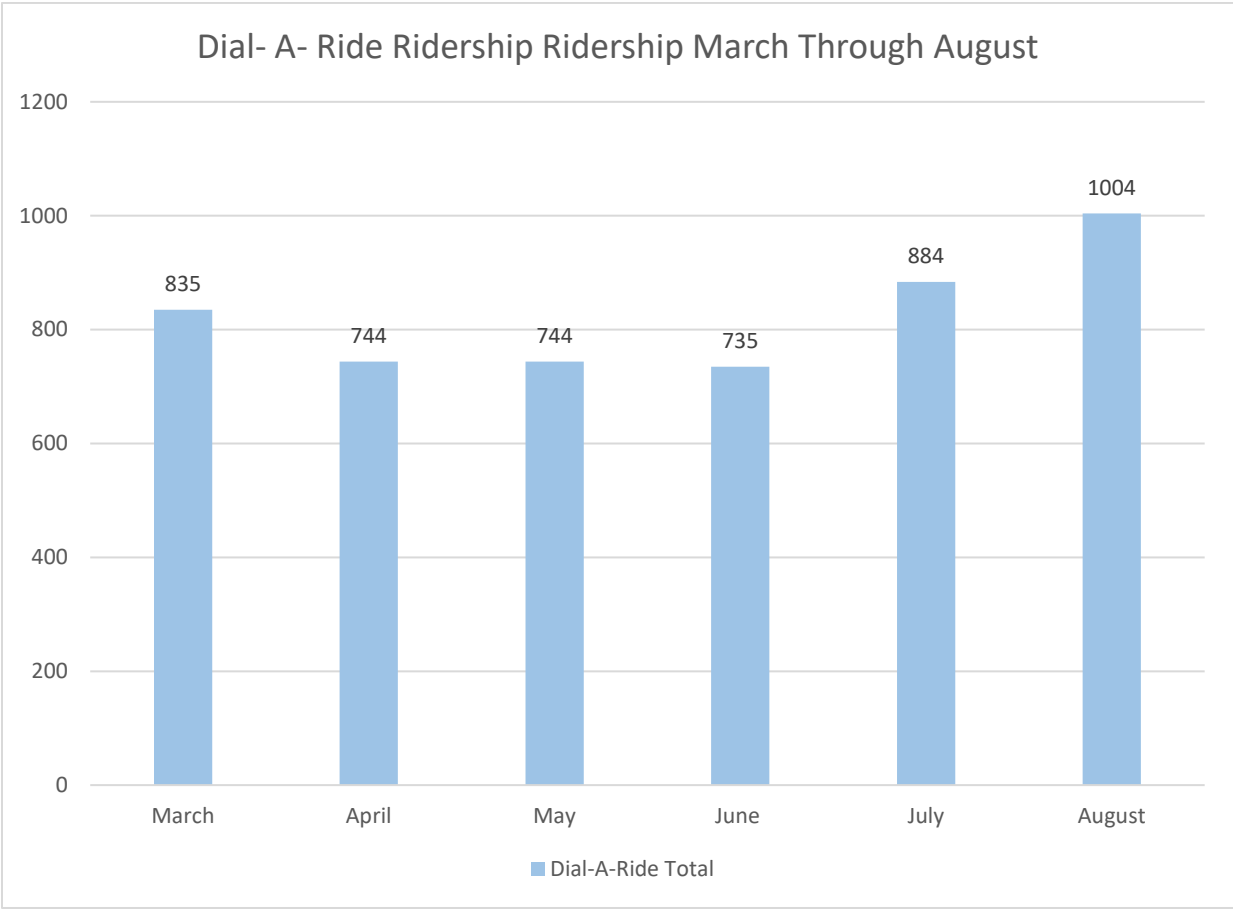
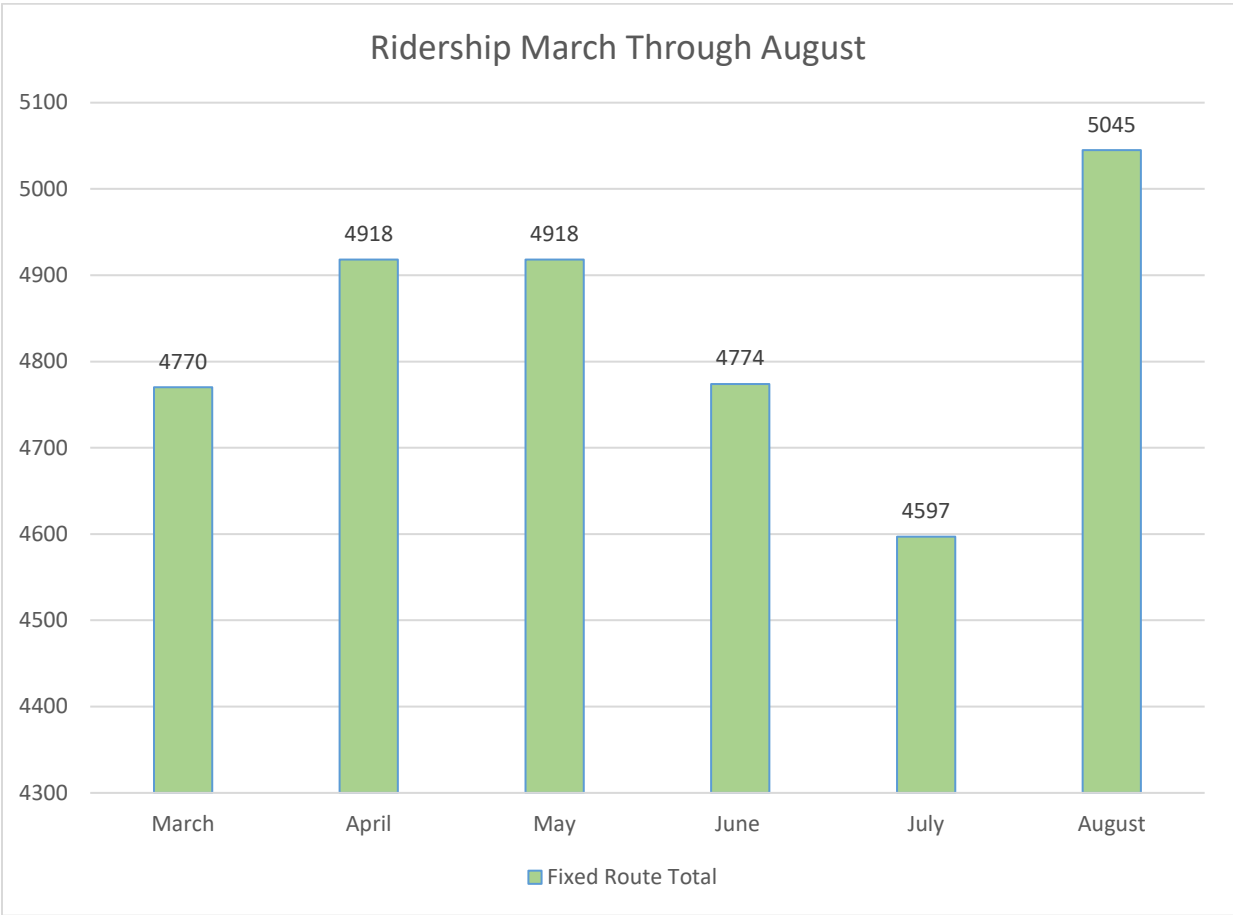
- Submitted Final Reports for 5311, 5310 and STF
- Submitted Final Reimbursements for 19-21 biennium
- Monthly Elderly and Disabled reports have been submitted to TriMet
- Annual budget sent to TriMet for STIF
- Continued negotiations with TriMet for STIF IGA

2) Ridership:

CAT has continued to operate as normal during the COVID pandemic providing critical trips for those who have no other transportation options. Additionally, fixed route has continued to carry critical workers to places of employment including hospitals, nursing homes, grocery stores etc.

Ridership is slowly returning and will continue to do so, however, the system will continue to see ridership well below normal for quite some time. During the months of July and August an increase in ridership was seen due to vaccine availability and people returning to work:

July average weekday daily fixed route ridership:	195 trips
July average weekend daily fixed route ridership:	61 trips
August average weekday daily fixed route ridership:	212 trips
August average weekend daily fixed route ridership:	91 trips
July average weekday Dial-a-Ride route ridership:	36 trips
July average weekend Dial-a-Ride route ridership:	17 trips
August average weekday Dial-a-Ride route ridership:	60 trips
August average weekend Dial-a-Ride route ridership:	12 trips



3) Rider of the Month:

Due to COVID-19 regulations, transit continues to operate with following restrictions in place:

- a) Rider of the Month will begin again in September
- b) Fares began September 7, 2021
- c) All buses are being cleaned and disinfected on a daily basis by drivers.
- d) All drivers have been provided with PPE use while operating their vehicle.
- e) All passengers are required to wear masks. Masks are being provided as needed.

4) Transit Advisory Committee:

The advisory committee meet on July 22, 2021 at 6:00 PM in person at City Hall in the Council Chambers and will continue our planning for the City Circulator

The advisory committee continued our discussion of the route and bus stops for the Circulator.

There is currently one open position on the transit advisory committee.

5) City Circulator Update:

We are estimating a start date of October 4, 2021.

The final schedule has been created for the city circulator including stop locations. The circulator will run from 5:30am to 7pm Monday through Friday. Temporary stops are being installed along the route. Permanent stops will be placed slowly over the year as each stops effectiveness is evaluated.

6) New Building Update:

We are created an RFQ for a project manager. Once the project manager is selected we will begin the RFQ for the design and finally the RFP for the build.



City of Canby Bi-Monthly Report
Department: Wastewater Treatment Plant
For Months of: July & August 2021

To: The Honorable Mayor Hodson & City Council
From: Dave Conner, Wastewater Services Manager
Prepared by: Same as above
Through: Scott Archer, City Administrator
Date: 7/21/2021

Facility Operation & Maintenance:

The water quality for the months of July and August have been good. Treatment plant is running well and all reports and DMR's were completed on time and without issue. The primary clarifier project has closed out and final payment is being made.

Plant Operators split time between process operations, daily maintenance and repairs of equipment, buildings and grounds.

Biosolids Program

- **July** Production: Belt run time = 18 days. 4 loads to Heard Farms, 163 wet tons.
- **August** Production: Belt run time = 15 days. 4 loads to Heard Farms, 139 wet tons.

Pretreatment Inspection/Reporting, FOG Program

- **July** Pump Outs: 20 Inspections: 0 fog, 1 pretreatment
- **August** Pump Outs: 15 Inspections: 11 fog, 3 pretreatment

Pretreatment activities also included monthly review of business license, reviewing environmental surveys, plan review, industrial inspection, industrial permit/compliance data review of reports and working with businesses on BMP agreements.

Daily Lab Activity

- Continued OSU Covid 19 Wastewater Study sampling.
- Weekly BOD's, E-coli, solids, NH3 and Alkalinity testing.
- Tier I/II toxics sampling for permit renewal
- Copper BLM and Aluminum sampling for permit renewal.

Personnel Meetings/Training Attended.

- ACWA water quality meeting.
- WWTP Safety meeting.
- Preconstruction meetings.