



City of Canby

**NOTICE OF DECISION
CHANGE OF USE OF A NONCONFORMING STRUCTURE
MANAZANITA APARTMENT CONVERSION
1477 N Manzanita St.
FILE #: NCS 22-01**

STAFF REPORT / NOTICE OF DECISION DATE: March 31, 2023

STAFF: Emma Porricolo, Associate Planner and Don Hardy, Planning Director

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I. EXECUTIVE SUMMARY

Planning Staff have approved the application NCS 22-01 to convert and upgrade the existing structure at 1477 N Manzanita St. into a 23-unit apartment building. The applicant, Jordan Ward, proposed an adaptive reuse of the existing building located on the site. The building will consist of 7 studios and 16 1-

bedroom units. The development will retain the building’s footprint, envelope, and overall architectural style. The majority of the improvements are internal to the building, with some modifications to the site design and building exterior and no footprint expansion. Landscaping will be added, removing some existing pavement on the site and adding buffering from neighboring properties.

The site spans two tax lots. The north tax lot is zoned R-2 and houses the site’s structure. The south tax lot is zoned R-1 and does not have any structures, only parking and vehicle circulation areas. R-2 is the City’s high density residential zone. The north tax lot has been designated for high-density residential since 1984. All lots in the R-2 zone are required to meet a minimum density of 14 dwelling units per acre. The site is surrounded by properties in low-density residential (R-1), medium-density residential (R-1.5), and high-density residential (R-2) zones. However, all the abutting sites have single-family detached homes.

Planning staff have evaluated the proposal’s compliance with the applicable Development Code criteria. Notable findings include the following.

- The proposed density on the site is 17 dwelling units per acre. That is only slightly above the minimum density required in the R-2, 14 dwelling units per acre. In looking at the density of other recent multi-family development in Canby, it is assumed if this site was developed as a new multi-family development (i.e., tear down and rebuild), the density would very likely be higher than 17 dwelling units per acre.
- The building meets the 15-foot buffer from abutting lower-density residential zones.
- The project exceeds the minimum parking standard required for the 23 units by 10 parking spaces.
- The traffic generation was compared to that for the previous use on the site. The proposed use results in a net decrease of 30 a.m. peak trips, 28 p.m. peak trips, and 50 daily trips when compared to the previous use of the site. The adjacent local streets (i.e., NE 15th Ave. and N Manzanita St.) will maintain a level of traffic volume that is consistent with their classifications and planned growth from the TSP.

The City’s recent work on Citywide housing studies has identified an extreme need for housing in Canby. Pursuant to the March 2023 Draft Housing Needs Analysis, the site would add less than 7% of the multi-family housing needed in Canby over the next 20 years. In 2020, residential vacancy rates were at 3%, half that of the county’s vacancy rate. This project would be a small step in improving the availability of multi-family housing in Canby and the extremely low housing inventory that currently exists in Canby.

The proposal to convert the structure triggered a Nonconforming structure application, in which approval or denial is made at the staff level. The nonconforming application allows elements of the existing building that do not meet standards to remain, so long as the proposal is consistent with the approval criteria. The criteria for either 1) expanding or 2) changing the use of a nonconforming structure requires consideration of site, surrounding area, and use characteristics. Also, the proposal is required to meet all standards, aside from the ones it’s nonconforming to, in order to be approved.

The building’s nonconforming elements are the building setback from NE 15th Ave and building height. The building is 4 feet short of meeting the required setback from NE 15th Ave and it’s 11 inches taller than permitted along the west side of the building. As the setback increases, the building is in compliance.

Staff have approved the proposed development as it meets all applicable criteria, except the criteria to which it is nonconforming.

II. INTRODUCTION

A. APPLICANT'S REQUEST AND STAFF DECISION

The applicant is requesting land use approval to convert a vacant church building into a 23-unit multi-family dwelling. The building remodel to change the use requires interior and exterior building modifications and a few site modifications. The conversion will not modify or expand the building's existing footprint or envelope. It will remain a two-story building. The 23-unit apartment building will have 7 studios and 16 one-bedroom units. The density of the proposed development is 17 dwelling units per acre (du/ac), just slightly above 14 du/ac, the minimum density required in the zone.

Based on the application submitted and the facts, findings, and conclusions of this report, staff **Approve NCS 22-01** pursuant to the Conditions of Approval (COA) identified in Section V of this Staff Report.

B. SITE HISTORY AND OVERVIEW

The site spans two tax lots. The north tax lot is zoned R-2 and houses the site's structure. The south tax lot is zoned R-1 and does not feature any structures, only parking and vehicle circulation areas. Properties surrounding the site are zoned for low- and medium- density residential, R-1 or R-1.5, with medium density residential to the west of the site directly facing the building (see Zoning Map on the following page).

The church was built around 1968. The site's previous use was a church and school use. The church use predates the school operations on the site. The school received a Conditional Use Permit (CUP) from the City in 1978. The CUP allowed a day care with up to 50 students to operate on the site. In 2016, a Zoning Letter signed by the Planning Director authorized a private school use, affirming it was a comparable use to fall under the day care use. The school use was active until summer 2022 (see Attachment A.IV).

The site is located off NE 15th Ave. and N Manzanita St. with vehicle access from both streets and an existing alleyway that connects to NE 14th Ave. The site is located in a residential neighborhood in northeast Canby and is predominately surrounded by single family detached homes. There are some multi-family developments nearby. Approximately two blocks north of the site, there are several small- to medium-sized apartment buildings along NE 16th Ave. between N Maple St. and NE Laurelwood Cir.

The architectural style of the church is similar to that of many of the surrounding properties and was built in a similar time period of many of the surrounding homes, the 1960s and 70s.



C. PROJECT OVERVIEW

Location: 1477 N Manzanita St.

Tax Lots: 31E28DC03600 and 31E33AB02700

Zoning:

- R-1 – southern tax lot of the subject site (TL 2700)
- R-2 – northern tax lot of the subject site (TL 3600)

Comprehensive Plan Designation: HDR and LDR

Lot Size: 1.32 acres

Owner: Jordan Ward

Applicant: Jordan Ward

Application Type: Nonconforming Structure or Use (Type II process)

The proposed development will generally retain the site’s existing overall layout and utilize the existing building for the conversion. The list of exterior alterations and site upgrades includes, but is not limited to, the following:

- Proposed existing building improvements:
 - Replace doors and windows throughout.
 - New openings for doors and windows.
 - Siding infill at existing doors and windows.
 - Residing, trim, and paint to match residential aesthetic.
 - New interior walls and fire safety upgrades.

- Proposed site improvements:
 - Reducing the curb cut/driveway width on NE 15th Ave.
 - Convert the alleyway connecting to NE 14th Ave into a pedestrian path with landscaping on both sides.
 - Paving to be removed and replaced with landscape buffers at property lines as required by the City of Canby's development code.
 - Replace sidewalks in the right-of-way along the perimeter of the site.
 - New outdoor recreation areas as required by the City of Canby's development code.
 - New bike parking.
 - New walkways and landscaped areas onsite.
 - Minor re-paving/re-surfacing and restriping of the passenger vehicle parking.

The building will have a small lobby and 23 units across the building's two stories. Eleven (11) of the unit are accessed directly from the outdoor pedestrian pathways. The remaining 12 units are accessed via the lobby in the west wing of the building. The Site Plan, Floor Plan, and Building Elevations can be found in Attachment A.V.

D. LAND USE PROCESS

Planning Staff (Staff) carefully considered what applications were triggered by the proposed improvements and change of use. Typically, a new multi-family development triggers a Design Review per the Canby Municipal Code (CMC) Chapter 16.49. However, the proposed improvements do not trigger any of the thresholds found in CMC 16.49.030. The remodel is below 60% of the value of the property, the additional floor area does not exceed 5,000 square feet, and the increase in impervious surfaces (paving and other hardscape) is below 2,500 square feet.

Typically, when development does not trigger a Design Review, the default application is a Type I Site Plan review (lowest level of review) that has no notice or conditions of approval. However, in this case the existing structure for the proposed use triggers a Type II Nonconforming Structure application. Unlike a Type I Site Plan application, the Type II process allows conditions of approval and pre- and post-decision notice to neighboring properties. A Type II application is a staff-level decision.

Nonconforming Structure Application

The proposal would create a nonconforming structure because the building does not meet the setback required from NE 15th Ave and the specific maximum height criteria for multi-family development abutting R-1- and R-1.5-zoned properties. In accordance with Table 16.89.020, Nonconforming Structure or Use applications are subject to a Type II application procedure. As such, prior to notice of decision a notice is mailed to owners and occupants of properties within 100 feet of the subject property. Notice of decision is provided within five days of the decision to the same parties.

Existing elements of the building do not warrant a variance and are covered via the nonconforming application that is related to nonconformance of building height, setbacks, and coverage. The proposal is nonconforming to building height and setbacks.

In order to receive approval for a nonconforming application, the proposal must meet the nonconforming application criteria found in CMC 16.52.050. Those criteria require the application to comply with all other applicable standards, aside from the standard to which it is nonconforming.

For this proposal, the applicable chapters are the following:

- 16.08: General Provisions
- 16.10: Off-street Parking and Loading
- 16.16: R-1 Low-Density Residential Zone
- 16.20: R-2 High-Density Residential Zone
- 16.21: Residential Design Standards
- 16.42: Signs
- 16.43: Outdoor Lighting Standards
- 16.46 Access Limitations on Project Density
- 16.52: Nonconforming Uses and Structures
- 16.89: Application and Review Procedures

Appeal Procedure

Pursuant to CMC 16.89.020, Type II applications must 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. 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 Planning Commission public hearing is held on appeals subject to the appellant paying a \$250 fee (appeal form available [online](#) and by request to the Planning Department). Request for consideration by the Planning Commission (i.e., an appeal) must be in writing and received within 10 days of the mailing date of the Notice of Decision and received by the planning office at 222 NE 2nd Ave., Canby, by 4:00 p.m. on April 10, 2023. Following a request to appeal the decision, a Planning Commission hearing will be scheduled.

E. REPORT ATTACHMENTS

The following documents are attached to this report.

- A. Applicant Materials
 - i. Application Form
 - ii. Applicant Narrative & Incompleteness Determination Memo
 - iii. Existing Conditions Map, Plat Map, and Titles
 - iv. Miscellaneous Information Provided by Applicant
 - v. Site Plan, Floor Plan, and Building Elevations
- B. Staff Response to Table 16.21.070 (Multifamily Design Matrix)
- C. Approvals of Previous Uses on Site
- D. Transportation Analysis Letter (Traffic Study)
- E. 1984 Comprehensive Plan Land Use Designation Map
- F. Request for Public Comments
- G. Public Comments Received
- H. Utility Provider Comments

III. ANALYSIS AND FINDINGS

A. APPLICABLE CRITERIA

A criterion of a Nonconforming structure or use application (CMC 16.52.050.A) requires “the proposal to be consistent with the requirements of the Land Development and Planning Ordinance (also known as Chapter 16, Zoning/Development Code), other than those specific zoning standards to which the use or structure is nonconforming.”

The applicable criteria used in evaluating this application are found in the Zoning/Development Code, Chapter 16 of the Canby Municipal Code as follows:

- 16.08: General Provisions
- 16.10: Off-street Parking and Loading
- 16.16: R-1 Low Density Residential Zone
- 16.20: R-2 High Density Residential Zone
- 16.21: Residential Design Standards
- 16.42: Signs
- 16.43: Outdoor Lighting Standards
- 16.46: Access Limitations on Project Density
- 16.52: Nonconforming Uses and Structures
- 16.89: Application and Review Procedures

B. FACTS AND FINDINGS

16.08. GENERAL PROVISIONS

16.08.070 *Illegally created lots*

In no case shall a lot that has been 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: The subject tax lots are 31E28DC03600 and 31E33AB02700. The documents provided in the application (Attachment A.III) indicate the subject tax lots are legally existing tax lots. Staff finds the standard is met.

16.08.150 *Traffic Impact Study (TIS).*

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.

Finding 2: A traffic evaluation was required for the proposed improvements pursuant to “changes in use or intensity of use,” a trigger identified in CMC 16.08.150.C.2.

The traffic study evaluated the trip generation for the proposed 23-unit apartment. The trip generation for the apartment was compared to the trip generation of the previous use with approval on the site, a daycare with up to 50 students. The previous use was authorized on the site at the maximum capacity of 50 students in a 1978 Conditional Use Permit (see Attachment C). No capacity parameters were set for the

private school when the use was authorized in 2016; therefore, the daycare with a maximum capacity of 50 students was used as the capacity for the previous use. The school use was operating at the site up until summer 2022 as indicated by the property owner's rental agreement (see Attachment A.IV). The CMC does not contain any provisions that have expiration of conditional uses associated with a site. Therefore, the school use could return to the site any day. Given this, it is appropriate to consider the trips associated with the previous use in the traffic generation evaluation as vested trips to the site and running with the land.

Based on the net change in traffic generation, the traffic study was a Traffic Analysis Letter (TAL) that addressed the required sections per 16.08.150. The TAL is found in Attachment D.

J. 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.

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.

Finding 3: Pursuant to this provision, the existing substandard sidewalks on N Manzanita Street and NE 15th Ave. are required to be replaced with 6-foot-wide sidewalks. See Conditions of Approval #1 and #2. As conditioned, Staff finds the standard is met.

16.08.160 Safety and Functionality Standards.

A. Adequate Street drainage, as determined by the city.

Finding 4: No street drainage improvements are required of the proposed development. Existing street drainage is sufficient. Therefore, the standard is not applicable.

B. Safe access and clear vision at intersections, as determined by the city.

Finding 5: The existing driveway that is proposed to be maintained to N Manzanita St. is approximately 180 feet from NE 15th Ave. to the north and approximately 120 feet from NE 14th Ave. to the south, complying with the driveway spacing standard found in CMC 16.10.070.9. The two existing site driveways to NE 15th Ave. are proposed to be consolidated into a single driveway to be located approximately 200 feet from N Manzanita St., also complying with the spacing standard.

The "pole" portion of the site in the southern tax lot extending south to NE 14th Ave. currently functions as a pedestrian walkway and vehicle access, according to the applicant. The applicant is proposing to have a pedestrian pathway through that area and landscape the remaining area. To ensure no vehicles access the site via that route, a vehicle barrier must be placed, as stated in Condition of Approval (COA) #4.

Prior to occupancy, sight distance at the access points 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

driveway on NE 15th Ave. indicates that the connection would be expected to provide sight distance to N Manzanita St. looking to the east. Preliminary sight distance evaluation from the driveway on N Manzanita St. indicates that the connection would be expected to provide sight distance of over 600 feet looking to the north and south.

Staff finds that, as conditioned, the standard is met.

C. Adequate public utilities, as determined by the city.

Finding 6: Existing public utilities on the site are generally adequate. Where utilities are missing or insufficient for the change of use, utility providers have added conditions of approval to ensure adequate public utilities developed for the proposed use. Staff finds that, as conditioned, the standard is met.

D. Access onto a public street with the minimum paved widths as stated in Subsection E below.

Finding 7: Access to the site is proposed via two driveways connecting to NE 15th Ave. and N Manzanita St. The proposed driveways will be full access, allowing for ingress/egress to the on-site parking areas for vehicles and bicycles and will provide adequate circulation to the surrounding existing roadway network and internally within the site.

The site plan also includes proposed sidewalks from NE 15th Ave. and N Manzanita St. connecting to the building entrances and parking areas. Staff finds the standards are met.

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.*
- 2. For collector and arterial streets, a minimum paved width of 20 feet along the site's frontage.*
- 3. For all streets, a minimum horizontal right-of-way clearance of 20 feet along the site's frontage.*

Finding 8: The proposed site has frontage along NE 15th Ave, and N Manzanita St., both are local streets. NE 15th Avenue and N Manzanita Street are improved and exceed the City's cross-section standard for Local streets, with a 40-foot paved width. The applicant will be required to reconstruct the existing substandard sidewalk along the frontages with a 6-foot sidewalk. The existing roadway, with the frontage pedestrian improvements, can adequately accommodate the additional vehicle, pedestrian, and bicycle traffic expected.

F. Compliance with mobility standards identified in the TSP. If a mobility deficiency already exists, the development shall not create further deficiencies.

Finding 9: The proposed use results in a net decrease of 30 a.m. peak trips, 28 p.m. peak trips, and 50 daily trips when compared to the previous use 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).

16.10. OFF-STREET PARKING AND LOADING

16.10.010 Off-street parking required – exceptions

A. At the time of establishment of a new structure or use, change in use, or change in use of an existing structure, within any planning district of the city, off-street parking spaces and off-street loading berths shall be as provided in this and following sections, unless greater requirements are otherwise established by the conditional use permit or the site and design review process, based upon clear and objective findings that a greater number of spaces are necessary at that location for protection of public health, safety and welfare...

Finding 10: Pursuant to 16.10.010, at the time of change of use of an existing structure, off-street parking and loading must be evaluated pursuant to the provisions in Chapter 16.10. Therefore, the proposed development, a new multi-family residential building via change of use of an existing structure is subject to the applicable provisions of Chapter 16.10.

16.10.030 General requirements.

D. Off-street parking spaces for dwellings shall be located on the same lot, or adjacent lot, with the dwelling. Parking spaces located within an on-site garage shall count toward the minimum parking requirement for residential uses. Other required parking spaces may be located on a separate parcel, provided the parcel is not greater than five hundred (500) feet from the entrance to the building to be served, measured along the shortest pedestrian route to the building. The applicant must prove that the parking located on another parcel is functionally located and that there is safe vehicular and pedestrian access to and from the site.

Finding 11: The proposed development is located on two tax lots. A large portion of the parking area directly south of the building is split across both tax lots. The secondary tax lot is located less than 30 feet from the building entrances and has adequate pedestrian connectivity by way of the site’s walkways and parking areas. Therefore, the parking spaces (partially located) on the southern tax lot (31E33AB02700) count towards the minimum parking requirements. Responses to the minimum parking standard in Finding 12, addresses the total off-street parking on the site.

TABLE 16.10.050

<i>Use</i>	<i>Parking Requirement</i>
<i>c. Multi-family dwellings in complexes with private internal driveways</i>	<i>1 space per studio or 1-bedroom unit 2 spaces per 2- or more bedrooms One additional parking space for every 5 units of development for guest parking.</i>

Finding 12: The proposed development consists of twenty-three units (23) total, seven (7) studios and sixteen (16) one-bedroom units. Therefore, the minimum parking required for the site is 28 spaces, one per each studio and one-bedroom unit plus 5 guest spaces.

Minimum Parking Calculation:

- 7 studio units x 1 space required per unit - 7 spaces
- 16 1-bedroom units x 1 space required per unit - 16 spaces
- Guest parking: (1 space per every 5 units) x 23 - 5 spaces
- Minimum parking required - 28 spaces
- Parking spaces proposed – 38 spaces

In total, 38 spaces are proposed and located west and south of the building. Given the width of the fire truck access lane along the west side of the building, some may confuse that area with parking. However, parking along that section would not allow adequate fire truck access. Therefore, the applicant is required to indicate the fire truck access lane does not permit parking through the use of curb striping (red with label) and/or signage that indicates not parking is allowed. This is included as COA #8.

Staff finds the standard is met.

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 13: In total, 38 spaces are proposed. Thirty-two (32) spaces are standard spaces and meet the dimensional requirements of CMC 16.10.070.A. Six (6) spaces are compact spaces and must be labeled as such. The number of compact spaces is within the amount permitted by the standard, under 30% of the total parking. Two (2) spaces are ADA and must meet ADA standards for label. The drive isle areas are greater than 12 feet wide. The minimum drive-isle width is 16 feet, for a small portion around the west edge of the building.

Current aerial imagery shows that there is no striping for parking, or it has been worn down to be undetectable. Restriping and minor repaving is proposed as a part of the site improvements. A COA that requires striping and appropriate signage of compact spaces, see COA #20. With implementation of the conditions of approval, Staff finds that the minimum parking requirements are met.

16.10.100 Bicycle Parking

This section addresses the minimum bicycle parking required for multi-family residential and other uses. It also contains dimension and locational requirements for bicycle parking.

Finding 14: The dimensions of the bicycle parking racks shown on the Site Plan (Attachment A.V), are consistent with the minimum dimensional requirements of CMC 16.10.100.A. The bicycle parking will be located directly north of the western wing of the building, immediately next to the lobby entrance.

For multi-family development one (1) bicycle parking space per unit is required. There are 23 units in the proposed development and 24 bicycle parking spaces are proposed.

Staff finds the standards in CMC 16.10.100 are met. The development exceeds the minimum bicycle parking required and meets the location and dimensional requirements.

16.16. R-1 LOW DENSITY RESIDENTIAL

Chapter 16.16 describes the development standards for the R-1 zone. Only the southern tax lot of the subject site (tax lot 31E33AB02700) is zoned R-1.

16.16.020 Conditional uses.

J. Accessory use or structure (not a dwelling) located on a lot or lots abutting the lot which houses the principal use of the property;

Finding 15: The 21 parking spaces located south of the building split the two tax lots that comprise the subject site. The parking lot use is accessory to the primary structure located on the abutting tax lot immediately to the north that was originally the church structure being converted to apartments. The previous use, a church and associated school received a Conditional Use Permit in 1978 (Attachment C). Therefore, the parking lot as an accessory use to the principal use was previously approved via the previous land use approvals on the site and continues to function as the accessory use to the primary use on the northern tax lot (31E28DC03600). Staff finds the proposed use on the southern tax lot, parking, is authorized based on previous approvals. This is consistent with the provisions of Chapter 16.52 Nonconforming Uses and Structures.

16.16.030 Development standards.

F. The maximum amount of impervious surface allowed the R-1 zone shall be 60 percent of the lot area.

Finding 16: The southern tax lot of the subject site is zoned R-1, Low Density Residential. Since it is an existing lot with no structures currently located or planned to be located on it, the only applicable standard is the maximum impervious surface percentage standard in CMC 16.16.030.F. The landscaped areas of the southern tax lot are over 45% landscaped, and is below the maximum impervious surface permitted. The proposed pedestrian pathway connecting to NE 14th Ave. is not shown on the Site Plan (Attachment A.V), but will consist of a pervious material and does not change the impervious surface metrics. The impervious surface percentage of the R-2 tax lot with the structure is in Finding 21.

Staff finds the applicable development standards for the southern tax lot (31E33AB02700), are met.

16.20 R-2 HIGH DENSITY RESIDENTIAL

Chapter 16.16 describes the development standards for development in the R-2 zone. Most of the subject site is located in the R-2 zone, and the building is located entirely on the parcel within the R-2 zone.

16.20.010 Uses permitted outright.

D. Multi-family dwelling;

Finding 17: The proposed use, multi-family dwellings, are permitted outright in the R-2 zone. Staff finds that the proposed use is permitted outright in the subject zone.

16.20.030 Development standards.

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.

Finding 18: In the R-2 zone, new developments must achieve a minimum density of 14 acres per unit. Although only one of the two tax lots that comprise the site are located in the R-2 zone, the site is being looked at cohesively as essential site elements (structure, parking, access, etc.) are located on both tax lots. The subject site is 1.32 acres. For a 1.32-acre site, the minimum number of units required to meet the minimum density requirement is 14.14. The proposed development is 23 units or 17 du/ac. Staff finds that the standard is met.

D. Minimum yard requirements:

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 multi-family 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.

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;

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

5. Multi-family 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 multi-family 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 19: Setbacks

The table below addresses the required and existing building setbacks. No changes to the structure’s existing setbacks are proposed.

Property Line Setback	Required Building Setbacks	Existing Building Setbacks	Staff Response
North (street, NE 15 th Ave.)	20 ft	16 ft	Required setback is 20 feet because it is a street yard with a driveway. The existing setback is 16 feet and is legal nonconforming and is permissible.
East (street, N Manzanita St.)	20 ft	35 ft	Required setback is 20 ft. The setback is 35 feet and meets the standard.
South (interior)	15 ft	27 ft from building to south property line of lot 3600 72 ft from building to south property line of lot 2700	Required setback is 15 feet because of the multi-family buffering requirements. The building meets the required setback when measures from the south property line of ether tax lot(i.e., from tax lot 2700 and site south property line).
West (rear)	15 ft	19ft	Required setback is 15 feet because of the multi-family buffering requirements. The setback is 19 feet and meets the standard.

The existing building does not meet the setback from the north property line. It is 4 feet short of meeting the minimum setback and is therefore legally nonconforming. Per CMC 16.52.020.C. and 16.52.050, this nonconformance is in compliance with the code since no expansion of the building footprint is proposed. The setback doesn’t require a variance pursuant to the allowances in CMC Chapter 16.52, Nonconforming Uses and Structure. All other setbacks are consistent with current standards. Staff finds that the standard is met.

Multi-family Buffer

The site abuts lower-density residential zones (R-1 and R-1.5) to the west and south. The additional 15 foot west and south property lines are met. Pursuant to CMC 16.20.030.D.5, only the Planning Commission has the authority to require landscaping in the buffer. However, almost all 15-foot buffers have landscaping, with the exception of the vehicle access way along the west side of the building. According to the applicant, where the site abuts lower density zoning (along the south and west) a 15-foot landscaping buffer will be developed where possible, while still allowing fire access around the west of the building, as shown on the Site Plan (see Attachment A.V). Where there is live ground, the landscaping buffer will have shade trees every 30 feet. The applicant has provided this commitment in writing. COA #21 requires compliance with the buffer landscaping the applicant provided and described and they will be required to be show the landscaping on a landscape plan in subsequent project steps. There is an existing sight-obscuring fence along the west façade.

The vehicle access ways along the west side of the building already exists on the site and is required to have adequate fire access to the site and will be reserved for that purpose. No parking will be permitted along the fire access way along the west side of the building and will be assured with signage (see COA #9). Therefore, vehicle activity along that accessway will be limited. All active recreation areas are located outside the 15-foot buffer from properties zoned R-1 or R-1.5.

Staff finds the existing structure meets the setbacks and buffering requirements for the proposed use.

E. Maximum building height and length:

1. Principal building: thirty-five feet.

...

3. Maximum building height for multi-family 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 20:

The maximum height of the structure is 23 feet, below the standard maximum height permitted in the zone (35 feet). However, as a multi-family structure abutting R-1 and R-1.5 properties, the structure is subject to the modified maximum height standard in subsection E – it shall not exceed a building height greater than one foot of distance from abutting R-1 or R-1.5 property lines¹.

Compliance with this standard is as follows:

- South – The southern tax lot of the subject site is zoned R-1. The existing building is approximately 27 feet from the southern property line. The maximum building height is below 27 feet; therefore, the building height complies with the required setback from the south property line (which is internal to the site).
- West - The existing building abuts R-1.5 zone on the west property line. The

¹ Figure 16.20-1 indicates the maximum building height standard is a “step-up” standard, meaning the maximum height standard increases 1 foot for every foot in horizontal distance from the adjacent property lines.

existing building height is 20'-9" from finish grade on lot 3600 and the existing setback is 19'-10" from the adjacent R-1.5 property line to the west. The building setback is approximately 2 feet short of meeting the building height standard. The building height only slightly increases as the setback increases. The maximum building height of 23 feet is at a setback of 37 feet from the nearest (west) property line (see Building Elevations in Attachment A.V).

No changes are proposed to the existing building height and roof. The existing building is roughly 11-inches taller than allowed by the current development code as outlined in 16.20.030.E.3. This nonconformance lasts for 2 horizontal feet, then the building is in compliance with the height standard.

The existing structure does not meet the maximum height provision in CMC 16.20.030.E.3 and is therefore a nonconforming structure. The description of the nonconformance and associated approval criteria are described in Findings 32 – 39.

Staff finds that, with the exception of the height of the western section of the building that is addressed through nonconforming structure approval criteria, the height standards are met.

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

Finding 21: For the entire property (both tax lots), there is 37% landscaping on the site. Therefore, impervious surfaces comprise 63% of the site, less than the 70% maximum permitted in the zone.

For the tax lot in the R-2 zone alone, the 44,125 square foot tax lot has more than 30% landscaping on the site and is therefore below the maximum impervious surface requirement.

Staff finds the impervious surface standard is met.

G. Other regulations:

1. Vision clearance distance shall be ten feet from a street to an alley or a street to a driveway, and thirty feet from a street to any other street.

Finding 22: The existing vehicle access points to remain meets the 10-foot vision clearance standard for driveways. Additionally, pursuant to COA #3 minimum sight distance requirements shall be met at all site accesses. With the COAs, Staff finds the standard is met.

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 23: The proposed development has 23 dwelling units; thus 3,450 square feet of outdoor recreation area is required. A total of 4,779 square feet of recreation areas are

proposed across three areas as shown on the Site Plan (Attachment A.V). The largest recreation area is 3,450 square feet and alone meets the square footage requirement. The second recreation area is less than 1,500 square feet in size, but does not need to comply with the standard (because they are in excess of the minimum). The second 1,221 square foot recreation area is within the building's breezeway, creating a covered outdoor recreation area. According to the applicant, the covered area will be a sport court where residents can pass a ball, exercise, and enjoy fresh air while staying dry throughout the winter. They plan to delineate a four square court and provide some seating there. Their hope is that residents will use that space for calisthenics, yoga, and tai chi. Staff finds that the standard is met.

16.21. RESIDENTIAL DESIGN STANDARDS

16.21.060 Applicability and review procedure for multi-family dwellings.

The standards in section 16.21.070 apply to multi-family dwellings. Where a proposal is for an alteration or addition to an existing development, the standards of this section apply only to the portion being altered or added. If the applicant can demonstrate that implementation of the standards would be impractical due to lot size, shape, slope, or other natural feature of the property that does not generally apply to other properties in the city, the Planning Director may waive any of the standards which are demonstrated to be impractical.

Finding 24: The building envelope and footprint are not changing with the proposed improvements. However, residential units are being added to the interior of the existing building and the exterior is being altered with residing and relocation of doors and windows. Therefore, Staff finds sections of Chapter 16.21 are applicable.

16.21.070 Multi-family design standards.

A. For design review applications for multi-family dwellings (three or more units) or for development that contain 3 or more units on a single lot located in any zone, the menu in Table 16.21.070 shall apply.

Finding 25: The proposed development is an adaptive reuse of a church building into a 23-unit multi-family development. Pursuant to CMC 16.21.060, the applicability of multi-family design standards for alternations to existing development, the standards only apply to the portion of the building that is being altered or added. For the proposed development, only limited exterior building and site plan elements are being altered. With the scope of changes, there are a limited number of applicable items. Compliance with Table 16.21.070 is described below.

B. A design review application for multi-family dwellings shall be considered to be compatible if

- 1. At least five of the Design Elements for Street Facing Facades are achieved.*
- 2. A minimum of 60 percent of the total possible points from the Design Menu are accumulated for the whole development;*
- 3. 10 percent of the points used to meet (2) above are from the LID category; and,*
- 4. The applicant has received a minimum of one point in each applicable category.*

Finding 26: The building design provides at least five design elements for the street facing façade. At least five design elements for street facing facades are incorporated on the building elevation. The façade facing N Manzanita Street includes:

- Windows with 4” trim
- Building trim at building corners, and siding transitions
- Horizontal bellyband delineating the 2nd floor
- Siding with two widths and two colors
- Existing exterior arch at previous chapel to be re-painted
- Existing river rock veneer to remain

The proposal’s consistency with the individual design matrix criteria are addressed in responses to Table 16.21.070 found in Attachment B. The proposal meets the matrix requirements. It scored 21 points out of 34 possible points, equivalent to 60% of the possible points. Seven (7) of the 21 points, or 30% awarded points were from the LID category, meeting the standard. The applicant received a minimum of one (1) point in each category with applicable criteria. Staff finds the criteria is met.

C. Those elements that are not applicable to a project shall not be counted toward the total possible points.

Finding 27: The elements are that are not applicable to the project, including building elements that are not being altered as a part of the adaptive reuse do not count toward the total possible points. They are identified as N/A in the responses to Table 16.21.070 found in Attachment B.

16.42. SIGNS

Finding 28: The applicant has not provided any documentation of signage. Therefore, if signage is desired it will be subject to a separate Sign Permit and must be consistent with the standards and approval process in Chapter 16.42.

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 29: Pursuant to 16.43.030.A.2, the additional dwelling units on the site trigger compliance with lighting standards of Chapter 16.43. New lighting on the site must comply with LZ 1 zone, the same lighting standard that applies in all residential zones. COA #23

requires compliance with this standard. Staff finds that as conditioned the standard is met.

16.46 ACCESS LIMITATIONS ON PROJECT DENSITY

16.46.010 Number of units in residential development.

A. Single-family residential access, public and private roads:

2. The number of units permitted are as follows:

One access: 30 units

Two accesses: 132 units

Three accesses: 207 units

Finding 30: This standard is regulating the maximum number of units for the number of accesses. The proposed development is 23-units and has two accesses. Staff finds the standard is met.

16.49 SITE AND DESIGN REVIEW

16.49.030 Site and design review plan approval required.

A. The following projects require site and design review approval, except as exempted in B below:

1. All new buildings.
2. All new mobile home parks.
3. Major building remodeling above 60% of value.
4. Addition of more than 5,000 square feet of additional gross floor area in a one year period.
5. Construction activity which causes a decrease in pervious area in excess of 2,500 square feet in a one year period.

Finding 31: The proposed development does not meet any of the thresholds for a Site and Design Review. It does not include a new structure and the building remodel is below 60% of the value per the project costs provided by the applicant (see Attachment A.IV). Staff finds the proposed development is not subject to a Site and Design Review application and thus the provisions of Chapter 16.49 are not applicable.

16.52 NONCONFORMING USES AND STRUCTURES

16.52.020 Nonconforming structure.

A structure conforming as to use but nonconforming as to height, setback, or coverage may be **altered** or extended as follows:

C. The Planning Commission may allow additions to structures that are nonconforming as to height or setbacks if the new building area is **no more out of conformance than the existing structure**. For example, an addition to a home with a reduced side yard setback may be allowed if the addition has the same reduced side yard setback or is less out of conformance. Approval of a nonconforming structure application under this Chapter is required. This Chapter may not be used to allow additions further out of conformance as to building height or setbacks than existing structures.

Finding 32: As Non-conforming use modification are subject to Type II review processes, per Chapter 16.89.020, the Planning Director is empowered to permit approval where no further expansion of the existing building footprint will occur. In the proposed site development relates to permitting the nonconforming setbacks and height of the existing building.

This section establishes the definition of a nonconforming structure as a structure that does not conform to the application height, setback, or lot coverage standard. The building is located on the tax lot in the R-2 zone. The existing structure has the following nonconformances:

- **Street yard setback** – Street yards with driveways are required to have a 20-foot setback. The existing structure has a 16-foot setback from NE 15th Ave. **The setback from NE 15th Ave is 4 feet short of meeting the standard.** No changes to the setback are proposed and therefore is permitted to be altered through the non-conforming approval process.
- **Building Height** - Pursuant to CMC 16.20.030.E.3, in the R-2 zone the maximum building height for multi-family development on lots abutting lots zoned R-1 or R-1.5 cannot exceed a building height greater than 1 foot for each foot of distance from the R-1 or R-1.5 property line. The lot that houses the existing church structure abuts lots zoned R-1.5 to the west and lots zoned R-1 to the south. The west setback measures 19'-10" from the building to the property line shared with the R-1.5 property. The existing height of the building along the west wing of the building is 20'-9" from the finished grade. Therefore, the structure is nonconforming to height because the maximum height exceeds the setback distance. Therefore, **the structure is only 11 inches in height out of compliance with the standard** but is not being expanded and therefore is permitted to be altered through the non-conforming approval process.

These deviations from the standards described above are to be permitted through the nonconforming application, since they are associated with an existing structure. No variances are required in this situation, the deviations are covered under the nonconforming application.

Staff finds that the structure is nonconforming to the setback and height standards.

16.52.040 Expansion of nonconforming structure or change of use – application required. *Application procedures shall be as described in Chapter 16.89.*

Finding 33: The proposed development is a change of use of a nonconforming structure. The structure is nonconforming to the street yard setbacks from NE 15th Ave. The change of use proposed is from the previously approved use, daycare and school to multi-family housing.

The multi-family use is a use permitted outright in the site's designated zone. However, the building setback to height ratio does not meet current standards based on the current building height standard that applies specifically to multi-family

structures in the R-2 zone. Therefore, the proposed improvements are subject to the provisions of this subsection because the proposed use will be located within a non-conforming structure designation based on the building setback related to the building height.

This section directs the application procedures for nonconforming situations to Chapter 16.89. Specifically, Table 16.89.020 establishes “Nonconforming Structure/Use” applications as a Type II application. Thus, the procedures for a Type II application have been followed, as described in Finding 40.

Staff finds the proposed conversion to a multi-family use at the subject site triggers a Nonconforming Structure application, to have a change of use of a nonconforming structure, pursuant to this subsection.

16.52.050 Authorization to grant or deny expansion of nonconforming structure or change of nonconforming use.

An expansion of a nonconforming structure or a change from one nonconforming use to another shall be approved, conditionally approved or denied in accordance with the standards and procedures of this section. In judging whether or not such applications shall be approved or denied, staff and the Planning Commission shall weigh the proposal's positive and negative features and the public convenience or necessity to be served against any adverse condition that would result from authorizing the particular development at the location proposed and, to approve such expansion or change shall find that the following criteria are either met, can be met by observation of conditions, or are not applicable:

Finding 34: In evaluating the approval criteria, Staff’s role is to “weigh the proposal’s positive and negative features and public convenience of necessity to be served against any adverse condition that would result from authorizing the particular development in the location proposed.”

The proposed improvements will create a 23-unit apartment building from an existing structure that was previously used for church and schooling (daycare and private school). Positive and negative features of the proposal are weighed below.

Housing Needs

Canby is experiencing a housing crisis. The City recently commissioned FCS Group and 3J to perform a Canby Housing and Employment Assessment. According to the draft Housing Needs Analysis (HNA)², only 16% of Canby’s current housing stock is multi-family. The report goes on to state that it is projected that over the next 20 years. Canby will need to add approximately 362 multi-family units to meet demand, only 16% of the projected future housing. It is estimated that Canby has a current deficit of over 100 multi-family housing units. According to the draft Housing Production Strategy, only 3% of housing in Canby was vacant in 2020, a number lower than the countywide (6%) and statewide averages (8%). Additionally, approximately 1 in 6 renter households in Canby are severely rent burdened with over 50% of their income

² March 2023 Draft

going towards monthly housing costs. This indicates that there is currently a significant amount of immediate need for rental multi-family housing in Canby.

According to FCS Group's recent Housing Need Forecast as well as the current vacancies being realized in the multi-family housing in Canby, a significant need exists for multi-family in the near term. This site, by itself, would not fulfill the current deficit of multi-family housing needs and would add less than 7% of the multi-family housing needed over the next 20 years.

In 2019, the median family income (MFI) in Canby was \$80,484. Households making the MFI, \$80,484 can afford a monthly rent of \$1,900. In Canby, Low-Middle medium income family wage earners with incomes of \$64,387 per year will be projected to need 434 residential dwelling units over the next 20-years in the form of market rate multi-family units of approximately \$1,610 per month. These will take the form of townhomes, cottage residential, apartments, 'plexes (e.g., duplexes, triplexes, etc.) and manufactured dwellings. Low-Middle medium family income generally includes single-income households for professions such as medical assistants and teachers. (Source: March 2023 Draft Housing Production Strategy)

Location

The need for additional multi-family housing in Canby is clear. The R-2 zone is designed to be the primary location of multi-family housing, by requiring a minimum density of 14 du/ac. The proposed development would have a density per acre just slightly above the minimum required, at 17 du/ac.

The site has been intended for high-density residential; this is documented as far back as 1984. The Comprehensive Land Map from 1984 designates the site and surrounding R-2 properties as high-density residential land use designation, see Attachment E. One block north of the site along NE 16th Ave. there are several multi-family developments that are abutting lots with single-family detached homes.

A project like this, an adaptive reuse of an existing structure in an existing neighborhood, is an efficient use of resources and requires less extension of infrastructure when compared to building in undeveloped areas of Canby, typically around the edges of city limits.

Neighborhood Compatibility

- The Canby Development Code has provisions to ease the transition between multi-family development and lower density residential. Additional setbacks, buffering, and height restrictions are applied to multi-family residential developments that abut the R-1 and R-1.5 properties. Those standards are met, with the exception of the height regulation is just barely beyond the maximum height permitted. The applicant is proposing landscaping throughout the 15-foot buffer that will provide visual buffering. There are also existing fences that obscure sightlines between properties.

- The density of development and building coverage on the lot is relatively low for the zone. The existing building has a lot coverage that is compatible with the surrounding homes. The density of the development is 17.42 du/ac, just slightly above the minimum 14 du/ac required. Most new multi-family development in Canby also in the R-2 zone has been building at much higher densities. Recent examples include: State Street Apartments – 27 units per acre (land use approval in 2021), and Trail Crossing I – 23.2 units per acre (land use approval in 2018).

By looking at recent multi-family development patterns in the R-2 zone it is likely new development (in the case of a tear down and rebuild) on the subject property would have a much higher building lot coverage and density.

- The building’s existing architectural design is to remain relatively the same. The architectural design is consistent with surrounding houses in the neighborhood and was built in a similar time period as many of the surrounding homes.
- Traffic generation from the apartments is expected to be less daily trips from the previous uses on the site and unlike the school and church uses will not have scheduled programs that bring most of the site’s traffic at specific times (e.g. end of day school pick up or mass).
- Based on public comments received (see Section IV of this report), some neighbors believe the proposal is not compatible with the neighborhood. They believe the tenants of the apartments may not be consistent with those currently living in the neighborhood, changing the character of the neighborhood. There were also concerns about current traffic levels, noting they are perceived as a current issue and many feared it would be exacerbated by the proposed development. They believe the proposed parking is insufficient and fear the impacts to on-street parking.

However, City Staff note that, for the reasons described in the preceding paragraphs, the intensity of the project and its neighborhood impacts are drastically lower than what is possible under the site’s zoning. The proposed project largely preserves the scale and character of the site rather than introducing a large-scale building or series of buildings. A more intense project with a significantly higher unit count and higher traffic generation is allowed in this zone. Staff note that the applicant proposes to develop the site with its designated land use (residential uses) in the manner most conducive to addressing the above concerns related to neighborhood compatibility: upon its implementation, the proposed project will look substantially similar to the existing building in its current condition. Furthermore, like residents of the surrounding single-family homes, residents in the proposed project are entitled to use street parking. As documented in the analysis above, the proposed project exceeds the minimum number of off-street parking spaces that are required.

Conclusion

As described in CMC 16.52.050, staff's role is to weigh the proposal's positive and negative features and public convenience of necessity to be served against any adverse condition that would result from authorizing the particular development in the location proposed.

First, it is important to emphasize the specific nonconformance and its magnitude that is being weighed. The nonconforming elements of the structure are 1) 4 feet of yard setback from NE 15th Ave, and 2) 11 inches of building height for approximately 2 feet in horizontal distance on the west of the building. Additionally, according to the applicant, the lots abutting the west property line have a higher grade than the subject site by approximately 2 feet. Considering the grade differential is greater than the 11 inches of building height, functionally the building height nonconformance is undetectable from abutting properties to the west.

Should the 4-foot setback and small portion of the building above the height allowances preclude a permitted use from existing on the site?

The discussions above highlight the extreme need for additional housing in Canby now and in the next 20 years, particularly for options aside from single family detached housing. The site is appropriate to provide multi-family housing and is a small step in meeting the City's multi-family housing need in the next 20 years. It would add less than 7% of the number of multi-family units needed in the next 20 years. The location of the development is appropriate given it's a use permitted outright in the zone that has been applied to the site as far back as 1984 and meets all other applicable criteria in the Canby Development Code.

As shown in the public comments in Section IV of this report, the neighbors have concerns about the proposal and believe it has negative features and thus a negative impact on the neighborhood. Staff recognize that new development that causes changes to neighborhoods can be difficult for existing residents. 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 take a critical review of a proposal in accordance with the city approval 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. When Staff consider the need for housing in Canby in relation to the proposal's minor level of nonconformance and that the proposal meets all other applicable Canby Development Code standards, Staff finds that the positives outweigh the negatives.

Responses to each criterion of the Nonconforming approval criteria are addressed below.

A. The proposal will be consistent with the policies of the Comprehensive Plan and the requirements of the Land Development and Planning Ordinance, other than those specific zoning standards to which the use or structure is nonconforming.

Finding 35: Consistency with the Land Development and Planning Ordinance (Chapter 16 of the Canby Municipal Code, also referred to as the Zoning/Development Code) is addressed throughout this staff report. Staff finds the proposal is consistent with all applicable Comprehensive Plan policies.

Land Use Element

POLICY NO. 2: CANBY SHALL ENCOURAGE A GENERAL INCREASE IN THE INTENSITY AND DENSITY OF PERMITTED DEVELOPMENT AS A MEANS OF MINIMIZING URBAN SPRAWL.

The proposed adaptive reuse of a former church and school to a 23-unit apartment building is a means of increasing density within City limits as a means of reducing urban sprawl. The project's density is just slightly above the minimum density required, 17 du/acre proposed and 14 du/acre required. The adaptive reuse also leverages the existing building to increase density incrementally. Increasing density in areas with existing service to public facilities and services is more feasible than expansions, one benefit of reducing urban sprawl. Staff finds the project is consistent with this Comprehensive Plan policy.

POLICY NO. 3: CANBY SHALL DISCOURAGE ANY DEVELOPMENT WHICH WILL RESULT IN OVERBURDENING ANY OF THE COMMUNITY'S PUBLIC FACILITIES OR SERVICES.

The project was reviewed by agencies that provide Canby's public facilities and services. No providers indicated the development would overburden their systems or resources. To see individual agency and provider comments, see Section IV of this report. Staff finds the project is consistent with this Comprehensive Plan policy.

Housing Element

POLICY NO. 2: CANBY SHALL ENCOURAGE A GRADUAL INCREASE IN HOUSING DENSITY AS A RESPONSE TO THE INCREASE IN HOUSING COSTS AND THE NEED FOR MORE RENTAL HOUSING.

Recent long-range planning studies in Canby have revealed the need for housing in Canby and the severe need for multi-family housing, currently and the state of the affordability of housing in Canby.

The proposed development has a density of 17 du/ac, which is just slightly above the required minimum density of 14 du/ac. Converting an existing building into a low-rise, 23-unit apartments with a density just above the minimum density required meets the intent to have a gradual increase in housing in Canby and provides additional rental housing in Canby, where current rental vacancy rates are extremely low and there is a need for multi-family rental housing (per March 2023 Housing Production Strategy). Staff finds the proposal is consistent with the Comprehensive Plan policy.

POLICY NO. 3: CANBY SHALL COORDINATE THE LOCATION OF HIGHER DENSITY HOUSING WITH THE ABILITY OF THE CITY TO PROVIDE UTILITIES, PUBLIC FACILITIES, AND A FUNCTIONAL TRANSPORTATION NETWORK.

From the perspective of utility and public facilities provision, adding housing density to existing neighborhoods is the most efficient way to reduce the amount of extension of infrastructure required, both utilities and transportation networks. The proposal is an adaptive reuse of an existing building in an older neighborhood in Canby that already has most of the infrastructure in place.

The Traffic Study (Attachment D) evaluated the impact to the transportation network, comparing the proposed use to the previous use on the site that was operational until summer 2022. The proposed use was compared to the previous use (school) to evaluate the trip generation. The total daily trips for the proposed use generate fewer daily trips than the previous use; therefore, it has a negligible impact on the existing transportation system.

Staff finds the proposal is consistent with the Comprehensive Plan policy.

B. The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features.

Finding 36: The proposal will use the site and its existing structure. The building and footprint and envelope will remain the same. Considering the site is already developed with the structure, and space for sufficient parking and landscaping to meet the standards, the characteristics of the site are suitable for the proposed use. The site meets the minimum lot size requirements of the zone. Multi-family development is a permitted use in the zone. The R-2 zone requires a minimum density of 14 du/ac in the zone. Meanwhile the proposed development is 17 du/ac, suggesting the proposal is consistent with the intended levels of development in the zone. The traffic study finds the site has adequate access; the trip generation will add a relatively small amount of trips to surrounding streets, and is requiring sidewalk upgrades to ensure safe pedestrian facilities abutting the site. Staff finds the criterion is met.

C. All required public facilities and services exist to adequately meet the needs of the proposed development.

Finding 37: The project was reviewed by agencies that provide Canby's public facilities and services. No providers indicated the development would overburden their systems or resources. To see individual comments, see Section IV of this report. Staff finds the project is consistent with this criterion.

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

Finding 38: The proposed use, multi-family housing, is permitted outright in the zone. Multi-family is not only permitted but mandated in the Canby Code to meet minimum residential densities. As shown in the 1984 Comprehensive Plan Land Use Designation Map (Attachment E), the property was planned for high-density residential as far back as 1984, and possibly before then and as permitted use since

1984 indicates the use is appropriate for the site.

The surrounding zones includes R-2, R-1.5, and R-1 properties, all residential zones and currently used for residential development. The surrounding properties are intended for residential development of varying densities (low-, medium-, and high-density residential).

Single-family residential properties can continue to have single family detached homes while abutting multi-family development. Single family homes neighboring multi-family housing, some of higher density than the proposal, are seen throughout the City of Canby, as close as one block to the north of the subject site. North of the site on NE 16th Ave. there are several multi-family developments abutting properties with single-family homes. As seen in several Canby neighborhoods, residential development of varying densities in the same block can exist harmoniously and does not preclude the use of the properties for continued residential development at densities designated by the zone. Examples include State Street Apartments (SW 3rd Avenue) and Canby West Apartments (621 N Douglas Ln.).

The Canby Development Code has provisions to allow multi-family and single family residential to be better neighbors. Additional setbacks, buffering, and height restrictions are applied to multi-family residential developments that abut the R-1 and R-1.5 properties. As described in Findings 19 and 20, all those additional regulations are met, with the exception of the nonconforming height along the building's west wing and the extended setback from N Manzanita St. Additionally, retaining the existing building's architectural style allows a similar style to neighboring properties providing architectural cohesiveness.

Staff finds the criterion is met.

E. In considering whether to approve a change in use, the city shall compare the following characteristics of the historical use of the property with that proposed by the applicant in order to assure that the change will not constitute an expansion or intensification of the nonconforming use:

1. *Traffic, including both volume and type (car, truck, foot, etc.);*
2. *Noise;*
3. *Days and hours of operation;*
4. *Physical appearance;*
5. *Other environmental considerations (dust, vibration, glare, etc.);*
6. *Type and size of equipment used.*

Finding 39: The proposed development is for a nonconforming structure with a permitted use. The following information addresses the proposed use and a permitted use in the subject zone, multi-family development.

- **Traffic.** As demonstrated in the traffic study, the traffic generated by the proposed use will be less than the use previously authorized on the site. The traffic generation is less with 155 total daily trips anticipated, including 9 peak AM trips and 12 peak PM trips. For more information see the traffic study in Attachment D. Staff note that in recent years the previously approved use

(school/day care) may not have been operating at the capacity depicted in the traffic generation metrics. However, from a land use perspective guided by the regulations in the Canby Development Code (CMC Chapter 16) the previous use runs with the land associated with the site.

- **Noise.** As a residential use permitted in the zone, the site is not expected to generate an excess amount of noise for the respective zone. The site is expected to have the assumed amount of noise generation associated with use that is a permitted outright in the R-2 zone. It is important to note the site meets the additional buffers required of multi-family uses abutting sites zoned R-1 or R-1.5. The recreation areas are located outside of the required buffers and the sports court will be within the building's breezeway. Additionally, the lot coverage of the building on the site is relatively low and the density is just slightly above the minimum density required. If demolition and new development was to be seen on the site, recent development in Canby suggests development at a much higher density would be expected.
- **Days and Hours of operations.** The residential use does not have limited days and hours of operations. In comparison to the previous use, the church and school, the use is more consistent and steady in terms of uses and will be consistent with neighboring uses and also consistent with the underlying High Density Residential zoning
- **Physical appearance.** There will be negligible changes in the physical appearance of the site. The building will retain its existing architectural design that is cohesive with many neighboring houses. Landscaping and parking areas will be updated. A new waste storage area will be screened. Lighting on the site will need to meet the Lighting Zone 1 standard, the same lighting restrictions that apply in all residential zones. The trash area will be enclosed to improve the physical appearance of the site.
- **Environmental considerations.** The residential use will not generate excess dust, vibration, or glare and will be similar to that of the previous school and church uses. The construction associated with the change of use will be subject to applicable construction standards to mitigate construction impacts to the surrounding properties.
- No special **equipment** will be used on the site.

16.89. APPLICATION AND REVIEW PROCEDURES

16.89.020 Description and summary of processes.

All land use and development applications shall be decided by using the procedures contained in this Chapter. Specific procedures for each type of permit are contained in Sections 16.89.030 through 16.89.060. The procedure type assigned to each permit governs the decision-making process for that permit. Additional requirements may be found in the individual chapters governing each permit type. The applicable type of procedure is described below. Table 16.89.020 lists the City's land use and development applications and their required procedures.

B. Type II Procedure (Administrative). Type II decisions are made by the Planning Director with public notice and an opportunity for a public hearing. The appeal of a Type II decision is heard by the Planning Commission.

TABLE 16.89.020
Land Use and Development Application Procedures

Application Type	Process Type	Notice Radius (ft)	Neighborhood Meeting Required
<i>Nonconforming Structure/Use</i>	<i>II</i>	<i>100</i>	<i>No</i>

Finding 40: Per Finding 32, the proposed project is subject to a Type II Nonconforming Structure/Use Application. The nonconforming element of the structure is described in Finding 19 and 20. A neighborhood meeting is not required prior to filing the application.

The application was determined to be complete on December 13, 2022. A Pre-decision Notice was mailed on January 25, 2023, to all property owners and residents within 100 feet of the subject property, pursuant to Table 16.89.020. Public comments received can be found in Section IV of this report. Staff finds the standards for the Type II procedure are met.

The appeal procedure for a Type II application is described in Section II.D. of this report.

IV. COMMENTS

Comments were solicited from the public within 100 feet of the subject properties and appropriate agencies.

A. PUBLIC COMMENTS

A request for public comments was sent prior to notice of decision, see Attachment F. Below is a summary of the public comment received during the public comment period from January 26, 2023, date to February 6, 2023. Verbatim comments are attached in Attachment G.

Staff Note

Staff recognize that new development that causes changes to neighborhoods can be difficult for existing landowners and residents. 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 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. This development is unique in that it is a reuse of the existing building and only triggers a staff-level decision.

Pursuant to ORS 197.307(4), only clear and objective standards can apply to residential

development. For those reasons, Planning staff are unable to require the applicant to provide or meet a standard that is more stringent or beyond the standards in the Development Code. As documented in this staff report, the current proposal meets all applicable standards in the Canby Development Code.

The City is embarking on a large review and update of City policies that will impact housing policies in the City of Canby, particularly the Comprehensive Plan update. Planning Staff encourage neighbors to engage in the upcoming public involvement opportunities to discuss how city policy can further mitigate the impacts of increased residential densities in predominantly single-family neighborhoods.

Common Concerns

The following is a list of common themes found throughout the public comments.

- **Traffic.** Based on the verbiage in the pre-decision notice letter, some believed the traffic study was completed in 1978 and believed that would not sufficiently address the current traffic conditions in the neighborhood. Various comments expressed concerns about the existing traffic and travel speeds on Manzanita St. and a recommendation for pedestrian safety measures on streets near the site.
 - *Staff Response* - The traffic study completed in January 2023 compared the delta between the apartments' forecasted traffic generation and the traffic generation of the previous use. Required transportation improvements associated with net new trips for a proposed development are regulated by Rough Proportionality Determination, described in CMC 16.08.150.K. As detailed in the traffic study, the net trips do not trigger any improvements, limiting the transportation-related conditions that can be placed on the application.
For traffic concerns that are off-site, Staff encourage neighbors to bring their concerns to the City's Traffic Safety Commission. For information on how to contact the Traffic Safety Commission visit <https://www.canbyoregon.gov/bc-traffic>.
- **Sidewalks.** Several comments described the importance of sidewalks at and around the site. The Conditions of Approval requires sidewalks consistent with City standards along the site's frontage along NE 15th Ave and N Manzanita St.
 - *Staff Response* - Pursuant to the traffic impacts as determined by the traffic study, additional sidewalks off-site cannot be required. Planning Staff recommend neighbors engage in the upcoming Transportation System Plan (TSP) update to inform the City of sidewalks gaps and deficiencies in their neighborhood. Including this information in the TSP improves the potential of funding opportunities.
- **Alleyway to NE 14th Ave.** Several comments expressed dislike and concern about the existing alleyway that extends south the NE 14th Ave.
 - *Staff Response* - The proposed development will close off the alleyway to vehicular travel. It will be landscaped and have a soft surface, pervious pedestrian pathway. One of the two existing driveways on NE 15th Ave will also be removed.
- **Parking.** Some comments suggested the required parking is not adequate, one individual suggested doubling the minimum parking standard. Some were also concerned about the overcrowding of on-street parking.

- Staff Response - Staff do not have the authority to require the applicant provide any more than the minimum parking required per the Canby Development Code. The proposed development exceeds the minimum parking required, providing 10 spaces beyond what is required (for more information, see Finding 12).
- **Street lighting.** There were concerns expressed both about not enough street lighting and fear of too much lighting on the site.
 - Staff Response - Street lighting located in the right-of-way, is required to meet City and Canby Utility standards for lighting levels and frequency of street lighting. On-site lighting (not located in the right-of-way) is subject to City lighting standards in CMC Chapter 16.43. All residential zones in the City are subject to the same lighting standards. This is required in the Conditions of Approval for the project (see Section V of this report).
- **Notice Radius and Neighborhood Input.** Some people who commented believed the notice radius should have been larger and that there should be a neighborhood meeting.
 - Staff Response - The project followed the procedural requirements for a Type II application. A notice was sent to property owners and residents within 100 feet of the property. All members of the public who commented and provided contact information are receiving notice of the decision and access to this staff report. A neighborhood meeting is not required for Type II applications.
- **Level of Density.** Many neighbors expressed the belief that the apartments are not an appropriate residential density for the neighborhood.
 - Staff Response - The site has been designated for high-density residential since 1984. Additionally, lots one to two blocks west and north of the property are also zoned R-2. The proposed development is just slightly above the minimum density required in the R-2 zone. The minimum density is 14 dwelling units per acre, while the proposed density is 17 dwelling units per acre. Staff evaluated the density of other recent multi-family development in Canby. Those developments all had higher densities. Therefore, it can be assumed that if this project was a tear down and new development, that the project density would be much denser. The Canby Development Code has some provisions intended to ease the transition between multi-family and single-family development, consistency with those standards are addressed in Findings 19 and 20 of this report.
- **Apartment Tenants and Building Safety and Upkeep.** Other neighborhood compatibility comments expressed concerns about who will inhabit the apartment units and their potential impact on the neighborhood. One neighbor has concerns about fire safety elements and the quality of the existing structure to house livable apartment units. Another neighbor was concerned about the number of existing poorly maintained multi-family buildings in the neighborhood and feared this project would result in the same.
 - Staff Response - The applicant has indicated the apartments will be market-rate housing. Pursuant to Federal Fair Housing Laws, the City cannot regulate who lives in the apartment units. Canby Fire has commented and been involved in reviewing the proposal. Many fire, life, and safety regulations are reviewed and evaluated at the building permitting stage which follows land use approval. Structural and other related building requirements are also regulated by building codes which are reviewed by Clackamas County Building Department in subsequent phases of the project.

Citizens' concerns about the upkeep and state of existing development can be checked for compliance with the Canby Municipal Code and code enforcement.

Individual Comments

Individual comments are summarized below.

- **Alice Merrill** – Believes apartments makes neighborhood “less desirable” and depreciates [property] value. Requested more citizen input for the project.
- **Unnamed** – Traffic (speeding and too many vehicles). Believe it will increase crime.
- **Dezere & Robert Jones** – Concerns about sidewalks and amount of traffic. Concerned about safety of kids. Suggested crosswalks and sidewalks. Children take the bus from 15th Ave and Manzanita. Suggested noticing area for the project should have been extended.
- **Hipolito Diaz** – Concerned about traffic safety for children. Wants to keep the neighborhood as is, will change the “peaceful environment” and perceive that property values will be affected.
- **Geraldine and Joe Ballas** – Concern about property value, suggested the property should meet the standard to which it is nonconforming. Believe the property would be better used if it was a nursing facility or park.
- **Katherine Leppik** – Concerns about sidewalks and street lighting. Dislike of parked cars on NE 14th Ave and Territorial St. Concern about notice radius was not adequate.
- **Pedro and Martha Camacho** – Concerns about traffic and the type of people that will live in the apartments. Would prefer the building to remain a school. Suggest people are driving 35 miles per hour in the neighborhood.
- **Phyllis and Roger Allen** – Suggested speed bumps to slow traffic on Manzanita. Are in favor of blocking off the alleyway.
- **Rhett** – Believes neighborhood is overrun by unkept apartments. Traffic is a major concern. Believes there are other parts of town that are more suitable for multi-family.
- **Richard and Susan Walkoski** – Suggests removing the alleyway to NE 14th Ave and having it closed off to bike and pedestrians, believe it is safer for them not to have mid-block access on NE 14th Ave. Suggested more parking should be required and are concerned about on-street parking being taken up, suggesting there is already limited availability for on-street parking. Prefers site lighting to not be overbearing and be consistent with the surrounding neighborhood.
- **Allison Osborn** – Concerned about traffic congestion. Believes sidewalks around the property are necessary. Recommended street crossing improvements near the site, including requested a marked crosswalk at N Manzanita St. and NE 15th Ave. to aid with safety of school children who have a bus stop on that corner, including future tenants on the site. Recommended other transportation safety improvements to slow traffic at nearby schools. Suggested the NE 14th Ave. alleyway be closed to vehicles. Suggested more street lighting around the site to reduce possibility and concerns of crime. Believes the type of units being built (studio and 1-bedrooms) are not conducive to the established neighborhood community feel.
- **Jeffrey Bennet** – Has concerns about fire safety elements of the property, location of trash enclosure, traffic, the quality of the existing structure to house livable apartment units.

B. AGENCY COMMENTS

- **Canby Fire – Jim Walker**
 - Fire Safety during construction, Oregon Fire Code Chapter 33: Approved vehicle access

for firefighting shall be provided during and after construction. An approved water supply shall be made available as soon as combustible material arrives on site.

- Fire Apparatus Access Roads shall be provided and maintained in accordance with sections 503.1 through 503.1.3 and Appendix D of the 2019 Oregon Fire Code. Access roads shall be marked with permanent NO PARKING – FIRE LANE & Signed. Aerial Fire Apparatus Access Road Section D105.1 thru D105.4 shall have a minimum unobstructed width of 26 feet, exclusive of the shoulders. Exception 19' around west side of building due to current set back requirements.
- Per 2019 Oregon Fire Code, Appendix B and C, based on the square footage 13,200 and type of construction requires fire flow of 3,000 gallons and a flow duration of 3 hours. Project requires 3 hydrants with a minimum spacing of 400 feet between hydrants and maximum distance from any point on street or road frontage to hydrant 225 feet. A new hydrant must be placed with the FDC must be located in the green space off of the parking lot adjacent to the driveway approach to N Manzanita Street. Existing hydrants, on NE 14th Ave. and NE 15th Ave. can count towards the required hydrants.
- Fire Department Connection Section 912.1 thru 912.7 shall be installed in accordance with the NFPA standard applicable to the system design. The location of the FDC shall be approved by the fire official.
- Fire Protection and Utility Equipment Identification and Access. Section 509.1-509.2. Fire protection equipment shall be identified in an approved manner. Rooms containing controls for air-conditioning systems, sprinkler risers and valves, or other fire detection, suppression or control elements shall be identified for the use of the fire department.
- Premises Identification Section 505.1-505.2. New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters 24" minimum shall contrast with their background.
- Canby Fire is requesting to have the alleyway left hardscaped and have removable bollards installed for fire access from the parking lot to NE 14th Ave.
 - Update – Pursuant to fire's conversation with Planning Staff, the applicant will have provided fire truck turning radii consistent with Canby Fire specifications to show sufficient access, allowing the access to be used as a pedestrian pathway instead of an alleyway.
- **Curran-McLeod Engineering – Curt McLeod**
 - Remove and replace all existing curb line along all the frontages and install sidewalks according to Public Works Design Standards.
 - All driveway approaches will be commercial designed as per our Public Works Design Standards.
- **Public Works – Spencer Polack**
 - If additional sewer lateral is need by developer, they will come off of NE 15th Ave., follow Public Works Design Standards.
- **Canby Utility Water – Lonnie Benham and Brian Hutchins, Veolia**
 - Need to know the fixture count for the apartments and how large of a domestic line size.
 - The FDC will have a double check detector device assembly.
 - The current 1" supply is likely inadequate for proposed occupancy.
- **Canby Utility Electric – Josh Muravez**
 - Canby Utility will be adding an additional transformer, which will be adjacent to the existing transformer.
 - We will need to know if the apartments will be individually metered or gang metered.

- We will need to know the load information as soon as we can, due to equipment availability.
- Additional street lights will be needed on NE 14th, NE 15th and N Manzanita St., as per the luminal standards.
- **DirectLink – Matt Downs**
 - We will need updated fiber to service individual units. Expect fiber connections will be extended to the subject site in Fall 2023, possibly earlier.
 - We will need to know if the apartments will be individually metered.
 - We will need to know how the apartments will be addressed for Clackamas County 911.
 - We there be a communications room?
 - If each apartment will have their own service (internet/telephone), we would like to work with your electrician to provide low voltage panels and Cat 6 wire.
- **Public Works, Stormwater - Daryll Hughes**
 - All private stormwater will stay on site, they have two private drywells and we will need a stormwater report including the capacity of the existing private drywells.

V. DECISION

Based upon the findings and conclusions in this report and the information submitted by the applicant, the Staff finds that the nonconforming structure expansion request is in conformance with the applicable approval criteria and **APPROVES** the Nonconforming Structure/Use Case NCS 22-01, subject to the conditions of approval listed below.

Conditions of Approval (COA):

Transportation and Access

1. The development shall design and reconstruct the existing sidewalk along the NE 15th Ave. frontage with a 6-foot sidewalk. (Traffic)
2. The development shall design and reconstruct the existing sidewalk along the N Manzanita St. frontage with a 6-foot sidewalk. (Traffic)
3. Minimum sight distance requirements shall be met at all site accesses. Sight distances should be verified in the final engineering/construction stages of development. (Traffic)
4. At the site entrance on NE 14th Ave, bollards must be added. They shall be spaced appropriately to discourage vehicular access. Location of bollards shall be approved by Public Works. (Planning, EP)
5. Remove and replace all existing curb line along all the frontages and install sidewalks according to Public Works Design Standards. (Engineering, CM)
6. All driveway approaches shall be a commercial designed as per our Public Works Design Standards. (Engineering, CM)

Canby Fire

7. Fire Safety during construction must be consistent with Oregon Fire Code Chapter 33: Approved vehicle access for firefighting shall be provided during and after construction. An approved water supply shall be made available as soon as combustible material arrives on site. (Fire, JW)
8. Fire Apparatus Access Roads shall be provided and maintained in accordance with sections 503.1 through 503.1.3 and Appendix D of the 2019 Oregon Fire Code. Access roads shall be marked

with permanent NO PARKING – FIRE LANE & Signed. Aerial Fire Apparatus Access Road Section D105.1 thru D105.4 shall have a minimum unobstructed width of 26 feet, exclusive of the shoulders. Exception 19’ around west side of building due to current set back requirements. (Fire, JW)

9. Per 2019 Oregon Fire Code, Appendix B and C, based on the square footage 13,200 and type of construction requires fire flow of 3,000 gallons and a flow duration of 3 hours. Project requires 3 hydrants with a minimum spacing of 400 feet between hydrants and maximum distance from any point on street or road frontage to hydrant 225 feet. A new hydrant must be placed with the FDC must be located in the green space off of the parking lot adjacent to the driveway approach to N Manzanita Street. Existing hydrants on NE 14th Avenue and NE 15th Avenue can count towards the required hydrants. (Fire, JM)
10. Fire Department Connection Section 912.1 thru 912.7 shall be installed in accordance with the NFPA standard applicable to the system design. The location of the FDC must be approved by the fire official. (Fire, JW)
11. Fire Protection and Utility Equipment Identification and Access. Section 509.1-509.2. Fire protection equipment shall be identified in an approved manner. Rooms containing controls for air- conditioning systems, sprinkler risers and valves, or other fire detection, suppression or control elements shall be identified for the use of the fire department. (Fire, JW)
12. Premises Identification Section 505.1-505.2. New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters 24” minimum shall contrast with their background. (Fire, JW)

Utilities

13. Any additional sewer lateral that is needed by the developer will come off of NE 15th Ave. and must follow Public Works Design Standards. (Public Works, SP)
14. All private stormwater must stay on site. A final drainage report shall be submitted with the final construction plans and must address the capacity of the two existing private drywells. (Public Works, DH and City Engineer)
15. All private storm drainage shall be disposed of onsite. (Public Works / City Engineer)
16. The FDC must have a double-check detector device assembly. (Canby Utility - Water, LB and BH)
17. Additional street lights will be needed on NE 14th, NE 15th and N Manzanita St., as per the luminal standards. (Canby Utility – Electric, JM)
18. Any new electrical connection, trenching or extension shall be conducted in conformance with DirectLink and Canby Utility. (Planning, EP)
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, EP)

Planning

20. ADA and compact parking spaces shall be appropriately labeled. (Planning, EP)
21. The applicant must provide a lighting plan that complies with the lighting standards in Chapter 16.43 and incorporates parking lot lighting to consistent with they were awarded for in the Multi-family Design Menu in responses to Table 16.21.070. (Planning, EP)
22. The applicant must provide elevations of a trash enclosure that shows the trash storage area is fully screened from via by solid wood fence or masonry wall, consistent with points awarded in Table 16.21.070. (Planning, EP)

23. The applicant must provide a landscaping plan that shows the following:
 - a. Demonstration that 25%-50% of the species are drought-tolerant, consistent with the awarded points in the Table 16.21.070.
 - b. A landscape buffer where the site abuts lower density zoning (along the south and west) adding a 15' landscaping buffer, where possible, while still allowing fire access around the west of the building, as shown on the site plan. Where there is live ground cover, the landscaping buffer will have shade trees every 30 feet. Trees shall be of sufficient size at planting.
 - c. Sports court that reflects the specifications described in Table 16.21.070. (Planning, EP)
24. The applicant is responsible for obtaining approval from utility providers for the relocation, vacation, and/or addition of public utility hookups or easements, if necessary. (Planning, EP)
25. The addressing of the units must be developed with Planning Staff and must be sufficient to allow timely responses from emergency responders. Contact Planning Staff to receive an address request form. (Planning, EP)

Project Process

26. The project shall substantially comply with the submitted narrative and plans. Any deviation from the plans may require additional land use review. (Planning, EP)
27. 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, to the satisfaction of the applicable review body. (Planning, EP)
28. An erosion control permit is required prior to any site disturbance and grading required for predevelopment phasing of the proposal. (Planning, EP)

Building Permits

29. 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. 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, EP)
30. Clackamas County Building Services will provide structural, electrical, plumbing, and mechanical plan review and inspection services. (Planning, EP)
31. 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, EP)

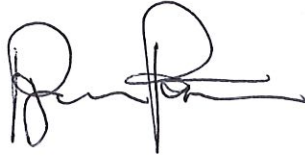
Prior to Occupancy

32. Prior to occupancy, all landscaping plant material consistent with the approved landscape plan shall be provided. (Planning, EP)
33. Prior to occupancy, all parking striping, wheel stops, ADA space requirements and any signage shall be installed. (Planning, EP)
34. Prior to occupancy, all pedestrian infrastructure including sidewalks and pathways shall be installed. (Planning, EP)

Signed:

Emma Porricolo, Associate Planner

Date:



Ryan Potter, AICP, Planning Manager
for

Don Hardy, Planning Director

Date: March 31, 2023