



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

# LAND USE APPLICATION

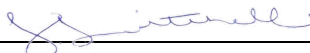
## MODIFICATION

Minor Type 1  Intermediate Type II  Major Type III

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

Applicant Name: Steve Puga (Mav Bier, LLC dba FOB Taproom) Phone: 503.505.1219  
 Address: 1109 SW 1st Ave, Suite D Email: steve@fobtaproom.com  
 City/State: Canby Zip: Oregon

Representative Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Address: \_\_\_\_\_ Email: \_\_\_\_\_  
 City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

Property Owner Name: Briar Lane Properties, LLC Phone: 503-294-0400  
 Signature:  Agent for Owner  
 Address: c/o Wyse Real Estate Advisors, 810 SE Belmont St. #100 Email: ttwitchell@wyserea.com  
 City/State: Portland, OR Zip: 97214

Property Owner Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Signature: \_\_\_\_\_  
 Address: \_\_\_\_\_ Email: \_\_\_\_\_  
 City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

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

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

**PROPERTY & PROJECT INFORMATION:**

<u>1109 SW 1st Avenue, Canby, OR 97013</u>	<u>1.24 acres</u>	<u>05022415, 05022146</u>
Street Address or Location of Subject Property	Total Size of Property	Assessor Tax Lot Numbers
<u>Retail Strip Center</u>	<u></u>	<u></u>
Existing Use, Structures, Other Improvements on Site	Zoning	Comp Plan Designation

Describe the Proposed Development or Use of Subject Property

## **MODIFICATION APPLICATION – INSTRUCTIONS**

All required application submittals detailed below must be submitted in **digital format** via email to [PlanningApps@canbyoregon.gov](mailto:PlanningApps@canbyoregon.gov).

**One (1) digital copy of this application.** The City may request further information at any time before deeming the application complete.

**Payment of appropriate fees – cash, check or credit card.** Check with Planning Department for the amount. Checks should be made out to the **City of Canby**.

**Please submit one (1) digital copy of mailing addresses in an EXCEL SPREADSHEET** for all property owners and all residents within **100** feet of the subject property. **If the address of a property owner is different from the address of a site, an address for each unit on the site must also be included and addressed to “Occupant.”** A list of property owners may be obtained from a title insurance company or from the County Assessor’s office.

**One (1) digital copy of a written, narrative statement** describing the proposed development and detailing how it conforms with our Municipal Code and to the approval criteria. Depending on your proposal, you may need to submit revised site plans, elevations, or a simple narrative

**One (1) digital** copy of the proposed plans, printed to scale no smaller than 1”=50’. The plans shall include the proposed modifications.

## **MODIFICATION APPLICATION – INFORMATION**

The Modification process provides a way to make changes to a previous land use approval, including site plans, elevations, or conditions of approval. Our goal is to allow small changes to be made swiftly and easily while allowing public review of more substantial changes. Factors to be considered in the City’s determination include impact on neighboring properties and public service provision.

Applicants should consult with Planning Department staff in advance to determine whether Modifications are minor, intermediate or major:

**Minor Modifications** have a negligible impact on an approved site plan, land use decision, or condition of approval. Examples include changing the spacing or species of approved landscaping plants, altering lot sizes by a few square feet, or amending utility plans. Minor Modifications can be reviewed and approved by planning staff under a Type I process.

**Intermediate Modifications** have a more substantial impact but do not completely change the application. Examples include changes in building design, residential lot configurations, or commercial driveway locations. The Planning Director will review intermediate modifications under a Type II process that gives notice to surrounding owners and residents before a decision is made.

**Major Modifications** have substantial impacts to an approved site plan or land use decision. Examples include: changing the type of housing or business proposed for a site; greatly increasing the amount of traffic generated by an existing use; or reconfiguring an entire subdivision. Major Modifications are reviewed under a Type III process and require a new land use application which is approved by the Planning Commission.

## 16.89.90 Modifications

Any proposed modification to previously approved land use applications, including site plans, elevations, or conditions of approval, shall be reviewed by the Planning Director to determine if they are minor, intermediate, or major. Factors to be considered in this determination include the date of the original application, the impact on neighboring properties, and the impact on public service provision. Modifications shall be processed as indicated in subsections A through D below. Modification applications shall be made on forms provided for the purpose by the Planning Director.

- A. **Minor Modification.** Minor modifications have a negligible impact on an approved site plan, land use decision, or condition of approval. The Planning Director will review all minor modifications under the Type I process.
- B. **Intermediate Modification.** Intermediate modifications are those that do not fit the definitions in 16.89.090(A) or (C). The Planning Director will review intermediate modifications under the Type II process. If the Planning Director approves an intermediate modification, notice of the decision will be made in accordance with the Type II process. The individuals noticed may obtain a public hearing on the issue by filing a request in writing within ten days of the notice mailing date. Any additional costs of such hearings shall be paid by the modification applicant. Hearing notice shall follow the requirements of the procedure type of the original application.
- C. **Major Modification.** Any modification that would result in a substantial impact to an approved site plan, land use decision, or condition of approval is a major modification. Major modifications shall be processed using the procedure type of the original application.
- D. **Modification criteria.** Modification applications shall be evaluated based on the criteria pertaining to the original application being modified. (Ord. 1111, 2003; Ord 1237, 2007)

# **FOB Taproom – Outdoor Seating Proposal**

FOB Taproom located in Canby, Oregon is looking to provide our community with outdoor seating, beginning June 1, 2023.

Please note the below details:

- As a result of the unfortunate events of the COVID-19 Pandemic, we have seen the demand for outdoor seating options remain and have already invested in many aspects of outdoor seating, in an attempt to satisfy the desires of our customers as we look to keep our business alive.
- As we continue to see COVID-19, and all the variants impact our communities across the country, outdoor seating remains even more important moving forward.
- As a small independent minority and woman owned business, on the periphery of Canby, we need to ensure that we provide an inviting and a well-developed outdoor environment to remain competitive in the community. This has proven to be a critical component of our survival.
- We have been working thus far with the City of Canby, Clackamas County, the property management group, and the ownership of this private property location, that we are currently conducting business in. The owners and property management group are in support of our goal of creating this great outdoor area for all of the community to use and enjoy.
- We will look to create an outdoor area as noted in the accompanying rendering, consisting of:
  - An area 25' wide x 17' deep, that will consist of a raised concrete sidewalk, to include fixed lighting poles and bollards (For safety) that will be 42" high with an outside dimension of 7".

Thank you for your support.

Steve Puga  
Owner & Friend Of Beer  
FOB Taproom  
1109 SW 1<sup>st</sup> Ave, Suite D  
Canby, Oregon 97013

<b>CANBY PLACE SHOPPING CENTER</b>	<b>SQUARE FOOTAGE</b>			<b>Parking Spaces Required</b>
<b>BUSINESS NAME</b>	<b>PAD A BLDG</b>	<b>PAD B BLDG</b>	<b>PAD C BLDG</b>	
Thai Corner Cuisine			2,200	18
Snap Fitness			3,100	9
FOB Taproom			1,822	15
H & R Block			1,384	3
The UPS Store			1,200	2
Verizon			1,625	3
Kentucky Fried Chicken / A & W	3,283			26
Dutch Bros		2,565		21
<b>Total</b>				<b>97</b>

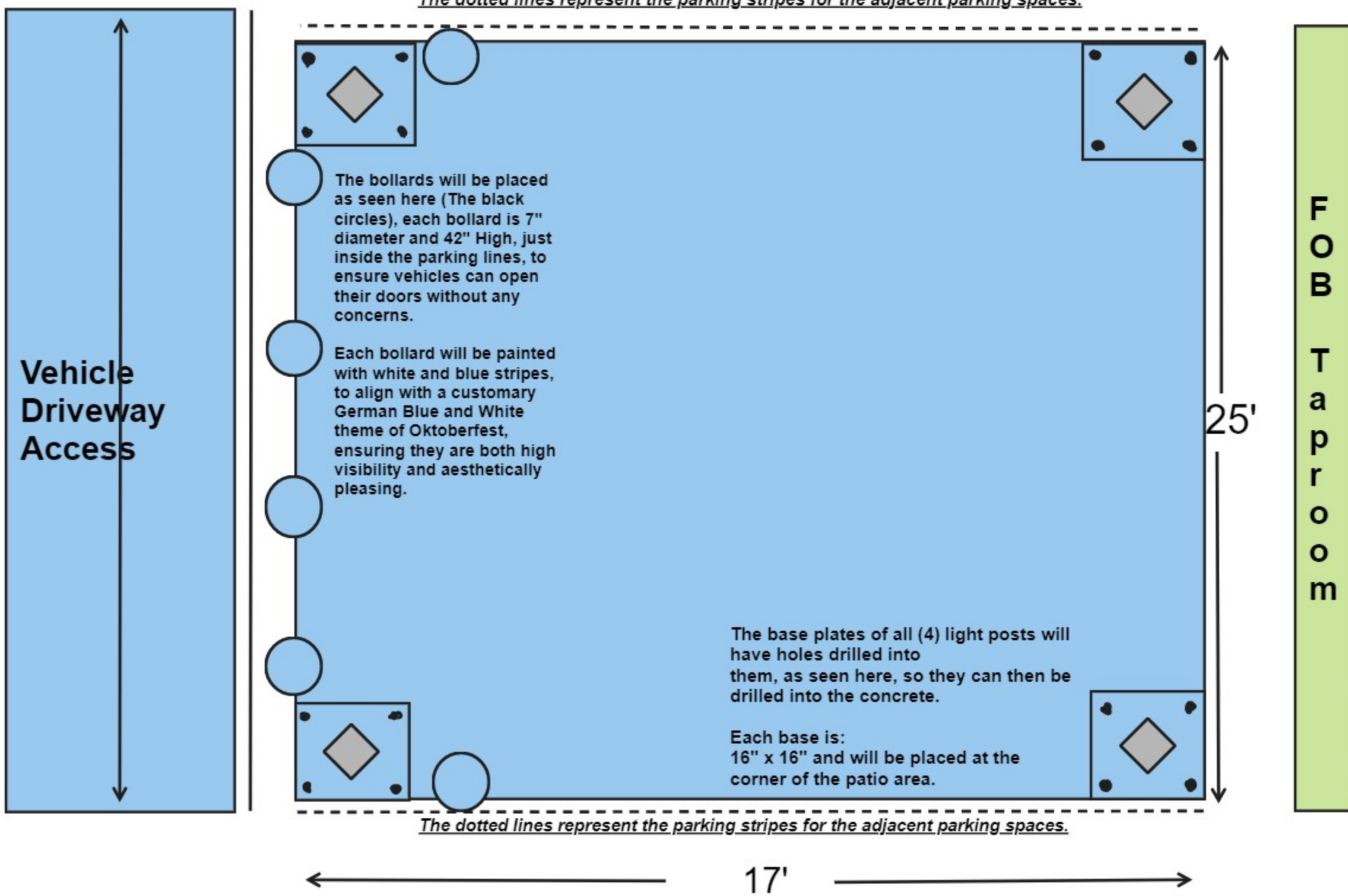
**Parking Ratios 16.10**

- Take out Resturaunt
- Health Club
- Retail / General Office

**Spaces per 1,000 gross sq ft**

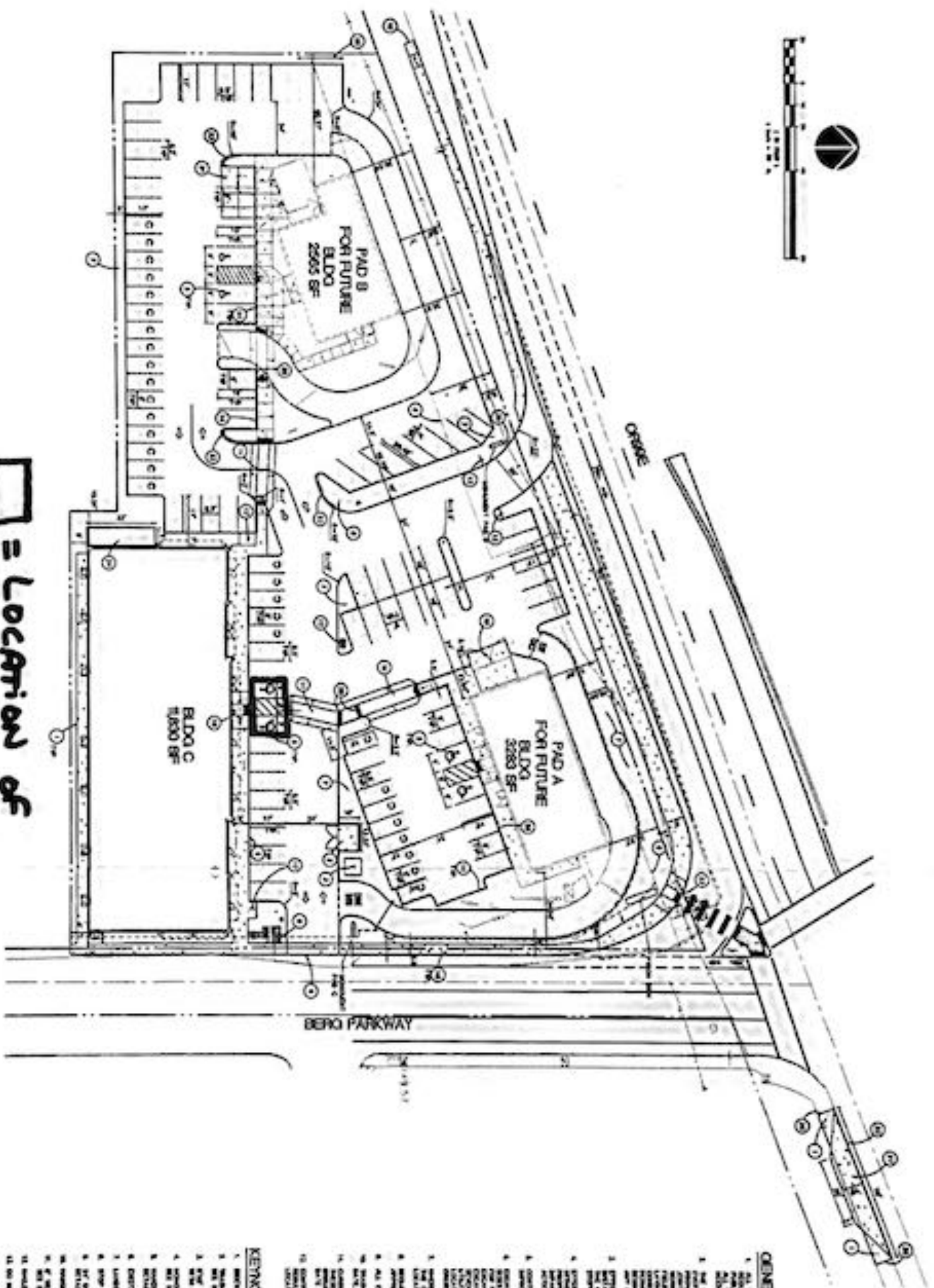
- 8
- 3
- 2

< North



These represent the 10' poles that are already welded to the base plates.





  = Location of FOB EXTENDED SIDEWALK

**SITE DATA**

PROJECT NO.	100
DATE	11/11/11
CLIENT	
PROJECT NAME	
PROJECT ADDRESS	

**GENERAL NOTES**

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF VICTORIA'S DEVELOPMENT REGULATIONS AND THE CITY'S LOCAL BYLAW. THE CITY'S LOCAL BYLAW IS AVAILABLE AT THE CITY ENGINEERING DEPARTMENT. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF VICTORIA.
2. THE SHOWN WORK IS FOR INFORMATION PURPOSES ONLY. THE DEVELOPER SHALL VERIFY ALL DIMENSIONS AND CONDITIONS ON SITE PRIOR TO CONSTRUCTION. THE ENGINEER'S OFFICE SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS.
3. THE SHOWN WORK IS FOR INFORMATION PURPOSES ONLY. THE DEVELOPER SHALL VERIFY ALL DIMENSIONS AND CONDITIONS ON SITE PRIOR TO CONSTRUCTION. THE ENGINEER'S OFFICE SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS.
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**REMARKS**

1. VERIFY ALL DIMENSIONS AND CONDITIONS ON SITE PRIOR TO CONSTRUCTION.
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10. VERIFY ALL DIMENSIONS AND CONDITIONS ON SITE PRIOR TO CONSTRUCTION.

**LEGEND**

	EXISTING STRUCTURE
	PROPOSED STRUCTURE
	BOUNDARY LINE
	UTILITY LINE
	SIDEWALK
	PARKING STALL
	MARKER
	FENCE

**BRAND**  
**MACKENZIE**

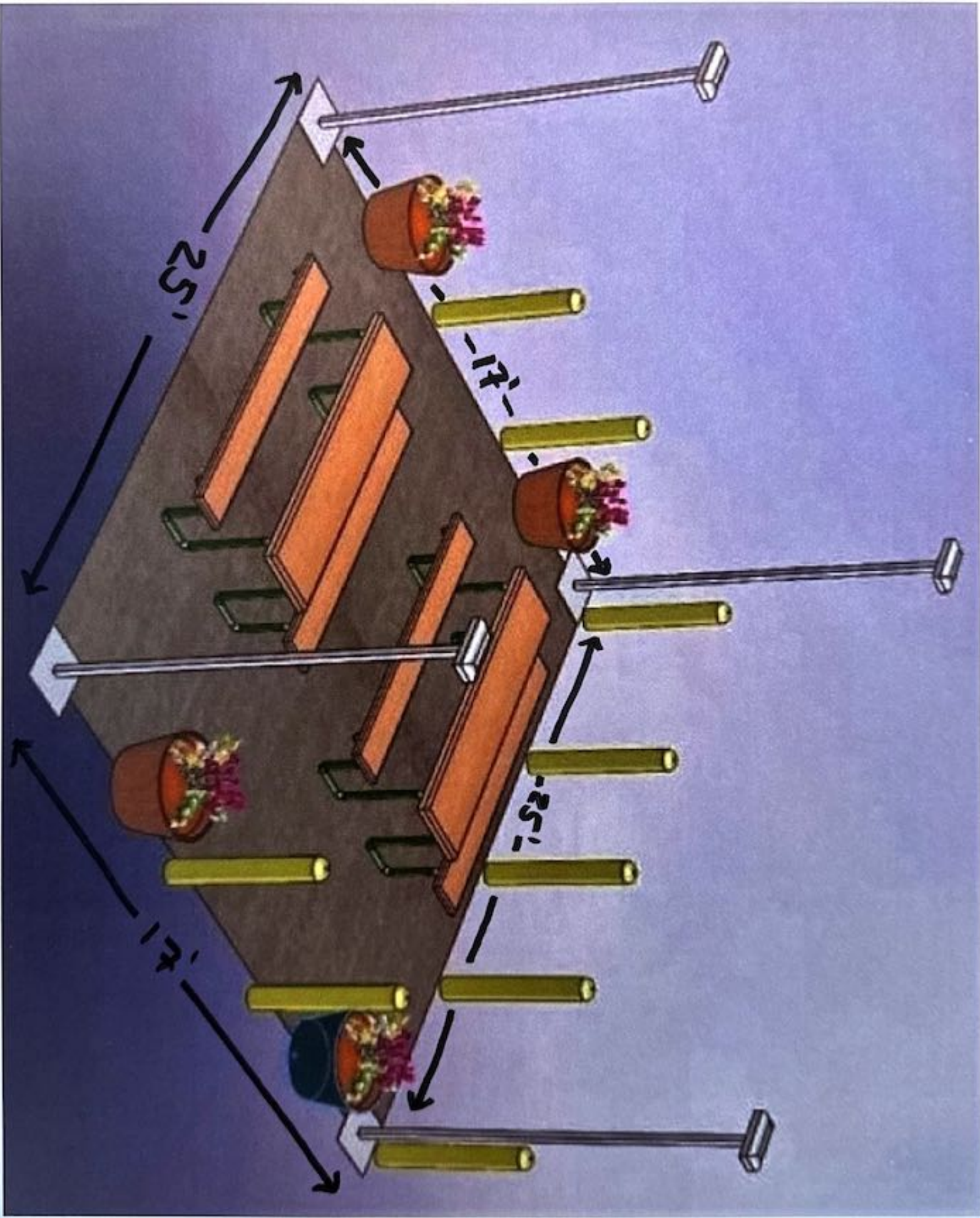
Structural Engineering  
Professional Planning  
Landscape Architecture

Project No. 100  
Sheet No. 100-100  
Date: 11/11/11

**OWNER PLACE**  
**CELESTIAL DEVELOPMENT**

**PROFESSIONAL ENGINEER**  
**REGISTERED CIVIL ENGINEER**  
**11/11/11**

**DATE PLOTTED**  
**DATE PRINTED**  
**SCALE**  
**C2**  
**NO. 100-100-100**







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# **FOB TAPROOM OUTDOOR PATIO**

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## ***Type 2 Process***

Prepared by Steve Puga, Owner and Friend Of Beer (FOB Taproom, Canby, Oregon)

Submitted to City of Canby, Development Services

April 17, 2023

**Applicable Development Code Sections:**

- 16.10 – Parking Count and design, must remove illegal loading zone
- 16.30 – Use and Dimension Standards
- 16.43 – Outdoor Lighting Standards, lighting plan
- 16.48 – Site Plan Review (Design Standards, application requirements)
- 16.49 – Site and Design Review
- Copy of Property Owner Details

***16.10 – Parking Count and design, must remove illegal loading zone***

Property Management provided a written response to the City of Canby, confirming that the illegal loading zone will be removed and re-striped, this will be based on weather conditions being conducive to doing so.

Please find their response below:

Brianna Addotta, AICP  
Associate Planner  
City of Canby  
222 NE Second Avenue  
Canby, OR 97013

April 17, 2023

Dear Ms. Addotta,

On behalf of and as Agent for Briar Lane Properties, LLC, this letter shall confirm ownership's intent to remove the "loading area" striping in the parking lot and restore it to its original configuration of parking space. This work will be completed as weather conditions allow.

Additionally, I can confirm that the owner's contact information is:

Briar Lane Properties, LLC  
c/o Wyse Real Estate Advisors  
810 SE Belmont Street, Suite 100  
Portland, OR 97214

As their property management Agent, all correspondence goes through our office. Please feel free to contact me via telephone at (503) 595-9698 or via email at [ttwitchell@wyserea.com](mailto:ttwitchell@wyserea.com) if you need additional information.

Sincerely,



Traci Twitchell  
Associate Vice President  
Wyse Real Estate Advisors



**16.30 – Use & Dimension Standards**

Please find the Site Plan below:



Site Plan with FOB extended sidewalk.pdf

Please find the Site Dimensions:



FOB Exterior.png

**16.43 – Outdoor Lighting Standards, lighting plan**

Per my correspondence with the Lighting Engineer with Clackamas County, there are no permits needed for this, as the existing light poles will simply be drilled into the concrete and use the same black string lights as are currently in use, their only request was to have a GFI protected switch added to our existing light plan.

Please find the correspondence with Clackamas County, the receipt confirming that the requested work was completed at FOB, and the details of the string lights:



FOB Email Correspondence with Clackamas County regarding Permits or Electrical.pdf



FOB - Final Electrical Update for Outdoor Lighting\_28-March-2023.pdf



FOB Outdoor String Light Details.pdf

**16.48 / 16.49 – Site Plan Review and Site Design Review**

- Materials to be used: We will look to use the existing tables and benches which are made out of wood/steel, these will remain in use.
  - There “May” be the use of commercial pressure treated wood to create a front facing fence, this is TBD.
- Confirming there will be “No” new concrete poured at the location.
- The entire patio area will be cleaned and repainted, as noted on the FOB Exterior Drawing, that is attached under “16.30”, covering the old lines that currently exist.
  - Again, this will be based on weather conditions being conducive to doing so.

Thank you for the examples and support. Based on the examples provided for the Site Plan, please see the attached FOB Exterior Drawing, that is attached under “16.30”. No other details noted will be applicable.

Don indicated that I could draw this site plan of the patio area, to show the details you’re looking for, regarding the dimensions of all associated aspects of the patio area. I did my best to ensure all data was provided as requested and applicable.

***Copy of Property Owner Details***

As discussed, this private property is owned by a family, noted on the attached as Briar Lane Properties, LLC. All others noted are tenants, not owners. If requested, the Property Manager, WYSE Real Estate, can provide confirmation of their ownership.

Please find the details below:



Property Owner List.pdf

***Summary***

We are hopeful that these details will be enough to get us over the finish line. I have tried to provide all relevant data, and to be honest, I don't know what else to provide for this small adjustment to our current patio space.

We understand and respect the process and the necessity to ensure all boxes are checked, however, hope that the information provided will be sufficient so we can begin making the arrangements needed to make our dream a reality.

With the support of you and the City of Canby, we can begin making those arrangements, and hopefully continue on our path towards recovery from the effects of COVID-19 on our small independent family business.

Thank you,  
Steve

Steve Puga  
Owner & Friend Of Beer  
FOB Taproom  
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Canby, Oregon 97013