

Good Afternoon,

Looking at this proposed project, I would like to bring up the current concerns I have brought to the City's attention through the Public Safety Committee, in regards to parking in this neighborhood, pointing out specially Enterprise Rental using public parking for their business use. (S. Grant St.; SW 2nd Ave.; SW 3rd Ave.)

Adding 12 more dwellings in the middle of this area is another consideration to an already congested neighborhood. I am not against the building of dwellings, but I am opposed to the number of proposed units being considered.

Sincerely,

Karen Bourbonnais

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Hi Mark,

Thank you for sharing your project on Zoom. It is obvious your team spent a lot of time working out the details to maximize units and meet code. Great work!

I do have one request. Will you please consider building a metal fence with plastic slats instead of wood that you propose? Reasons for this request:

- It will up the appearance of quality to match that of the similar apartment project at 205 SW 3rd Ave and help set a standard for future developments in this neighborhood.
- Fence maintenance will be minimal for many years to come. This is important on a commercial project like yours especially with multiple neighbors and ownerships.
- Metal fences are more difficult to climb. This is an exceptionally large block and I have seen people cut through yards and climb fences for a "short cut."

Thank you for your consideration and good luck with your project,

Jason

E-mail: [PublicComments@canbyoregon.gov](mailto:PublicComments@canbyoregon.gov)

Application: DR 21-04-State Street Multi-Family

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Thank you for the opportunity to submit comments on this proposed development.

As I write these comments, I have not seen a published copy of the actual design of the proposed development, specifically the size/shape of the structures, nor the layout of the buildings, ingress/egress, etc therefore I am making comments that are somewhat generic in nature.

My concerns are as follows:

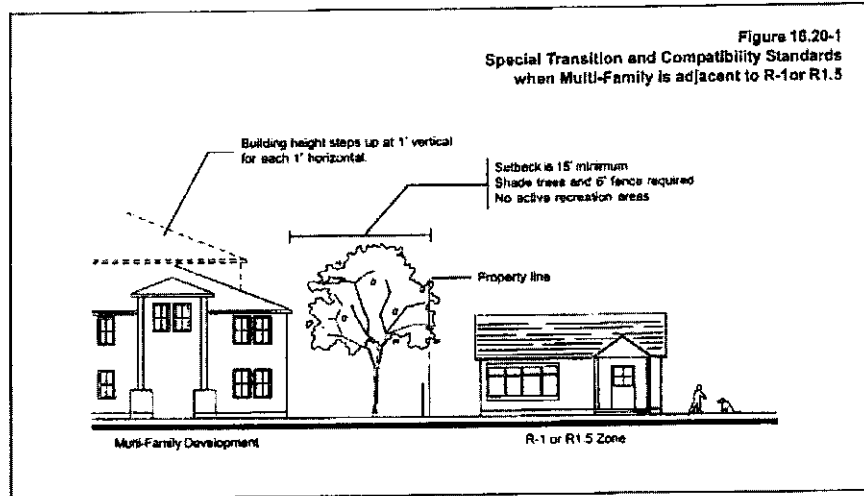
The proposal is for 2 buildings, each 3 stories in height. Canby Code 16.20.030(E)-R2 Development Standards limits the height of the Principal Building to 35 feet, but this property abuts an R-1 Zone to the rear, at Holly Street, which requires the application of compatibility standards that are shown in Figure 16.20-1 of the Canby Municipal Code (see copy of the diagram included, below).

I note there are no other 3 story buildings in this neighborhood. All of the existing single family homes in the area are 1 to 1 ½ stories tall. There are 3 fairly new townhomes constructed at the end of SW 3<sup>rd</sup> Ave where it intersects with S Fir Street, but they are only two stories tall. The newly constructed townhomes at the intersection of SW 4<sup>th</sup> and Elm are two stories, and even the new apartment complex that was constructed in the last two years, on SW 3<sup>rd</sup>, across from the Zion Church, are only 2 stories tall. In keeping with this neighborhood, this new proposal should also be limited to two stories in height.

**16.20.030(D)(5) R-2 Development Standards, Minimum Yard Requirements:**

This section of the Canby Planning Code provides for specific treatment of Multi-family development, as shown in the cutout of the Canby Municipal Code, below:

- 5. Multifamily development (3 or more units on the same property) that is adjacent to an R-1 (Low Density Residential) or R-1.5 (Medium Density Residential) zone must provide a minimum 15-foot buffer area between the multifamily development and the R-1 or R-1.5 zoned property. Within this buffer the following applies (see figure 16.20-1):**
  - a. Site obscuring landscaping shall be required. The Planning Commission may require retention of existing vegetation; installation of a 6-foot minimum height site-obscuring fence with shade trees planted a maximum of 30 feet on center; and/or other landscaping to provide visual buffering.**
  - b. No active recreation areas (tot lots, swimming pools, etc.) shall be allowed within the 15-foot buffer (garden spaces shall not be considered active recreation areas);**
- 6. Infill standards may also apply. See CMC 16.20.030(D)(3) and CMC 16.21.050.**



### **16.20.030(E)- R2 Development Standards:**

Limits the Principal Building Height to 35 feet and building length to 120 feet but also has specific building height limits regarding developments which abut an R1 Zone, which this property does do, since Holly Street (to the rear of the property) is R1:

3. Maximum building height for multifamily developments abutting an R-1 (Low Density Residential) or R-1.5 (Medium Density Residential) zone shall not exceed a building height greater than one foot for each foot of distance from the R-1 and/or R-1.5 property line.
4. Maximum building length shall be 120 feet.

### **16.20.030(G) Development Standards-Other Regulations: Recreation Space is required.**

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

### 16.10 Off Street Parking and Loading

I am eager to view the diagrams of the design of the proposed development to view the layout, size and design of the ingress/egress, sidewalks and parking, including guest parking, and bicycle racks. The shape and location of the property will make it a challenge to provide sufficient access for vehicles, and provide for the required sidewalks. In particular, the location of the entrance to the property, so close to the intersection of SW 3<sup>rd</sup> Ave and Grant Street appears to be present obstacles that seem to require a right-turn only when exiting the property. While it is completely understandable that the property can be developed, each potential obstacle should be addressed in the planning stage, and the egress from this property is certainly a concern.

Because Canby's Transportation Plan already includes a proposed future project to improve the flow of traffic in the vicinity of SW 2<sup>nd</sup>/SW 3<sup>rd</sup> Ave/SW Grant, this would be an opportune time to have the developer incorporate ingress/egress design features that compliment and work with the Transportation Master Plan. I urge a meeting of the developer and the Canby Transportation officials to discuss the topic, before approval of the development. A screenshot from the Canby Transportation Plan is attached below, showing future proposed projects that could be impacted by this development. It seems appropriate to limit the egress from the site to right hand turn only, primarily due to the nearness of the intersection with Grant Street, and the right-hand turn lane has already been established as the desired method of improving safety and flow for the area. (Transportation Plan manual pg 7-36, below).

**I believe a Traffic Impact Report is appropriate, and review for compliance with the Transportation System Plan.**

### Canby Transportation System Plan

**Table 7-6: Motor Vehicle Projects with Planning Level Costs (Financially-Constrained)**

Location	Motor Vehicle Project		Planning Level Cost
Motor Vehicle Improvements			
		a right-turn lane	
South Grant Street/SW 2 <sup>nd</sup> Avenue	16 <sup>c</sup>	Install westbound right-turn lane	\$100,000
South Ivy Street/SW 2 <sup>nd</sup> Avenue	17 <sup>c</sup>	Install eastbound right-turn lane	\$100,000
South Ivy Street/SW 3 <sup>rd</sup> Avenue	18 <sup>c</sup>	Install partial diverter on west leg to close westbound receiving lane (includes Pedestrian Project C8)	\$40,000
TOTAL			\$25,605,000

<sup>a</sup> ODOT approval required for implementation of all portions of projects on OR 99E. Engineering studies, signal warrant and traffic analysis, and conformance with ODOT standards will be evaluated as projects are developed.

<sup>b</sup> Project L6 is identified in both pedestrian and bicycle improvement lists, with corresponding portions of total cost provided in each list (i.e., sidewalk costs in pedestrian list and bike lane costs in bicycle list).

<sup>c</sup> Projects 16, 17, and 18 are intended to divert traffic from SW 3<sup>rd</sup> Avenue to SW 2<sup>nd</sup> Avenue and should be constructed together.

The chart on the next page (from the Transportation Manual) gives the guidelines for Access Management for City Streets; the unique location of this property seems to be far less than the 50 feet of minimum spacing that is needed "roadway to driveway" or even the 10 feet "driveway to driveway", and does not even address the extreme proximity of the intersection with Grant Street, but since we cannot prevent the property from being developed, we must do our very best to alleviate potential safety and traffic issues in this area. **I even urge a study of the pedestrian use of this area, in case some specific pedestrian limitations (like no-crossing areas) can be created, to soothe the congestion in the area of the ingress/egress.**

TABLE 16.46.30

**Access Management Guidelines for City Streets\***

Street Facility	Maximum spacing** of roadways	Minimum spacing** of roadways	Minimum spacing** of roadway to driveway***	Minimum Spacing** driveway to driveway***
Arterial	1,000 feet	660 feet	330 feet	330 feet or combine
Collector	600 feet	250 feet	100 feet	100 feet or combine
Neighborhood/Local	600 feet	150 feet	50 feet****	10 feet

\* Exceptions may be made in the downtown commercial district, if approved by the City Engineering or Public Works Department, where alleys and historic street grids do not conform to access spacing standards.

\*\* Measured centerline on both sides of the street

\*\*\* Private access to arterial roadways shall only be granted through a requested variance of access spacing policies when access to a lower classification facility is not feasible (which shall include an access management plan evaluation).

\*\*\*\* Not applicable for single-family residential driveways; refer to section 16.10.070(B)(10) for single-family residential access standards

Note: Spacing shall be measured between access points on both sides of the street. (Ord. 1340, 2011)

The following clipping from the Canby Code reminds us that the City can (and in this case, probably SHOULD) request a traffic study of the proposed ingress/egress.

**16.46.035 Restricted access.**

The City may allow an access to a City street that does not meet the spacing requirements of Table 16.46.030 if the proposed access is restricted (prevents certain turning movements). The City may require an applicant to provide an engineered traffic study, access management plan, or other information as needed to demonstrate that the roadway will operate within the acceptable standards with the restricted access in place. (Ord. 1237, 2007). Access to OR 99E shall be regulated by ODOT through OAR 734.51. (Ord. 1340, 2011)

And lastly, it is important for the developer to provide adequate sidewalks (all the way to the public street at SW 3<sup>rd</sup> Ave) and roads/drives, as indicated in the charts below.

**16.10.070 Parking lots and access**

B. Access: Sidewalks required.

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

**16.46.010 Number of units in residential development.**

A major factor in determining the appropriate density of residential development, particularly in higher density areas, is vehicular access. In order to assure that sufficient access is provided for emergency response as well as the convenience of residents, the following special limitations shall be placed on the allowable number of units in a residential development:

**B. Single ownership developments (condominiums, townhouses, manufactured homes, multi-family developments, etc.).**

1. Two lane access roads/drives shall be a minimum width of 20 feet with no parking permitted, or 28 feet with parking restricted to one side only, or 34 feet with no parking restrictions. Three lane access roads/drives shall be a minimum width of 32 feet with no parking permitted, or 40 feet with parking restricted to one side.

**2. The number of units permitted are as follows:**

<u>Two lane access road/drive</u>		<u>Three lane access road/drive</u>	
One access:	30 units	One access:	30 units
Two accesses:	165 units	Two accesses:	220 units
Three accesses:	258 units	Three accesses:	345 units

Thank you for allowing me to provide comments on this proposed development.

Regina Taylor

Canby, OR 97013

## Comments for the Planning Commission Meeting for DR 21-04 State Street

Submitted by:  
Regina Taylor,

Canby, OR 97013

### MY COMMENTS:

1) DENSITY: It is important to establish the correct minimum density for this project, since inadequate access to the site might limit the developer from increasing the number of units in the development beyond the minimum number.

**The correct minimum density is 5 units, as shown engineer and architects reports.**  
(Not 7 units as stated in Finding 25 by Staff)

*Canby Municipal Code: **16.20.030 Development Standards (A):**  
**Minimum Density** for a property is calculated by multiplying its area in acres **minus the area required for street-right-of way and public/ open space areas by the density standard.**"*

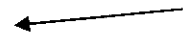
Here is the correct calculation:

Before easement: .36 acres-Minus .04 acres required recreational space\*=.32 acres.  
(\*The required Recreational space is 1,800 sq ft divided by 43,560 sq ft/acre=.04)  
.32 acres x 14/units acre=4.48 (Rounded to 5 units minimum for this property)

NOTE: If the project was reduced to less than 10 units, recreational space is not required; however the minimum number of units remains at 5: Calculation: 36 acres x 14/units acre=5.04 minimum units.

The" KEY" to the documents submitted by Studio 3 Architecture indicates the minimum number of units is 5; and this proposal is for 12 units:

<b>SITE DEVELOPMENT:</b>	
SITE AREA:	19,055.74 sf = 0.4375 ac
ZONING:	R2 HIGH DENSITY RESIDENTIAL
DENSITY:	MIN. 14 UNITS PER ACRE = 5 UNITS <b>12 UNITS PROVIDED</b>



WE HAVE ESTABLISHED THE CORRECT  
MINIMUM DENSITY FOR THE PROPERTY IS:  
5 UNITS.



2) A TRAFFIC IMPACT STUDY IS NEEDED. Staff has indicated a Traffic Study was not completed. The Study is required to determine the impact of the density the developer desires, which is 2 ½ times the minimum density.

Overview: The access to this proposed multi-family development is situated in an awkward congregation of SW 3<sup>rd</sup> Avenue, SW Grant Avenue (Grant Street happens to end here) and an existing driveway about 10 feet to the west that services a neighbor's single family residence. Commercial businesses directly across SW 3<sup>rd</sup> Avenue from the proposed development add an additional element of confusion to the traffic pattern.

Entry/exit from the proposed development onto Grant Street will place drivers in a situation where they need to *drive diagonally across the traffic lanes*, which is an unusual and unexpected and nonconforming driving maneuver.

A traffic study is needed to determine how much distraction these maneuvers will cause other drivers, and how the traffic pattern will be affected by this proposed development. The experts who conduct the Traffic Study will recommend a list of solutions for any safety issues that are identified.

**The request for a Traffic Impact Study is supported by the following Ordinances:**

- A) Canby Public Works Design Standards, Chapter 2: Streets: 2.103: General: A transportation impact study (TIS) may be required. a. If a transportation impact study was required during land use planning, then it shall be finalized as part of the design. This should take into account any changes to the development, existing conditions, or agency requirements since the time the draft report was done. b. *If a transportation study was not required during land use planning, it shall be required during design* if the proposed development creates more than 1,000 trips per day based upon the ITE Trip Generation Manual, if the development appears to have a significant impact upon local transportation, *or if the development will negatively affect an existing traffic concern.*

EXPLANATION: The Canby Transportation System Plan lists SW 3<sup>rd</sup> Avenue in the "roadway projects that are important to improving the capacity and connectivity of the transportation system". (Page 7-33) and includes it in the "Motor Vehicles Projects" Table 7-6: and in Pedestrian Project C8. (A cut-out portion of the table is provided below: NOTICE THE FOOTNOTE C STATES: "Projects 16, 17, 18 are intended to divert traffic FROM SW 3<sup>rd</sup> Avenue to SW 2<sup>nd</sup> Avenue and should be constructed together."

Since the City of Canby has a published plan to divert traffic away from SW 3<sup>rd</sup> Avenue due to existing traffic concerns, (prior to this development), a Traffic Impact Report will be beneficial in identifying potential solutions, including if limiting the density of the development is advised.

## Canby Transportation System Plan

**Table 7-6: Motor Vehicle Projects with Planning Level Costs (Financially-Constrained)**

Location	Motor Vehicle Project		Planning Level Cost
South Grant Street/SW 2 <sup>nd</sup> Avenue	16 <sup>c</sup>	Install westbound right-turn lane	\$100,000
South Ivy Street/SW 2 <sup>nd</sup> Avenue	17 <sup>c</sup>	Install eastbound right-turn lane	\$100,000
South Ivy Street/SW 3 <sup>rd</sup> Avenue	18 <sup>c</sup>	Install partial diverter on west leg to close westbound receiving lane (includes Pedestrian Project C8)	\$40,000
<b>TOTAL</b>			<b>\$25,605,000</b>

<sup>c</sup> Projects I6, I7, and I8 are intended to divert traffic from SW 3<sup>rd</sup> Avenue to SW 2<sup>nd</sup> Avenue and should be constructed together.

- B) CMC 16.04.318 Lot, Flag: A flag lot is a lot *that does not meet minimum frontage requirements* and where access to the public road is by a narrow, private right-of-way.

EXPLANATION: Staff has indicated this land is a flag lot. A Traffic Impact Report will help determine if any safety issues are created by ingress/egress from a nonconforming, narrow private road intersecting with SW 3<sup>rd</sup> Ave, and mitigation options, such as joint access with the neighbor to the west.

- C) Canby Public Works Standards, 2.211 Driveways:

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

**Minimum Driveway Spacing**

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

Notes: (1) Minimum distance or no closer than 60% of parcel frontage unless this prohibits access to the site, in which case City Administrator or designee may approve a deviation.  
(2) Direct access to this street will not be allowed if an alternative exists or is planned.

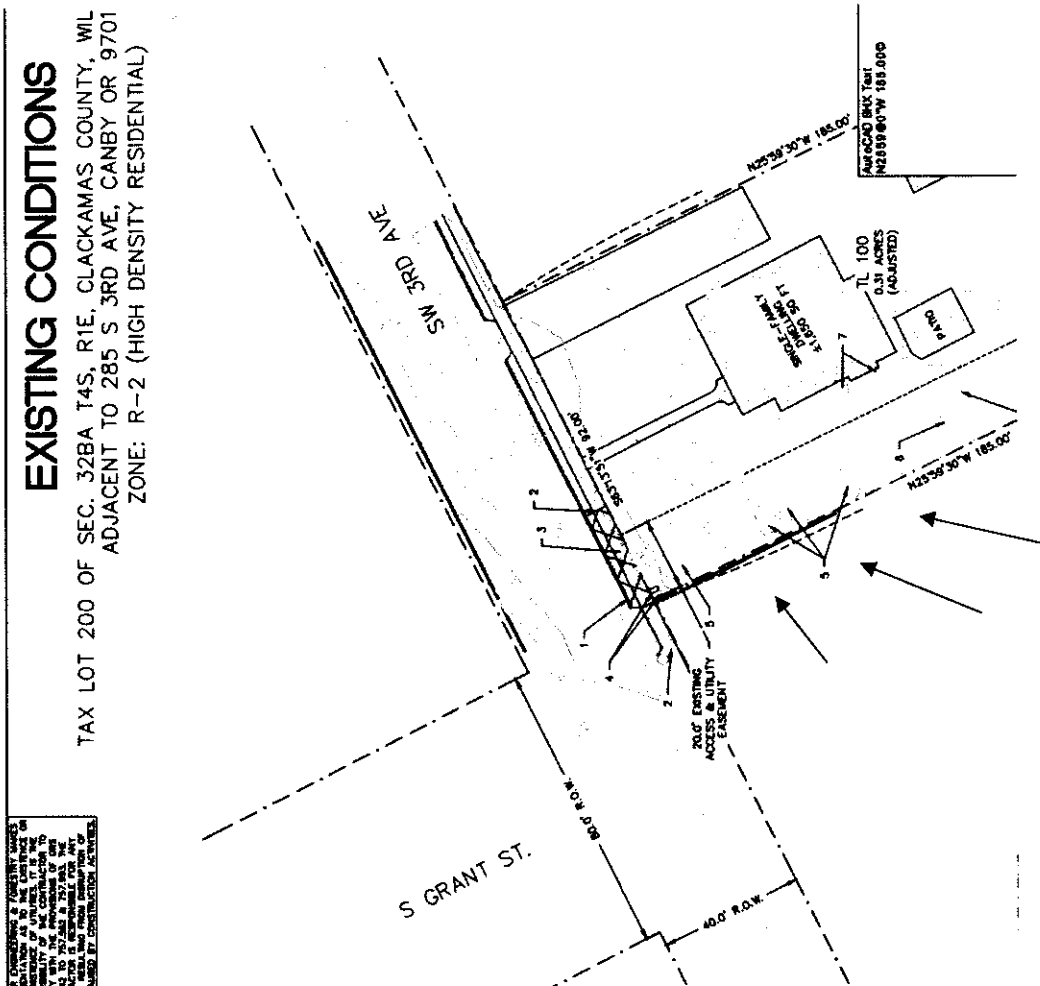
\* Driveways shall not be constructed within the curb return of a street intersection.

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

EXPLANATION: The driveway spacing for this new development fails to comply with the spacing to TWO local streets: SW 3<sup>rd</sup> Ave AND also with Grant Avenue. In addition, it is located within about 10 feet of the driveway to the neighbor to the west. A Traffic Impact Report will provide insight into how to mitigate this issue, including possibly imposing a

joint access driveway with the neighbor to the West, to reduce the number of driveways by half (one instead of two).

The engineer's drawing of the proposed location of the new driveway is seen in the diagram below. The engineer did not include the existing driveway for the neighbor to the West, however, it runs parallel to the subject property, in the area indicated by my arrows.



- D) CMC 16.46.010 Access Limitation on Project Density. Number of units in residential development. A major factor in *determining the appropriate density of residential development, particularly in higher density areas, is vehicular access.* In order to assure that sufficient access is provided for emergency response *as well as the convenience of residents,* the following special limitations shall be placed on the allowable number of units in a residential development:

**B. Single ownership developments (condominiums, townhouses, manufactured homes, multi-family developments, etc.).**

- 1. Two lane access roads/drives shall be a minimum width of 20 feet with no parking permitted, or 28 feet with parking restricted to one side only, or 34 feet with no parking restrictions. Three lane access roads/drives shall be a minimum width of 32 feet with no parking permitted, or 40 feet with parking restricted to one side.**

**E. All on-site private roads and drives shall be designed and constructed to provide safe intersections and travel surfaces which will not result in hazards for motorists, bicyclists or pedestrians.**

EXPLANATION: The CMC states that vehicular access and convenience of the neighbors (old and new neighbors), is a “major factor” in land development and can be used to limit project density. Specific widths and parking restrictions are listed; A Traffic Impact Study is essential to collect the information needed for making this decision, including if a joint/shared driveway is preferred (with the neighbor to the west), and the optimal configuration of such a joint driveway (Width, parking, sidewalks, etc).

**E) CMC 16.08.150 Traffic Impact Study A) Purpose.** The purpose of this section of the code is to implement Section 660-012- 0045(2)(b) of the State Transportation Planning Rule, which requires the city to adopt a process to apply conditions to development proposals ***in order to minimize adverse impacts to and protect transportation facilities.*** This section *establishes the standards to determine when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Study must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities: what information must be included in a Traffic Impact Study; and who is qualified to prepare the Study.*

CMC 16.08.150.C. Determination. Based on information provided by the applicant about the proposed development, the city will determine when a TIS is required and will consider the following when making that determination.

- 1. Changes in land use designation, zoning designation, or development standard.**
- 2. Changes in use or intensity of use.**
- 3. Projected increase in trip generation.**
- 4. Potential impacts to residential areas and local streets.**
- 5. Potential impacts to priority pedestrian and bicycle routes, including, but not limited to school routes and multimodal street improvements identified in the TSP.**
- 6. Potential impacts to intersection level of service (LOS).**

EXPLANATION: This ordinance specifically identifies the reason a Traffic Report is needed; as I have highlighted in RED. The development standard and intensity of use the minimum density of 5 units has been increased by 2 ½ times, to 12 units by the developer.

**F) CMC.46.030 Access Connection. A. Spacing of accesses on City Streets.** The number and spacing of accesses on City streets shall be specified in Table 16.46.020. Proposed developments or land use actions that do not comply with these standards will be required to obtain an access spacing exception and address the joint and cross access requirements of this Chapter.

**TABLE 16.46.30**  
**Access Management Guidelines for City Streets\***

Street Facility	Maximum spacing** of roadways	Minimum spacing** of roadways	Minimum spacing** of roadway to driveway***	Minimum Spacing** driveway to driveway***
Arterial	1,000 feet	660 feet	330 feet	330 feet or combine
Collector	600 feet	250 feet	100 feet	100 feet or combine
Neighborhood/Local	600 feet	150 feet	50 feet****	10 feet

**CMC 16.46.035 Restricted access.** The City may allow an access to a City street that does not meet the spacing requirements of Table 16.46.030 if the proposed access is restricted (prevents certain turning movements). The City may require an applicant to provide an engineered traffic study, access management plan, or other information as needed to demonstrate that the roadway will operate within the acceptable standards with the restricted access in place.)

**EXPLANATION:** Findings 20 and 21 indicate the ingress/egress is problematic. A Traffic Impact Study is needed to identify the need for restricted access, such as reducing the number of driveways (imposing joint/shared access with the neighbor to the west). In addition, access by pedestrians can be restricted by installing traffic and/or pedestrian controlling or calming mechanisms (perhaps eliminating pedestrian access to a short section of SW 3<sup>rd</sup> where the Ingress/Egress occurs, where pedestrians could be directed to use the other side of the street).

G) **CMC 16.46.040 Joint and cross access.** Any developments requiring site plan review that ***do not meet access spacing requirements are subject to these requirements***. In these cases, the following information shall be shown on the site plan.

B. A system of joint use driveways and cross access easements shall be established wherever feasible and shall incorporate the following:

1. A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards; 2. A design speed of 10 mph and a minimum width of 20 feet to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles; 3. Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive; 4. A unified access and circulation system plan for coordinated or shared parking areas is encouraged. E. The City may reduce required separation distance of access points where they prove impractical, ***provided all of the following requirements are met: 1. Joint access driveways and cross access easements are provided in accordance with this section.***

**EXPLANATION:** Data from a Traffic Impact Study would help determine if joining/sharing the driveway of State Street Apartments and the neighbor to the west is beneficial. The neighbor's driveway currently runs parallel to the proposed development; joining them would decrease the number of drive lanes from 3 to 2, provide ample room for safe, wide sidewalks, and possibly additional parking for the proposed development. This shared driveway could be beneficial in the future, should the neighbor(s) to the west decide they also desire to develop their large back yard into an apartment complex.

H) **CMC 16.08.150 Traffic Impact Study (I)**: Conditions of Approval. The city may deny, approve, or approve with appropriate conditions a development proposal in order to **minimize impacts and protect transportation facilities**.

1. Where the existing transportation system will be impacted by the proposed development, dedication of land for streets, transit facilities, sidewalks, bikeways, paths, or accessways may be required to ensure that the transportation system is adequate to handle the additional burden caused by the proposed use.

2. Where the existing transportation system is shown to be burdened by the proposed use, improvements such as paving, curbing, installation or contribution to traffic signals, traffic channelization, construction of sidewalks, bikeways, accessways, paths, or street that serve the proposed use may be required.

3. The city may require the development to grant a cross-over access easement(s) to adjacent parcel(s) to address access spacing standards on arterials and collector roadways or site-specific safety concerns. Construction of shared access may be required at the time of development if feasible, given existing adjacent land use. The access easement must be established by deed.

**EXPLANATION:** A cross-over access easement should be reviewed for feasibility for this project. Even if the cross-over easement does not extend all the way to the rear of the development, having it in place at the junction with SW 3<sup>rd</sup> Avenue would eliminate much of the strain, and could completely eliminate the situation of two drivers both exiting onto SW 3<sup>rd</sup> at the same time (one from the apartment complex, and the other from the neighbor to the West). A partial solution is far better than the current situation.

I) **CMC 16.08.160: Safety and Functionality Standards**. The City will not issue any development permits unless the proposed development complies with the city's basic transportation safety and functionality standards, the purpose of which is to ensure that development does not occur in areas **where the surrounding public facilities are inadequate**. Upon submission of a development permit application, an applicant shall demonstrate that the development property has or will have the following:

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

**EXPLANATION:** A Traffic Impact Study would help determine if it would be appropriate to limit parking along SW 3<sup>rd</sup> Avenue near this confusing nexus of Grant/SW 3<sup>rd</sup> and the ingress/egress from the proposed development, to provide clear site distances and reduce distractions. Possibly limit parking to one side of SW 3<sup>rd</sup> Ave or strategic portions of SW 3<sup>rd</sup> Ave.

J) **16.46.050 Nonconforming access features**. Legal access connections in place as of April 19, 2000 that do not conform with the standards herein are considered nonconforming features **and shall be brought into compliance with applicable standards under the following conditions:**

A. When new access connection permits are requested; or

B. Change in use or enlargements or improvements that will significantly increase trip generation.

**16.46.060 Amount of access points**. In the interest of promoting unified access and circulation systems, **the number of access points permitted shall be the minimum number necessary** to provide reasonable access to these properties, not the maximum available for that frontage. All

necessary easements, agreements, and stipulations shall be met. This shall also apply to phased development plans. The owner and all lessees within the affected area are responsible for compliance with the requirements of this ordinance and both shall be cited for any violation.

16.46.060 B) Access Management Plan Required. An applicant requesting an access exception may be required to submit an access management plan. The access management plan shall explain the need for the modification and demonstrate that the modification maintains the classified function and integrity of the facility.

1. The minimum study area shall include the length of the site's frontage plus the distance of the applicable access spacing standard, measured from each property line or access point(s), whichever is greater. For example, a property with 500 feet of frontage on an arterial (required 660 foot access spacing standard) shall have a minimum study area which is 1,820 feet in length. 2. The potential safety and operational problems associated with the proposed access point. The access management plan shall review both existing and future access for all properties within the study area as defined above. 3. A comparison of all alternatives examined. At a minimum, the access management plan shall evaluate the proposed modification to the access spacing standard and the impacts of a plan utilizing the City standard for access spacing. Specifically, the access management plan shall identify any impacts on the operations and/or safety of the various alternatives. 4. A list of improvements and recommendations necessary to implement the proposed access modification, specifically addressing all safety and operational concerns identified. C. The granting of the exception shall be in harmony with the purpose and intent of these regulations and shall not be considered until every feasible option for meeting access standards is explored. D. No exception shall be granted where such hardship is self-created. E. Reasons for denying access spacing exception applications include, but are not limited to, traffic safety concerns, expected or planned traffic increases due to development or road construction, and emergency service provision issues.

EXPLANATION: In regards to any arguments against the City requiring the neighbor to the west to be included in a joint access situation, the above ***TWO Canby Municipal Codes*** prove that the need to safely control neighborhood traffic overrules the argument to maintain the single driveway: The current location of the neighbor's driveway, directly in the intersection of SW 3<sup>rd</sup> Ave and Grant is a nonconforming access feature. I argue that the neighborhood is in "phased development", including the apartments that were built a year ago at 203 SW 3<sup>RD</sup> Ave, the proposal we are discussing today, and the extremely likely future proposals for the huge rear yards of the three homes to the west of the proposal we are discussing today

K) **CMC 16.46.070 Exception standards.** A. An exception may be allowed from the access spacing standards if the applicant can provide proof of unique or special conditions that make strict application of the provisions impractical. Applicants shall include proof that:

1. Indirect or restricted access cannot be obtained; 2. No engineering or construction solutions can be reasonably applied to mitigate the condition; and 3. No alternative access is available from a street with a lower functional classification than the primary roadway.

B. Access Management Plan Required. An applicant requesting an access exception may be required to submit an access management plan. The access management plan shall explain the need for the modification and demonstrate that the modification maintains the classified function and integrity of the facility. An access management plan shall be prepared and certified by a traffic or civil engineer registered in the State of Oregon. An access management plan shall at minimum contain the following:

1. The minimum study area shall include the length of the site's frontage plus the distance of the applicable access spacing standard, measured from each property line or access point(s),

whichever is greater. For example, a property with 500 feet of frontage on an arterial (required 660 foot access spacing standard) shall have a minimum study area which is 1,820 feet in length. 2. The potential safety and operational problems associated with the proposed access point. The access management plan shall review both existing and future access for all properties within the study area as defined above. 3. A comparison of all alternatives examined. At a minimum, the access management plan shall evaluate the proposed modification to the access spacing standard and the impacts of a plan utilizing the City standard for access spacing. Specifically, the access management plan shall identify any impacts on the operations and/or safety of the various alternatives. 4. A list of improvements and recommendations necessary to implement the proposed access modification, specifically addressing all safety and operational concerns identified. 5. References to standards or publications used to prepare the access management plan.

C. The granting of the exception shall be in harmony with the purpose and intent of these regulations and shall not be considered until every feasible option for meeting access standards is explored.

D. No exception shall be granted where such hardship is self-created.

**E. Reasons for denying access spacing exception applications include, but are not limited to, traffic safety concerns, expected or planned traffic increases due to development or road construction, and emergency service provision issues.**

EXPLANATION: Canby Municipal Code provides a remedy for “Exception Standards”, which apply to the current proposal, but have not yet been applied. I strongly urge a reassessment of the proposal to include the above code, and publication of the findings so that citizens can see that the process was carried out, and the results of each step.

### 3) RECREATIONAL SPACE: (Labeling the documents, and signage)

FINDING 39: Staff indicates that the proposed 12 units require 1,800 square feet of recreational space, and that this space is located in the south and southwest portion of the site.

Unfortunately, this recreational space is not labeled on the engineering drawings. Specifically, it is not labeled as “**required**” recreational space. Therefore, at some point in the future, this area could be reviewed for some other purpose, and minus the correct labeling, it could be converted to parking, or even converted to a driveway to extend into the undeveloped areas in the four lots to the west, where additional apartment complexes will likely be built in the near future.

It is important to have this required recreational space labeled to prevent it from being converted to other uses.

Also, the required recreational space should have onsite physical signage/designation, and be fenced/separated in some manner from the required 15-foot quiet buffer and trees where no active play is allowed (next to the R-1 zone at Holly Street). Active play is allowed in the recreational space only. Perhaps a few simple “Quiet Zone Beyond This Fence” on the buffer would remedy. The area will likely become a noisy private dog park otherwise.



4) I have extreme concern regarding the conflicting/confusing information regarding the access lane and a one-way drive.

Regarding Staff Findings 14, 16, 17, 18, 19 which deal with the width and use of the ingress/egress from the property:

#### QUESTIONS:

- 1) How many **drive lanes** are going to be provided into the development? Will there be one lane for cars coming in, and a second lane for cars exiting? Or do the residents actually all have to share a single lane? This is significant, because it can cause an impact at the entrance on SW 3<sup>rd</sup> Avenue, if several cars are waiting in a queue to gain access to their dwellings in the apartment complex. This can GREATLY impact the flow of traffic on SW 3<sup>rd</sup> and SW Grant Street.

Imagine CAR #A arriving at the entrance drive at SW 3<sup>rd</sup>, beginning to turn in, and suddenly realize that CAR #B has already driven half way down the lane to exit; CAR #A would have to back out onto SW 3<sup>rd</sup> Avenue (if there weren't other cars already in queue also). There could be cars on SW Grant also waiting in queue to enter the development, causing extreme chaos and danger. Add pedestrians to the narrow drive, and the chaos increases even more.

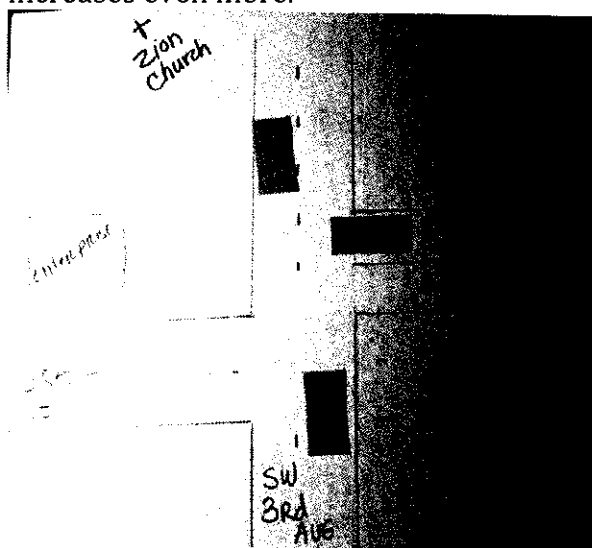


Illustration of cars meeting head-on in the one-way lane while another car queues for entry; will the green car back out onto SW 3<sup>rd</sup> Ave?

A second issue is the proximity of the proposed access drive to the driveway of the neighbor to the west; there will be a great deal of confusion when cars from both driveways attempt to exit side-by-side, onto Grant Street, simultaneously! Especially if the car on the left needs to turn right, and vice versa.

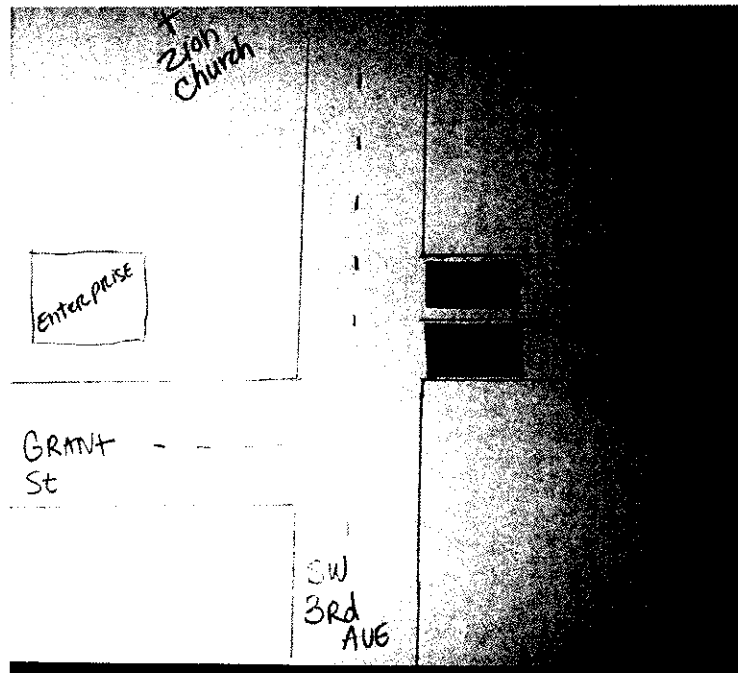


Illustration of the parallel driveways, and a car exiting from each simultaneously.

A Traffic Impact Study will help find any solutions for the above issues and others.

- 2) If only one travel lane is created, and the rolled sidewalk is created for pedestrians, what will stop drivers from becoming impatient and simply using the sidewalk to drive into the development (or stop them from parking there "temporarily")?
- 3) It appears the reason for the rolled sidewalk is that the fire trucks would need to drive upon both the drive lane and the rolled sidewalk area, to have sufficient width area to access the development. Is this correct? And should a fire situation occur, the residents who may need to vacate the apartment area would find the firetruck blocking the entire exit from the complex, is this correct?
- 4) If the above ingress/egress situation is correct, then it is imperative to LIMIT THE PROJECT DENSITY TO THE MINIMUM OF FIVE UNITS, for the obvious safety reasons.
- 5) Another option is for the city to impose as a condition of development of units exceeding the minimum of 5 units, that a joint/shared ingress/egress be developed with the neighbor to the west, who also has a driveway, parallel to this one; combining the drive area of the joint/shared access should gain an additional 10-15 feet and eliminate the above situations. There should be no argument that the density should be limited, if the access is so horrible!

**FINAL COMMENTS:** It is understood that the developer has the right to build upon the property, and that additional housing is needed (especially apartments) and infill must occur. The neighbors of SW Canby are aware that the large back yards in this R2 Zone are enticing and ripe for development; but we also realize that the development must be controlled, strategic, safe, tolerable, and disciplined. A poorly designed development IN THIS LOCATION at this time could jeopardize the long-range phased development of the nearby real estate.



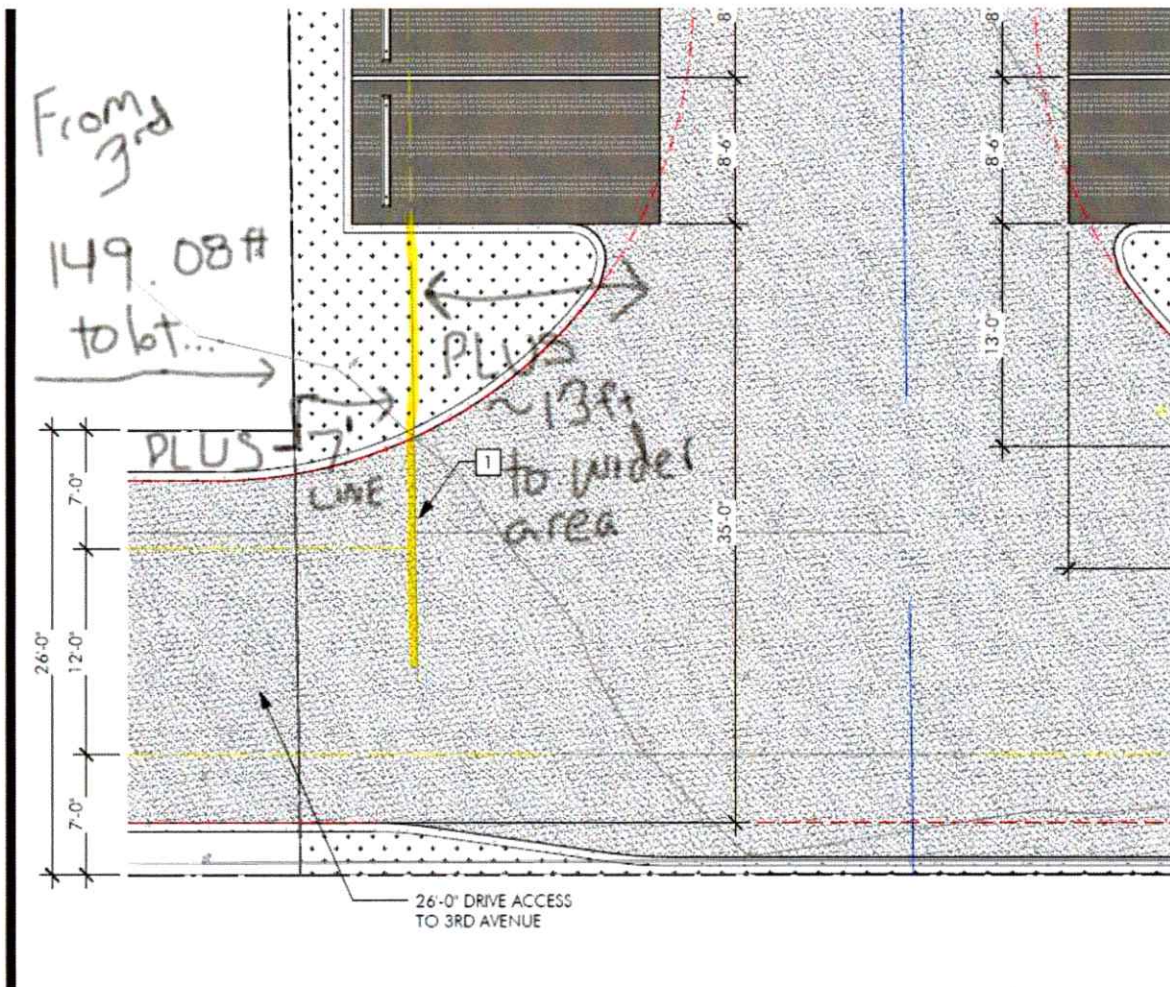
This diagram gives an overview of the proposed State Street development, and shows the undeveloped back yards of four neighbors to the west. It would be far more ideal to have this land developed in a planned manner, instead of piece-meal, and it would be wonderful if the Planning Department and the City could get together to help guide the process. Ultimately it comes down to the timing....when the land owners want to sell and when the developers want to develop, but we have to do our best during each step.

Thank you for your time.  
Regina Taylor

Hello,

I would like to clarify that I am not opposed to any development, but am very concerned about the density in this application given its location and access route.

This flag lot is non-conforming. Access to the lot can only be reached via the approximately 170' deep, 26' wide easement. Though there are conflicts in the documentation (185' deep before the lot line adjustment) it is still roughly 170' deep after the adjustment and taking the developer's engineering spec into account, as approximately 20 ft of the back lot remains width restricted before opening up for the turnaround (forgive the markup). The paved parking spaces are 18 ft deep:



Due to the proximity of the easement to neighboring homes (4 ft to the wall of 285 SW 3<sup>rd</sup>) and on the lot line of 299 SW 3<sup>rd</sup> (with ~7ft to the front door of 299 SW 3<sup>rd</sup>), both sides of the easement are subject to screening: **Finding 32 stated:** As a condition of approval, site obscuring landscaping and/or fencing shall be provided along the perimeter of the enter property.

Though 16.08.110 G.2.c. would typically require "Solid fencing shall be set back at least three (3) feet from the property line that abuts the pathway.", as a non conforming lot this can and clearly must be waived. **Finding 16 states in part:** As a condition of approval, the applicant shall provide a sidewalk or designated pedestrian path within the easement area that provides real and physical access and separation from the travel surface path. This can be a mountable or "rollable" curb or at grade concrete sidewalk that is part of the travel surface.



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

**Finding 18 states in part:** Staff understand that the applicant is complying with Canby Fire District requests to provide 26-foot wide clear area for fire access. Staff recommend that the Planning Commission require a 5-foot rollable curb sidewalk surface or at-grade sidewalk that is clearly delineated as a pedestrian travel way. This could be part of the 20' wide travel surface or within the 26-foot wide private access easement.

There is 26' wide easement, which needs a 5' wide designated pedestrian path. Within the remaining 21' width, sight obscuring fencing will need to be installed to block vehicle headlights from the very nearby homes on either side. Even installing fences right at the lot lines, some width is lost – perhaps 2 feet? Can the fire trucks still get back on a 24' wide easement? EVEN IF THEY CAN, at only 19-20' wide, this is a ONE-WAY drive.....for a length of 170'. While the drive is more than the 12' width required for a One-Way Ingress or Egress, that is not the important point. **Two cars cannot pass one another around the pedestrian path**, and because of this length of drive, many times drivers will be unable to see one another until *after* the vehicle turning off of 3<sup>rd</sup> Ave has done so.

On a 170' deep, one-way driveway, there is more than ample opportunity for opposing cars to be faced with one another. Who backs up? Does the commission truly find it acceptable to back out on to 3<sup>rd</sup>, with a driveway that is immediately just beyond the intersection of Grant and SW 3<sup>rd</sup>? One can not assume the vehicle attempting to leave the apartments will always back up...nor can that be enforced. How then does the developer propose to keep the pedestrian walkways safe?

The (Studio 3 Architecture) Site Plan and Design Review – Written Statement indicates **they do not** believe this to be possible:

- 16.49.065.B – On-site facilities shall be provided to accommodate safe and convenient pedestrian and bicycle access within new subdivisions, multi-family developments, planned development, shopping centers, and commercial districts, and connecting to adjacent residential areas and neighborhood activity centers. Residential developments shall include streets with sidewalks and accessways.
  - The 185'-0" easement off of 3<sup>rd</sup> avenue is 26'-0" wide. Due to the need for a 26'-0" access and 20'-0" drive aisle for a fire apparatus, the development of sidewalks along this newly established private drive is not possible. However, the internal walkway system connecting the parking lot and bicycle enclosures to the buildings is made as safe and convenient to the pedestrian as possible.

Now, were this initial assertion be retracted and revised by State Street/Studio 3 Architecture, it is still another strong indication of how necessary a Traffic Impact Analysis is. **Finding 2** states "Planning staff determined that a Transportation Impact Analysis (TIA)<sup>1</sup> is not required. This decision was based on the information provided by the project applicant and the factors identified in Subsection 16.08.150 (C). A traffic impact analysis is conducted typically with a change in zoning designation, land division, annexation or large square footage commercial, residential and industrial project. Should the Planning Commission request a traffic study that would require continuing this hearing to a later date." Based on the information provided by the applicant, they did not think both could be done. I maintain that it appears the factors in Subsection 16.08.150 (C) **do indeed apply**.

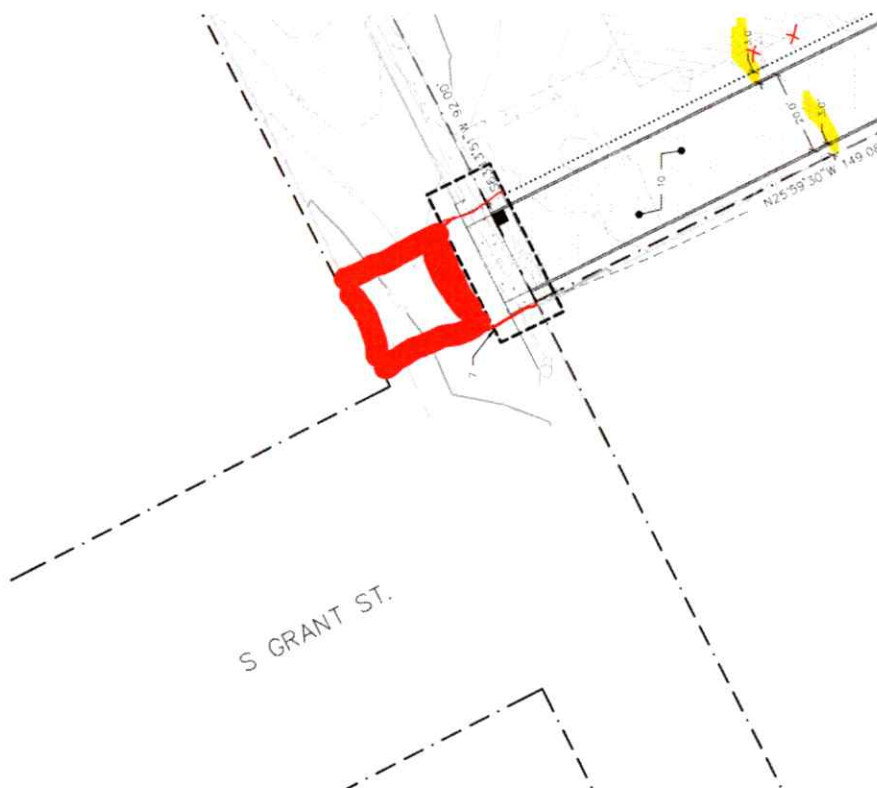
To further support the need for a TIA, please revisit the following criteria:

#### Minimum Driveway Spacing

<u>Street Classification</u>	<u>Intersection</u>	<u>Driveway</u>
Arterial (2)	330' (1)	330' (1)
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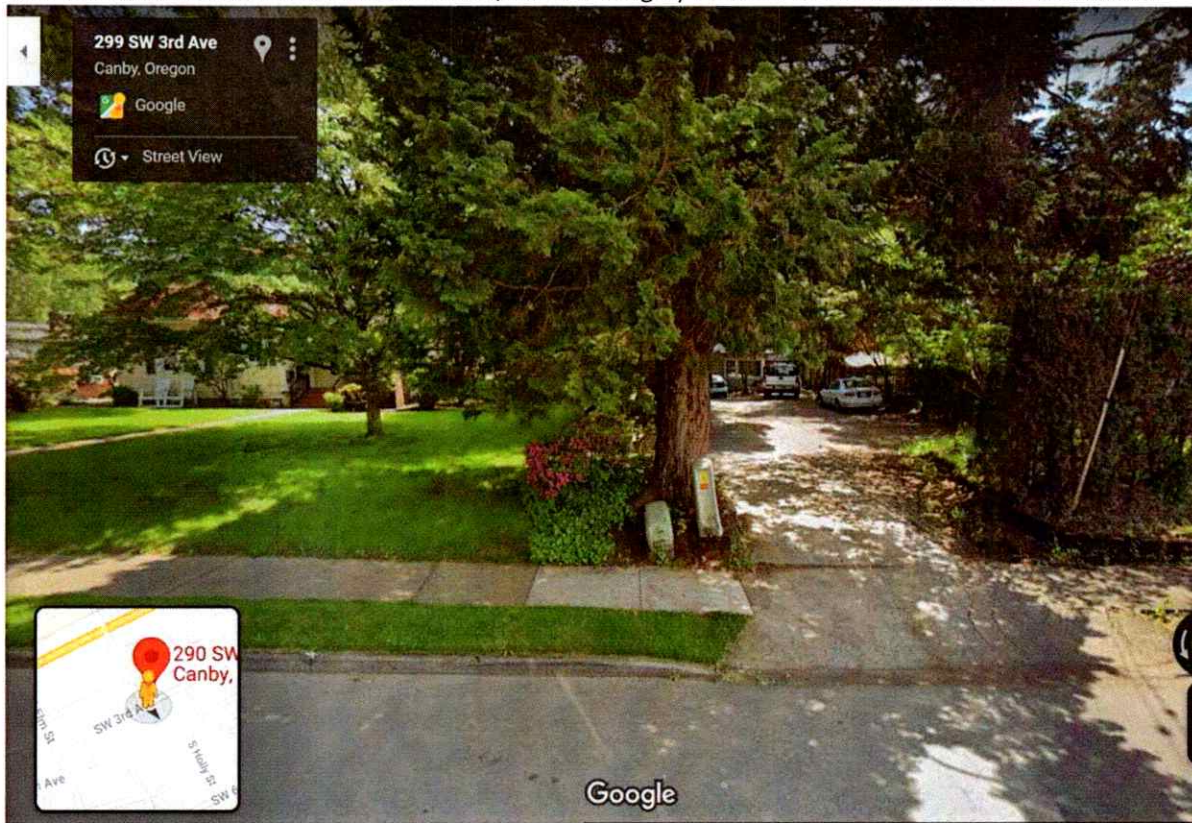
- Notes:**
- (1) Minimum distance or no closer than 60% of parcel frontage unless this prohibits access to the site, in which case City Administrator or designee may approve a deviation.
  - (2) Direct access to this street will not be allowed if an alternative exists or is planned.
  - (3) For single-family residential houses, the minimum distance between driveways and an intersection shall be thirty (30) feet.

The distance of the easement to the intersection of Grant/SW 3<sup>rd</sup> is less than the 50 ft required for driveways on Neighborhood Routes. The neighboring driveway at 299 SW 3<sup>rd</sup> is less than 10 ft from the easement as well – it's 0 ft! While exceptions can be made for non-conforming lots, they still need a critical review to ensure safety.





This is a Google Maps view showing the proximity of the easement and the neighboring drive – all of the trees behind the utility accesses are being removed. I believe the smaller tree, set back at 285 SW 3<sup>rd</sup> on the left must be removed as well to accommodate the easement access, but it is roughly location of the left side of the easement.

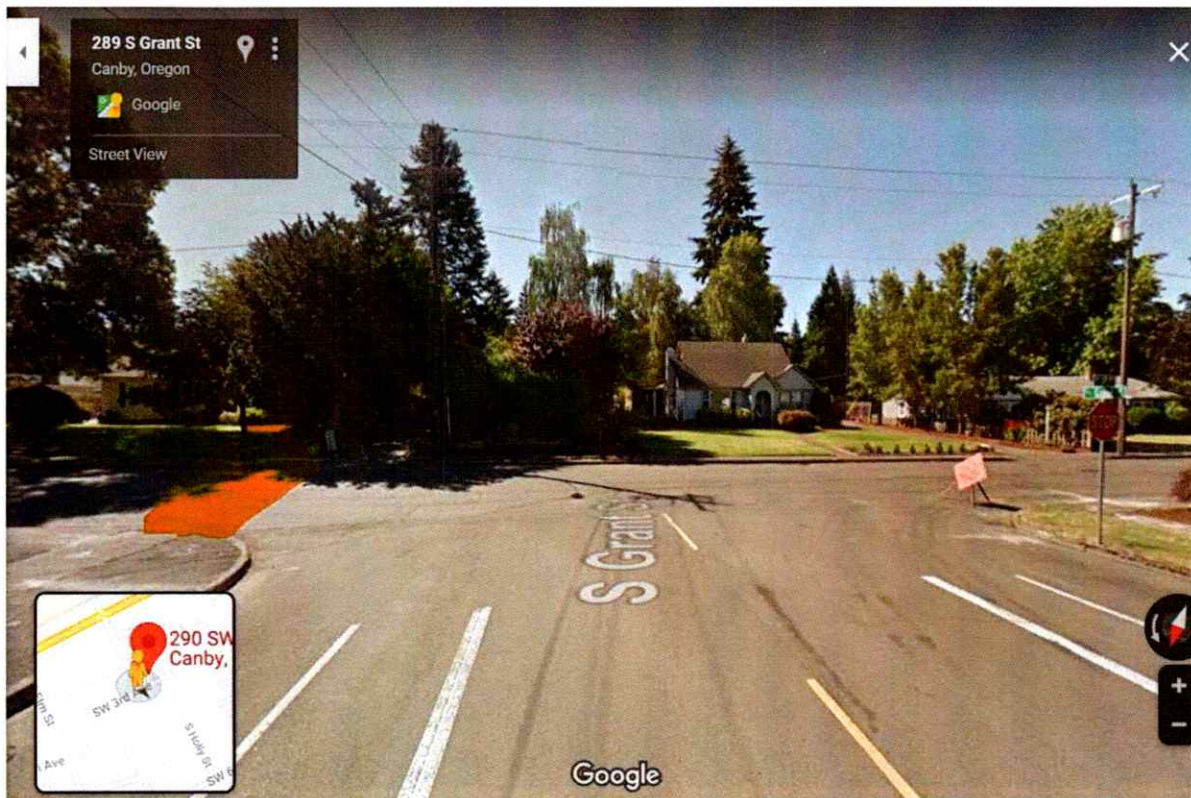


The view on SW 3<sup>rd</sup>, headed West, approaching Grant. The easement will be added before the existing driveway seen on the left.

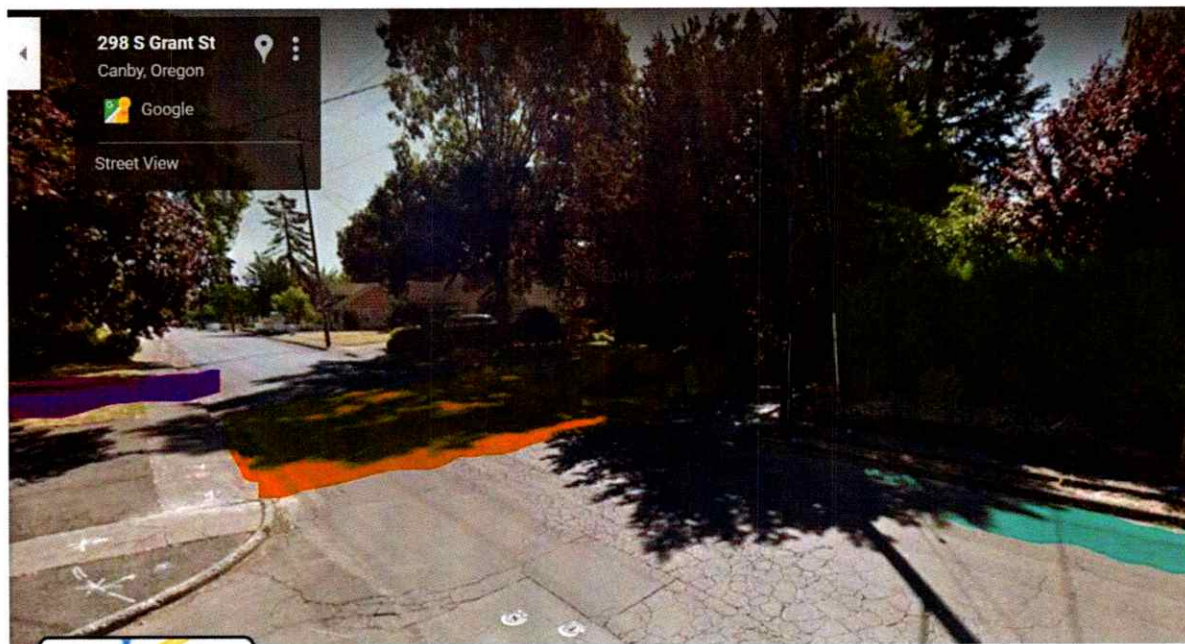




The view on SW Grant, approaching 3<sup>rd</sup> Ave. The area in orange (left side) is the direct line across from the easement access, immediately after the intersection. Vehicles can and do park on the North side of SW 3<sup>rd</sup> at the intersection, as well as the South side of SW 3<sup>rd</sup> across from Grant:



Another view of the intersection and distance vehicles leaving the easement will be crossing, in order to turn on to Grant or join Westbound traffic on SW 3<sup>rd</sup>. Driveway for 290 SW 3<sup>rd</sup> in purple. Vehicles can park between 290 SW 3<sup>rd</sup> and the corner on the North side of the street (directly across from easement), and also park in front of 299 on the South side of SW 3<sup>rd</sup> (area in blue):





According to the **Canby Transportation Plan, Page 3-6**, the four highest pedestrian volumes in the city are:

- 1) **Ivy Street,**
- 2) OR99E at Ivy
- 3) S Ivy at Township Rd, and
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SW 3<sup>rd</sup> has Ivy on its East end, Grant at the juncture where this easement is, and Elm at the West end of the street. OR 99 is just two blocks North of the SW 3<sup>rd</sup>/Ave Grant intersection. **One block North of the SW 3<sup>rd</sup>/Grant intersection, S Grant was upgraded from a Local Street to a Collector Street** back in 2009 (Table 7-1)....Elm is also Collector Street at the West end of SW 3<sup>rd</sup>, and SW 3<sup>rd</sup> meets Arterial Ivy to the East.

**Transportation Plan, Page 5-6 - Table 5-1:** The city plans to install crosswalk, ramps, and a pedestrian refuge island at S Ivy St and the south leg at SW 3<sup>rd</sup> Ave, *diverting even more pedestrian traffic from Ivy to the South side of SW 3<sup>rd</sup> Ave – directly in the path of this one-way easement.*

Given how necessary SW 3<sup>rd</sup> and all the streets touching it are to pedestrians, this needs to be formally looked at with a TIA before the proposed density can be approved. There are too many non-conforming lot exceptions with distances from intersections, drives, one-way access and visibility needed not to. The density of 12 units and the related number of trips it generates needs weighed as a factor. I do not think it will be safe to allow so many units with this access point.

For the development itself: CDC 16.20.030, Section G, Item 4 requires an 1,800 sq ft recreation area. **Finding 39** says that this is met in Figures 6 & 7, but this is **not clearly designated on any site plan document**. Staff response to my initial inquiry regarding this says “Staff agrees that the applicant could provide a more clear indication of the active recreation space, but the plans appear to demonstrate a consolidated and active recreation space along the south and southwestern portions of the site.” I ask that you make this a firm requirement to be documented and defined as opposed to allowing merely “appear to demonstrate” to suffice. **The 1800 sq ft recreation area is not only a requirement for the density of units requested, but without the 2 points this gives the project in the Site and Design Scoring Matrix for CMC 16.21.070, this project does not pass with the required 60% threshold.**

Given the potential for adjacent lots to want to tie in to this lot in the future, it should be clear that the recreation area space has been properly allocated and will remain designated for that use. The (Studio 3 Architecture) Site Plan and Design Review – Written Statement simply waves a hand at some “open landscaping in the South and Southwest portions”:

- 16.20.030.G.4 – Multifamily development exceeding 10 units shall provide 150 sf of recreation space per dwelling unit
  - The proposed development exceeds 10 units, therefore, is required to provide 150 sf of recreational space per dwelling unit. This 1,800 sf of required open area is met with the use of open landscaping towards the South and Southwest portions of the site.

When the neighboring lots become available, they *should* be connected...but this lot should not be able to lose its needed rec space in the process. It will be even more vital to maintain availability of such spaces for residents as the lots are filled in.

Lastly, I would like to request that the commission requires multi-family projects over 2 stories, such as this, to install sprinklers. From my years implementing Energy Efficiency programs I am more aware than most how quickly new construction burns. Second stories can collapse in a matter of minutes. This project seeks to put three levels of renters on top of one another. I have no doubt this is why the Canby Fire District pushed to ensure truck access to the site. No matter how quickly they arrive to a fire, it might not be fast enough. All it takes is one panicked resident blocking that extremely long access road somehow and the truck may not be able to get as close as they need to, or lose valuable time trying. I have no idea what it costs. State Street says they’re considering it but are not sure if they’ll do it. There is a big risk of injury to the renters in that space in an emergency. We owe it to anyone in a densely populated area to have every chance to get themselves and their loved ones out alive. There will no doubt be families with children renting. The recent Wilsonville fire at Villebois is a good illustration of how quickly fire can spread in dense new construction – let’s not open a door to something like that tearing through Canby just because sprinklers aren’t code in Clackamas County yet.

Thank you for your time and consideration,

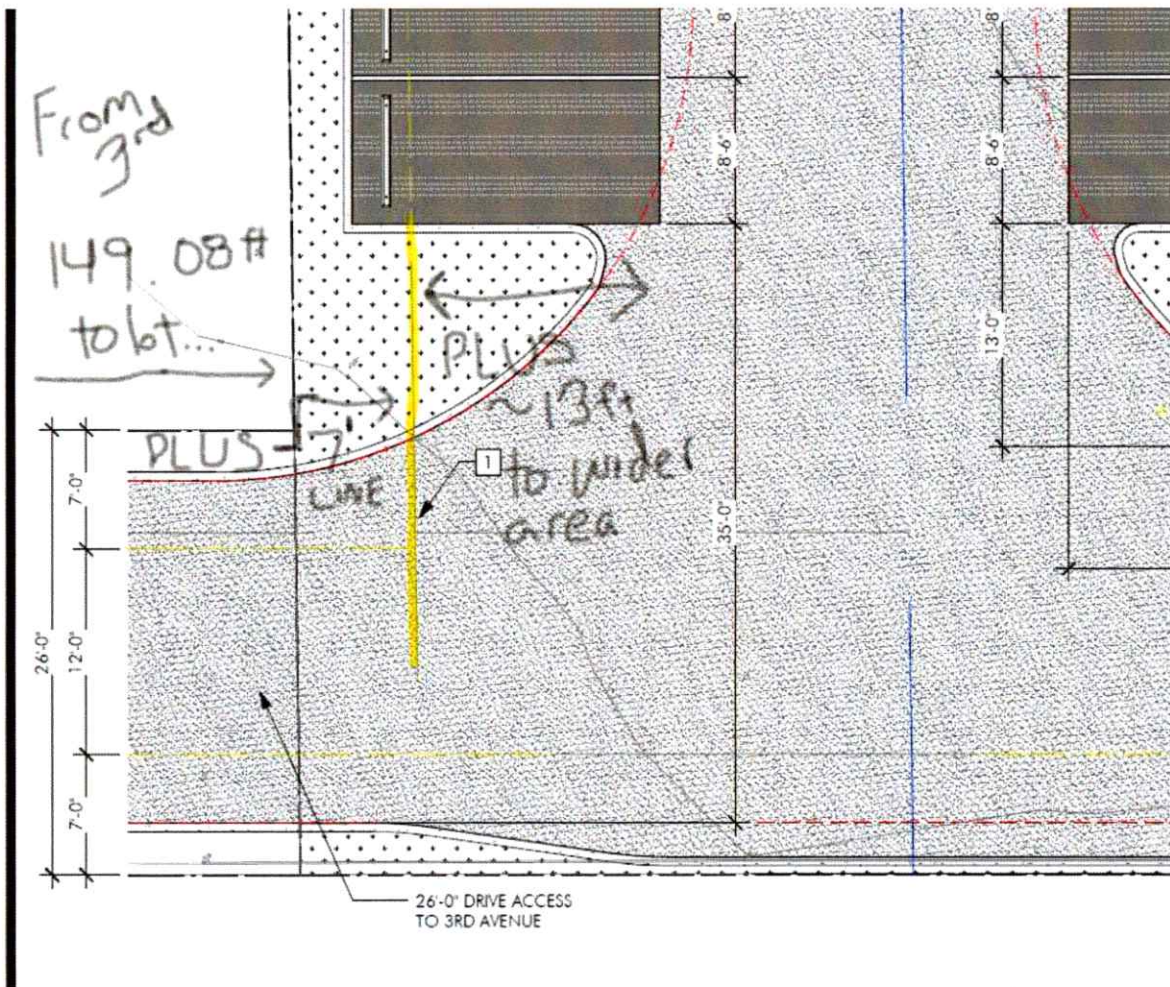
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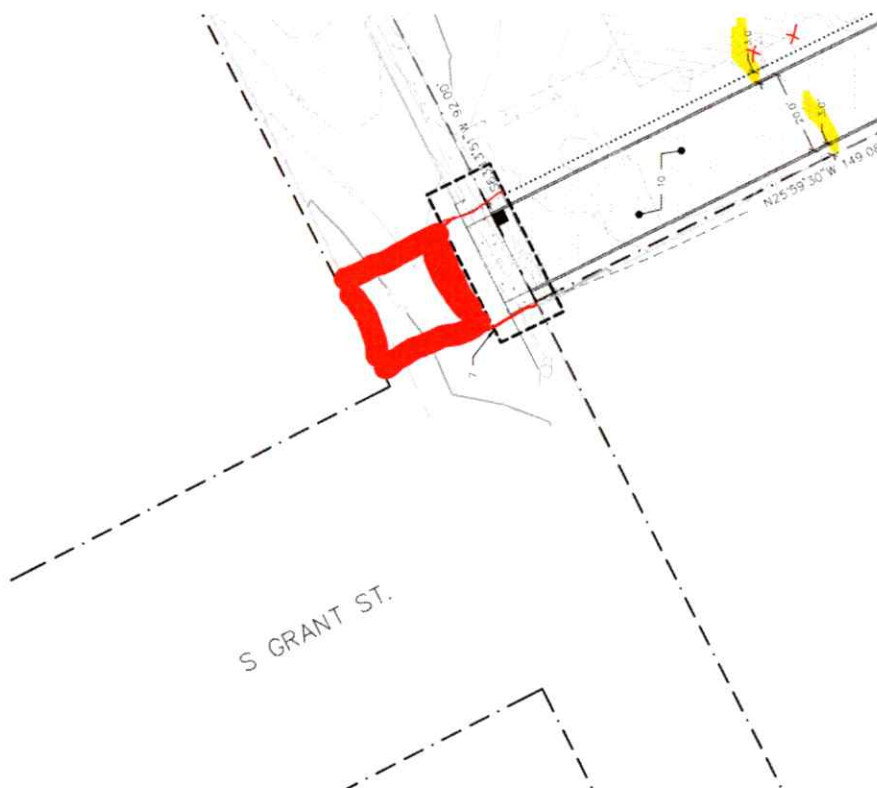
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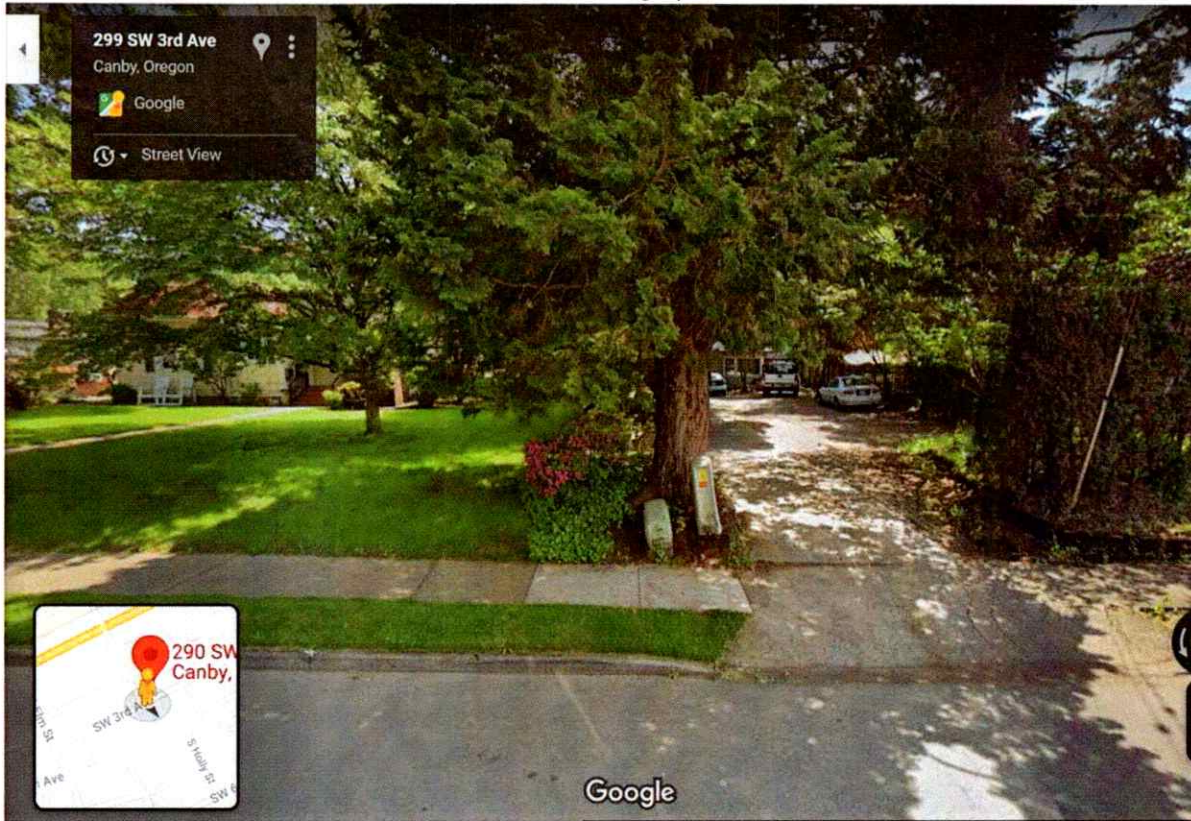
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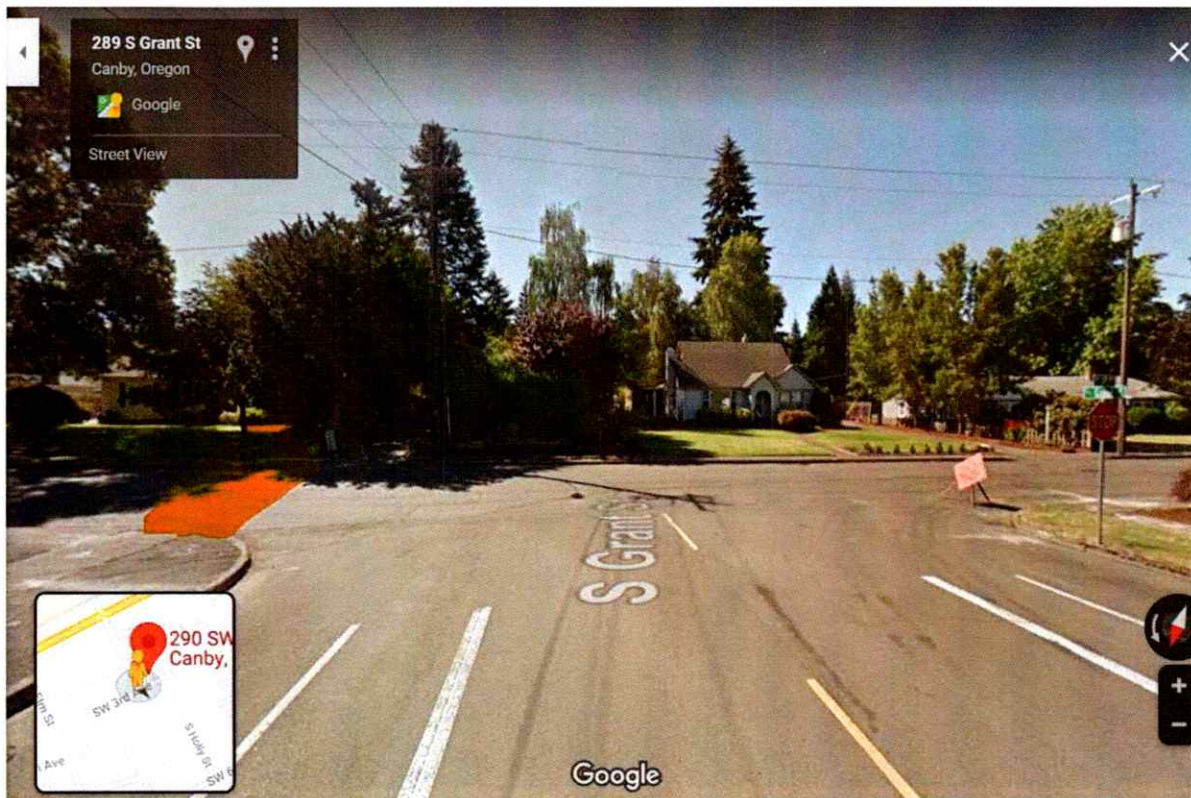


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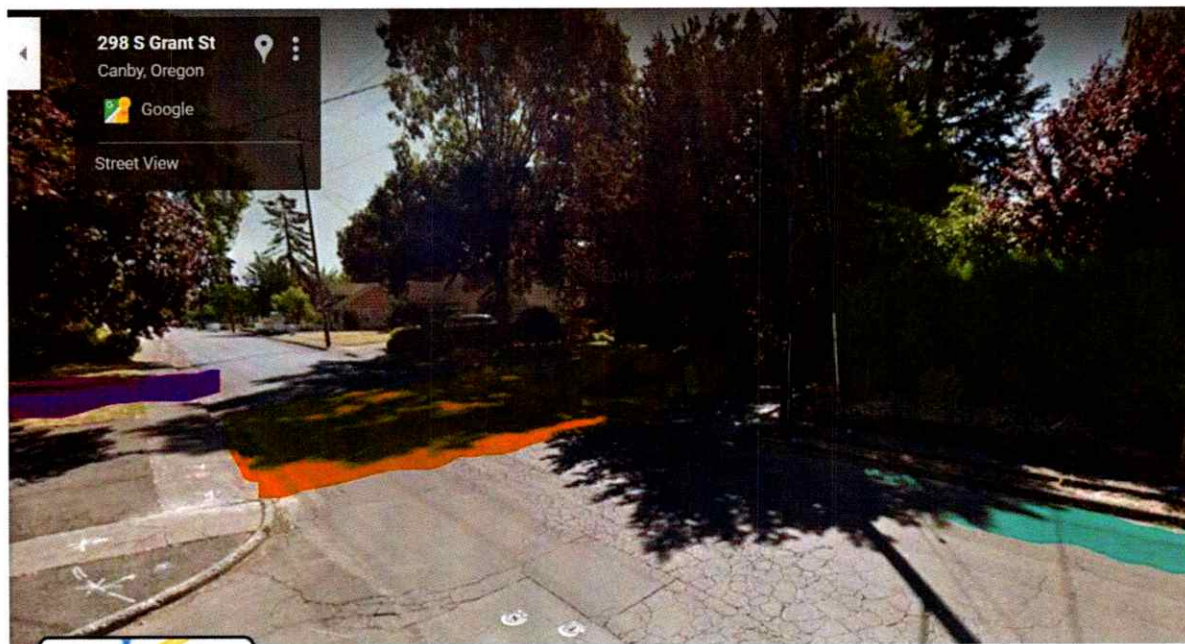




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**Transportation Plan, Page 5-6 - Table 5-1:** The city plans to install crosswalk, ramps, and a pedestrian refuge island at S Ivy St and the south leg at SW 3<sup>rd</sup> Ave, *diverting even more pedestrian traffic from Ivy to the South side of SW 3<sup>rd</sup> Ave – directly in the path of this one-way easement.*

Given how necessary SW 3<sup>rd</sup> and all the streets touching it are to pedestrians, this needs to be formally looked at with a TIA before the proposed density can be approved. There are too many non-conforming lot exceptions with distances from intersections, drives, one-way access and visibility needed not to. The density of 12 units and the related number of trips it generates needs weighed as a factor. I do not think it will be safe to allow so many units with this access point.

For the development itself: CDC 16.20.030, Section G, Item 4 requires an 1,800 sq ft recreation area. **Finding 39** says that this is met in Figures 6 & 7, but this is **not clearly designated on any site plan document**. Staff response to my initial inquiry regarding this says “Staff agrees that the applicant could provide a more clear indication of the active recreation space, but the plans appear to demonstrate a consolidated and active recreation space along the south and southwestern portions of the site.” I ask that you make this a firm requirement to be documented and defined as opposed to allowing merely “appear to demonstrate” to suffice. **The 1800 sq ft recreation area is not only a requirement for the density of units requested, but without the 2 points this gives the project in the Site and Design Scoring Matrix for CMC 16.21.070, this project does not pass with the required 60% threshold.**

Given the potential for adjacent lots to want to tie in to this lot in the future, it should be clear that the recreation area space has been properly allocated and will remain designated for that use. The (Studio 3 Architecture) Site Plan and Design Review – Written Statement simply waves a hand at some “open landscaping in the South and Southwest portions”:

- 16.20.030.G.4 – Multifamily development exceeding 10 units shall provide 150 sf of recreation space per dwelling unit
  - The proposed development exceeds 10 units, therefore, is required to provide 150 sf of recreational space per dwelling unit. This 1,800 sf of required open area is met with the use of open landscaping towards the South and Southwest portions of the site.

When the neighboring lots become available, they *should* be connected...but this lot should not be able to lose its needed rec space in the process. It will be even more vital to maintain availability of such spaces for residents as the lots are filled in.

Lastly, I would like to request that the commission requires multi-family projects over 2 stories, such as this, to install sprinklers. From my years implementing Energy Efficiency programs I am more aware than most how quickly new construction burns. Second stories can collapse in a matter of minutes. This project seeks to put three levels of renters on top of one another. I have no doubt this is why the Canby Fire District pushed to ensure truck access to the site. No matter how quickly they arrive to a fire, it might not be fast enough. All it takes is one panicked resident blocking that extremely long access road somehow and the truck may not be able to get as close as they need to, or lose valuable time trying. I have no idea what it costs. State Street says they’re considering it but are not sure if they’ll do it. There is a big risk of injury to the renters in that space in an emergency. We owe it to anyone in a densely populated area to have every chance to get themselves and their loved ones out alive. There will no doubt be families with children renting. The recent Wilsonville fire at Villebois is a good illustration of how quickly fire can spread in dense new construction – let’s not open a door to something like that tearing through Canby just because sprinklers aren’t code in Clackamas County yet.

Thank you for your time and consideration,

Jennifer Driskill

To: Planning Committee

To allow the proposed 3 story, 12 apartment unit on SW 3<sup>rd</sup> St. in Canby I believe would have a negative impact on the area and constitute poor planning for the following reasons:

1. I believe there is already too many cars parked on 3<sup>rd</sup> street, and understand no traffic study has been done. I have already had trouble myself when I've had to use 3<sup>rd</sup> street because of parked cars, visibility and traffic. This would only add to an existing problem.
2. In addition, to plop a three story apartment unit in this space seems ridiculous for the area and would have a negative impact on the people on 3rd street as well as surrounding streets in the neighborhood.
3. Many trees will be lost, and not only the beauty of the area impacted but also the health factors they provide.

I would ask that you deny this application. Thank you.

Bonnie Edwards

**Julie Carter**

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**From:** Patsy Fifield <[REDACTED]>  
**Sent:** Sunday, May 9, 2021 9:10 PM  
**To:** PublicComments; Erik Forsell  
**Subject:** City File#: DR21-04

Good day,

My name is Patsy Fifield, my husband Doug and I bought the property at [REDACTED] Canby, in October 2020. A few months after we moved in we were told that the home next door owned by Dan and Ashely Starr was to be sold and divided into 2 lots, with the rear of the property to have 2 - 3 story apartment buildings erected. This will also result in an easement for a new driveway to be built next to our driveway and approximately 10 feet from our front door. This is very upsetting to us for many reasons, there are 4 very large trees lining the driveway between our house and the house at 285 SW 3rd Av that will be removed. Not to mention the 7-8 large trees on the .44 acre site that will be cut down. The traffic in and out that close to our front door will be very disruptive and intrusive, and the 3 story buildings "looming" over not only our home but many homes behind us. The proposed buildings will have 12 residences, which could potentially mean 20-30 vehicles, in and out, and parking on the street which is already an issue up and down 3rd Av.

I also believe that our property will be impacted by this project more than most with trees being removed right next to our driveway, which will make it very difficult, if not impossible for us to get in or out as our driveway is already very narrow. Construction vehicles roaring past our front door, dust and debris, excessive noise, all of these things will disrupt our lives for many months.

It is our hope and that of many of our neighbors that you will not approve this project, this small area in the midst of longtime single family homes is not the place for 3 story apartment buildings. Please consider the impact on the families that already live in this neighborhood, and what a negative impact it will have on all our lives. Not to mention the birds, and other small animals that call the majestic trees on this land their homes.

**Please send me the Zoom link for the meeting scheduled for Monday, 5/10/2021.**

Thank you for your consideration.

Patsy Fifield

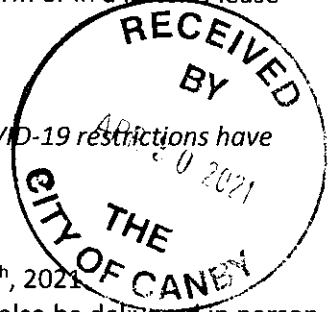
## CITY OF CANBY –COMMENT FORM

If you are unable to attend the Public Hearings, you may submit written comments on this form or in a letter. Please send comments to the City of Canby Planning Department:

**By mail:** Planning Department, PO Box 930, Canby, OR 97013

**In person:** Planning Department at 222 NE Second Street (Provided COVID-19 restrictions have been lifted.)

**E-mail:** [PublicComments@canbyoregon.gov](mailto:PublicComments@canbyoregon.gov)



Written comments to be included in Planning Commission packet are due by Friday, April 30<sup>th</sup>, 2021.

Written and oral comments can be submitted up to the time of the Public Hearings and may also be delivered in person during the Public Hearings.

**Application: DR 21-04 – State Street Multi-Family**

### **COMMENTS:**

As the pastor of Zoar Lutheran Church, 190 SW 3rd Avenue, I'd like to go on record that our church parking lot will NOT be available to residents of the new multi-family housing development proposed at the site directly adjacent and south of 285 SW 3rd Avenue. We've already had issues with residents of the other new multi-family housing development across the street parking cars in our lot because of inadequate parking at their complex. As we move toward fully reopening our church building, we will no longer be able to accommodate any extra cars. As the signage on our lot indicates, violators can expect to have their cars towed at their own expense.

**CITIZEN NAME:** Michelle Manicke, Pastor, Zoar Lutheran Church

**EMAIL:** \_\_\_\_\_

**ADDRESS:** 190 SW 3rd Avenue, Canby, OR 97013

**PHONE # (optional):** \_\_\_\_\_

**DATE:** April 25, 2021

PLEASE EMAIL COMMENTS TO  
[PublicComments@canbyoregon.gov](mailto:PublicComments@canbyoregon.gov)

**AGENCIES:** Please check one box and fill in your Name/Agency/Date below:

- ☐ Adequate Public Services (of your agency) are available
- ☐ Adequate Public Services will become available through the development
- ☐ Conditions are needed, as indicated
- ☐ Adequate public services are not available and will not become available
- ☐ No Comments

**NAME:** \_\_\_\_\_

**AGENCY:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

Thank you!

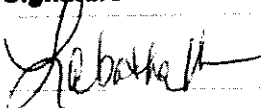

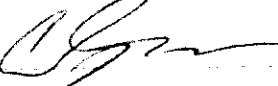

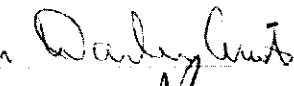


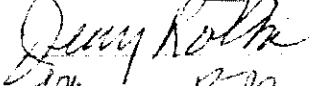
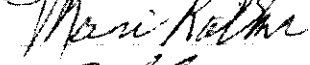



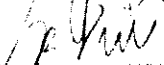
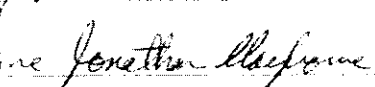

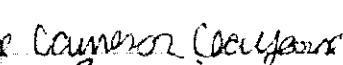
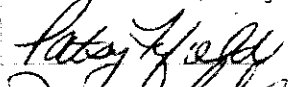


# Petition for State Street Homes

Printed Name	Signature	Address	Date
Adelela Trumherz	<del>Adela Trumherz</del>		5/1
Al Smith	Al Smith		5-2
Carol Jackson	Carol Jackson		5-2
Roger Jackson	Roger Jackson		5-2
Elisabeth Wooley	E. Wooley		5/2
25 Brian Voss	Brian Voss		5/2/21
David J. Grsten	David J. Grsten		5/2/21
Jill Stegmeyer	Jill Stegmeyer		5/2/21
Tyler Little	Tyler Little		5-2-21
Jeanna Little	Jeanna Little		5/2/21
Kathy Blewett	Kathy Blewett		5/2/21
NGRID CERES	NGRID CERES		5-2-21
Walter Rosen	Walter Rosen		5-2-21
SCOTT KENAGY	SCOTT KENAGY		5-2-21
Paul Salmonson	Paul Salmonson		5-2-21
CHARLES TANKUS	CHARLES TANKUS		5.3.21
TEERI TANKUS	TEERI TANKUS		5.3.21

# Petition for State Street Homes

Action  
petitioned for

To opposed State Street Homes Lot development of building two  
6 unit apartments

Printed Name	Signature	Address/Phone #	Date
Taketha Barnett			5/2/2021
Stephen Barnett			5/2/2021
Corey Spickler			5/2/2021
Edward Palmer			5/2/2021
Darlene Austin			5-2-2021
Kristina Chutkan			5-2-2021
Jasen Davis			5-2-21
Jerry Roth			5-2-21
MARIE Roth			5-2-21
Rachel Logue			5-2-21
Merrill Farrington			5-2-21
Samir Doshi			5/2/21
Ron Doshi			5-2-21
Jonathan Clayborne			5-2-21
Billieann Clayborne			5/2/21
Cameron Clayborne			5/2/21
Lacey Fife			5/2/21
Doug Fife			5/2/21
19 JEROME PENDERGRAFT			5/2/21



**May 4, 2021**

**From: Jerald Rothi**

**Canby, Oregon**

**To: City of Canby**

**222 NE 2<sup>nd</sup> Ave**

**Canby, Oregon 97013**



**I am writing you in concern for City File #DR21-04**

**You will be having a public hearing on May 10<sup>th</sup> and I will be out of town for a memorial for my brother-in-law in Mnn.**

**I am adamantly opposed to allowing additional multi housing on 285 SW 3<sup>rd</sup> avenue, there is not sufficient parking as it is for the houses that have sprouted up in the last 10 yrs. on SW 3<sup>rd</sup>. in order to drive down the street you have to wait for a car coming at you or pull into the sidewalk to allow a car to pass through. The homes already here do not have sufficient parking, if there would be a fire or ambulance need, the house in need will be in big trouble as things are now. This is a problem not only for traffic coming and going but for fire, ambulance and school buses. I think you will not understand until a death or serious misshape occurs and then it will too late. The city should not have a death or near death on their hands because of traffic unable to pass etc.**

**Each of you should take a drive so you can clearly see the situation of parking on SW 3<sup>rd</sup>.**

**I hope you will do what is best for Canby Police and Ambulance services and the citizens now living on SW 3<sup>rd</sup>.**

**Respectfully,**

**Jerald Rothi**

A handwritten signature in black ink, appearing to read "J. Rothi".

I am writing to voice my concerns about the apartments being built at 285 SW3rd Ave. I live at / which is directly behind the .44 acres. I would like to know how you can fit two 3 story apartment buildings on .44 of an acre. How many other 3 story apartments are there in canby that are among single family dwellings? We are concerned that the apartments will look directly into our home and there will be zero privacy. What are the plans for privacy? How will fire trucks turn around in there? Where will the parking be? Have you considered that most families own 2 cars? It seems ridiculous that a 3 story building be placed among single family dwellings. What will happen with the giant fir trees on the lot? 3rd avenue is already a narrow street with folks parking on both sides of the street. I also feel that the apartments will bring down our property values. I would like to ask if any of you would like a 3 story apartment building in your backyard? I feel like this was already decided on before the neighbors were notified. No where in your letter address the fact that they are planning on building 3 story apartments. That is very misleading.

Thank you

Robert and Sandra Salmonson

## Comments Regarding the State Street Proposal for Development of a Flag Lot on SW 3rd Ave:

One of the things that I like most about my neighborhood on SW 3<sup>rd</sup> Ave are the beautiful old homes. I like walking down my street and seeing the history in each house that I pass. The thing that concerns me most about the State Street proposal is how incompatible the structures and density are with the historic architecture in this neighborhood. I believe that this project will not support the “small town” atmosphere that is so valued by the residents who live there.

I purchased my home, \_\_\_\_\_ e., precisely because I wanted to live in an old neighborhood in an historic home. I wanted a big lot. Had there been 12 apartments next door, I would not have purchased this home. In fact, there were other properties I considered, but did not purchase for this exact reason.

I looked into what policies the city has regarding historic preservation, and it is obvious that the other residents and the City Council itself also value the historic areas in Canby. Here is a summary of the documents I found:

**Historic Preservation 16.110**, January 2018, was created to, “Safeguard the city’s historic and cultural heritage through the identification, preservation and protection of structures, sites, objects and **DISTRICTS**.” By, preserving “diverse architectural styles reflecting periods of the city’s historical and architectural development, and to encourage **COMPLEMENTARY** design and construction impacting historic development.” To resolve conflicts between the preservation of historic resources and other land uses, and integrate the management of historic resources into public and **PRIVATE** development.

An Historic District “includes contiguous or non-contiguous districts ... composed of structures, sites, and objects classified as Landmarks, **CONTRIBUTING RESOURCES** and non-contributing resources.

An Historic Resource is a “general term for buildings, sites, structures and objects which are Historic Landmarks or Historic Districts, or **HAVE THE POTENTIAL TO BE**.

An Historic Landmark is “any building, site, object, or structure and the **PROPERTY SURROUNDING IT**.”

I believe my neighborhood, the area including at least SW 2<sup>nd</sup> and SW 3<sup>rd</sup> between Ivy and Elm, and extending to the Knight House on SW 4<sup>th</sup> and Elm, qualifies as an Historic District under these definitions. As far as I know, this area has not been officially named as an Historic District. However, it certainly has the **POTENTIAL TO BE**. Many of the homes in this area have already been designated as **CONTRIBUTING RESOURCES** by the SHPO and listed in the following document.

**The Historic Preservation Plan of the City of Canby**, July 2020, was created to “Provide appropriate guidance to elected and appointed officials when making development decisions that could affect the character of the community, and promote preservation as a tool for revitalizing Canby’s unique neighborhoods”, (as described by the initial proposal, January 2019.) “The need for this plan is exacerbated by the rapid growth occurring in the Portland Metro area which is affecting the City. **Long-term and new residents alike have expressed concerns about the population increase and how the City’s heritage and ‘small town’ feel might be lost.**”

The surveys conducted by Northwest Vernacular in the production of this plan support the conclusion that the residents of Canby, “desire to maintain Canby’s small-town charm.” The goal of this plan is to “Utilize historic preservation to inform city decision making.” **“Canby clearly has a certain character and**

charm to it that makes it a desirable city for people to live, work, and play [which] should be carefully considered as new construction and development progresses within the city.”

Recommendation B.2.1. regarding land use says:

*In order to support density and provide housing, downtown Canby needs to be a desirable destination for renters and homeowners. This can be reinforced through zoning and quality of design requirements that develop the downtown (C-1) and **adjacent R-2 zoned areas**...where new renters and property owners buy into a vision of density that supports the small town feeling of Canby through design that is **COMPATIBLE** with historic resources and area character, and that includes compatible design elements such as **MASS, SCALE, HEIGHT**, materials, setting, and setbacks.*

Furthermore, this plan describes how historic preservation is integral to the economic development of Canby, which has the goal of becoming part of the Willamette Falls and Landings Heritage Area. It recommends promoting tourism based on the historic nature of Canby, including walking tours of the historic homes and neighborhoods. SW 3<sup>rd</sup> Avenue and its surrounding area are the original, historic, “old” Canby. I cannot imagine a walking tour occurring in my neighborhood if behind each house is a flag lot with a complex of apartments.

Included in the Historic Preservation Plan, is the “Canby Inventory of Historic Resources”, which lists the structures that have already been surveyed for their historic significance. In this area there are **at least** 16 (1f not 19) different homes which have been designated as a “contributing structure” (EC) by the SHPO. Six of these have been identified as valuable examples of period architecture (\*). All of the homes listed are over 50 years old, and 12 of them are pre-WWII (1940 or earlier), and 4 are 1910 or earlier. The William Knight House, built in 1874, is listed on the National Registry of Historic Places, officially giving it and its **SURROUNDING PROPERTY** Historical Landmark/Significant Structure (ES) status.

<u>Address</u>	<u>Built</u>	<u>SHPO Evaluation</u>	<u>Architectural Example</u>
1. 361 SW Second Ave.	<b>1939</b>	EC*	Craftsman
2. 394 SW Second Ave.	1953	EC	
3. 419 SW Second Ave.	<b>1939</b>	EC	
4. 445 SW Second Ave.	<b>1933</b>	EC*	Tudor Revival
5. 290 SW Third Ave.	1964	EC	
6. 348 SW Third Ave.	1964	EC	
7. 368 SW Third Ave.	<b>1910</b>	EC	
8. 402 SW Third Ave.	1948	EC	
9. 431 SW Third Ave.	<b>1924</b>	EC	
10. 494 SW Third Ave.	<b>1905</b>	EC*	Vernacular
11. 181 S Ivy St.	1952	EC	
12. 235 S Ivy St.	1958	EC	
13. 275 S Ivy St.	<b>1935</b>	EC	
14. 160 S Grant St.	<b>1936</b>	EC	
15. 189 S Grant St.	<b>1904</b>	NC* (typo?)	Craftsman
16. 233 S Grant St.	<b>1933</b>	NC (typo?)	
17. 242 S Grant St.	1960	EC	

18. 194 S Elm St.	1939	NC* (typo?)	Minimal Traditional
19. 525 SW Fourth Ave.	1874	ES*	Classical Revival (Knight House)

It is unfortunate that this area also happens to be zoned R-2. Since this is a high-density residential area it is not even protected by policy 16.21.050 which requires infill homes to be a maximum of 28 feet, among other protective design requirements. This area of historic value deserves to be protected by the Historical Protection Overlay Zone 16.38, which purpose is to “**assure that the future development of the site will provide ample protection for identified historically architecturally significant structures, features or sites.**” The Historical Preservation Plan/SHPO has provided such identification for these properties.

The area where State Street proposes to build 12 modern 3 story units is literally the heart of Historic Canby. I hope that the above data, provided directly from the City of Canby’s own documentation, will be enough to demonstrate the **POTENTIAL TO BE** an Historic District. I hope that the city council will appreciate the historical resources and the **SURROUNDING PROPERTY** in this area and move to protect them by ensuring that the “**design is COMPATIBLE with historic resources and area character, and that includes compatible design elements such as MASS, SCALE, HEIGHT, materials, setting, and setbacks.**” And I would add - appropriate density.

In my search for information, I have discovered that Historical Preservation is important not only to me but to the other residents of Canby as well. The City Council of Canby created the Historical Preservation Plan for exactly this type of situation. To help guide the city as it balances the need for increased density with the need to preserve the unique, historically diverse architecture, and small-town charm that is the key to Canby’s economic success.

State Street’s proposal is neither compatible nor complementary with the surrounding properties. If built, its presence will significantly diminish the historical small-town feel of the neighborhood and discourage renters and buyers from living in this neighborhood. I have spoken with some of my neighbors and City Planner Erik Forsell about officially pursuing Historic District status for our neighborhood. This process is complicated and lengthy, and certainly cannot be completed before the decision on this proposal is made.

Unfortunately, once a structure is built it cannot be unbuilt. I hope that the City Council will choose to follow the plan that they themselves adopted **less than a year ago** to identify and protect this valued area – official or not.

I for one, would love to see this land purchased by the SW Canby Neighborhood or the city to be used as a community garden. However, I would accept a much less obtrusive, less dense, and certainly architecturally compatible plan.

Respectfully,  
Rhonda Shechtman

Canby, OR 97013

Monday, May 10, 2021

City of Canby  
222 NE 2nd Ave  
Canby, OR 97013

I have concerns regarding the proposed Multi-family development and the design review III application submitted to the City of Canby, file: DR21-04 (S of SW 3rd Avenue and North of S Holly Street, Canby). There are concerns regarding number of units, traffic, & access. How is this proposed Multi-family development protecting the “small town” quality of life and ensuring the protection of neighborhoods and adhering to policies, procedures and regulations that are to be enforced by the City of Canby? It’s concerning that a conditional approval is noted on the Canby Staff report before the Public hearing’s and public voice. I have listed the following concerns:

## **1. MINIMUM DENSITY**

**The number of apartments proposed does not follow the recommendations of Studio 3 Architecture site plan and design review.**

*Canby Municipal Code: 16.20.030 Development Standards (A):*

### ***Comment:***

According to the Studio 3 Architecture site plan and design review report (16.20 “R-2 High Density Residential Zone” ) it states the minimum residential density for 1 acre is 14. The minimum residential density is 5 units for .35 acres. Why are there 12 apartments proposed? This lot is too small to force 12 apartments that includes 19 parking spaces and cars accessing this property with a poor design for the space due to access via a long driveway.

## **2. Traffic Impact Study**

**There are publicly known concerns of Traffic on SW 3rd as noted in the Canby Transportation System plan and a Traffic Impact Study is necessary to sort out the existing concerns and this does not take**

into consideration this proposed Multi-family development or the development that was built on 203 SW 3rd Ave that was built 1 year ago. I listed the Canby Municipal Code, the Canby Transportation System plan & the City of Canby Public facility improvements, Design Manual and Standard Specifications that addresses the need for a Traffic Impact study.

**Comment:**

**The Canby Staff report does not mention all of the requirements that are necessary to require a Traffic Impact Study.**

*Staff report Finding 2:*

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

**Canby Municipal Code:16.08.150.C.**

Determination. Based on information provided by the applicant about the proposed development, the city will determine when a TIS is required and will consider the following when making that determination.

1. Changes in land use designation, zoning designation, **or development standard.**
2. **Changes in use or intensity of use.**
3. **Projected increase in trip generation.**
4. **Potential impacts to residential areas and local streets.**
5. **Potential impacts to priority pedestrian and bicycle routes, including, but not limited to school routes and multimodal street improvements identified in the TSP.**
6. **Potential impacts to intersection level of service (LOS).**

**Canby Transportation System 20 year plan** notes “Project 16,17,18 are intended to divert traffic from SW 3rd avenue”. This identifies that there are existing traffic concerns with this street. In order to have a good assessment on the impact of traffic a Traffic Impact Study must be required.

**Canby Transportation System plan identified Goals and Policies Goal 1:**

Livability: Design and construct transportation facilities to enhance the livability of the Canby neighborhoods and business community. C, page 2-1 “Protect residential neighborhoods from excessive through traffic and travel speeds by constructing needed multi-modal capacity improvement projects, modernizing key existing residential roads to arterial or collector standards, and implementing appropriate traffic calming measures on local streets.”

**Canby Public Works Design Standards, Chapter 2-1: Streets: 2.103:**

**General:** A transportation impact study (TIS) may be required.

a. If a transportation impact study was required during land use planning, then it shall be finalized as part of the design. This should take into account any changes to the development, existing conditions, or agency requirements since the time the draft report was done.

***b. If a transportation study was not required during land use planning, it shall be required during design*** if the proposed development creates more than 1,000 trips per day based upon the ITE Trip Generation Manual, if the development appears to have a significant impact upon local transportation, ***or if the development will negatively affect an existing traffic concern.***

***Canby Transportation System plan (page 9-10) Developer Exactions***

Exactions are roadway and/or intersection improvements that are partially or fully funded by developers as conditions of development approval.

Typically, all developers are required to improve the roadways along their frontage upon site redevelopment. ***In addition, when a site develops or redevelops, the developer may be required to provide off- site improvements depending upon the expected level of traffic generation and the resulting impacts to the transportation system.***

**16.04.318 Lot, flag. CMC 16.04.318**

**A flag lot is a lot that does not meet minimum frontage requirements and where access to the public road is by a narrow, private right-of-way. (Ord. 1043 section 3, 2000).**



Comments: There are many concerns noted above that support a Traffic Study.

Conclusion:

My assessment is that the City of Canby is responsible for ensuring relief of traffic congestion, betterment of housing and sanitation conditions?

Adhering to planning policies, procedures, and regulations that have not been followed. The transparency of this process is crucial in having buy-in with neighbors because there are over 30 neighbors so far who oppose this project.

It is inevitable that housing will be developed due to the needs of the community and Canby's development plan. Despite this it is essential to follow the rules, regulations in an objective manner in order to ensure that decisions promote safe and thoughtful plans for promoting the public interest, health, safety and welfare of the city and surrounding area which are within the scope of your duties.

Sincerely,

Maria Navidad Valadez