



Planning Department  
222 NE 2<sup>nd</sup> Avenue  
P.O. Box 930  
Canby, OR 97013  
P: 503-266-7001  
F: 503-266-1574

## PRE-APPLICATION SUMMARY

July 16, 2021

Hank Jarboe  
Tom Scott

**Subject: Pre-Application Conference Summary for 1335 NE Territorial Proposed Annexation and Multi-Family Development Project**

Thank you for attending the Pre-Application (Pre-App) conference held on July 15, 2021. Attached are the following summary notes prepared in response to your proposal.

Comments prepared by staff are reflective of the proposal as discussed at the Pre-App conference. A copy of your proposal was also sent to other members of staff who did not attend the Pre-App conference, but may provide comments separate from this summary.

Following every Pre-App conference, staff understands that there may be changes to the plan or use considered. If these changes effectively re-design the site plan or involve a change to a use not discussed, please be advised that such a change could require different land use application(s) than were identified by staff at the Pre-App. It is also possible that different issues or concerns may arise from such change. In these cases, we encourage applicants to request a second Pre-App conference for staff to consider the change and provide revised comments accordingly.

In part, the Pre-App conference is intended to assist you in preparing plans and materials for staff to determine your application(s) to be deemed "complete" as described in Section 16.89.080 of the Canby Land & Development Planning Ordinance. For your application to be deemed complete on the first review, you must provide everything required as identified on the Application Checklist(s) found within the appropriate Land Use Application, in addition to any materials or special studies identified in the summary notes hereto. If you have questions as to the applicability of any item on the Application Checklist(s), or within this summary, please contact me directly.

Sincerely,

Erik Forsell, AICP  
Associate Planner  
(503) 266-0686

# PRE-APPLICATION CONFERENCE SUMMARY NOTES

## Prepared for 1335 NE Territorial Road / 1885 N Redwood Street Development Proposal

### PRA 21-18

The following pre-application summary notes have been prepared by Planning staff in order to assist you with the application submittal process. All applicable standards, guidelines and policies of the Canby Land Development & Planning Ordinance, Comprehensive Plan, Transportation System Plan, and the Public Works Design Standards identified herein are available for review on the City's web site at: <https://canbyoregon.gov/>. Copies of these documents are also available for review at the City's Development Services Department. The following is intended to identify applicable code sections, requirements and key issues for your proposed development application.

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**PRE-APPLICATION CONFERENCE DATE:** July 15, 2021

#### **PROJECT INFORMATION:**

**Project Name:** Trail Crossing II?

**Project Description:** Annexation and Development Agreement with Concurrent Zone Change / 60 Unit Multifamily Development Proposal

**Property Owner(s):** Scott 2004 Family L.P  
120 SW 2<sup>nd</sup> Avenue  
Canby, OR 97013

**Project Site Address:** 1335 NE Territorial Rd / 1885 N Redwood

**Tax Lot Number(s):** 31E27CB01600 and 2000

**Site Size:** ~ 3 acres in ownership

**Zoning:** R-2 High Density Residential Zone

**Comp. Plan Designation:** HDR – High Density Residential Zone

#### **APPLICANT INFORMATION:**

**Applicant(s):** Thomas Scott  
503-266-5488  
503-708-2255  
tomscott@scott-investments.com

#### **APPLICATION REQUIREMENTS AND COMPLETENESS:**

The completeness process is governed by Section 16.89 of the Canby Land Development and Planning Ordinance. The applicant is encouraged to contact staff to ask any questions or request clarification of any items found on the land use application checklists related to the proposed project.

## LAND USE APPLICATION(S) AND FEES:

Based on the plans and materials provided, the applications identified below are applicable to the project.

Land Use Action	Process Type	Cost
Annexation	IV	\$2,813
Development Agreement Legal Review	IV	Actual Cost
Zoning Map Amendment	IV	\$3,000
Site and Design Review	III	\$4,100

### TOTAL

\$9,913 + actual cost of City attorney time for legal review

**Note:** Applicable fees are those in effect at the time a complete application is received and are subject to change. The City's Master Fee Schedule is available at [https://canbyoregon.gov/updated\\_docs/MasterFeeSchedule.pdf](https://canbyoregon.gov/updated_docs/MasterFeeSchedule.pdf)

## CLASSIFICATION OF APPLICATIONS:

Applications are subject to the Type III and Type IV procedures specified in Table 16.89.050 *Land Use and Development Application Procedures*. Type III and Type IV applications cannot be processed concurrently and all Type IV processes must be substantially complete and satisfied prior to the City taking action on any proposed Type III applications.

## NEIGHBORHOOD MEETINGS:

A neighborhood meeting must be conducted by the project applicants for Type III and IV applications. The meeting shall be held in a space accessible to the public with ADA access. Noticing must include detailed instructions on how to attend the meeting. Including a virtual attendance option for those still vulnerable to COVID-19 is highly encouraged. This means that two neighborhood meetings will be required; one for the annexation and another for the design review process.

### SECTION 16.89.070:

At least two weeks prior to the neighborhood meeting, the applicant shall mail notice of the meeting to:

1. The appointed chair of any neighborhood association in whose boundaries the application.
2. Property owners and occupants within 500 feet of the subject property.

In order for an application to be complete, after the meeting applicants shall submit to the City:

1. A copy of the mailed notice and addresses within 500 feet of the subject property.
2. A copy of the attendance sheet.
3. A written summary of pertinent issues raised and a detailed response to each issue.

Applicants or attendees may make audio or video recordings of the neighborhood meeting if desired.

**Property:**

1335 NE Territorial Rd / 1885 N Redwood

**Neighborhood Association:** NE Canby Neighborhood Association**WRITTEN REQUIREMENTS:**

A summary providing the scope of the proposal should be provided as explained on the application form. Additionally, in order for your application(s) to be deemed Complete, written responses supported by substantial evidence are necessary to address all applicable approval standards and criteria. Written materials need to explain how and why the proposed application(s) will meet each of the applicable approval criteria found in the *Canby Land Development and Planning Ordinance*. If response to criterion is "Not Applicable", explain why the criterion is not applicable.

Staff has provided this list of applicable sections of the *Ordinance* in response to applicant materials and discussion at the Pre-Application conference. Other sections may be applicable, particularly if the proposal has changed subsequent to the meeting. Approval standards and criteria in effect at the time an application is received will control and are subject to change.

**APPLICABLE CODE SECTIONS:**

Chapter	Section
<b>16.08 General Provisions</b>	16.08.110 <i>Fences</i>
	16.08.150 <i>Traffic Impact Study</i>
	16.08.160 <i>Safety and Functionality Standards</i>
<b>16.10 Off-Street Parking and Loading</b>	16.10.030 <i>General Requirements</i>
	16.10.050 <i>Parking Standards Designated</i>
	16.10.070 <i>Parking lots and access</i>
	16.10.080 <i>Street Tree Plan</i>
	16.10.100 <i>Bicycle Parking</i>
<b>16.20 R-2 High Density Residential Zone</b>	16.20.010 <i>Uses Permitted Outright</i>
	16.20.030 <i>Development Standards</i>
<b>16.21 Residential Design Standards</b>	16.21.060 <i>Review procedures for multi-family dwellings</i>
	16.21.070 <i>Multi-family design standards</i>
<b>16.43 Outdoor Lighting Standards</b>	16.43.030 <i>Applicability</i>
	16.43.040 <i>Lighting Zones</i>
	16.43.060 <i>Prohibited Light and Lighting</i>
	16.43.070 <i>Luminaire Lamp Requirements</i>
	16.43.080 <i>Height Limits</i>
	16.43.110 <i>Lighting Plan Required</i>
<b>16.46 Access Limitations on Project Density</b>	16.46.020 <i>Ingress and Egress</i>
	16.46.030 <i>Access Connection</i>

<b>16.49 Site and Design Review</b>	16.49.030 <i>Site &amp; Design Review Plan Approval Required</i>
	16.49.40.B <i>Criteria and Standards (Type III)</i>
	16.49.050 <i>Conditions Placed on Site &amp; Design Review Approvals</i>
	16.49.060 <i>Time Limit on Approval</i>
	16.49.065 <i>Bicycle and Pedestrian Facilities</i>
	16.49.080 – 16.49.140 <i>Landscaping Requirements</i>
	16.49.150 <i>Parking lot or Paving Projects</i>
<b>16.84 Annexations</b>	16.84.020 <i>State Regulations</i>
	16.84.040 <i>Standards and Criteria</i>
	16.84.050 <i>Considerations of Applications</i>
<b>16.89 Application &amp; Review Procedures</b>	16.89.050 <i>Type III Decision</i>
	16.89.070 <i>Neighborhood Meetings</i>
	18.89.080 <i>Application Requirements and Completeness</i>

**Preliminary Comments:** Staff have crafted these comments to reflect discussion in the Pre-Application Conference as well as from service providers and other City departments. The comments at this stage are advisory only and are subject to change upon review of a full application.

1. **Development Agreement:** First step in the process, we will need a development agreement that includes, at a minimum the following:
  - A. Timing of the submittal of an application for zoning
  - B. Dedication of land for future public facilities including park and open space land
  - C. Construction of public improvements
  - D. Waiver of compensation claims
  - E. Waiver of nexus or rough proportionality objections to future exactions
  - F. Other commitments deemed valuable to the City of Canby

See **Attachment 1** for a copy of a previously approved Development Agreement.

2. **Functional Classification:** NE Territorial Road has a functional classification of Collector.
3. **Area Zoning:** The properties are surrounded by R-2 High Density zoned properties with the exception of the non-annexed properties which are zoned Clackamas County RRFF-5.
4. **Design Review:** Jim Walker with the Canby Fire Department provided feedback indicating that the secondary access should work as with the previous Trail Crossing apartment project.
5. **Setbacks:** You may want to consider building additional setback area into the southern property line. Although, not zoned R-1 and requiring an additional 15' buffer this could get see some opposition based on the proximity to existing single family dwellings.
6. **Boundary Line Adjustment:** We will need a boundary line adjustment application to remove the lot line with the southern parcel; or if the Clackamas County Surveyor's office is ok to proceed with a simple deed execution that is fine. Regardless, we will want to see that the line has been removed and have a copy of that record prior to final approval of a design review process.
7. **Design Review:** Staff indicated that the applicant team should deviate as little as possible from the design review matrix and avoid seeking exceptions and/or variances. These requests make projects substantially more difficult to approve and will come under greater scrutiny by the decision making bodies.

Otherwise, the initial design scheme appears sufficient, staff did not notice any major flaws or inconsistencies with approval criteria.

These comments have been provided from City departments and reviewing agencies in response to the Pre-Application materials and discussion during the Conference. The comments at this stage are advisory only and are subject to change upon review of a full application. Included below is the contact information for key members of City and agency staff should you have any specific questions regarding these comments.

**Next Steps:**

1. Planning staff will need to see a draft Development Agreement prior to a submittal for annexation and zone change. You may want to consider the consulting with an attorney for legal advice for preparation of the document.
2. Once we have the Development Agreement largely satisfied, the next step would be to submit for an annexation and zone change of the properties.
3. Assuming that the annexation is approved at the 1<sup>st</sup> reading at City Council, we would then suggest submitting the design review application for the apartment complex.