



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

<b>A REQUEST FOR SITE &amp; DESIGN REVIEW AND MAJOR VARIANCE APPROVAL TO DEVELOP A BREWPUB AND SEMI- ENCLOSED FOOD CART POD AT 292 N HOLLY STREET</b>	)	<b>FINDINGS, CONCLUSION &amp; FINAL ORDER DR 23-05 &amp; VAR 23-02 CANBY BEER LIBRARY</b>
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**NATURE OF THE APPLICATION**

The project applicant, Canby Library Holdings, LLC, requests Planning Commission approval to renovate the City’s former library into a commercial mixed-use project featuring a brewery and a semi-enclosed food cart pod with covered outdoor dining terrace. The proposed project is a modified version of a similar project approved in October 2021 (DR 21-06).

Approval of the modified project requires Planning Commission approval of Site and Design Review Application DR 23-05 and Major Variance Application VAR 23-02. The requested variance is related to floor-area-ratio (FAR) and glazing standards applicable in the Downtown Canby Overlay (DCO) Zone.

**HEARINGS**

The Planning Commission considered applications **DR 23-05 and VAR 23-02** at the duly noticed hearing on October 23, 2023, and approved the proposed project by a 7/0 vote. These Findings are entered to document the approval.

**CRITERIA AND STANDARDS**

In judging whether or not the aforementioned applications shall be approved, the Planning Commission determines whether criteria from the City of Canby Land Development and Planning Ordinance are met or can be met by observance of conditions. Applicable code criteria and standards were reviewed in the Staff Report dated October 13, 2023, and presented at the October 23, 2023, meeting of the Canby Planning Commission.

**FINDINGS AND REASONS**

The Staff Report was presented and written, and oral testimony was received at the public hearing. Planning Staff recommended approval of the Site and Design Review application and the Major Variance application, and applied Conditions of Approval in order to ensure that the proposed project would meet all required City of Canby Land Development and Planning Ordinance approval criteria to the extent feasible.

The Planning Commission generally concurred with the conclusions articulated by Planning Staff and the project applicant. However, one additional Condition of Approval was added by the Planning Commission related to the project's proposed loading dock. In response to the Commission's concerns that loading and unloading activities in Downtown Canby sometimes occur in the public street, Planning Staff were directed to identify a Condition of Approval ensuring that this would not occur on N Holly Street related to the proposed project. Condition of Approval #29, identified below, requires Planning Staff to confirm that the proposed alley-facing loading door is designed and placed to accommodate loading and unloading in the alley.

### **CONCLUSION**

In summary, the Planning Commission adopted the findings contained in the Staff Report, concluding the application met all applicable approval criteria to the extent feasible, and recommending the **Canby Beer Library Modified Project (DR 23-05 and VAR 23-02)** be approved with the Conditions of Approval reflected in the written Order below.

### **ORDER**

The Planning Commission concludes that, with the following conditions, the application meets the requirements for Site and Design Review and Major Variance approval. Therefore, IT IS ORDERED BY THE PLANNING COMMISSION of the City of Canby that the **Canby Beer Library Modified Project (DR 23-05 and VAR 23-02)** is approved, subject to the following conditions:

### **CONDITIONS OF APPROVAL**

#### **General Conditions:**

1. The project shall substantially comply with the submitted narrative and plans. Any deviation from submitted plans may require additional land use review. (Planning)

#### **Public and Utility Improvements:**

2. All public improvements shall comply with applicable City of Canby Public Works Design Standards. Street improvements, if any, shall be designed and constructed (or bonded) to the satisfaction of the City Engineer. (Public Works/City Engineer)
3. All new or improved sidewalks must be designed and/or reconstructed so that they meet current ADA standards. (Public Works/City Engineer)
4. The project applicant shall install one ADA parking stall on the NW 3rd Avenue side of the building adjacent to the crosswalk and shall install an ADA ramp at the top of the parking stall with a truncated dome. (Public Works)
5. An acceptable design/redesign for improved flow of rain drains to weepholes in curblines of N. Holly Street is required. This will be verified and accepted during the preconstruction phase of the project. (Public Works/City Engineer)
6. Sanitary sewer service shall be extended to serve the facility to the satisfaction of the City Engineer and Public Works Department. (Public Works/City Engineer)
7. Water and electric service shall be extended to serve the facility to the satisfaction of the City Engineer and Canby Utility. Water infrastructure shall be constructed in conformance with Canby Utility requirements, including those identified in the compiled Utility Notes dated September 25, 2023. (Public Works/City Engineer)

8. Any alterations or modifications to the public alley at the rear of the building shall be shown on submitted construction drawings and shall be designed to the satisfaction of the City Engineer and Public Works Department. (Public Works/City Engineer)
9. A video scope of the sewer line from the building to the alleyway shall be conducted. (Public Works)
10. A grease trap is required for this development. The developer shall coordinate with the Wastewater Treatment Plant staff and Public Works to satisfy grease trap requirements. (Public Works)
11. All Canby Utility System Development Charges must be paid in order to start construction. (Canby Utility)
12. The project applicant shall install removable bollards protecting the replacement power pole. (Canby Utility)
13. A fire department connection (FDC) is required at the SE corner of NW 3rd Ave and N Holly Street between the two ADA ramps. The riser and the reduced pressure backflow device shall be installed inside the building. (Canby Utility / Canby Fire)
14. Water services and fire protection shall be constructed in conformance with Canby Utility and Canby Fire requirements. The applicant shall coordinate directly with these agencies, including informing Canby Utility of water requirements so that the water meter is sized appropriately. (Canby Fire)
15. The project shall have a sprinkler system. (Canby Fire)
16. The project applicant shall coordinate with Canby Fire to identify appropriate locations for fire hydrants, if needed. Prior to site plan approval, the project applicant shall provide an updated site plan identifying hydrant locations to the satisfaction of Canby Fire. (Canby Fire)

**Project Design/Site Plan Approval:**

17. Final design drawings submitted to the City shall demonstrate that roof-mounted mechanical equipment will be screened to the extent feasible. Special consideration shall be given to screening the appearance and noise of rooftop mechanical equipment installed across the alley from the existing second-story apartments to the southeast. (Planning)
18. A lighting plan shall be submitted to the City concurrently with final design drawings. All proposed lighting shall meet the standards described in Chapter 16.43 and must have cut-off shielding and be installed as shown in the submitted design drawings. (Planning)
19. The developer shall consult with Canby Disposal regarding final architectural plans and design considerations for solid waste pickup. (Canby Disposal)
20. The applicant shall work with Canby Utility and the Canby Public Works Department in order to provide the appropriate connections to all required utilities prior to site plan approval. (Public Works)

**Building Permits:**

21. Pursuant to Subsection 16.49.060 of the Canby Municipal Code, Site and Design Review Board approvals shall be void after twelve (12) months unless: A building permit has been issued and substantial construction pursuant thereto has taken place, as defined by the state Uniform Building Code; or the Planning Department finds that there have been no changes in any Ordinances, standards, regulations or other conditions affecting the previously approved project so as to warrant its resubmittal. (Ord. 848, Part III, Section 4, 1091). (Planning)
22. An erosion control permit will be required from the City of Canby prior to any on-site disturbance. Erosion control plans shall demonstrate that construction activities will not discharge materials or pollutants into the in-street storm drain. (Planning)
23. The project applicant shall apply for a City of Canby Site Plan Permit, Clackamas County Building permits (including grading permits), and a City of Canby Erosion Control Permit prior to project construction. (Planning/Public Works)
24. Clackamas County Building Services will provide structural, electrical, plumbing, and mechanical plan review and inspection services. (Clackamas County Building Services)
25. Construction plans shall be designed and stamped by a Professional Engineer registered in the State of Oregon. (City Engineer)
26. All future building tenants shall submit signage applications to the City prior to installation of any signs (including wall and blade signs). Proposed signs shall conform to provisions of Chapter 16.42 of the CMC and shall secure a building permit from Clackamas County Building Services prior to their installation if applicable. (Planning)

**Prior to Occupancy:**

27. A narrative with accompanying materials shall be provided during the final certificate of occupancy process that demonstrates how the project is consistent with the conditions of approval stated in this Staff Report. (Planning)
28. Prior to occupancy, sidewalks shall be improved consistent with approved construction documents. (Planning)

**Condition Added by Planning Commission:**

29. Prior to site plan approval, Planning Staff shall confirm that the alley-facing rear loading door is sufficiently wide, and sufficiently set back from N Holly Street, to prevent loading and unloading activities from occurring in N Holly Street during normal day-to-day operations of the proposed business.

I CERTIFY THAT THIS ORDER, DR 23-05 / VAR 23-02 Canby Beer Library Modified Project, was presented to and APPROVED by the Planning Commission of the City of Canby on the 23<sup>rd</sup> of October 2023.

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 Matt Ellison  
 Planning Commission Chair

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 Don Hardy  
 Planning Director

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 Laney Fouse Lawrence, Attest  
 Recording Secretary

**ORAL DECISION: October 23, 2023**

<i>Name</i>	<i>Aye</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
<i>Matt Ellison, Chair</i>	<i>x</i>			
<i>Dan Ewert, Vice-Chair</i>	<i>x</i>			
<i>Michael Hutchinson</i>	<i>x</i>			
<i>Jennifer Driskill</i>	<i>x</i>			
<i>Judi Jarosh</i>	<i>x</i>			
<i>Hannah Ellison</i>	<i>x</i>			
<i>Craig Lewelling</i>	<i>x</i>			

**WRITTEN DECISION: November 13, 2023**

<i>Name</i>	<i>Aye</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
<i>Matt Ellison, Chair</i>				
<i>Dan Ewert, Vice-Chair</i>				
<i>Michael Hutchinson</i>				
<i>Jennifer Driskill</i>				
<i>Judi Jarosh</i>				
<i>Hannah Ellison</i>				
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