

**Application for Site & Design Review
together with a Lot Line Adjustment
for Lot Consolidation
Tievoli Commons
486 S Knott St. & 360 SE Township Rd.
Canby, OR 97013**

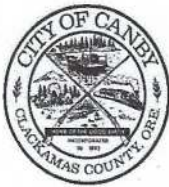
Applicant/Owner:	Jason Bristol (Tax Lot 5001) 21733 S Hwy 99E Canby, OR 97013 Phone: (503) 803-2920
Owner:	Linda Bristol (Tax Lots 4402 & 4600) 955 NE Oak Circle Canby, OR 97013
Location	486 S Knott St. & 360 SE Township Rd. North side of Township Rd. & East of S Knott St.
Legal Description	Tax Lots 4402, 4600, & 5001 Sec. 33, T3S, R1E, WM (Assessor Map 3 1E 33DC)
Zoning	City of Canby R-2
Proposal	Site & Design Review to develop 30 condominium units & Lot Line Adjustment to consolidate three existing lots into one.
Date	October 2023

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I. Application Forms



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

LAND USE APPLICATION

LOT LINE ADJUSTMENT Type II Process

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

☐ Applicant Name: Jason Bristol Phone: (503) 803-2920
Address: 21733 S Hwy 99E Email: jbristol@web-ster.com
City/State: Canby, OR Zip: 97013

☒ Representative Name: Sisul Engineering, Pat Sisul Phone: (503) 657-0188
Address: 375 Portland Avenue Email: patsisul@sisulengineering.com
City/State: Gladstone, OR Zip: 97027

☐ Property Owner Name: Jason & Jeanne Bristol (TL 5001) Phone: (503) 803-2920
Signature: Jason Bristol and Jeanne Bristol
Address: 21733 S Hwy 99E Email: jbristol@web-ster.com
City/State: Canby, OR Zip: 97013

☐ Property Owner Name: Linda Bristol (TL's 4402 & 4600) Phone: _____
Signature: Linda Bristol
Address: 955 NE Oak Circle Email: _____
City/State: Canby, OR Zip: 97013

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

- ① All property owners represent they have full legal capacity to and hereby do authorize the filing of this application and certify that the information and exhibits herewith submitted are true and correct.
- ② All property owners understand that they must meet all applicable Canby Municipal Code (CMC) regulations, including but not limited to CMC Chapter 16.49 Site and Design Review standards.
- ③ All property owners hereby grant consent to the City of Canby and its officers, agents, employees, and/or independent contractors to enter the property identified herein to conduct any and all inspections that are considered appropriate by the City to process this application.

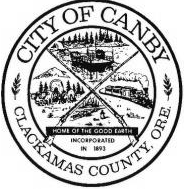
PROPERTY & PROJECT INFORMATION:

<u>486 S Knott St. & 360 SE Township Rd.</u>	<u>86,757 sf</u>	<u>3 1E 33DC 4402, 4600 & 5001</u>
Street Address or Location of Subject Property	Total Size of Property	Assessor Tax Lot Numbers
<u>Four existing older homes, paved and gravel driveways</u>	<u>R-2</u>	<u>HDR - High Density Res.</u>
Existing Use, Structures, Other Improvements on Site	Zoning	Comp Plan Designation

Lot line adjustment to consolidate the lots into one lot. Site & Design Review for 30 multi-family dwellings in 8 bldgs.
Describe the Proposed Development or Use of Subject Property

STAFF USE ONLY				
FILE #	DATE RECEIVED	RECEIVED BY	RECEIPT #	DATE APP COMPLETE

Visit our website at: www.canbyoregon.gov
Email Application to: PlanningApps@canbyoregon.gov



City of Canby
Planning Department
111 NW 2nd Avenue
P.O. Box 930
Canby, OR 97013
Ph: 503-266-7001
Fax: 503-266-1574

CHECKLIST

LOT LINE ADJUSTMENT Type II Process

All required application submittals detailed below must also be submitted in electronic format on a CD, flash drive or via email: PlanningApps@canbyoregon.gov

Applicant City
Check Check

- ☒ ☐ One (1) copy of this application packet. The City may request further information at any time before deeming the application complete.
- ☒ ☐ Payment of appropriate fees – cash or check only. Refer to the city’s Master Fee Schedule for current fees. Checks should be made out to the *City of Canby*.
- ☒ ☐ **Please submit one (1) electronic copy of mailing addresses in either an EXCEL SPREADSHEET or WORD DOCUMENT** for all property owners and all residents within 100 feet of the subject property. **If the address of a property owner is different from the address of a site, an address for each unit on the site must also be included and addressed to “Occupant.”** A list of property owners may be obtained from a title insurance company or from the County Assessor’s office.
- ☒ ☐ Two (2) 11” x 17” paper copies of the proposed lot line adjustment, printed to scale no smaller than 1”=50’.
The plans shall include the following information:
 - ☐ Vicinity Map. Vicinity map at a scale of 1”=400’ showing the relationship of the project site to the existing street or road pattern.
 - ☐ Site Plan-the following general information shall be included on the site plan:
 - ☐ Date, north arrow, and scale of drawing;
 - ☐ Name and address of the developer, engineer, architect, or other individual(s) who prepared the site plan;
 - ☐ Property lines (legal lot of record boundaries);
 - ☐ Location, width, and names of all existing or planned streets, other public ways, and easements within or adjacent to the property, and other important features;
 - ☐ Location of all jurisdictional wetlands or watercourses on or abutting the property;
 - ☐ Finished grading contour lines of site and abutting public ways;
 - ☐ Location of all existing structures, and whether or not they are to be retained with the proposed development;
 - ☐ Layout of all proposed structures, such as buildings, fences, signs, solid waste collection containers, mailboxes, exterior storage areas, and exterior mechanical and utility equipment;

- ☐ Location of all proposed hardscape, including driveways, parking lots, compact cars and handicapped spaces, loading areas, bicycle paths, bicycle parking, sidewalks, and pedestrian ways;
- ☐ Callouts to identify dimensions and distances between structures and other significant features, including property lines, yards and setbacks, building area, building height, lot area, impervious surface area, lot densities and parking areas;
- ☐ Location of vision clearance areas at all proposed driveways and streets.
- ☐ All legal lot lines, north arrow, lot size and dimensions, location of public and private easements, and location and names of all adjacent streets.
- ☐ Any major topographic or landscape features, driveways, wells, septic tanks, drain fields, and jurisdictional watercourses or wetlands on or abutting the property. As a reminder, the property owner is responsible for meeting all state/federal wetland and waterway regulations.
- ☐ Location and description of all existing and proposed structures. Call out the distance between the structures and proposed new lot line locations.

LOT LINE ADJUSTMENT – TYPE II: APPLICATION PROCESS

1. ☐ Prior to submitting an application, all applicants are encouraged to request a pre-application meeting with the City, or the City Planner may determine that a pre-application meeting is necessary after an application has been discussed or upon receipt of an application by the City. To schedule a pre-application meeting, an applicant must submit a completed pre-application form and set of preliminary plans to the City Planner, and after receiving the Planner's initials, must then make and take 16 copies of the pre-application materials to the Canby Public Works Department to schedule the pre-application meeting. The City does not charge a fee for a pre-application meeting.
2. ☐ At the time an application is submitted to the City, payment of all required application processing fees is required. An application will not be accepted without payment of fees. City Staff can provide you with information concerning application fees.
3. ☐ Staff will check the application, making sure that it is complete and all fees are paid. Copies of the application materials are also routed to various City/State/County departments, as applicable, for their comments. The City Planner will accept or return the application with a written list of omissions within thirty (30) calendar days of the submittal.
4. ☐ Notice of the application is mailed to all property owners and residents within 100 feet of the property. The property owners and residents are given 10 days to submit written comments.
5. ☐ Staff investigates the application, including comments received, and writes a decision. The staff's decision is mailed to the applicant, to the property owners and residents who received the original

notice, and to anyone else who submitted comments during the comment period; and opportunity is given to appeal the decision.

6. ☐ An appeal must be requested in writing within 10 days of the date the decision notice is mailed. If an appeal is requested, the applicant is required to pay an additional \$1,600 application processing fee to cover the cost of the appeal hearing.
7. ☐ Prior to the appeal hearing, the City will prepare notice materials for posting on the subject property. This material will be posted **by staff** at least ten (10) days before the public hearing.
8. ☐ The staff report will be available to all interested parties at least seven (7) days prior to the hearing.
9. ☐ The Planning Commission holds a public hearing on the appeal request. Unless the Planning Commission decides to hear the appeal de novo, only testimony regarding items already in the record is permitted, and no new information may be entered. The staff report is presented to the Commission. Testimony is presented by the appellant, the applicant, proponents and opponents.
10. The Commission then makes findings of fact, and issues a decision to either uphold the original decision, modify the original decision, or overturn the original decision. The Planning Commission's decision may be appealed to the City Council.
11. The property owners have one (1) year from the final approval to complete the property line adjustment process. If the adjustment involves the relocation or elimination of a platted lot line, the property owners must record a replat with the Clackamas County Surveyor's office. If the adjustment involves the relocation or elimination of a lot line created by deed, the property owners must record the property line adjustment and new legal descriptions with the Clackamas County Clerk recorder's office.

LOT LINE ADJUSTMENT – TYPE II: STANDARDS AND CRITERIA

Under Section 16.58.030 of the Canby Municipal Code, an application for LOT LINE ADJUSTMENT approval shall be evaluated based on the following standards and criteria:

- A. ☐ Each of the remaining parcels and any structures located thereon shall be in full compliance with all regulations of this title, including the setback requirements of Division III. Except, however, that lot line adjustments are permitted on nonconforming lots and lots with nonconforming structures provided that the nonconforming lots and structures will be no less in conformity as a result of the lot line adjustment.
- B. ☐ No new lots or parcels will be created as a result of the lot line adjustment without receiving approval as a partition or subdivision.
- C. ☐ If the City Planner or city engineer deems it necessary to assure the accuracy of recorded information, a survey may be required of the applicant. Such a survey will be at the applicant's cost.

- D.*** Lot line adjustments shall not be permitted where the result will be the creation of additional building sites in known hazardous locations or where the appropriate development or extension of public facilities will be impaired as a result.



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SITE & DESIGN REVIEW GENERAL - TYPE III

APPLICATION FORM

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

☐ Applicant Name: Jason Bristol Phone: (503) 803-2920
Address: 21733 S Hwy 99E Email: jbristol@web-ster.com
City/State: Canby, OR Zip: 97013

☒ Representative Name: Sisul Engineering, Pat Sisul Phone: (503) 657-0188
Address: 375 Portland Avenue Email: patsisul@sisulengineering.com
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City/State: Canby, OR Zip: 97013

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Signature: Linda Bristol
Address: 955 NE Oak Circle Email: _____
City/State: Canby, OR Zip: 97013

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

- ① All property owners represent they have full legal capacity to and hereby do authorize the filing of this application and certify that the information and exhibits herewith submitted are true and correct.
- ② All property owners understand that they must meet all applicable Canby Municipal Code (CMC) regulations, including but not limited to CMC Chapter 16.49 Site and Design Review standards.
- ③ All property owners hereby grant consent to the City of Canby and its officers, agents, employees, and/or independent contractors to enter the property identified herein to conduct any and all inspections that are considered appropriate by the City to process this application.

PROPERTY & PROJECT INFORMATION:

486 S Knott St. & 360 SE Township Rd. 1.99 Ac 3 1E 33DC 4402, 4600 & 5001
Street Address or Location of Subject Property Acres Tax Lot Numbers

Four mid-century homes, gravel and paved driveways R-2 HDR - High Density Res.
Existing Use, Structures, Other Improvements on Site Zoning Comp Plan Designation

Lot line adjustment to consolidate three lots into one. Site & Design Rev. for 30 units in 8 bldgs.

Describe the Proposed Development or Use of Subject Property

\$3,400,000.00

Estimated Total Project Cost (see instructions in Submittal Checklist Item 3)

Tievoli Commons

Cost Estimate

Applicant/Owner: Jason Bristol (Tax Lot 5001)
21733 S Hwy 99E
Canby, OR 97013
Phone: (503) 803-2920

Location 486 S Knott St. & 360 SE Township Rd.
North side of Township Rd. & East of S Knott St.

Date October 2023

Estimated Construction Cost:	Building Construction	Per unit:	\$ 100,000.00
		Total:	\$3,000,000.00
	<u>Site Construction</u>	<u>Total</u>	<u>\$ 400,000.00</u>
	Total Cost:		\$3,400,000.00

Design Review (Type III) Fee: = \$2,500 + 0.2% x estimated total construction cost
= \$2,500 + 0.2% x \$3,400,000.00
= \$2,500 + \$6,800
= \$9,300



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SITE & DESIGN REVIEW GENERAL - TYPE III

APPLICATION FORM

SUBMITTAL CHECKLIST

All required application submittals detailed below must be submitted in DIGITAL FORMAT via email to PlanningApps@canbyoregon.gov

1. **Electronic copy of this application packet.** The City may request further information at any time before deeming the application complete.
2. Payment of appropriate fees – cash or check only. Refer to the city's Master Fee Schedule for current fees. Checks should be made out to the *City of Canby*.
3. A breakdown of the estimated total project cost, including all construction costs excluding design and permitting costs.
4. A written narrative statement describing the proposed development and detailing how it conforms with the Canby Municipal Code (CMC) and to the approval criteria, including the applicable Design Review Matrix, and availability and adequacy of public facilities and services. The Site and Design Review approval criteria are found in CMC 16.49.040.
Ask staff for applicable Municipal Code chapters and approval criteria.
 - a. Completed landscaping calculation form (see page 4-5).
 - b. Completed Design Review Matrix (see page 6-8).
5. Copy of mailing addresses in an EXCEL SPREADSHEET for all property owners and all residents within 500 feet of the subject property. ***If the address of a property owner is different from the address of a site, an address for each unit on the site must also be included and addressed to "Occupant."*** A list of property owners may be obtained from a title insurance company or from the County Assessor's office.
6. A Traffic Impact Study (TIS) conducted or reviewed by a traffic engineer that is contracted by the City and paid for by the applicant (payment must be received by the City before the traffic engineer will conduct or review a traffic impact study). Ask staff to determine if a TIS is required.
7. Pre-application meeting minutes (if available).
8. Neighborhood meeting minutes as required by CMC 16.89.020 and 16.89.070. The minutes shall include the date of the meeting and a list of attendees.
9. A copy of either the recorded plat or the recorded deeds or land sales contracts that demonstrates how and when legal property lines were established and where the boundaries of the legal lot(s) of record are located. If the property is a lot or parcel created by plat, a copy of the recorded plat may be obtained from the Clackamas County Surveyor's office. If the property is a legal lot of record created by recorded deed or land sales contract at a time when it was legal to configure property lines by deed or contract, then those recorded deeds may be obtained from the Clackamas County Office of the Clerk, or a Title Company can also assist you in researching and obtaining deeds.
10. If the development is located in a Hazard ("H") Overlay Zone, submit one (1) copy of an affidavit signed by a licensed professional engineer that the proposed development will not result in significant impacts to fish, wildlife and open space resources of the community.



11. Plan Set

- a. **Vicinity Map** at a scale of 1"=400' showing the relationship of the project site to the existing street or road pattern.
- b. **Site Plan**, with following information:
 - Date, north arrow, and scale of drawing;
 - Name and address of the developer, engineer, architect, or other individual(s) who prepared the site plan;
 - Property lines (legal lot of record boundaries);
 - Location, width, and names of all existing or planned streets, other public ways, and easements within or adjacent to the property, and other important features;
 - Location of all jurisdictional wetlands or watercourses on or abutting the property;
 - Finished grading contour lines of site and abutting public ways;
 - Location of all existing structures, and whether or not they are to be retained with the proposed development;
 - Layout of all proposed structures, such as buildings, fences, signs, solid waste collection containers, mailboxes, exterior storage areas, and exterior mechanical and utility equipment;
 - Location of all proposed hardscape, including driveways, parking lots, compact cars and handicapped spaces, loading areas, bicycle paths and parking, sidewalks, and pedestrian ways;
 - Callouts to identify dimensions and distances between structures and other significant features, including property lines, yards and setbacks, building area, building height, lot area, impervious surface area, lot densities and parking areas;
 - Location of vision clearance areas at all proposed driveways and streets.
- c. **Grading Plan** showing existing and proposed topographical information.
- d. **Tree Cutting Plan** is required if any trees having trunks greater than six inches in diameter are proposed to be cut down.
- e. **Landscape Plan** with the following information:
 - Layout and dimensions of all proposed areas of landscaping;
 - Proposed irrigation system;
 - Types, sizes, and location of all plants to be used in the landscaping (can be a "palette" of possible plants to be used in specific areas for landscaping);
 - Identification of any non-vegetative ground cover proposed, and dimensions of non-vegetative landscaped areas;
 - Location and description of all existing trees on-site, and identification of each tree proposed for preservation and each tree proposed for removal;
 - Location and description of all existing street trees in the street right-of-way abutting the property, and identification of each street tree proposed for preservation and each tree proposed for removal.
- f. **Elevations Plan** with the following information:
 - Profile elevations of all buildings and other proposed structures;
 - Profile of proposed screening for garbage containers and exterior storage areas;
 - Profile of proposed fencing.
- g. **Sign Plan** with location and profile drawings of all proposed exterior signage.
- h. **Color and Materials Plan** with colors and materials proposed for all buildings and other significant structures.



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SITE & DESIGN REVIEW GENERAL - TYPE III

APPLICATION FORM

LANDSCAPING CALCULATION FORM

Site Areas

1. Building area	26,748	- Square footage of building footprints
2. Parking/hardscape	33,216	- Square footage of all sidewalks, parking, & maneuvering
3. Landscaped area	26,793	- Square footage of all landscaped areas
4. Total developed area	86,757	- Total of lines 1, 2 and 3
5. Undeveloped area	0	- Square footage of any part of the site to be left undeveloped.
6. Total site area	86,757	- Total square footage of site

Required Site Landscaping (Code 16.49.080)

7. Percent of landscaping required in Zoning District	30	- Fill in the Appropriate Percentage: R-1, R-1.5, R-2 Zones: 30%; C-2, C-M, C-R, M-1, M-2 Zones: 15%; C-1 Zone: 7.5%
8. Required minimum square footage of landscaping	26,027	- Multiply line 4 and line 7
9. Proposed square footage of landscaping	26,793	- Fill in value from line 3

Required Landscaping within a Parking Lot (Code 16.49.120(4))

Note: This section and the next apply only to projects with more than 10 parking spaces or 3,500 square feet of parking area.

10. Zone	R-2	- Fill in the Appropriate Zone and Percentage: C-1 Zone: 5%; Core Commercial sub-area of the Downtown Canby Overlay: 10%, except for parking lots with 10 or more spaces and two or more drive aisles: 50 square feet per parking space; All other zones: 15%.
11. Percent of required landscaping	15%	
12. Area of parking lot & hardscape	36,156	- Fill in area of parking and maneuvering areas plus all paved surface within ten (10) feet of those areas.
13. Number of vehicle parking spaces		- For Core Commercial sub-area in the Downtown Canby Overlay (DCO) only, fill in the total # of parking spaces on-site.
14. Required square footage of landscaping within 10 feet of parking lot	5423	- Multiply area of parking lot (line 12) by percent of required landscaping (line 11) -OR- for the CC sub-area in the Downtown Canby Overlay multiply line 13 by 50 square feet.
15. Proposed square footage of Landscaping within 10 feet of parking lot	9224	- Calculate the amount of landscaping proposed within 10 feet of all parking and maneuvering areas.



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SITE & DESIGN REVIEW GENERAL - TYPE III

APPLICATION FORM

LANDSCAPING CALCULATION FORM (continued)

Parking Lot Tree Calculation

16. Number of parking spaces	71	- Total number of vehicle parking spaces
17. Area of parking lot & hardscape	36,156	- Area from line 12
18. Number of parking spaces (line 16) divided by 8	36	- Round up to the nearest whole number
19. Area of parking lot area (line 17) divided by 2,800	13	- Round up to the nearest whole number
20. Number of required trees in parking lot	36	- Fill in the larger of row 18 and row 19
21. Number of trees provided within 10 feet of parking lot	37	- Fill in the number of proposed trees within 10 feet of parking and maneuvering areas.



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SITE & DESIGN REVIEW GENERAL - TYPE III

APPLICATION FORM

DESIGN REVIEW MATRIX - Table 16.49.040

Instructions: As part of Site and Design Review, the following menu shall be used as part of the review. In order to “pass” this table 60% of total possible points shall be earned, 10% of the total possible points must be from LID elements. **Please note the applicable points in the “Points Scored” column and compute the total and percentages at the end of the table.**

Design Criteria	Possible Points					Points Scored
Parking	0	1	2	3	4	
Screening of parking and/or loading facilities from public right-of-way	Not screened	Partially screened	Fully screened	-	-	1
Parking lot lighting provided	No	Yes	-	-	-	1
Parking location (behind building is best)	Front	Side	Behind	-	-	1
Number of parking spaces provided (% of minimum required)	>120%	101-120%	100%	-	-	1
Screening of Storage Areas and Utility Boxes	0	1	2	3	4	
Trash storage is screened from view by solid wood fence, masonry wall or landscaping.	No	Yes	-	-	-	1
Trash storage is located away from adjacent property lines.	0 - 10 feet from adjacent property	11 - 25 feet from adjacent property	>25 feet from adjacent property	-	-	2
Utility equipment, including rooftop equipment, is screened from view.	Not screened	Partially screened	Fully screened	-	-	2
Access	0	1	2	3	4	
Distance of access to nearest intersection.	≤70 feet	71 - 100 feet	>100 feet	-	-	2
Pedestrian walkways from public street/sidewalks to building entrances.	One entrance connected.	-	Walkways connecting all public streets/sidewalks to building entrances.	-	-	2
Pedestrian walkways from parking lot to building entrance.	No walkways	Walkway next to building only	Walkways connecting all parking areas to building entrances	-	-	2



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APPLICATION FORM

Design Criteria	Possible Points					Points Scored
	0	1	2	3	4	
Tree Retention						
Percentage of trees retained	<10%	10-50%	51-75%	>75%	-	3
Replacement of trees removed	<50%	≥50%	-	-	-	NA
Signs	0	1	2	3	4	
Dimensional size of sign (% of maximum permitted)	>75%	50-75%	<50%	-	-	2
Similarity of sign color to building color	Not similar	Somewhat similar	Similar	-	-	NA
Pole sign used	Yes	No	-	-	-	NA
Building Appearance	0	1	2	3	4	
Style (similar to surroundings)	Not similar	Somewhat similar (1 or 2 points possible depending on level of similarity)			-	0
Color (subdued and similar to surroundings is better)	Neither	Similar or subdued	Both	-	-	1
Material (concrete, wood and brick are best)	Either 1 or 2 points may assigned at the discretion of the Site and Design Review Board					1
Size of building (smaller is better)	>20,000 square feet	≤20,000 square feet	-	-	-	1
Provision of public art (i.e. murals, statues, fountains, decorative bike racks, etc.)	No	-	-	-	Yes	0
Landscaping	0	1	2	3	4	
Number of non-required trees provided	-	At least one tree per 500 square feet of landscaping.	-	-	-	1
Amount of grass (less grass is better) (% of total landscaped area)	>50%	25-50%	<25%	-	-	2
Low Impact Development (LID)	0	1	2	3	4	
Use of pervious paving materials (% of total paved area)	<10%	-	10-50%	51-75%	>75%	0
Provision of park or open space area	None	-	Open space (Generally not for public use)	-	Park (public or privately owned for public use)	2



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SITE & DESIGN REVIEW GENERAL - TYPE III

APPLICATION FORM

Design Criteria	Possible Points					Points Scored
Low Impact Development (LID) (cont.)	0	1	2	3	4	
Use of drought tolerant species in landscaping (% of total plants)	<25% drought tolerant	-	25-50% drought tolerant	51-75% drought tolerant	>75% drought tolerant	4
Provision of additional interior parking lot landscaping (% of minimum required)	100%	101-110%	111-120%	>120%	-	2
Provision of an eco-roof or rooftop garden (% of total roof area)	<10%	-	-	10-50%	>50%	0
Parking integrated within building footprint (below-grade, structured parking, or tuck-under parking) (% of total on-site parking)	<10%	-	-	10-50%	>50%	3
Disconnecting downspouts from city stormwater facilities	None	Some downspouts disconnected	All downspouts disconnected	-	-	2
Shared parking with adjacent uses or public parking structure (% of total required parking spaces)	None	<50%	≥50%	-	-	NA
Provision of rain gardens/bioretention areas for stormwater runoff (% of total landscaped area)	None	-	10-50%	51-75%	>75%	0
Total LID Points						See narrative
Total Possible Points = 71, 60%=42.6 points, 10%=7.1 points						See narrative

Total Points Earned: See narrative (42.6 points required for 60%)

Total LID Points Earned: See narrative (7.1 points required for 10%)



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

SITE & DESIGN REVIEW GENERAL - TYPE III

APPLICATION FORM

APPLICATION PROCESS

1. Prior to submitting an application, all applicants are encouraged to request a pre-application meeting with the City - Planning Director may determine that a pre-application meeting is required prior to submitting an application. To schedule a pre-application meeting, an applicant must submit a completed pre-application form and set of preliminary plans to the Canby Planning Department. Applicant will be notified by email of their scheduled date.
2. Prior to submitting an application, applicants may be required to hold a neighborhood meeting with surrounding property owners and any recognized neighborhood association representative, pursuant to the procedures described in Canby Municipal Code Section 16.89.070.
3. At the time an application is submitted to the City, payment of all required application processing fees is required. An application will not be accepted without payment of fees. City Staff can provide you with information concerning application fees.
4. Staff will check the application, making sure that it is complete, and all fees are paid. Copies of the application materials are routed to various City/State/County departments, as applicable, for their comments. The application is reviewed for completeness; the Planner will accept or return the application with a written list of omissions within thirty (30) calendar days of the submittal.
5. Staff investigates the application, writes a staff report, issues public notice, notifies surrounding property owners, and makes all facts relating to the request available to the Planning Commission and all interested parties.
6. Prior to the public hearing, the applicant must post a Public Notice Sign (Land Use Action) on the subject property. The sign must be posted at least ten (10) days before the public hearing.
7. The staff report will be available to all interested parties ten (10) days prior to the hearing.
8. The Planning Commission holds a public hearing. The staff report is presented to the Commission. Testimony is presented by the applicant, proponents and opponents, followed by rebuttal from the applicant.
9. The Commission then issues findings of fact which support approval, modification, or denial of the application. This decision may be appealed to the City Council.
10. If an approval or a denial is appealed, City Council holds a public hearing. The staff report is presented, and testimony taken at the original hearing(s). Unless the City Council decides to hear the appeal de novo, only testimony regarding items already in the record is permitted, and no new information may be entered. In the case of an appeal, the Council may affirm, revise or reverse the action of the Planning Commission in all or in part. The Council may also remand the matter back to the hearing body for further consideration.
11. Prior to construction of the project, a preconstruction meeting is held with the City and all applicable utility and service providers. If required, this meeting must be held and approval of the plan set signed off by all agencies. Payment of Canby System Development Charges (SDCs) construction excise tax, other applicable fees to the City, Canby Utility fees as well as building permit fees to Clackamas County before issuance of any building permits for the project(s) by Clackamas County.

II. Written Narrative

Narrative for

Tievoli Commons a 30-unit Condominium Development Site and Design Review & Lot Line Adjustment

Applicant / Owner:

TL 5001
Jason & Jeanne Bristol
21733 S Highway 99E
Canby, OR 97013
Phone: 503-803-2920
Jbristol@web-ster.com

Owner:

TL's 4402 & 4600
Linda Bristol
955 NE Oak Cir.
Canby, OR 97013

Property Address & Location:

486 S Knott St. & 360 SE Township Rd., Canby Oregon 97013
North of SE Township Rd., between S Knott St. & S Locust St.

Legal & Assessor's Map:

Located in the SE ¼ of Section 33, T3S, R1E, Willamette Meridian
City of Canby, Clackamas County, Oregon
Assessor Map: 3 1E 33DC, Tax Lots 4402, 4600 & 5001
County tax lot numbers: 31E33DC04402, 31E33DC04600 & 31E33DC05001
31E33DC04402: Parcel 3 of Document No. 2011-009189
31E33DC04600: Parcels 1 & 2 of Document No. 2011-009189
31E33DC05001: Parcel 2 of Partition Plat No. 2015-055, Clackamas County Plat Records

Property Area:

86,757 sq. ft.

Zoning:

R-2, High Density Residential

Civil Engineering Consultant:

Sisul Engineering, Pat Sisul P.E.
375 Portland Avenue
Gladstone, OR 97027
Phone: (503) 657-0188

Architectural Designer:

Northwest Home Designing, Inc.
P.O. Box 88103
Steilacoom, WA 98388
Phone: (253) 584-6309

Landscape Consultant:

Sue Barr
Sue's Landscape Consultations and Designs
Canby, OR 97013
(971) 291-9733

Date:

October 2023

Property Description:

The property proposed for development is in southeast Canby north of SE Township Rd. and east of S Knott St. The development site consists of three separate tax lots currently occupied by 4 existing homes. The land is irregularly shaped and largely tucked away inside the southern portion of the neighborhood block formed by SE Township Rd., S Knott St., S Locust St., and SE 2nd Ave. The properties have a small amount of frontage on two streets, slightly more than 90 feet of frontage on SE Township Rd. and slightly less than 73 feet on S Knott St.



Figure 1 -Vicinity Map

Four mid-century homes currently occupy the property. Three of the homes are on Tax Lot 4600, one is on Tax Lot 5001, and Tax Lot 4402 is vacant. The three homes on Tax Lot 4600 at the northern end of the site take access from S Knott St. via a shared gravel driveway. The existing home on Tax Lot 5001 in the southern portion of the site has access via a circular asphalt driveway with two driveway approaches onto S Township Rd. In addition to the four homes, one out-building is placed behind the home on Tax Lot 5001. All the homes are mid-century or older single-level homes having footprints of less than 1,000 sq ft.

Much of the site is lawn. The property used to have a larger number of trees covering the site, but there was significant tree damage during the ice storm of February 2021 and now only one tree remains onsite, adjacent to S Knott St. The site appears flat, but there is 5 feet of elevation change across the site with the southern portion of the site higher than the northern portion. The highest portion of the site is the SE Township Rd. frontage at elevation 158 feet MSL, while the lowest portion of the site is the northern lot line and the S Knott St. frontage at elevation 153 feet MSL. The average fall from south to north occurs at a grade of slightly more than 1 percent, while the average slope in the east-west direction is nearly flat.

The SE Township Rd. frontage is improved with curb and curb tight sidewalk while the S Knott St. side of the site is improved with curb, but no sidewalk. A bump-out in the curb line and sidewalk of Township Rd. is located at the eastern end of the site frontage.

The surrounding existing utility services are as follows:

Water: Eight-inch diameter public water mains are in both S Knott St. and SE Township Rd.

Sanitary sewer: Public sanitary sewer is available in both S Knott St. and SE Township Rd.

Electrical: Overhead power is located along S Knott St. in front of the site and there is also overhead power located on the south side of SE Township Rd.

Communications / cable: Communications and cable are available in both S Knott St. and SE Township Rd.

Natural Gas: Natural gas service is available in both S Knott St. and SE Township Rd.

The surrounding uses are as follows:

North: Properties to the north of the site are zoned R-2, High Density Residential. The properties include a mix of older single family residential homes and older multi-family residential complexes. The nearest “new” development is a multi-family complex adjacent to Locust St. Park, approximately 300 feet north of the development site

West: S Knott St. is along the western side of the site. There are four properties in between the development site and S Knott St. which are all modest older single-family homes. Properties located across S Knott St. include mostly single-family homes, with some duplexes located in the more northern area across from the site. All the properties west of the site are zoned R-2 High Density Residential.

East: Like the subject property and the properties to the north and west, parcels east of the site are zoned R-2 High Density Residential east beyond S Pine Street. Properties immediately east of the site are single-family residential. A multi-family property is on the NW corner of the SE Township Rd./S Locust St. intersection and other there are two duplexes on the east side of S Locust St. near the development site.

South: S Township Rd. borders the southern portion of the site. Canby Evangelical Church is across S Township Road from the property. Properties east, west, and south of Canby Evangelical Church are single family residential. Land to the south of SE Township Rd. is primarily Medium Density Residential R-1.5, with some Low-Density Residential R-1 zoned properties.

Proposed Development:

The applicant proposes to develop the site with 30 condominium units clustered into 7 buildings of 4 attached townhome style dwellings and a single building with two attached dwellings. The townhome style dwellings will be two-story, either two- or three-bedrooms, with a mixture of different unit styles. The 8 dwellings in Buildings 1 and 2 at the northern end of the site will have a slightly larger unit design than the other 22 units. Each dwelling will measure 20 feet wide by at least 42 feet deep and every unit will have a single car garage and one parking space in front of the garage. In addition to the 30 parking spaces in garages and the 30 driveway parking spaces, eleven additional parking stalls will be provided onsite for resident and guest parking.

A lot line adjustment application is submitted by the applicant to facilitate consolidation of the three existing tax lots that currently make up the site into a single tax lot. The development proposes to retain two of the existing driveway access points, one on SE Township Rd. and one

on S Knott St. The dwellings will face and take access from an internal private accessway. Sidewalks are planned along one side of the S Knott St. accessway and on both sides of the SE Township Rd. accessway. The sidewalks will provide for pedestrian connectivity throughout the site from every dwelling to the mailboxes, the common trash facility, parking, and the public street frontages. The trash enclosure is centrally located near the northern end of the site with easy access for the garbage hauler and the mailbox facility is centrally located between Buildings 3 & 4, as recommended by the US Postal Service.

Building front and street side facing elevations will have door and window trim. Front porches will have covered entries with vertical columns. Lower floor siding will be horizontal lap siding. The upper floor elevations will primarily be panel siding with 1 x 2 vertical battens 24 inches O.C. Some horizontal lap siding will also be integrated in between gable ends on the upper elevations. Roofs will have fiberglass composition shingles.

The 30 condominium units will share the ownership and maintenance of the common areas. The property will be professionally landscaped and maintained. A landscaping plan has been submitted with the application. Three active open space areas are proposed, one along the parking area on the Knott St. accessway in the western part of the site, one in the northern part of the site between Buildings 1 and 2, and one near SE Township Rd. in the southern portion of the site. Each open space area will be more than 1,500 sq. ft. in size.

Utility and Service Requirements:

Domestic Water service: A common water service will be used to serve all 30 units with backflow protection on the water service.

Irrigation water service: Existing water meters will be used to provide water for irrigation of site landscaping.

Fire Suppression: An existing public fire hydrant is located on the S Knott St. frontage of the site. That hydrant is proposed to remain. One new hydrant is proposed along the SE Township Frontage and other private onsite fire hydrants will be installed as required by the Fire Marshal.

Sanitary sewer: The development proposes to install a private sanitary sewer system that will connect to the public sewer main in S Knott St. No public sewer extension is proposed.

Electrical: Individual electrical meters will be used. A gang of meters will be placed along a side wall of each building and will be screened from view from the public streets.

Natural Gas: Natural gas is not planned to be used for this development.

Communications / cable: Communication & cable TV will be needed for each unit.

Storm drainage: Stormwater will be provided as a private facility, not as a public infrastructure. Stormwater will drain to onsite drywells, as will roof drain runoff.

Garbage: A shared garbage and recycling facility will be constructed along the main driveway for ease of access for the garbage company.

US Mail: A shared mailbox unit will be placed inside the site between Buildings 3 & 4, in a location approved by the U.S. Postal Service.

Municipal Code Conformity Title 16

The following text includes all applicable sections of the current City of Canby Title 16 Planning and Zoning Code, followed by a written statement in *highlighted italic text* explaining how the proposed project conforms to the given requirement.

16.10 OFF-STREET PARKING AND LOADING

16.10.040 Prohibited near intersections.

In no case will off-street parking be allowed within a vision clearance area of an intersection.

Off-street parking stalls are placed outside of the vision clearance area of the driveways and intersections. The requirements of this section are met.

16.10.050 Parking standards designated

Off-street Parking Provisions – The parking standards set out in Table 16.10.050 shall be observed. The standards below apply to this development.

<i>Residential Uses:</i>	
c. Multi-family dwellings in complexes with private internal driveways	One space per studio or 1-bedroom unit. 2.00 spaces per 2-bedroom or larger unit. One additional guest parking space shall be provided for every five units for each development of ten or more units.

The proposed dwelling units will be two- and three-bedroom units, therefore each unit is required to have 2.00 parking spaces. These parking spaces will be provided by having one space within a garage and one space in the driveway for each unit.

Thirty units total are proposed. Therefore, six additional guest spaces are required. Eleven guest spaces are proposed, including one ADA van parking stall, five more than are required. In total, 66 parking stalls are required and 71 are proposed.

The requirements of this section are met.

16.10.060 Off-Street loading facilities

The proposed development will be residential, off-street loading facilities are not required. The provisions of this section are not applicable to this development.

16.10.070 Parking lots and access.

A. Parking Lots. A parking lot, whether as accessory or principal use, intended for the parking of automobiles or trucks, shall comply with the following:

1. Parking lot design shall comply with the dimensional standards set forth in Figure 1 of this section.

The thirty parking spaces in garages and the thirty parking spaces in driveway will exceed the minimum parking stall dimensions of 8.5' x 18 feet. The eleven other parking stalls provided onsite will meet or exceed the standard stall dimensions of 8.5 feet x 18 feet. The requirements of this section are met.

TABLE 16.10.070

Minimum dimensional Standard for Parking

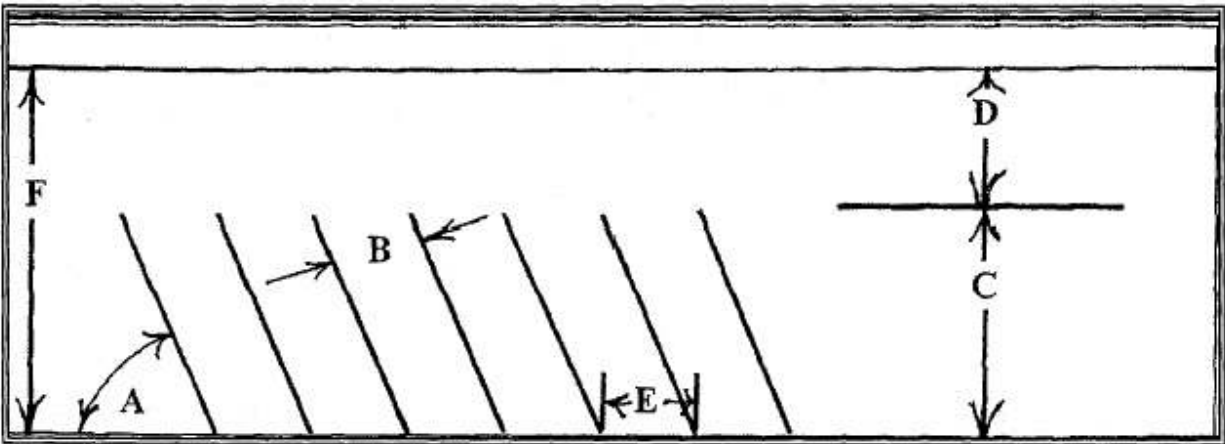
This table and Figure 16.10.070 provide the minimum dimensional standards for parking areas and spaces.

A = Parking angle in degrees D = Minimum clear aisle width

B = Minimum stall width E = Minimum clear stall distance at bay side

C = Minimum stall depth F = Minimum clear bay width

A	B	C	D	E	F
0 (parallel)	8'0"	-	12'0"	22'0"	20'0"
30	8'6"	16'4"	12'0"	17'0"	28'4"
45	8'6"	18'9"	12'6"	12'0"	31'3"
60	8'6"	19'10"	18'0"	9'10"	37'10"
90	8'6"	18'0"	24'0"	8'6"	42'0"



2. Parking stalls of eight (8) feet in width and sixteen (16) feet in length for compact vehicles may comprise up to a maximum of thirty (30) percent of the total number of parking stalls. Such parking stalls shall be marked "Compact Parking only" either on the parking surface or on a sign in front of the parking stalls.

No compact parking stalls are proposed.

3. Areas used for standing or maneuvering of vehicles shall have paved asphalt, concrete, solid concrete paver surfaces, or paved "tire track" strips maintained adequately for all weather use and so drained as to avoid the flow of water across sidewalks or into public streets, with the following exception:
 - a. The Planning Commission may approve the use of an engineered aggregate system for outdoor storage and/or non-required parking areas provided that the applicant can demonstrate that City Standards related to:

- i. minimizing dust generation,
- ii. minimizing transportation of aggregate to city streets, and
- iii. minimizing infiltration of environmental contaminants including, but not limited to, motor oils, fuels, volatile organic compounds (e.g. benzene, toluene, ethylbenzene, xylene), and ethylene glycol are met.

The decision maker may impose conditions as necessary to meet City Standards.

- b. Use of permeable surfacing materials for parking lots and driveways is encouraged whenever site and soil conditions make permeable surfacing feasible. Permeable surfacing includes, but is not limited to: paving blocks, turf block, pervious concrete, and porous asphalt. All permeable surfacing shall be designed, constructed, and maintained in accordance with the Canby Public Works Design Standards and the manufacturer's recommendations. Maintenance of permeable surfacing materials located on private property are the responsibility of the property owner.

Parking and maneuvering areas are proposed to be mostly standard asphaltic concrete paving and standard concrete surfacing. Some pervious materials will be mixed in onsite but not enough to receive credit in the City's Design Review Matrix, Table 16.21.070, for utilizing pervious paving materials. The permeable surfacing will comply with applicable standards. LID facilities are proposed between adjacent driveways. The requirements of this section are met.

- 4. The full width of driveways must be paved in accordance with (3) above:
 - a. For a minimum of 20 feet from the right-of-way line back into the private property to prevent debris from entering public streets, and
 - b. To within 150 feet of all portions of the exterior wall of the first story of any structure(s) served by the driveway to ensure fire and emergency service provision.

The parking & accessways will be fully and completely paved, meeting this requirement.

- 5. Except for parking to serve residential uses, parking areas adjacent to or within residential planning districts or adjacent to residential uses shall be designed to minimize disturbance of residents. Artificial lighting, which may be provided, shall be so deflected as not to shine or create glare in any residential planning district or on any adjacent dwelling, or any street right-of-way in such a manner as to impair the use of such way.

This site is a residential use site, therefore, the provisions of this section do not apply.

- 6. Groups of more than four (4) parking spaces shall be so located and served by driveways that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.

The project does not require backing from any parking spaces into a street right of way. Therefore, this requirement is met.

- 7. Off-street parking areas, and the accesses to them, shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access

and egress and the maximum safety of pedestrian and vehicular traffic on the site and in adjacent roadways. The Planning Director or Planning Commission may require engineering analysis and/or truck turning diagrams to ensure safe and efficient traffic flow based on the number and type of vehicles using the site, the classification of the public roadway, and the design of the parking lot and access drives.

The proposed parking and maneuvering layout meets the requirements of this section by providing two-way driveways between 20 and 26 feet in width. Adequate room for access and vehicular maneuvering are proposed with dedicated pedestrian sidewalks adjacent to the vehicular accessway. Traffic flow from this site will be like other small multi-family sites, however, having two access points will reduce congestion and conflicts at the access points to the public street.

8. Parking bumpers or wheel stops shall be provided to prevent cars from encroaching on the street right-of-way, adjacent landscaped areas, or adjacent pedestrian walkways.

Proposed parking stalls that abut internal walkways are shown with wheel stops. No parking stalls abut public sidewalks. The provisions of this section are addressed.

9. Accessible parking shall be provided, constructed, striped, signed and maintained as required by ORS 447.233 and all Oregon Structural Specialty Code requirements.

Each unit will have an accessible parking stall within the driveway. One additional van accessible parking stall is proposed for guests and it will be striped and signed as required.

B. Access.

1. The provision and maintenance of vehicular and pedestrian ingress and egress from private property to the public streets as stipulated in this ordinance are continuing requirements for the use of any structure or parcel of real property in the City of Canby. No building permit or other permits shall be issued until scale plans are presented that show how the ingress and egress requirement is to be fulfilled. Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing ingress and egress requirements, it shall be unlawful and a violation of this ordinance to begin or maintain such altered use until the required increase in ingress and egress is provided.

Plans have been submitted with this application identifying how ingress and egress from the private property to the public street will be fulfilled. Vehicular ingress and egress will be via driveway approaches on SE Township Rd. & S Knott St. in essentially the same location as the existing driveways. Pedestrian ingress and egress is proposed to occur adjacent to each vehicular access and a dedicated pedestrian lane will be provided through the site. Site accessways will be maintained by the development and alterations that would change the number of access points or the location of the access points are not anticipated and unlikely to occur for a development such as this with limited frontage. The criteria of this section are met.

2. The City of Canby encourages joint/shared access. Owners of two (2) or more uses, structures, or parcels of land may agree to, or may be required by the City to, utilized jointly the same ingress and egress when the combined ingress and egress of both uses, structures, or parcels of land satisfies their combined requirements as designed in this ordinance, provided that satisfactory legal evidence is presented to

the City Attorney in the form of deeds, easements, leases or contracts shall be placed on permanent files with the city recorder.

Adjacent properties are mostly single-family residential homes with driveways in other locations. There is no practicable ability for this site to share an access with a neighboring property.

3. All ingress and egress shall connect directly with public streets.

Both proposed ingress and egress locations will connect directly to the public streets of S Knott St. and SE Township Rd. The requirement of this section is met.

4. Vehicular access for residential uses shall be brought to within fifty (50) feet of the ground floor entrances or the ground floor landing of a stairway, ramp or elevator leading to dwelling units.

Vehicular access will be directly to each unit and will include a parking stall within the garage of each unit. The requirement of this section is met.

5. Required sidewalks shall extend from the ground floor entrances or the ground floor landing of a stairs, ramps or elevators to the sidewalk or curb of the public street or streets that provide the required access and egress.

Sidewalks are proposed to extend from the front door of each unit to the driveways, the private accessway and to the public street. Crosswalks will be established where the accessible route crosses the private accessways. The proposed sidewalks satisfy the requirement of this section.

6. To afford safe pedestrian access and egress for properties within the city, a sidewalk shall be constructed along all street frontages, prior to use or occupancy of the building or structure proposed for said property. The sidewalks required by this section shall be constructed to city standards except in the case of streets with inadequate right-of-way width or where the final street design and grade have not been established, in which case the sidewalks shall be constructed to a design, and in a manner approved by the Site and Design Review Board. Sidewalks approved by Board may include temporary sidewalks and sidewalks constructed on private property; provided, however, that such sidewalks shall provide continuity with sidewalks of adjoining commercial developments existing or proposed. When a sidewalk is to adjoin a future street improvement, the sidewalk construction shall include construction of the curb and gutter section to grade and alignment established by the Site & Design Review Board.

The SE Township Rd. frontage of the site is already fully built out with curb, and a curb tight sidewalk. A portion of the existing curb and sidewalk that bumps out into the street at the southeastern corner of the site will be removed and reconstructed in a straight as part of the reconstruction of the SE Township driveway approach. The S Knott St. frontage has curbing, but no sidewalk. The applicant intends to meet the requirement of this section by constructing a public sidewalk along the S Knott St. frontage of the property.

7. The standards set forth in this ordinance are minimum standards for access and egress, and may be increased through the site and design review process in any particular instance where the standards provided herein are deemed insufficient to protect the public health, safety and general welfare.

16.10.070(B)(8): 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):			
<i>Parking spaces required</i>	<i>Minimum number of accesses required</i>	<i>Minimum access width</i>	<i>Sidewalks & curbs (in addition to driveways)</i>
20-49	Option A: 1 access OR Option B: 2 accesses	20 feet 12 feet	Minimum of one sidewalk connection to residences and parking areas; curb required if sidewalk adjacent to driveway.

The proposal is to use two accesses with sidewalk connections for the 30 units. The access from S Knott Street will measure 26 feet in width, while the access from SE Township Rd. will measure 20 - 26 feet and will have mountable curbs, as permitted by the Fire Department. The requirements of this section are exceeded by the proposal.

8. One-Way Ingress or Egress – Way Ingress or Egress – When approved through the site and design review process, one-way ingress or egress may be used to satisfy the requirements of subsection (H), (I) and (J). However, the hard surfaced pavement of one-way drives shall not be less than twelve (12) feet for multi-family residential, commercial or industrial uses.

One-way ingress and egresses are not proposed. This section is not applicable.

9. Driveways:

a. Access to private property shall be permitted with the use of driveway curb cuts. The access points with the street shall be the minimum necessary to provide access while not inhibiting the safe circulation and carrying capacity of the street. Driveways shall meet all applicable guidelines of the Americans with Disabilities Act (ADA). Driveway distance shall be measured from the curb intersection point [as measured for vision clearance area (16.04.670)]. Distances to an intersection shall be measured from the stop bar at the intersection.

b. Driveways shall be limited to one per property except for certain uses which include large commercial uses such as large box stores, large public uses such as schools and parks, drive through facilities, property with a frontage of over 250-feet and similar uses.

c. Double frontage lots and corner lots may be limited to access from a single street, usually the lower classification street. Single family residential shall not have access onto arterials, and shall have access onto collectors only if there is no other option.

d. If additional driveways are approved by the City Administrator or designee, a finding shall be made that no eminent traffic hazard would result and impacts on through traffic would be minimal. Restrictions may be imposed on additional driveways, such as limited turn movements, shared access between uses, closure of existing driveways, or other access management actions.

e. Within commercial, industrial, and multi-family areas, shared driveways and internal access between similar uses are encouraged to reduce the access

points to the higher classified roadways, to improve internal site circulation, and to reduce local trips or movements on the street system. Shared driveways or internal access between uses will be established by means of common access easements at the time of development.

The submission proposes to utilize two driveways, one on S Knott St. and one on SE Township Rd. Each driveway will be located where existing driveways are currently constructed, but each driveway is proposed to be modified to become a 26-foot-wide ADA compliant approach.

The Transportation System Plan (TSP) designates S Knott St. as a local street and SE Township Rd as a collector street. The applicant understands that double frontage lots may have their access limited to a single street, however, the applicant is proposing that both existing access points be maintained for the following reasons:

- 1) Two access points will provide for better internal site circulation. In the case of a paramedic unit, fire truck, or a moving truck that may block or partially block an accessway, a separate access point would remain available to residents, guests, and deliveries.*
- 2) Most importantly, a second access on SE Township Rd. will provide better circulation for Fire Department vehicles. SE Township Rd. is the shortest route from the S Pine St. fire station and it is the direction that fire trucks are anticipated to come from in most instances. Having Township Rd. driveway would allow for faster response times and would make maneuvering fire trucks, paramedic units, and ambulances through the site easier for emergency services, without needed backing movements.*
- 3) Access from SE Township Rd. will provide straight-line access to the shared trash and recycling facility for the garbage hauler and will allow the hauler to service the site with fewer turning and backing movements. This will save wear and tear on the truck tires and the pavement inside the development site.*

The property will be multi-family residential, however, with all adjacent residential properties already developed with their own driveway accesses, there is no practicable ability to share driveways nor internal access easements. The requirements of the sections above are met.

f. Driveway widths shall be as shown on the following table.

Driveway Widths (Minimum/Maximum, Ft.)			
Street Classification	Res.	Comm.	Ind.
Arterial:	NA (1)	12/36	12/36
Industrial:	NA (1)	12/36	12/36
Collector:	12/24 (2)	12/36	12/36
Neighborhood Route:	12/24 (2)	12/36	12/36
Local:	12/24 (2)	12/36	12/36
Cul-de-sac:	12/24 (2)	12/36	12/36
Public Alley	12/24 (2)	NA	NA
Res. = Residential Zone			
Comm. = Commercial Zone			
Ind. = Industrial Zone			
Notes: (1) Special conditions may warrant access.			
(2) 28' maximum width for 3-car garage.			

Although the table above specifies a maximum permitted width of 24 feet (28' for 3 car garages), Canby Fire District requires a 26-foot-wide access. Therefore, 26-foot-wide driveways are proposed at both entrances in order to comply with Fire District requirements.

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)(3)	10'
Local (all)	50' (1)(3)	10'
Cul-de-sac	50' (1)(3)	10'
Public Alley	50' (1)(3)	
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.		

SE Township Rd.: Currently, Tax Lot 31E33DC04600 has a looped driveway on SE Township Rd. The two approaches are 63 feet center to center, and the center of the western approach is 38 feet east from the center of the driveway to 326 SE Township Rd. As mentioned previously, the proposal is to retain the eastern driveway approach but rebuild it so that it is 26-feet wide and ADA compliant. Removing the western driveway approach would nearly bring the driveways on the north side of Township Rd. into compliance with the driveway spacing table, as shown in the figure below.

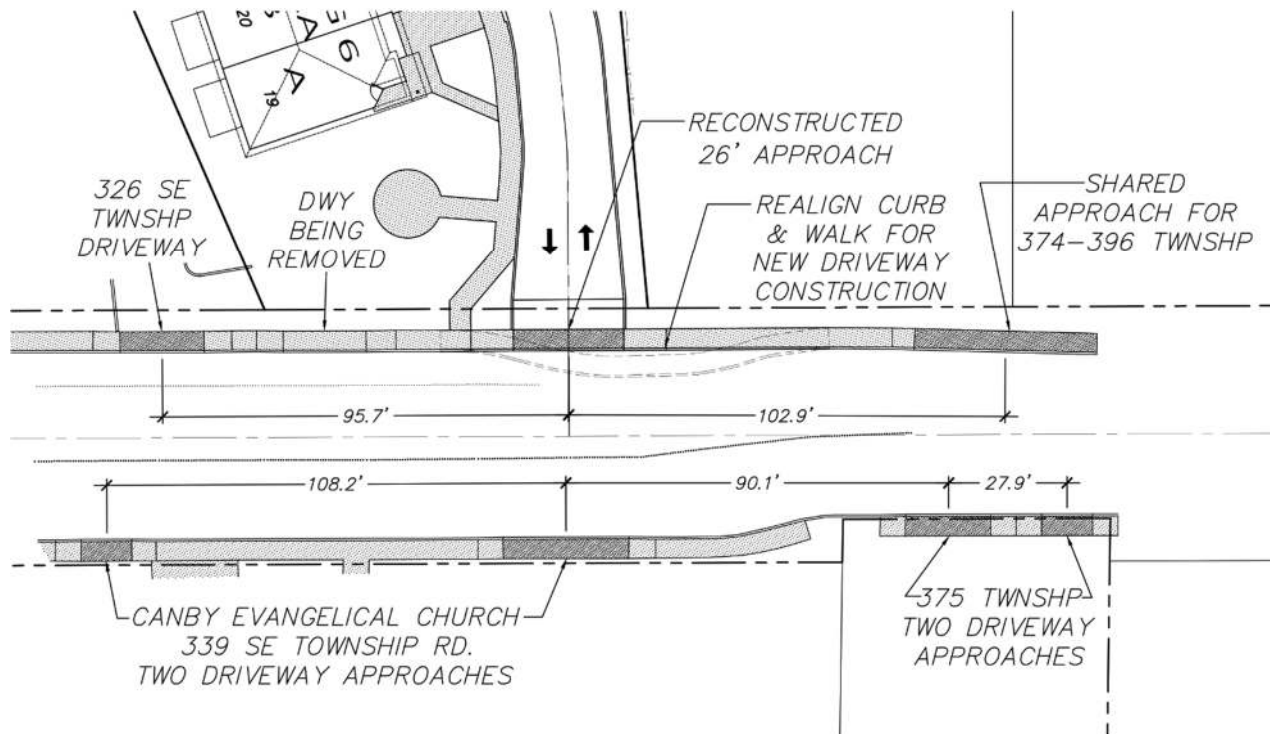


Figure 2 – SE Township Rd Driveway Spacing

The driveway on SE Township Rd. would be directly across from the main driveway to Canby Evangelical Church. On the north side of Township Rd. 198.6 feet will separate the driveways that are east and west of this site. If the driveway to this site were centered equal distance from each offsite driveway, it would result in driveways spaced at 99.3 apart and would require moving the proposed driveway 3.8 feet east. Unfortunately, this would then 1) offset the driveway to this site from the Canby Evangelical driveway across Township Rd. and 2) would put the driveway out of conformance with provision 16.10.070.B.9.h. to maintain the curb cut 5 feet off the property line.

The proposed location for the driveway appears to be the preferable location because although it does not comply with every single Code requirement, it conforms with more Code requirements than any other option. The only Code provision not being met is that the 95.7-foot separation from the driveway to 326 SE Township Rd. is 4.3 feet less than the standard.

The traffic study prepared by City Transportation Engineering consultant DKS noted that a deviation from the spacing standard in the Code will be required and that “No operational or safety issues are anticipated...”

S Knott St.: S Knott St. is a local street requiring 10 feet of separation between driveways and 50 feet of separation to the nearest intersection. The driveway on S Knott St. will conform with these requirements.

Transportation Engineering consultant DKS noted that the proposed internal site circulation and connections to external public streets meets City requirements and can adequately accommodate all users.

- h.** Curb cuts shall be a minimum of five feet from the property line, unless a shared driveway is installed. Single driveways may be paved up to an adjacent

property line but shall maintain a five (5) foot separation from the side property line where the driveway enters the property. Driveways shall not be constructed within the curb return of a street intersection. Deviations may be approved by the City Administrator or designee.

The two driveways are proposed to be located with the drop being 5 feet from the property line. The driveways comply with this requirement.

i. For roads with a classification of Collector and above, driveways adjacent to street intersections shall be located beyond the required queue length for traffic movements at the intersection. If this requirement prohibits access to the site, a driveway with restricted turn movements may be permitted.

The nearest stop sign on SE Township Rd. is 940 feet west of the site, at S Ivy St. The queue length for traffic movements at S Ivy Street will not extend to the proposed driveway.

S Knott St. is a local street and the provisions of this section are not applicable.

The provisions of this section do not apply to either access point.

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.

The site is a multi-family development that is anticipated to generate 216 trips per day. The driveways will be constructed to a commercial standard to meet the provisions of this section.

k. For circular type driveways, the minimum distance between the two driveway curb cuts on one single-family residential lot shall be thirty (30) feet. (Ord. 1514, 2019)

The proposed development will be multi-family. The requirements of this section do not apply.

10. When considering a public facilities plan that has been submitted as part of site and design review plan in accordance with this ordinance, the city Public Works Supervisor may approve the location of a driveway closer than fifty (50) feet from the intersection of collector or arterial streets, based on written findings of fact in support of the decision. Said written approval shall be incorporated into the recommended decision of the City Planner for the site and design review plan under the process set forth.

The proposed driveway will not serve a public facility and will not be located closer than 50 feet from the intersection of collector or arterial streets. The provisions of this section do not apply.

11. Where an existing alley is 20 feet or less in width, the property line setback abutting the alley shall increase to provide a minimum of 24 feet for maneuvering and backing movements from, garages, carports, or parking areas.

No alleys are adjacent or near to the site. The provisions of this section are not applicable.

16.10.080 Street Tree Plan

A Street Tree Plan can be provided in lieu of meeting the requirement of planting a tree every 30 lineal feet of street frontage as stated in Ordinance 1385 Exhibit B. The Street Tree Plan can compensate for driveways, utilities, or other obstructions that inhibit the 30 foot spacing requirement. The requirement for the planting of street trees is required under Chapter 12.32 CMC.

A Landscape Plan showing street trees has been submitted with the application. Both street frontages have curb-tight sidewalks, which will not allow for street trees to be placed in a planter strip. Because S Knott St. has overhead utility wires and there is an existing large evergreen tree located along the street frontage already, no additional street trees are proposed near the street that might conflict with the existing tree or the utility wires. The SE Township Rd. frontage has a curb tight sidewalk and the proposed street trees shown on the Landscape Plan will be behind the sidewalk. The spacing is intended to approximate a 30-foot spacing between the driveway and the western property line.

16.10.090 Drive-up uses.

A. Drive-up uses shall provide a minimum stacking area clear of the public right-of-way or parking lot aisle from the window service to the vehicles as follows:

1. All drive-up uses. – Each lane shall provide a minimum capacity for two (2) to eight (8) automobiles, as determined by the Site and Design Review Board.
2. For purposes of this section, an automobile shall be considered no less than twenty (20) feet in length. The width and turning radius of drive-up aisles shall be approved by the City Public Works Director.

B. The stacking area shall not interfere with safe and efficient access to other parking areas on the property. Traffic aisles shall be wide enough to accommodate backing movements where adjacent to parking stalls. Parking maneuvers shall not occur in the stacking area.

No drive-up uses are proposed. The provisions of Section 16.10.090 do not apply.

16.10.100 Bicycle Parking.

Bicycle parking shall be provided for all multi-family residential, institutional, commercial, and industrial uses.

A. Dimensions and characteristics: Bicycle parking spaces shall be a minimum of six (6) feet long and two (2) feet wide, and overhead clearance in covered spaces shall be a minimum of seven (7) feet. A minimum five (5) foot aisle for bicycle maneuvering shall be provided and maintained beside or between each row of bicycle parking. Bicycle racks located on a sidewalk shall provide a minimum of two (2) feet between the rack and a wall or other obstacle, and between the rack and curb face. Bicycle racks or lockers shall be securely anchored to the surface or a structure. Bicycle racks located in the Downtown Commercial Zone shall be of the inverted U style (a.k.a. staple racks). See Figure 20 of the Canby Downtown Plan for correct rack placement.

B. Location: Bicycle parking shall be located in well-lit, secure locations within fifty (50) feet of the main entrance to a building, but not further from the entrance than the closest

automobile parking space, and in no case further than 50 feet from an entrance when several entrances are involved.

C. Number of spaces: The bicycle parking standards set out in Table 16.10.100 shall be observed.

TABLE 16.10.100 BICYCLE PARKING STANDARD	
LAND USE CATEGORY	MINIMUM REQUIRED BICYCLE PARKING SPACES
Residential	
Multi-family residential, general	1 space per unit

Per Table 16.10.100, one space per unit is required. The space will be provided within the garage of each unit adjacent to the water heater. See the Architectural plans. In addition to the one space in each garage, one bicycle rack will be provided onsite to provide secure bike parking for two guests. The requirements of this section have been met.

16.20 R-2 HIGH DENSITY RESIDENTIAL ZONE

16.20.010 Uses permitted outright.

Uses permitted outright in the R-2.0 zone shall be as follows:

- A.** Uses permitted outright in the R-1.5 zone, subject to the density standards in Section 16.20.030(A);
- B.** Single family townhouse dwellings having common wall construction;
- C.** Boarding, lodging or rooming house;
- D.** Multi-family dwelling;
- E.** Manufactured and mobile home or trailer parks, subject to the criteria of Chapter 16.44;
- F.** Bed and Breakfast.
- G.** Residential Facility - for six or more individuals. (Uses permitted outright in the R-1 zone;)

Multi-family dwellings are proposed and are permitted per bullet D. The units are proposed to be developed as condominium units.

16.20.030 Development standards.

The following subsections indicate the required development standards of the R-2 zone:

- A.** Minimum residential density: New development shall achieve a minimum density of 14 units per acre. Minimum density for a property is calculated by multiplying its area in acres

(minus area required for street right-of-way and public park/open space areas) by the density standard. For example, 0.18 acres x 14 units/acre = minimum of 2.52 units. Decimals are rounded to the nearest whole number (e.g., a minimum of 2.52 units becomes a minimum of 3 units). The Planning Commission may modify the density standard if it cannot be met due to existing lot dimensions, road patterns, or other site characteristics.

The site area is 86,757 sf, 1.99 acre. 1.99 acre x 14 units/ac = 27.9 units. 28 units is the minimum required. 30 units are proposed, two more than the minimum requirement.

B. Townhouses with common wall construction must be placed on a maximum 3000 square foot lot in order to meet the density required in this section.

The proposed project would construct townhouse-style multi-family units on a single parcel. No land division is proposed. This section is not applicable to the proposal.

C. Minimum width and frontage: Twenty feet except that the Planning Commission may require additional width to ensure that all applicable access standards are met.

The site is currently made up of 3 properties. The applicant has submitted a Lot Line Adjustment application to consolidate the three tax lots into one. The single parent parcel will exceed this width and frontage requirement. The requirement of this section is met.

D. Minimum yard requirements:

1. Street yard: twenty feet on side with driveway; fifteen feet for all other street sides; except that street yards may be reduced to ten feet for covered porches only. Street yards for multifamily development (3 or more units located on the same property) located adjacent and on the same side of the street to an R-1 (Low Density Residential) or R-1.5 (Medium Density Residential) zone shall establish a front yard setback that is within 5 feet of the front yard setback of the adjacent home in the R-1 or R-1.5 zone but shall not be less than 10 feet from the property line. This standard does not apply if the closest adjacent home has a front yard setback greater than 30 feet.

This site is a multi-family site in an R-2 zone, located on the same side of the street as existing homes in an R-2 zone. Street yards include the S Knott St. and SE Township Rd. frontages. The proposed garages do not face either public street, therefore the required yard is 15 feet. The proposed street yards exceed the 15 feet required.

2. Rear yard: all corner lots, ten feet single story or fifteen feet two-story; all other lots: fifteen feet single story or twenty feet two-story. One story building components must meet the single story setback requirements; two story building components must meet the two-story setback requirements;

The property is not a corner lot. Therefore, the required rear yard is 20 feet for two-story components and 15 feet for single-story components. The north line of the site is the rear yard, as it is opposite SE Township Road, the front lot line. Proposed Buildings 1 and 2 that will be adjacent to the rear lot line are two-story units. The proposed rear yard behind Buildings 1 and 2 is 20 feet for two-story components of Buildings 1 and 2 and 15 feet for the single story components, per the requirement of this section. This standard is met.

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

Interior yards will be all yards that are not a street yard, or the rear yard. All interior yards will meet or exceed seven feet. The requirement of this section is met.

4. Interior and rear yards may be reduced to three feet, or the width of any existing utility easement, whichever is greater, for detached accessory structures erected sixty feet or more from any street other than an alley. The height limitations noted in subsection D.2 below apply to such structures. Utility easements may only be reduced with the approval of all utility providers.

Interior yards are not planned to be reduced as permitted by this section.

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.

All surrounding properties are zoned R-2. The provisions of this section are not applicable to the proposal.

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);

Because surrounding properties are R-2, no buffer is required & this criterion is not applicable.

6. Infill standards may also apply. See CMC 16.20.030(D)(3) and CMC 16.21.050.

Infill standards are applicable in the R-1 and R-1.5 zones, but not within the R-2 zone. Infill standards do not apply.

E. Maximum building height and length:

1. Principal building: thirty-five feet.

The proposed building height is 26'-6 1/2" from driveway grade to the peak, below the permitted height of 35 feet. The provisions of this section are met.

2. Detached accessory structure:

No detached accessory structures are proposed. The provisions of this section do not apply.

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.

All surrounding properties are zoned R-2. This building height provision is not applicable to the proposal.

4. Maximum building length shall be 120 feet

The maximum building length is 80 feet, below the permitted maximum of 120 feet. The provision of this section is met.

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

1. Impervious surface includes all surface areas that create a barrier to or hinder the entry of water into the soil in comparison with natural conditions prior to development. Impervious surfaces includes, but are not limited to, buildings, parking areas, driveways, roads, sidewalks, patios, packed earth, and oiled surfaces. Open, uncovered retention/detention facilities, green roofs, and permeable surfacing materials shall not be considered impervious surfaces. Roof surfaces are also considered 'pervious' when 100% of the annual average roof runoff is captured and reused on-site for irrigation or approved interior uses.

2. To limit impervious surface, alternative surfacing materials may be used. Alternative surfacing includes, but is not limited to paving blocks, turf block, pervious concrete, and porous asphalt. Other similar approved materials are encouraged. Utilization of alternative surfacing methods shall be subject to review and approval by the City Public Works Department for compliance with other applicable regulations and development standards. Maintenance of alternative surfacing materials located on private property are the responsibility of the property owner.

The proposed impervious area is 59,964 square feet (including pervious pavements), 69% percent of the overall lot area. The provisions of this section are met.

G. Other regulations:

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

Vision clearance from a street to a driveway is ten feet, which the proposed plan will meet.

2. All setbacks to be measured from the foundation line of the building. Overhangs shall not exceed two feet; mechanical units, used for the heating/cooling of residential units are exempt from interior and/or rear yard setback requirements. A chimney for a fireplace or stove shall not exceed a two foot projection.

The project will comply with the standards above.

3. To provide shade, required yards on southern and western exposures may be reduced by not more than five feet for eaves, canopies, or patio covers, if patio posts still comply with the required setbacks.

No canopies or patio covers are proposed. Overhangs will comply with this standard.

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.

Thirty multi-family units are proposed, requiring 150 sq. ft. each of recreation space or 4,500 sq. ft. total. Three separate recreation areas are proposed on the site totaling 5,888 sq. ft. of recreation space, one by SE Township Rd., one by S Knott St., and one between Buildings 1 and 2. Each area is more than 1,500 sq. ft. in area. The provisions of this section are met.

5. Accessory buildings shall not have a larger footprint than the primary building.

No accessory buildings are proposed. This standard is not applicable.

6. Townhouse (common wall) development shall not exceed six dwelling units as defined in Chapter 16.04.195. Where possible, the six unit development should include the placement of an alley or sidewalk along the rear boundary of the properties for fire and emergency access to the rear of the properties. If more than one group of six dwelling units is constructed, then the groups shall be separated by ten feet of open space.

Townhouse dwellings per the definition of 16.04.195 are not proposed. Chapter 16.04.195 defines townhomes as single family units on separate lots, while the proposed units will be multi-family. The provisions of this section are not applicable to the proposed development.

16.21 RESIDENTIAL DESIGN STANDARDS

16.21.010 Purpose.

The purpose of the residential design objectives are to promote:

- A. Community livability through the creation of attractive design housing and streetscapes.
- B. Compatibility (in height, bulk, setback and overall design) between infill housing and adjacent established housing, to the extent practicable. Additionally, the standards are intended to promote compatibility and transitions between multi-family housing and adjacent uses.
- C. Community safety for neighborhood streets and front yards by providing “eyes on the street.”
- D. Community interaction by designing neighborhood streets, front yards and open spaces so that they are attractive and inviting places for neighbors to interact.
- E. Good design at reasonable cost through design standards that improve residential design within reasonable cost parameters, process, and with options for how to meet the standards. (Ord. 1107, 2002)
- F. Low impact developments that manage stormwater through the use of on-site features, preserve natural conditions and open space, minimize impervious surfaces, and use land efficiently.

The eight structures, site improvements, and landscaping intend to fulfill the residential design objectives of this section. The proposed multi-family dwelling units attempt to create a compatible transition from the mid-century or older single-family homes in this neighborhood to the higher density multi-family housing that is now required in this area by the adopted City of Canby Zoning Map and Development Code. The proposed buildings will be architecturally pleasing and will be an asset to the SE Township Rd./S Knott St. neighborhood.

16.21.020 Applicability and review procedure for single family and two family dwellings.

The standards in sections 16.21.030 through 16.21.050 apply to single family dwellings, manufactured homes, and two family dwellings (duplexes). Where a proposal is for an alteration or addition to a existing development, the standards of this section apply only to the portion being altered or added. If the applicant can demonstrate that implementation of the standards would be impractical due to lot size, shape, slope, or other natural feature of the property that does not generally apply to other properties in the city, the Planning Director may waive any of the standards which are demonstrated to be impractical.

The structures on this site will be multi-family dwellings (primarily fourplexes). The standards of sections 16.21.30 through 16.21.050 do not apply. The narrative will therefore skip forward to Section 16.21.060.

16.21.060 Applicability and review procedure for multi-family dwellings.

The standards in section 16.21.070 apply to multi-family dwellings. Where a proposal is for an alteration or addition to an existing development, the standards of this section apply only to the portion being altered or added. If the applicant can demonstrate that implementation of the standards would be impractical due to lot size, shape, slope, or other natural feature of the property that does not generally apply to other properties in the city, the Planning Director may waive any of the standards which are demonstrated to be impractical. (Ord. 1107, 2002)

The proposal is for eight new multi family structures. The provisions of Section 16.21.070 will apply.

16.21.070 Multi-family design standards.

A. For design review applications for multi-family dwellings (three or more units) or for development that contain 3 or more units on a single lot located in any zone, the menu in Table 16.21.070 shall apply. This menu replaces the general menu contained in Chapter 16.49 for such applications.

The proposal is for eight new multi family structures, and a total of 30 dwellings on a single lot. The menu in Table 16.21.070 applies.

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

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

The number of points collected in each category and the total number of points obtained by the project are discussed below.

C. Those elements that are not applicable to a project shall not be counted toward the total possible points. (Ord. 1338; 2010)

Non applicable elements are identified below and are not counted toward the total possible points.

Table 16.21.070 Multi-Family Design Menu

As part of review of multi-family developments, the following menu shall be used as part of the review. In order to "pass" this table 60% of total possible points shall be earned, (10% of the total possible points must be from LID elements)

Parking

Screening of parking and/or loading facilities from public right-of-way

Parking for the eight buildings will be partially screened from view by passing motorists by existing landscaping on- and off-site, and by new landscaping proposed within the proposed development. Some parking will be more than 200 feet away from the public streets, other parking will be within garages, & other parking will be near S Knott St. Because some of the parking is screened, partially screened is applicable. **Partially Screened, 1 point.**

Parking lot lighting provided

Parking lot lighting will be provided. **Yes, 1 point.**

Parking location (behind building is best)

Parking is located to the side of the buildings as viewed from the public street. **Side, 1 point.**

Number of parking spaces provided (% of minimum required) >120% 101-120% 100% - -

30 two- and three-bedroom units are proposed. Each unit is required to have 2 spaces, plus 1 additional space for every 5 units. Therefore, 66 spaces is the minimum requirement. Each unit will provide one space in the garage and one in the driveway accessing the garage. Additionally, 11 other parking spaces will be provided onsite. The 71 parking spaces provided are 108 percent of the minimum required. **101-120%, 1 point.**

4 Points out of 7 Possible

Tree Retention

Percentage of trees retained

The property used to have several trees onsite, however, the trees suffered significant damage in the February 2021 ice storm and were removed. There is currently one large evergreen tree located onsite near S Knott Street that will remain following site development. **>75%, 3 points.**

Replacement of trees removed

No trees are being removed from the site, therefore this category is not applicable. **Not applicable.**

3 Points out of 3 Possible

Building Orientation to Street

Primary entrances face the street

Due to the irregular shape of the property and the narrowness of the street frontages, none of the proposed buildings can be easily oriented toward either street. **Not street facing, 0 points.**

Site's frontage has buildings within 25 feet of front lot line. (Full points may be given when courtyards are adjacent to the frontage.)

Due to the irregular shape of the property and the narrowness of each public street frontage, neither frontage will have a building placed within 25 feet of the street lot line.

0-25 percent of street frontage, 0 points.

0 Points out of 4 Possible

Screening of Storage Areas and Utility Boxes

Trash storage is screened from view by solid wood fence, masonry wall or landscaping.

The trash and recycling storage area will be behind solid fencing or a wall. Yes, 1 point.

Trash storage is located away from adjacent property lines.

The trash and recycling storage area will be located on the northern side of the site, between Buildings 1 & 2, near the private accessway, more than 60 feet away from a property line.

>25 feet from adjacent property, 2 points.

Utility equipment is screened from view.

The Code does not define what constitutes "utility equipment." For the purposes of this matrix, it is assumed to be gas meters, electrical meters, and mechanical systems. Natural gas is not proposed to be used, therefore, there will be no gas meters. Electric meters will be placed on the side walls of the buildings that will face other onsite buildings and not an exterior property line. The only mechanical systems facing the perimeter of the site will be mini-split systems on the rear walls of the dwellings, which will not be visible from the public streets.

Fully screened, 2 points.

5 Points out of 5 Possible

Prevention of Monotonous and Incompatible Design

Horizontal length of all buildings is a maximum of 120 feet

Seven buildings will measure 80 feet & one will measure 40 feet in length.

= 80 feet, 2 points.

Roofs have a gable, hip or gambel form, minimum pitch of 3 to 12 with at least 6- inch overhang.

Roofs will be gable and hipped with a 4/12 pitch and overhangs exceeding 6 inches.

Yes, 1 point.

A minimum of 15% of street façade areas contains windows or doors. All windows provide trim, recess, or other method of providing shadowing.

The street facing façade of the buildings is assumed to be the front of the buildings facing the private accessways. Each street facing façade will feature a door, a garage door, and three windows with trim. The door and windows will provide 123 sq. ft. of glazing on each 20-foot-wide unit, more than 30 percent.

Yes, 1 point.

Garages are located to minimize their visual impact.

It is assumed that the Code preference is to minimize their visual impact from the public street right-of-way. Garages are proposed to face the private accessway and will not be visible from either street right-of-way.

Side of building, 1 point.

Exterior design features include offsets, balconies, projections, window reveals, or similar elements to break up large building expanses.

Design features will be used to break up the building walls. Front elevations feature gabled ends, window trim, horizontal lap siding on the ground floor, with elements of horizontal lap siding and vertical board and batt siding above an offset second floor. The rear elevation will feature two windows and a sliding glass door with trim per 20-foot section, horizontal lap siding on the ground floor, a horizontal trim board, with board and vertical batt siding above on the second floor. The different siding elements on the top and bottom floors would be considered as a "similar element," as the different siding materials will help break up the rear wall and will provide different shading. **Two or more features every 30 feet, 2 points.**

7 Points out of 8 Possible

Private Open Space and Landscaping

Private open space provided in addition to what is required for the base zone.

Rear yard patios exceeding 48 square feet will be provided on 100% of the units. **2 points.**

Number of non-required trees provided.

The Code requires one tree every 40 feet along the setback of the vehicular use area. The total length of the two private accessways would require 34 trees. In addition, two street trees are required along SE Township Road. A total of 95 new trees are proposed, 59 more than required. Total landscaping area will be approximately 27,000 square feet and therefore, 1 non-required tree per 457 square feet is proposed.

At least one tree per 500 square feet of landscaping, 1 point.

Amount of grass (less grass is better) (% of total landscaped area)

The amount of grass to be used on site will be limited to less than 25%, as indicated on the Landscaping Plan. **<25%, 2 points.**

5 Points out of 6 Possible

Street and Block Framework

Multi-family developments 8 acres or larger are developed as a series of complete blocks bounded by a network of public or private streets with sidewalks and street trees.

This section does not apply to this small site.

0 Points out of 0 Possible

Low Impact Development (LID)

Use of pervious paving materials (% of total paved area)

Pervious paving surfacing is planned for the picnic table area at the north end of the site, otherwise no pervious paving is planned. **<10%, 0 points.**

Provision of park or open space area for public use.

Three open space areas, generally not for public use, will be located onsite.

Open space (generally not for public use), 2 points.

Use of drought tolerant species in landscaping (% of total plants)

Drought tolerant species are planned to make up more than 75% of the total plantings.
>75% drought tolerant, 4 points.

Provision of additional interior parking lot landscaping (% of minimum required)

36,156 square feet of non-building area is located within 10 feet of the exterior of the common parking and maneuvering area. 9,224 square feet of this area is landscaping, 25.5% of the parking lot area. Fifteen (15%) is the minimum required, 25.5% exceeds the required by 10.5%, which rounds up.
111-120%, 2 points.

Provision of an eco-roof or rooftop garden (% of total roof area)

No eco-roofs or rooftop gardens will be provided.
<10%, 0 points.

Parking integrated within building footprint (below-grade, structured parking, or tuck-under parking) (% of total on-site parking)

Of the 71 total parking spaces, 30 will be located within garages. $30/71 = 42\%$
10 - 50%, 3 points.

Disconnecting downspouts from city stormwater facilities

All downspouts are disconnected from City stormwater facilities.
All downspouts disconnected, 2 points.

Shared parking with adjacent uses or public parking structure (% of total required parking spaces)

Shared parking and or a parking structure are generally not applicable to residential uses outside the downtown core.

This section does not apply to the proposed residential use.
Not applicable.

Provision of rain gardens/bioretenion areas for stormwater runoff (% of total landscaped area)

The total landscaped area will be 26,793 square feet, of which, 300 square feet will be rain garden / bioretention planter, 1% of the total.
<10%, 0 points.

13 out of 29 Possible Points

A total of 64 points are applicable to this particular project.

The project can earn a total of 37 points out of 62 Possible = 60%

Including at least 1 point from each applicable category X

Including 13 points (out of 37 total) (35%) from the LID category. ✓

The project meets the matrix requirements for total points and LID points, but it fails the requirement to have at least 1 point from each applicable category, as no points are awarded for Building Orientation to the Street. Due to the irregular shape of the parent site, the limited street frontage along S Knott St. and SE Township Rd., and the need to meet minimum density requirements, Building Orientation toward the street for this site is not attainable.

A driveway to this site requires 5 feet of landscaping adjacent to the property line, two six-inch curbs, a 26-foot-wide driveway approach, and a five-foot sidewalk. If some landscaping were desired between the back of the sidewalk and a building placed adjacent to the sidewalk, then at least another three feet would be needed between the walk and the building to accommodate

a narrow landscape strip. The total width needed for a driveway, sidewalk and landscaping for this site is 40 feet.

The S Knott St. frontage of the site is slightly less than 72 feet wide. The northern property line of the site is considered the “rear” property line, which requires a minimum setback of 15 feet to first floor elements and twenty feet to second floor elements. 72 feet of lot width, minus 40 feet of width reserved for the driveway and landscaping, and minus 15 or 20 feet of width for building setback, would leave only 17 feet of width for the first floor of the building and 12 feet for the second floor. A 12- to 17-foot-wide two-story building is neither in character with the existing dwellings in the neighborhood or the dwellings proposed by the applicant. It would also not meet the goals of Section 16.21.010.A to create attractively designed housing.

The SE Township Rd frontage is 90 feet wide. Construction of a driveway to SE Township Rd. would also require 40 feet of width for a driveway, sidewalk, and landscaping. The western property line of the site is considered a “side” property line. A side yard setback is a minimum of 7 feet. 90 feet of frontage, minus 40 feet of driveway and 7 feet for building setback would leave 43 feet of width for the building. This would be adequate for two units.

However, having two dwellings facing S Knott St or SE Township Road would then require those dwellings to have garages on the rear side of the units. Rear entry garages work well for sites having alleys, but there are no alleys in this neighborhood that can be utilized. Without the benefit of an alley, an accessway would have to be created on the back side of the units, for vehicles to access the garages.

Rear garages would require a minimum of 19 feet of depth for parking, and an accessway for maneuvering. A significant amount of additional pavement would have to be created to turn two units toward Township Rd. Turning two units in that direction would eliminate the open space / multi-family recreational space currently proposed for the Township Rd. frontage. The proposed open space is intended to create an attractive streetscape and an inviting area for neighbors within the project and the surrounding neighborhood to interact, promoting the stated purposes of Section 16.21.010. Removal of the open space would likely lessen neighborhood interaction and would create a less attractive streetscape.

The submitted Site Plan has a proposed impervious area of 69%, just slightly below the maximum permitted impervious area threshold of 70% (see response to 16.20.033.F). The creation of additional private accessway along the rear of two units facing SE Township Rd. would push the project over the allowed maximum impervious area. In order to comply with the maximum impervious area requirement, impervious area would have to be eliminated either by eliminating parking or eliminating units.

Elimination of units could potentially make minimum density become an issue. The proposed number of units is 30, slightly above the minimum required density of 28 units. Reconfiguration of the southwestern portion of the site would impact the site plan, reducing the total number of units by at least one, and possibly two or more. If more than two units had to be removed to create the rear accessway into the two units facing Township Rd. and remain in compliance with the maximum impervious area criterion, then the project would fall below the minimum permitted density. With less expensive housing options hard to come by, even the loss of one unit is significant.

Creation of a duplex style building with garages on the rear of the building is a building type not currently proposed by the applicant. Currently, there are eight buildings proposed, consisting of four building styles. Adjustment of the site plan to include two units facing Township Rd. with

garages on the back side, would require development of a 5th building style. It would also likely require Building 7 to become a 5-plex, adding a 6th building style. This would make 6 different building plans for the 8 proposed buildings, increasing construction costs.

Finally, with the Site Plan proposed by the applicant, each unit has a fenced open space in their back yard where they can have their own private outdoor area. If two units were constructed having a front orientation toward Township Rd., the garages on the back side of the units would eat up the space on the rear side of the units. There would not be space for a private outdoor area. The private outdoor area would have to be in the front yard, along Township Rd. Township Rd. is a busy roadway, and having the Township Rd side of the units as the “private” space would create a less desirable space than the rear yard outdoor areas proposed by the applicant.

In the spirit of meeting the design elements in the Code to the degree possible, the applicant has turned the front doors for the units at a 45-degrees to the front/side yards, wrapped the front porches around the side walls of the units, and provided more direct sidewalk connections from Units 1 and 19 toward the public sidewalks along S Knott St. and SE Township Rd. Although these design elements go toward meeting the intent of the Building Orientation design criteria in the matrix, the applicant did not feel as though meeting these elements was worthy of being awarded a point in the matrix.

For all the reasons above, the applicant feels that Building Orientation toward the two fronting streets is unattainable for this development.

16.35 CANBY INDUSTRIAL AREA OVERLAY (I-O) ZONE

The site is not within the Canby Industrial Area Overlay Zone, this Chapter does not apply.

16.36 PLANNED UNIT DEVELOPMENT OVERLAY ZONE

The project is not proposed as a Planned Unit Development.

16.37 RIPARIAN OVERLAY ZONE

The site is not within a riparian area, the provisions of this Chapter do not apply.

16.38 HISTORIC PROTECTION OVERLAY ZONE (A)

The existing homes on the site are old, but not historic. No historic features are located on or adjacent to this site. The Historic Protection Overlay does not apply.

16.39 WETLAND OVERLAY ZONE

The site is free from wetlands and riparian areas. The provisions of this Chapter do not apply.

16.40 HAZARD OVERLAY ZONE (H)

The site is free from steep slopes and potential from flooding. The Hazard Overlay Zone and the provisions of this Chapter do not apply.

16.41 DOWNTOWN CANBY OVERLAY (DCO) ZONE

The site is not located within the Downtown Canby Overlay Zone. This Chapter does not apply.

16.42 SIGNS

No signs are proposed, this Chapter does not apply.

16.43 OUTDOOR LIGHTING STANDARDS

16.43.030 Applicability.

The outdoor lighting standards in this section apply to the following:

A. New uses, buildings, and major additions or modifications:

1. For all proposed new land uses, developments, buildings, and structures that require a building permit, all outdoor lighting fixtures shall meet the requirements of this Code.
2. All building additions or modifications of fifty (50) percent or greater in terms of additional dwelling units, gross floor area, or parking spaces, either with a single addition or cumulative additions, shall meet the requirements of this Code for the entire property, including previously installed and any new outdoor lighting.

The project is a new land use, development, and building. The provisions of Section 16.43.030 are applicable to the proposal.

16.43.040 Lighting Zones.

A. Zoning districts designated for residential uses (R-1, R-1.5 and R-2) are designated Lighting Zone One (LZ 1). All other zoning districts are designated Lighting Zone Two (LZ 2).

B. The designated Lighting Zone of a parcel or project shall determine the limitations for lighting as specified in this ordinance.

Table 16.43.040 Lighting Zone descriptions

Zone	Ambient Illumination	Representative Locations
LZ 1	Low	Rural areas, low-density urban neighborhoods and districts, residential historic districts. This zone is intended to be the default for residential areas.
LZ 2	Medium	High-density urban neighborhoods, shopping and commercial districts, industrial parks and districts. This zone is intended to be the default condition for commercial and industrial districts in urban areas.

This residential use will be in LZ (Lighting Zone) 1.

16.43.060 Prohibited Light and Lighting.

A. All outdoor light sources, except street lights, shall be shielded or installed so that there is no direct line of sight between the light source or its reflection at a point 3 feet or higher above the ground at the property line of the source. Light that does not meet this requirement constitutes light trespass. Streetlights shall be fully shielded. However, the applicant is permitted to have some unshielded lighting if lumens are within the limits of Table 16.43.070 below.

B. The following lighting systems are prohibited from being installed or used except by special use permit.

1. Aerial Lasers.
2. "Searchlight" style lights.
3. Other very intense lighting, defined as having a light source exceeding 5200 lumens.

Lighting will be installed to meet the requirements of this section. Cut sheets for the proposed fixtures are submitted with the application.

16.43.070 Luminaire Lamp Wattage, Shielding, and Installation Requirements.

A. All outdoor lighting shall comply with the limits to lamp wattage and the shielding requirements in Table 16.43.070 per the applicable Lighting Zone. These limits are the upper limits. Good lighting design will usually result in lower limits.

B. The city may accept a photometric test report, demonstration or sample, or other satisfactory confirmation that the luminaire meets the requirements of the shielding classification.

C. Such shielded fixtures must be constructed and installed in such a manner that all light emitted by the fixture complies with the specification given. This includes all the light emitted by the fixture, either directly from the lamp or by a diffusing element, or indirectly by reflection or refraction from any part of the fixture. Any structural part of the fixture providing this shielding must be permanently affixed.

D. All canopy lighting must be fully shielded. However, indirect upward light is permitted under an opaque canopy provided that no lamp or vertical element of a lens or diffuser is visible from beyond the canopy and such that no direct upward light is emitted beyond the opaque canopy. Landscape features shall be used to block vehicle headlight trespass while vehicles are at an external point of service (i.e. drive-thru aisle).

E. All facade lighting must be restricted to the facade surface. The margins of the facade shall not be illuminated. Light trespass is prohibited. The sides of commercial buildings without a customer entrance shall not be lit.

Table 16.43.070 - Luminaire Maximum Wattage and Required Shielding

Lighting Zone	Fully Shielded	Shielded	Partly Shielded	Unshielded (Shielding is highly encouraged. Light trespass is prohibited.)
LZ 1	2600 lumens or less	800 lumens or less	None Permitted	Low voltage landscape lighting and temporary holiday lighting.

A lighting design has been submitted with the land use applications to the City of Canby for approval. The applicant will install lighting to meet the requirements of this Code.

16.43.080 Height Limits.

Pole and surface-mounted luminaires under this section must conform with Section 16.43.070.

A. Lighting mounted onto poles or any structures intended primarily for mounting of lighting shall not exceed a mounting height of 40% of the horizontal distance of the light pole from the property line, nor a maximum height according to Table 16.43.080, whichever is lower. The following exceptions apply:

1. Lighting for residential sports courts and pools shall not exceed 15 feet above court or pool deck surface.
2. Lights specifically for driveways, and then only at the intersection of the road providing access to the site, may be mounted at any distance relative to the property line, but may not exceed the mounting height listed in Table 16.43.080.
3. Mounting heights greater than 40% of the horizontal distance to the property line but no greater than permitted by Table 16.43.080 may be used provided that the luminaire is side-shielded toward the property line.
4. Landscape lighting installed in a tree. See the Definitions section.
5. Street and bicycle path lights.

B. Lighting mounted onto buildings or other structures shall not exceed a mounting height greater than 4 feet higher than the tallest part of the building or structure at the place where the lighting is installed, nor higher than 40% of the horizontal distance of the light from the property line, whichever is less. The following exceptions apply:

1. Lighting attached to single family residences shall not exceed the height of the eave. Lighting for driveways shall conform to Table 16.43.080.
2. Lighting for facades may be mounted at any height equal to or less than the total height of the structure being illuminated regardless of horizontal distance to property line.
3. For buildings less than 40 feet to the property line, including canopies or overhangs onto the sidewalk or public right of way, luminaires may be mounted to the vertical facade or the underside of canopies at 16 feet or less.

Table 16.43.080 - Maximum Lighting Mounting Height in Feet

Lighting Zone	Lighting for Driveways, Parking and Transit	Lighting for Walkways, Plazas and other Pedestrian Areas	All Other Lighting
LZ 1	35.0	18.0	8.0

Exterior lighting for the private accessway, sidewalks, and parking areas will include a combination of wall mounted and pole mounted fixtures. Exterior wall mounted light fixtures will be mounted at elevation of approximately 8 feet. Exterior pole mounted fixtures will be mounted approximately 15 feet above ground. The provisions of this section are met.

16.43.110 Lighting Plan Required

A lighting plan shall be submitted with the development or building permit application and shall include:

- A.** A site plan showing the location of all buildings and building heights, parking, and pedestrian areas.
- B.** The location and height (above grade) of all proposed and existing luminaires on the subject property.
- C.** Luminaire details including type and wattage of each lamp, shielding and cutoff information, and a copy of the manufacturer's specification sheet for each luminaire.
- D.** Control descriptions including type of control (time, motion sensor, etc.), the luminaire to be controlled by each control type, and the control schedule when applicable.
- E.** Any additional information necessary to demonstrate compliance with the standards in this section.

A Site Lighting Plan is submitted with this development application.

16.46 ACCESS LIMITATIONS ON PROJECT DENSITY

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:

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

The proposal is to construct multi-family housing, the provisions of this section do not apply.

- 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 36 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

A single two lane access road/drive is adequate to serve the 30 units proposed. However, 30 units is the maximum number of units that is allowed without a second driveway. The applicant is proposing a second driveway for improved site access. The onsite driveways will have no parallel parking; therefore, 20 feet is the permitted width per 16.46.010, however the approaches will be 26-feet wide to comply with Fire Department requirements.

16.46.020 Ingress and egress.

Ingress and egress to any lot or parcel, the creation of which has been approved by the Planning Commission, shall be taken along that portion fronting on a public street unless otherwise approved by the Planning Commission. (Ord. 740 section 10.3.62, 1984)

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

B. Where an existing alley is 20 feet or less in width, the setback abutting the alley shall increase to provide a minimum of 24 feet for maneuvering and backing movements from, garages, carports, or parking areas.

Ingress and egress to the site will be from SE Township Rd. and S Knott St. Proposed driveway locations are in the same location as existing curb cuts. Vision clearance of 10 feet from a street to a driveway can be met along both roadways. The alley requirements of Section B are not applicable to this site.

16.46.030 Access connection.

A. Spacing of accesses on City streets. The number and spacing of accesses on City streets shall be as specified in Table 16.46.030. 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. (Ord. 1043 section 3, 2000; Ord. 1076, 2001; Ord. 1237, 2007)

**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).

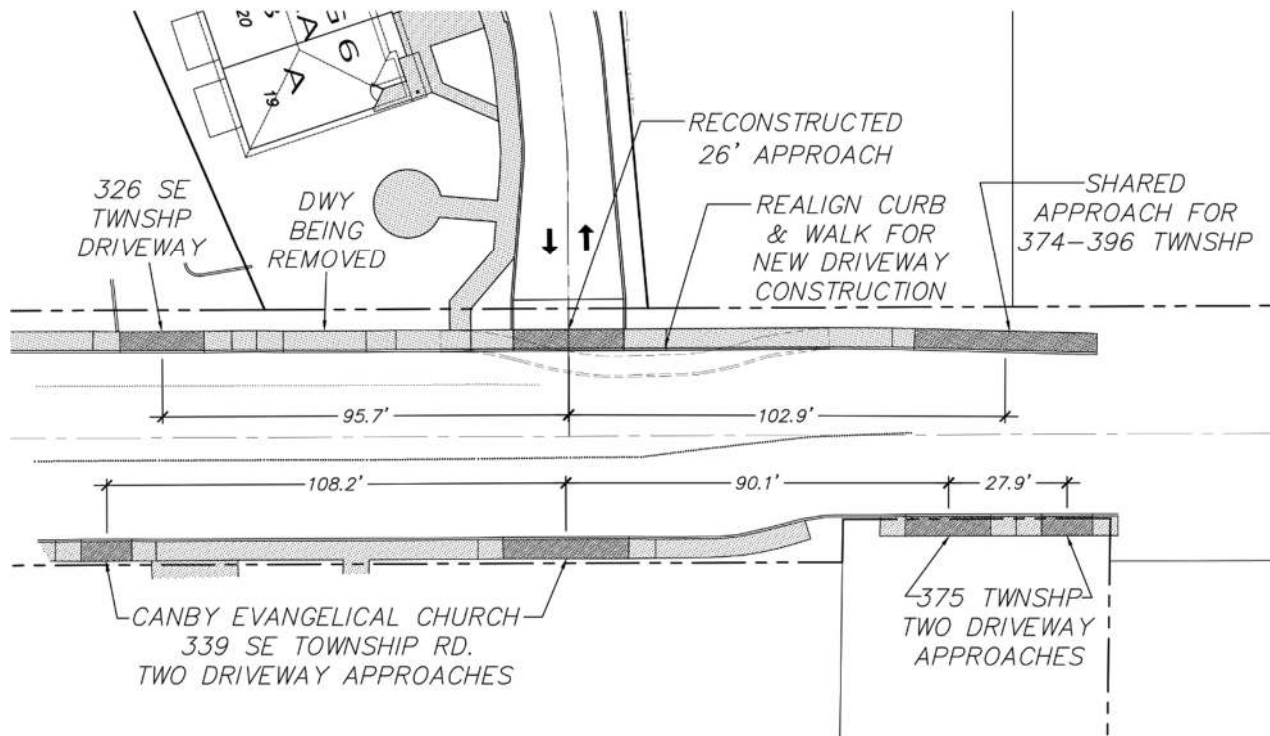
**** Not applicable for single-family residential driveways; refer to section 16.10.070(B)(10) for single-family residential access standards Note: Spacing shall be measured between access points on both sides of the street.

The December 2010 Transportation System Plan classifies SE Township Rd. as a collector roadway in Figure 7-1, Functional Classification. Per Table 16.46.30 shown above, the minimum driveway to driveway spacing on collectors is required to be 100 feet and minimum driveway to roadway spacing is also 100 feet.

On the north side of Township Rd. 198.6 feet separates the driveways east and west of this site. Currently, Tax Lot 31E33DC04600 has a looped driveway onto Township Rd. with two approaches being 63 feet apart center to center, and the center of the western approach being 38 feet east from the center of the driveway to 326 SE Township Rd. With 198.6 feet between offsite driveways, there is no location onsite where the driveway could be placed and conform to the 100-foot spacing requirement of Table 16.46.030. The best separation that could be achieved would be to center the new driveway to this site so that it achieved equal distance from each offsite driveway. This would result in driveways spaced 99.3 apart, nearly in conformance with this standard.

Unfortunately, centering the driveway between the driveways offsite would force it to fail to conform with other standards. The driveway would be placed too far east to conform to Code provision 16.10.070.B.9.h. requiring driveways to maintain curb cuts 5 feet off the property lines; and the driveway would be slightly offset from the driveway to Canby Evangelical Church on the south side of Township Rd. Aligning driveways is preferred to having minor offset driveways.

The proposed driveway will be 3.8 feet west of being perfectly centered in between the driveways east and west of the site. This would essentially retain the location of the existing eastern driveway approach into this site, it would align the driveway with the driveway for the Canby Evangelical Church across Township Rd., and it would meet the curb cut requirements of Code provision 16.10.070.B.9.5. The resulting separation from the offsite driveways would be 95.7 feet from the driveway to 326 SE Township Rd. and 102.9 feet from the driveway to 374-396 SE Township Rd. See the figure on the following page.



The proposed location for the driveway appears to be the preferable location because although it does not comply with every single Code requirement, it conforms with more Code requirements than any other option. The only Code provision not being met is that the 95.7-foot separation from the driveway to 326 SE Township Rd. is 4.3 feet less than the standard.

The traffic study prepared by City Transportation Engineering consultant DKS noted that a deviation from the spacing standard in the Code will be required and that "No operational or safety issues are anticipated..."

S Knott St.: S Knott St. is a local street requiring 10 feet of separation between driveways and 50 feet of separation to the nearest intersection. The driveway on S Knott St. will conform with these requirements.

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.

The access for this site is an existing access that has been serving the home on this site constructed in 1942 and has been in use long before the current access restrictions were established. Access restrictions that would prevent certain turning movements would be difficult to construct in such a manner that they wouldn't also impact access and turning movements for other existing driveways on the north and south sides of the street. Restricted access improvements are warranted when traffic on the roadway is so heavy that vehicles making left turns will cause serious safety problems, however, on streets without heavy traffic, access

restrictions can be more of a detriment to vehicular safety than a benefit. Restricted access for the development was not a recommendation of the TAL.

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.

A. Adjacent commercial or office properties classified as major traffic generators (e.g. shopping plazas, office parks), shall provide a cross access drive and pedestrian access to allow circulation between sites.

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.

C. Shared parking areas may be permitted a reduction in required parking spaces if peak demands do not occur at the same time periods.

D. Pursuant to this section, property owners shall:

1. Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive;
2. Record an easement with the deed that remaining access rights along the roadway will be dedicated to the city and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;
3. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.

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.
2. The site plan incorporates a unified access and circulation system in accordance with this section.
3. The property owner enters into a written agreement with the city, recorded with the deed, that pre-existing connections on the site will be closed and eliminated after construction of each side of the joint use driveway.

F. The Planning Department may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make a development of a unified or shared access and circulation system impractical.

Driveways on the north side of Township Rd. are nearly in conformance with the access spacing guidelines and can be made to conform as properties redevelop in the future. Joint or cross access agreements for parcels on the north side of Township Rd are impractical for the development proposed.

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. (Ord. 1043 section 3, 2000)

The existing driveway approach into this parcel existed prior to April 19, 2000. The proposal includes reconstruction of the existing driveway approach to:

- 1) make it conform to a commercial standard,*
- 2) make it conform with current ADA PROWAG standards, and*
- 3) to modify the width to 26 feet as required for the fire department.*

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. (Ord 1043 section 3, 2000)

Two points of access are requested for this property. Thirty units is the maximum number of units that can be served by a single driveway. Rather than provide a single driveway that may be near its operational capacity, the applicant would prefer to install a second approach.

The TAL did not express any concerns with having a second driveway approach.

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.

As previously mentioned in response to Section 16.46.035, with 198.6 feet between offsite driveways, there is no location where a driveway on Township Rd. could be created that would conform to the 100-foot spacing requirement of Table 16.46.030. The best that could be done would be centering the new driveway so that it achieved 99.3 feet of distance from each offsite driveway. However, centering the driveway between the offsite driveways would make it fail to conform with other requirements, such as Code provision 16.10.070.B.9.h. requiring driveways to maintain curb cuts 5 feet off the property line.

The proposal is to shift the center of the approach 3.8 feet west from being centered between the offsite driveways. This would essentially retain the location of the existing eastern driveway approach to this site, it would align it with the driveway for the Canby Evangelical Church, and it would meet the curb cut requirements of Code provision 16.10.070.B.9.h.

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.

No access management plan is warranted for the proposal.

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.

The best solution appears to be to leave the existing driveway where it is currently located, in alignment with the driveway for the Canby Evangelical Church on the south side of Township

Road and in conformance with the requirement to maintain a curb cut 5 feet from the property line, while rebuilding the approach to conform to the commercial driveway standard, ADA PROWAG standards, and the fire department's requirement for a 26-foot-wide driveway.

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

The existing driveway on Township Rd. dates back many decades. The driveway pre-dated construction of many of the other nearby dwellings and driveways and all the nearby modern subdivisions. This driveway and many of the older driveways along Township Rd. pre-date the City's adoption of access spacing standards. No hardship has been 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. (Ord. 1043 section 3, 2000; Ord 1237, 2007; Ord. 1340, 2011)

The Township Rd. access for this site is an existing access that has been used for many years. Although some of the existing driveways on the north and south sides of Township Rd. do not fully comply with the access management guidelines, no significant operational or traffic safety concerns have been identified. The TAL noted no safety concerns and recommended that the existing access location be approved to serve the new development.

16.49 SITE AND DESIGN REVIEW

16.49.030 Site and design review plan approval required.

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

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

None of the above shall occur, and no building permit for such activity shall be issued, and no sign permit shall be issued until the site and design review plan, as required by this Ordinance, has been reviewed and approved by the Board and their designees for conformity with applicable criteria.

Eight new buildings are proposed, per bullet #1, Site and Design approval is required.

C. Construction, site development and landscaping shall be carried out in substantial accord with the approved site and design review plan. Review of the proposed site and design

review plan and any changes thereto shall be conducted in accordance with site and design review procedures.

Proposed site development and landscaping plans have been submitted with the application for review and approval by the hearing body.

D. No fence/wall shall be constructed throughout a project that is/was subject to site and design review approval where the effect or purpose is to wall said project off from the rest of the community unless reviewed and approved by the Planning Commission.

The site has some existing perimeter fences and landscaping hedges. New perimeter fencing is proposed as needed, and interior fencing is proposed between the units to provide a secure place where children can be let outside to play, or pets can roam off-leash. No walls are planned along the street frontages that would wall the site off from the rest of the community. Access for guests will always be available via the common accessways & sidewalks connected to the public streets.

16.49.035 Application for Site and Design Review

A. For projects in the Downtown Canby Overlay Zone, applicants may choose one of the following two processes:

1. Type II - If the applicant meets all applicable site and design review standards set forth in Chapters 16.41 and 16.49, applicant shall submit a Type II application for approval pursuant to the approval criteria set forth in 16.49.040.5; or
2. Type III - If the applicant proposes the use of alternative methods or materials to meet the intent of the site and design review standards set forth in Section 16.41.070, the applicant shall submit a Type III application for approval pursuant to the approval criteria set forth in 16.49.040.6. The applicant must still meet all applicable requirements of Chapter 16.49.

B. All other projects subject to site and design review approval pursuant to Section 16.49.030 are subject to the Type III procedural requirements set forth in Chapter 16.89. The applicant shall submit a Type III application for approval pursuant to the approval criteria set forth in 16.49.040. (Ord.1296, 2008)

The project is not located in the Downtown Canby Overlay Zone. The project will be processed as a Type III application per Section B above.

16.49.040 Criteria and standards.

B. In review of a Type III Site and Design Review Application, the Board shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the following:

1. The proposed site development, including the site plan, architecture, landscaping and graphic design, is in conformance with the standards of this and other applicable city ordinances insofar as the location, height and appearance of the proposed development are involved; and

2. The proposed design of the development is compatible with the design of other developments in the same general vicinity; and

3. The location, design, size, color and materials of the exterior of all structures and signs are compatible with the proposed development and appropriate to the design character of other structures in the same vicinity.

4. The proposed development incorporates the use of LID best management practices whenever feasible based on site and soil conditions. LID best management practices include, but are not limited to, minimizing impervious surfaces, designing on-site LID stormwater management facilities, and retaining native vegetation.

5. The Board shall, in making its determination of compliance with this Ordinances, shall use the matrix in Table 16.49.040 to determine compatibility unless this matrix is superseded by another matrix applicable to a specific zone or zones under this title. An application is considered to be compatible with the standards of Table 16.49.040 if the following conditions are met:

a. The development accumulates a minimum of 60 percent of the total possible number of points from the list of design criteria in Table 16.49.040; and

b. At least 10 percent of the points used to comply with (a) above must be from the list of LID Elements in Table 16.49.040. (Ord. 1338, 2010).

The project demonstrated compliance with the Multi-Family Design Menu, Table 16.21.070, which supersedes the Site and Design Review Matrix of this section. The requirements of this section have been addressed.

6. Street lights installation may be required on any public street or roadway as part of the Design Review Application.

S Knott St. and SE Township Rd. both have street lighting and additional lighting is not anticipated. The applicant will meet this requirement if necessary.

D. In review of a Type III Site and Design Review Application, the Board shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the INTENT of the design review standards set forth in this ordinance.

E. The Board shall, in making its determination of compliance with the above requirements, be guided by the objectives and standards set forth in this ordinance. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed development. If the site and design review plan includes utility facilities or public utility facility, then the City Planner shall determine whether those aspects of the proposed plan comply with applicable standards.

F. The Board shall, in making its determination of compliance with the requirements set forth, consider the effect of its action on the availability and cost of needed housing. The Board shall not use the requirements of this section to exclude needed housing types. However, consideration of these factors shall not prevent the Board from imposing conditions of approval necessary to meet the requirements of this section. The costs of such conditions shall not unduly increase the cost of housing beyond the minimum necessary to achieve the purposes of this ordinance.

The proposal will provide 30 new dwellings in an area currently containing 4 mid-century homes. City of Canby leaders have chosen this area for high density residential development and the neighborhood has been transitioning to a more densely populated neighborhood as properties are redeveloped. The proposed project will provide needed housing for existing and future Canby residents. City utility service providers have indicated that utility service is available to the site to serve the planned dwellings. The provisions of the sections above are satisfied.

G. As part of the site and design review, the property owner may apply for approval to cut trees in addition to those allowed in Chapter 12.32, the city Tree ordinance. The granting or denial of said application will be based on the criteria in Chapter 12.32. The cutting of trees does not in and of itself constitute change in the appearance of the property which would necessitate application for site and design review.

The application is for construction of new buildings. There is currently one large evergreen tree located onsite near S Knott Street that will remain following site development. The property used to have additional trees onsite, however, the trees suffered significant damage in the February 2021 ice storm and were removed.

16.49.050 Conditions placed on site and design review approvals.

A. A site and design review approval may include restrictions and conditions. These restrictions and conditions shall be reasonably conceived to:

1. Protect the public from the potentially deleterious effects of the proposal; and/or
2. Fulfill the need for services created, increased or in part attributable to the proposal; and/or
3. Further the implementation of the requirements of the Canby Municipal Code.

B. The following types of conditions may be contemplated, and the listing below is intended to be illustrative only and not to be construed as a limitation of the authority granted by this section.

1. Development Schedule. A reasonable time schedule may be placed on construction activities associated with the proposed development, or any portion thereof.

2. Dedications, Reservation. Dedication or reservation of land, or fee in lieu thereof for park, open space purposes, rights-of-way, bicycle or pedestrian paths, green way, riverbank or easements; the conveyance of title or easements to a homeowners' association.

3. Construction and Maintenance Guarantees. Security from the property owners in such an amount that will assure compliance with approval granted.

4. Plan Modification. Changes in the design or intensity of the proposed development, or in proposed construction methods or practices, necessary to assure compliance with this Ordinance.

5. Off-Site Improvements. Improvements in public facilities, including public utilities, not located on the project site where necessary to assure adequate capacity and where service demand will be created or increased by the proposed development. The costs of such improvements may be paid for in full while allowing for recovery of costs from users on other

development sites, or they may be pro-rated to the proposed development in proportion to the service demand projected to be created on increases by the project. If determined appropriate by the city based on specific site conditions, off-site roadway improvements may be required to accommodate bicycle and pedestrian travel consistent with the TSP and applicable sections of this code.

6. Other Approvals. Evaluation, inspections or approval by other agencies, jurisdictions, public utilities or qualified consultants may be required for all or any part of the proposed development.

7. Access Limitation. The number, location and design of street accesses to a proposed development may be limited or specified where necessary to maintain the capacity of streets to carry traffic safely, provided that sufficient access to the development is maintained.

8. Screening. The Planning Commission may require additional screening with landscaping, decorative fencing, decorative walls, or other means in order to screen outdoor storage areas, rooftop/ground mechanical equipment, garbage/recycling areas, or other visual clutter. (Ord.. 890 section 44, 1993; Ord.. 848, Part III, section 3, 1991; 1340, 2011)

The applicant understands that reasonable Conditions of Approval will be placed on the development approval and that certain onsite and offsite improvements are to be expected. The application notes the anticipated onsite and offsite improvements on the various plan sheets submitted with the application.

16.49.065 Bicycle and pedestrian facilities.

Developments coming under design review shall meet the following standards:

A. The internal walkway system shall be extended to the boundaries of the property to adjoining properties developed or zoned for commercial, public, or multi-family uses. The walkway shall connect to an existing walkway system on adjoining property or be located so as to provide for development of a logical connection in the future when the adjoining property is developed or redeveloped.

The internal walkways will connect to the public walkway on SE Township Rd. & S Knott Street.

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 provisions of this section are difficult to apply to a site that has already been developed around on all sides without provisions for pedestrian and bicycle access. To the extent practicable new walkways have been provided within the development proposal.

C. For new office parks and commercial development:

1. At least one sidewalk connection between the proposed development and each abutting commercial or office property shall be provided. One connection shall also be provided to each neighborhood.

2. Walkways shall be provided to the street for every 300 feet of developed frontage.
3. Walkways shall be direct with minimal driveway crossings.
4. Walkways shall be linked to the internal circulation of the building.
5. Walkways shall be at least five feet wide and shall be raised, or have different paving materials when crossing driveways or other vehicle maneuvering areas.

The project is a residential development, therefore the provisions of this section do not apply.

D. Use of permeable surfacing materials for walkways is encouraged whenever site and soil conditions make it feasible. Permeable surfacing includes, but is not limited to, paving blocks, turf blocks, and porous asphalt. All permeable surfacing shall be designed, constructed, and maintained in accordance with the Canby Public Works Design Standards.

All walkways are proposed to be regular strength concrete as the Fire Department will use the walkways to roll their truck up onto when necessary. Permeable surfacing is not proposed, except for in the picnic table area at the north end of the site. Runoff from the sidewalks and driveways will drain into onsite drywells where runoff will recharge groundwater.

E. Developments that abut the Molalla Forest Road multi-use path shall provide a pedestrian/bicycle access to the path. The city may determine the development to be exempt from this standard if there is an existing or planned access to the path within 300 feet of the development. (Ord.1340, 2011)

The site is not adjacent to the Molalla Forest Road pathway. The provisions of this section do not apply.

16.49.080 General provisions for landscaping.

A. The standards set forth in this section are minimum standards for landscaping.

B. The purpose of these landscaping standards is to provide uniform standards for the development and maintenance of the landscaping of private property and public rights-of-way. The purpose of landscaping is to improve the livability of residential neighborhoods, enhance the customer attraction of commercial areas, increase property values, improve the compatibility of adjacent uses, provide visual separation and physical buffers between incompatible adjacent land uses, provide visual relief from the expanse of parking lots, screen undesirable views, contribute to the image and appeal of the overall community, and mitigate air and noise pollution.

These standards are also intended to facilitate Low Impact Development (LID) techniques through the retention of existing native vegetation and mature, healthy trees, to the extent feasible. Additional LID related goals of this chapter are to: reduce erosion and storm water runoff; preserve and promote urban wildlife habitats; reduce the amount of carbon dioxide in the air; shade and reduce the temperature of adjacent waterways; and enhance the streetscapes along the city's public rights-of-way with an emphasis on trees and LID stormwater facilities.

C. The minimum area requirement for landscaping for developments coming under design review shall be the percentage of the total land area to be developed as follows. Parking lot landscaping area is included in calculating the following landscape areas:

1. Fifteen (15) percent for all industrial and commercial zones (except the Downtown-Commercial zone, but including the Commercial-Residential zone).
2. Seven and one-half (7.5) percent for the Downtown-Commercial zone.
3. Thirty (30) percent for all residential zones.

Approximately 31 percent of the site will be landscaped, exceeding the thirty (30) percent minimum requirement.

D. LID stormwater management facilities, such as rain gardens and bioretention areas, may be counted toward the minimum landscaping requirement when they are located on private property. LID facilities in the public right-of-way cannot be counted toward the minimum landscaping requirement. The integration of LID stormwater management facilities within required landscaping must be approved by the city and shall comply with the design and construction standards set forth in the Canby Public Works Design Standards.

Because of the many driveways into the units, the ability to create roadside planters to treat and infiltrate stormwater is limited. The applicant has chosen to create several small LID facilities between driveways where driveways and garages will be placed side by side. These LID planters will allow some surface infiltration in compliance with this standard.

E. Trees and other plant materials to be retained shall be identified on the landscape plan. The Site and Design Review Board encourages the retention, to the extent practicable, of existing healthy trees and vegetation.

A Landscaping plan has been submitted. The one existing tree located onsite, near S Knott St., is being retained. Other onsite shrubbery along the property lines will be retained to the extent that it can. Most existing lawn will be removed in favor of less irrigation dependent landscaping.

F. During the construction process:

1. The owner or the owner's agent shall provide above and below ground protection for existing trees and plant materials identified to remain.
2. Trees and plant materials identified for preservation shall be protected by chain link fencing placed around the tree, at the drip line.
3. If it is necessary to fence within the drip line, such fencing shall be specified by a qualified arborist, nurseryman or landscape architect.
4. Neither top soil storage nor construction material storage shall be located within the drip line of trees designated to be preserved.
5. Where site conditions make necessary grading, building, paving, trenching, boring, digging, or other similar encroachment upon a preserved tree's drip line area, such grading,

paving, trenching, boring, digging or similar encroachment shall only be permitted under the direction of a qualified arborist, nurseryman or landscape architect. Such direction must assure that the health needs of trees within the preserved area can be met.

6. Tree root ends shall not remain exposed.

One tree is proposed to remain near S Knott St. and the tree will be protected during construction as required by this section.

G. Landscaping under preserved trees shall be compatible with the retention and health of said trees.

The landscaping selected by the landscape designer is noted on the Landscape Plan.

H. When it is necessary for a preserved tree to be moved in accordance with the Tree Ordinance, the landscaped area surrounding said tree or trees shall be maintained and replanted with trees which relate to the present landscape plan, or if there is no landscaping plan, then trees which are complimentary with existing, nearby landscape materials.

No existing trees are proposed to be moved. The provisions of this section do not apply.

I. Any required landscaped area shall be designed, constructed, installed and maintained so that within three (3) years, the ground shall be covered by living grass or other plant material. (The foliage crown of trees shall not be used to meet this requirement.) A maximum of five percent of the landscaped area may be covered with bark chips, mulch, or other similar materials. A maximum of five percent of the landscaped area may be covered with rock, stones, walkways, or other similar material acceptable to the Board. Required sidewalks shall not be used to meet the landscaping requirements.

A Landscaping Plan, meeting the requirements of this section, has been submitted with the application.

J. All trees and plant materials shall be healthy, disease-free, damage-free, well branched stock, characteristic of the species. The use of tree and plant species native to the Pacific Northwest is encouraged. Any new street tree planted must be included on the city's list of approved tree species.

A Landscaping Plan, meeting the requirements of this section, has been submitted with the application.

K. Landscaping methods should be guided by the provisions of the most recent edition of the Sunset Western Garden Book or similar publication.

A Landscaping Plan, meeting the requirements of this section, has been submitted with the application.

L. The following guidelines are suggested to insure the longevity and continued vigor of plant materials:

1. Select and site permanent landscape materials in such a manner as to produce a hardy and drought-resistant landscaped area.

2. Consider soil type and depth, spacing, exposure to sun and wind, slope and contours of the site, building walls and overhangs, and compatibility with existing native vegetation preserved on the site or in the vicinity.

A Landscaping Plan, meeting the requirements of this section, has been prepared and submitted with the application.

M. All plant growth in landscaped areas of developments shall be controlled by pruning, trimming or otherwise, so that:

1. It will not interfere with designated pedestrian or vehicular access; and
2. It will not constitute a traffic hazard because of reduced visibility.
3. It will not hinder solar access considerations.

Site landscaping will be professionally maintained.

N. After completion of site grading, topsoil is to be restored to exposed cut and fill areas to provide a suitable base for seeding and planting.

Grading will be minimal, but a sufficient amount of topsoil will be placed on landscaping areas to provide for a suitable base for landscaping.

O. All planting areas shall be graded to provide positive drainage.

Planting areas will be graded away from the building to provide suitable drainage.

P. Neither soil, water, plant materials nor mulching materials shall be allowed to wash across roadways or walkways.

Landscape areas adjacent to walkways and driveways are generally curbed to prevent the material from washing.

16.49.120 Parking lot landscaping standards.

C. Landscaping Within a Parking Lot.

1. Area within a parking lot shall include the paved parking and maneuvering area, as well as any paved area within ten (10) feet of any exterior face of curb surrounding the paved parking and maneuvering area.

2. Each interior landscaped area shall be a minimum of six (6) feet wide unless the area is added to the required perimeter landscaping.

3. The use of LID best management practices in parking lots is encouraged whenever site and soil conditions make it feasible. Such practices include, but are not limited to,

permeable surfacing materials, and integrating LID stormwater management facilities into the required landscaping areas.

Landscape areas are provided in between buildings and driveways. Landscaping islands are provided at the ends of multiple parking stalls and maneuvering areas to buffer those areas. Several small LID stormwater facilities are proposed between adjacent driveways.

D. Computing Minimum Area Required to be Landscaped Within a Parking Lot. Minimum area required to be landscaped within a parking lot shall be as follows:

1. Fifteen (15) percent for all residential, industrial, and commercial zones.

36,156 square feet of non-building area is located within 10 feet of the exterior of the common parking and maneuvering area. 9,224 square feet of this area is landscaping, which equals 25.5% of the parking lot area. Fifteen (15%) is the minimum required. The provisions of this section have been met.

E. All parking areas with more than 16 spaces shall include landscape islands to break up the parking area into rows of not more than 8 contiguous parking spaces.

1. Landscape islands shall have a minimum area of 48 square feet and a minimum width of six (6) feet.

2. Landscape islands shall contain at least one tree that meets the standards in subsection (6) below.

3. Landscape islands may be counted toward the minimum parking lot landscaping requirements.

One parking area is provided onsite that contains multiple parking stalls and it contains 9 stalls. As no parking area contains more than 16 parking spaces, the provisions of this section do not apply to the proposal.

F. Criteria for Trees in Parking Lots. Deciduous, evergreen and/or shade trees shall meet the following criteria:

1. Reach a mature height of forty (40) feet. Trees must be at least three-inch (3") caliper at the time of planting.

2. Cast moderate to dense shade in summer.

3. Be long lived, i.e., over sixty (60) years.

4. Do well in an urban environment:

- a. Be pollution tolerant; and

- b. Be tolerant of direct and reflected heat.

5. Require little maintenance:

- a. Be mechanically strong;
 - b. Be insect and disease resistant; and
 - c. Require little pruning.
- 6. Be resistant to drought conditions.
 - 7. Be barren of fruit production.

The trees proposed on the Landscaping Plan meet the requirements of this section.

G. Perimeter of Parking and Loading Areas:

- 1. Screening of parking and loading areas is required. Within three (3) years of planting, screening shall be of such height and density as to shield vehicle headlights from head-on visibility.
- 2. In addition, one (1) deciduous, evergreen and/or shade tree shall be planted every forty (40) feet, minimum, along the required setback of the vehicular use area.

Screening of the parking and loading areas is proposed, including the use of shade trees located within the setbacks surrounding the vehicular use area. The requirements of this section have been met.

H. Irrigation System or Available Water Supply Required. Landscaped areas shall be provided with automatic irrigation systems or a readily available water supply with at least one (1) outlet located within 150 feet of all plant materials to be maintained.

Irrigation will be provided meeting the requirements of this section.

DIVISION IV LAND DIVISION REGULATIONS

No land division is proposed, but a consolidation of the existing three tax lots into a single lot is proposed. The criteria and standards of the Lot Line Adjustment Chapter are addressed below.

Chapter 16.58 LOT LINE ADJUSTMENT

16.58.020 Application.

Application procedures shall be as described in Chapter 16.89.

The site is currently made up of three tax lots. The lots will be consolidated into a single lot with the approval of this application. A lot line adjustment application is the process that will be used to approve the lot consolidation. An application for Lot Line Adjustment has been submitted by the Applicant and application procedures are to follow Chapter 16.89.

16.58.030 Review by Planner and Engineer.

The City Planner and City Engineer shall review the proposed lot line adjustment and shall determine whether the following criteria have been met:

- A.** Each of the remaining parcels and any structures located thereon shall be in full compliance with all regulations of this title, including the setback requirements of Division III. Except, however, that lot line adjustments are permitted on nonconforming lots and lots with nonconforming structures provided that the nonconforming lots and structures will be no less in conformity as a result of the lot line adjustment.

No existing structures will remain onsite. The provisions of this section are not applicable.

- B.** No new lots or parcels will be created as a result of the lot line adjustment without receiving approval as a partition or subdivision.

The lot line adjustment application is being filed as a means to complete a consolidation of three existing parcels into a single parcel. The provisions of this section are met.

- C.** If the City Planner or city engineer deems it necessary to assure the accuracy of recorded information, a survey may be required of the applicant. Such a survey will be at the applicant's cost.

A lot line adjustment survey may be required by the Clackamas County Surveyor to complete the lot consolidation. The provisions of this section will be met as determined necessary by the City and County Surveyor.

- D.** Lot line adjustments shall not be permitted where the result will be the creation of additional building sites in known hazardous locations or where the appropriate development or extension of public facilities will be impaired as a result.

The site is not in a known hazardous location. The provisions of this section are not applicable.

16.58.060 City liability - compliance.

In acting on an application for lot line adjustment, the city assumes no liability for the applicant's actions. Applicants for lot line adjustments shall bear full responsibility for compliance with all applicable state and local regulations and for the following:

- A.** Any public or private easements to be altered as a result of the lot line adjustment shall require the prior approval of the agency or individual having right to such easements.
- B.** The county assessor shall be notified that the lot line adjustment is not to result in the creation of an additional tax lot. If a separate tax lot is created as a result, the city shall indicate that it is not considered to be a separately saleable or developable building site and may record a statement to that effect with the county recorder.
- C.** Approval of all lienholders having an interest in properties affected by a lot line adjustment shall be obtained.
- D.** Approval of the Lot Line adjustment shall be null and void if the new deed descriptions for the properties involved is not recorded with Clackamas County within one (1) year of the final approval.

- E. The Planning Director may approve a single one-year extension to the original one-year period. Applicants must file a request for such extension in writing, stating the reasons the request is needed. The Planning Director shall review such requests and may issue the extension after reviewing any changes that may have been made to the text of this title and any other pertinent factors, including public comment on the original application.

The applicant will follow the process determined by the City Planning Department and the Clackamas County Surveyor for completing the documentation/surveying necessary for the lot consolidation. The applicant intends to complete the lot line adjustment process outlined by the City of Canby in the Conditions of Approval, within the original one-year approval period, and without extension. However, an extension will be filed for, if necessary. The provisions of this section will be met.

DIVISION V. – PLANNED UNIT DEVELOPMENT AND CONDOMINIUM REGULATIONS

Chapter 16.70 GENERAL PROVISIONS

16.70.010 General provisions.

Planned unit developments may constitute a subdivision involving unique design methods or the development of a single tract without property divisions. Where proposed as a subdivision, the regulations of Division IV as well as the requirements of this division shall apply. Where proposed as an overall development of a single tract without property division, a planned unit development shall be considered a conditional use in any zoning district. Planned unit development regulations shall not be used for, or apply to, partitions.

A Planned Unit Development is not proposed.

16.70.030 Condominium projects treated as planned unit development.

Any condominium development project, whether the construction of new units or the conversion of existing rental units, must meet all the requirements of this division, with the exception of the new construction of six or fewer units to which the regulations of Chapter 16.78 shall apply. Applicants for condominium projects shall bear full responsibility for compliance with county and state requirements in all cases.

The applicant does plan to develop the site as condominiums and therefore the project is required to meet the requirements of Division V.

16.74 USES PERMITTED

16.74.010 Generally.

In a planned unit development the uses set out in this chapter are permitted.

16.74.020 Uses permitted in residential zone.

In a planned unit development in a residential zone only the following uses are permitted:

- A. Residential units, either detached or in multiple type dwellings, but at no greater density than is allowed for the zoning district as set forth in Division III, except as may be modified for a density bonus as provided in section 16.76.010 or Chapter 16.80.
- B. Accessory and incidental retail and other nonresidential uses may be specifically and selectively authorized as to exact type and size to be integrated into the project by design. Accessory retail uses shall serve primarily as a convenience to the inhabitants of the project.
- C. Mobile home subdivisions, subject to the standards and criteria of Division IV and Chapter 16.80.
- D. Recreational facilities, including but not limited to tennis courts, swimming pools, and playgrounds.

The applicant intends to develop multi-family dwellings at densities allowed by the R-2 base zone. No density bonus is sought. The project conforms to the requirements of this Chapter.

16.76 REQUIREMENTS

16.76.010 Minimum requirements.

The minimum requirements for a residential planned unit development shall include the following two items:

- A. A minimum of fifteen percent of the gross area of the development shall be devoted to open space, and shall be located in a common area or dedicated to the public, except in the case of conversions of existing rentals to unit ownership, where the Planning Commission may permit a lesser requirement if it is found that adequate recreation facilities exist for the units.

Much of the site will be common area open for all residents. The only exceptions are the private rear yards that will be fenced in order to allow residents the ability to let children or pets out in their own private space. The common space in front of the buildings, in between the buildings, and the active recreation areas, but not including the accessways, totals 21 percent of the site. See Sheet C4. The project conforms to the requirements of this section.

- B. The average area per dwelling unit shall not be less than that allowed within the zoning district in which the subdivision is located, unless alternative lot layout is used pursuant to 16.64.040(B). The average area shall be calculated by dividing the number of dwelling units into the gross area of the total land development, minus that area occupied by streets. The commission may grant a density bonus of not more than fifteen percent to planned unit developments where it is found that unique, beneficial design features (such as solar efficiency, recreation facilities, or other community assets) warrant such a bonus. The commission shall clearly state its findings in support of granting or denying a requested density bonus.

The project is in the R-2 High Density Residential Zone, which requires a minimum density of 14 units per acre. The minimum number of units required for a development on this site is 28 units. Thirty units are proposed, slightly over the permitted minimum density. No density bonus is sought. The density bonus provisions of this section are not applicable.

- C. To achieve the goals of low impact development, buildings are encouraged to be clustered within the designated development area of the site. Clustering is intended to preserve open space, reduce total impervious surface area, and minimize development impacts on critical areas and associated buffers. Preservation of open space reduces potential stormwater runoff and associated impacts and provides area for dispersion, filtration and infiltration of stormwater. The arrangement of clustered buildings shall be designed to avoid development forms commonly known as linear, straight-line or highway strip patterns.

The buildings are clustered to the degree possible given Building Code provisions, the dimensions of the parent parcel, and the number of dwelling units. Buildings are proposed to be placed at a variety of angles and the site plan avoids having more than two adjacent buildings in a row rotated in the same direction. The provisions of this section have been met.

- D. The use of LID best management practices in site design and development is required where site and soil conditions make it feasible option. LID practices shall meet the standards set forth in the Canby Public Works design Standards.

Typically, LIDA facilities are vegetated landscape elements such as planters, vegetated filter strips, and swales that filter and/or infiltrate stormwater. Thirty-one percent of the site, 27,051 square feet, will remain as landscaping. This large landscaping percentage will allow for thirty-one percent of the site to continue to allow rainfall to drain into the underlying soils onsite as is currently occurring. The other 69 percent of the site will be impervious and will generally drain to underground stormwater injection systems. Several one-foot wide rock & landscape infiltration LID infiltration areas will be provided in between adjacent driveways throughout the site in order to provide some LIDA practices as recommended by this section.

16.76.020 General requirements.

Prior to development, application shall be made to the commission for site approval for all or any portion of the proposed development. Where only a portion of the development is submitted for approval, a master plan shall also be submitted indicating the intended layout for the total development. The form of the application shall follow the requirements and be subject to the standards and criteria of a subdivision or conditional use permit, depending upon whether the proposed development involves the division of property. Additional to the information which is otherwise required, the applicant shall submit accurate information on all of the following which may be applicable:

- A. Any areas proposed to be dedicated or reserved for public parks, schools, playgrounds, or otherwise dedicated or reserved for public purposes;
- B. Other undedicated open space set aside for the use of the residents of the development in common. Access and types of access for the open space area or areas shall be shown;
- C. A general land use plan for the proposed subdivision indicating the areas to be used for various purposes;
- D. Types of dwellings and site locations thereof;
- E. Proposed locations of off-street parking areas with dimensions;

- F. Pedestrian walks, malls and other trails, both public and private. The commission may require a complete circulation plan if warranted by the size and type of development;
- G. The stages to be built in progression, if any;
- H. The location of adjacent utilities intended to serve the development and a layout of the utilities within the development;
- I. Table showing the density and lot coverage of the overall development;
- J. Such other pertinent information as the commission may require in order to make necessary findings on the site approval. (Ord. 740 section 10.5.60(A), 1984)
- K. A Traffic Impact Study (TIS) may be required in accordance with Section 16.08.150.

The proposed development will develop the entire site. The submitted application and narrative demonstrate the proposed layout of the site, including proposed buildings, open spaces, landscaping, utilities, and proposed building elevations. A written narrative has been provided addressing density and lot coverage, and the applicant has paid for the City's Traffic Engineer to prepare a TIA for the development. The provisions of this Section have been met.

16.76.030 Standards and criteria.

Additional to the standards and criteria listed in Divisions III and IV which are applicable to planned unit development, the following standards and criteria shall apply:

- A. The site approval as acted upon by the commission shall be binding upon the developer, and variations from the plan shall be subject to approval by the commission.
- B. All land within the planned unit development may be subject to contractual agreements with the city and to recorded covenants providing for compliance with the city's requirements.
- C. The development of the property in the manner proposed will be in keeping with the requirements of this title, other than those provisions allowing for special treatment of PUD's.
- D. The plan for the proposed development shall present a unified and organized arrangement of buildings and service facilities.
- E. The development must be designed so that the land areas and buildings around the perimeter of the project do not conflict with the adjoining properties. The commission may establish special conditions for the perimeter of the development to minimize or mitigate potential conflicts.
- F. Each planned unit development shall be a complete development considering all previous requirements. The commission may, in addition, require the inclusion of facilities such as special curbs, sidewalks, streetlights, storm drainage, sanitary sewers, underground power and telephone lines, landscaping and adequate easements for utilities.

- G.** Land which is not intended for physical development, such as buildings or street uses, may be required to remain in open space usage perpetually. Maintenance of such open space areas shall remain the responsibility of the individual owner or owners' association, in a manner outlined in the by-laws of such association.

The development will be a multi-family development similar to other multi-family developments, with the exception that the developer would like to plat this development as condominiums. The developer plans to alter no provisions of the base zone or increase the allowable density. The proposed buildings are two-stories, typical of multi-family zones, and the proposed building height is far below the height permitted in the zoning district. The site plan demonstrates that the buildings are presented in an organized manner that does not conflict with properties surrounding the perimeter of the site.

New utilities will be installed underground, except for utility risers and transformers that are required to be above ground. Outdoor lighting will conform to City standards and landscaping will be professionally maintained. Maintenance of the open space and site amenities will be the responsibility of the owner's association.

- H.** The manner in which any open space or park and recreational area is to be maintained shall be submitted, along with the preliminary copy of the proposed owners' association bylaws and contractual agreements, with the preliminary subdivision. In the case of an individual owner, the commission may impose special requirements to assure long-term maintenance.
- I.** The Planning Commission may, and in the case of single story or townhouse structures shall, require the separation of utilities from one unit to the next.
- J.** In reviewing an application for the conversion of existing residential units to condominiums, the commission shall utilize the general standards as are applied to the new construction of planned unit developments. A proposed conversion which is not found to meet the standards customarily applied to planned unit developments will not be approved.
- K.** In reviewing an application for the conversion of existing residential units to condominiums, the Planning Commission shall consider the vacancy rates of multiple-family rental units throughout the city at the time of the application. It is the intent of the city to assure that there is at least one suitable rental unit available and vacant for each unit converted to condominium ownership.
- L.** No fence/wall shall be constructed throughout a planned unit development where the effect or purpose is to wall said project off from the rest of the community unless reviewed and approved by the Planning Commission.

Open space and recreational areas will be professionally maintained by the owners association. Utilities such as power and communications will be separated from unit to unit. Sanitary sewer and water service will be in common but will separate into individual services outside each unit.

Subsections J through L are not applicable to the development.

16.76.040 Exceptions.

- A. In considering a proposed planned unit development project, the approval thereof may involve modifications in the regulations, requirements and standards of the zoning district in which the project is located so as to appropriately apply such regulations, requirements and standards to the development. Modification of the lot size, lot width, and yard setback requirements may be approved by the commission at the time of the approval of the tentative subdivision plat or conditional use permit.
- B. Building height shall conform to the zoning district in which the development is located.
- C. Off-street parking and off-street loading requirement shall be pursuant to Division III.

No changes to the regulations of the base zone are requested. Compliance with the off-street parking and loading requirements of Division III was addressed earlier in this narrative. These provisions are met.

16.88 GENERAL STANDARDS AND PROCEDURES

The general standards and procedures set out in this chapter apply to the regulations of all sections of this title, except as may be specifically noted. The application has been submitted to the City by applicant, with the land use application signed by the property owner, and the appropriate fees paid (Sec. 16.88.030).

16.89.020 Description and Summary of Processes.

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

C. Type III Procedure (Quasi-Judicial/Legislative). Type III decisions are made by the Planning Commission after a public hearing, with appeals reviewed by the City Council. Type III procedures generally use discretionary approval criteria.

The applicant intends to have the application processed as a Type III Procedure.

TABLE 16.89.020
Land Use and Development Application Procedures

Application Type	Process Type	Notice Radius (Feet)	Neighborhood Meeting Required
Site and Design Review – Type III	III	500	Yes

Site and Design Review – Type III Site and Design Review applications generally require a Neighborhood Meeting. An in-person neighborhood meeting with a Zoom viewing option was held Monday, October 23, 2023 at the Canby Library. Notes from the meeting are submitted with the application.

16.89.050 Type III Decision.

- A.** Pre-application conference. A pre-application conference may be required by the Planning Director for Type III applications.

A pre-application conference for this project was held August 3, 2022. Meeting notes are submitted with this application. The requirements of this section have been met.

- B.** Neighborhood meetings. As directed in Table 16.89.020, the applicant may be required to present their development proposal at a neighborhood meeting before the City accepts the application as complete. See Section 16.89.070.

The applicant held an in-person neighborhood meeting with a Zoom viewing option on October 23, 2023 at the Canby Library. Meeting notes are submitted with this application. The requirements of this section have been met.

- C.** Application requirements. Type III applications shall be made on forms provided by the Planning Director. The application shall be accompanied by all required information and fees.

An application form has been provided for this project. The application form, the required fees and accompanying information were submitted to City of Canby Planning and Building. The requirements of this section have been met.

16.89.070 Neighborhood Meetings.

- A.** Applicants are encouraged to meet with adjacent property owners and neighborhood representatives prior to submitting their application in order to solicit input, identify issues, and exchange information about the proposed meeting.

- B.** The Planning Commission or Planning Director may require an applicant to hold a meeting in the neighborhood prior to accepting an application as complete. A neighborhood meeting is required for some application types, as shown in Table 16.89.020, unless this requirement is waived by the Planning Director.

The applicant held a neighborhood informational meeting, that included a virtual option, with surrounding neighbors and property owners at the Canby Library on October 23, 2023. Notice of the meeting was mailed more than two weeks prior to the meeting. Meeting notes are submitted with this application. The requirements of this section have been met.

CONCLUSION

Through the preparation of this narrative and the other documents included with the Site and Design Review Application, the applicant has demonstrated compliance with the intent and requirements of the applicable Chapters of the City of Canby Land Development and Planning Ordinance. Therefore, the project should be approved.

Feel free to contact the following members of the Design Team if you have questions regarding the submittal:

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<i>Architectural Design</i>	<i>Northwest Home Designing Inc. (253) 584-6309</i>