

## **I. Introduction**

The Canby Adult Center (CAC) and the Canby United Methodist Church (CUMC) have come together to create an operating agreement for use of the church building located at 1520 N. Holly. As identified in the approved application for partition that CUMC submitted to the City of Canby, and which has been approved by the city, will see the CAC take over the facilities of the existing church, yet allowing CUMC to continue to use the existing facilities on an indefinite basis until the Church determines its future. To accomplish this, the CAC must obtain approval of a Conditional Use Permit (CUP) from the City of Canby. This application seeks to accomplish that task.

The Canby Adult Center is currently located at 1250 S. Ivy Street in Canby. The existing site has ownership that makes it difficult for CAC to plan for the future. The land on which the CAC currently sits is owned by the Canby School District, while the building is owned by the City of Canby. Years of “deferred maintenance” has resulted in some building deficiencies that make it questionable for CAC to continue operating at the existing location.

The existing site of CUMC, located at 1520 N. Holly Street, is 3.9845 acres (TL1700 of 31E28CD) but has now been partitioned into two separate parcels of approximately two acres each. Parcel 1 will contain the existing church building, plus surrounding landscaping, and approximately 103 parking spaces. Parcel 2 will contain the small outbuildings, the shelter, the community garden, and the larger open space area. At some undetermined point in the future, CUMC will decide just what it will do with Parcel 2.

The site has two points of access – one driveway on N. Holly Street and one driveway on N. Territorial Road. Both will remain in use, and will be shared by CAC and CUMC. The same applies to the parking spaces, the majority of which will be located on Parcel 1. Regardless of whether a parking space is located on Parcel 1 or Parcel 2, all spaces will be used interchangeably by both CAC and CUMC. Otherwise, there will be no new parking spaces on the total site.

The exiting church structure has approximately 13,890 square feet of floor area, and will not be expanded, only reconfigured internally. The sanctuary will remain but will become a multi-purpose area used by both CAC and CUMC. Other office and classroom areas will be reused. The “multi-purpose” room will continue to act as a dining area, meeting area, and activity area, as it is used presently. Finally, the existing structure will also act as an emergency center during the time of need for the Canby area.

CAC is proposing to add three small features to the building, but these features will not add to the overall usable space of the building. A vestibule will be added to the main entry to provide better protection from wind and rain at the main entry. A walk-in cooler will be added adjacent to the existing kitchen which, itself will be remodeled. Finally, an emergency generator will be added for emergency purposes.

CAC will operate within the facility from 8:30 AM to approximately 4:30 PM weekdays. CUMC will utilize the facility on Sundays as well as other times for separate church based activities.

It should be noted that no Church or CAC personnel have ever seen the parking lot completely full. At most, for special occasions, the parking lot has been perhaps 65% full.

All activities of both CAC and CUMC will be coordinated in order to avoid conflicts, traffic and parking issues.

The existing CUMC church structure was built in the early 1980's. The stained glass windows originally part of the Church from its original location in Canby will be retained and protected by CAC. These are extremely important features for CUMC, and a major part of the operating agreement is that CAC will retain, protect and maintain these valuable stained glass windows, not only for CUMC and CAC, but for the general neighborhood and all of Canby.

## **II. The Site and Surrounding Neighborhood**

The subject site is located at the southeasterly portion of the intersection of N. Territorial Road and N. Holly Street. The general overall area may be a part of the Willamette River floodplain in the Canby area. Regardless, the general area is mostly flat and level, with little relief. To the north of Territorial Road the land is farmland with little residential development. South of Territorial Road is where the residential development is and has taken place in the recent years, crowding out the farmland that existed all the way south to the developed main area of Canby. It should be noted that most of the area south of N. Territorial Road all the way to the area of central Canby, the great majority of the area is zoned R-1, Low Density Residential and is developed this way.

Directly adjacent to the west of the proposed CAC site is residential development that is a few years of age, and orients away from N. Holly Street. In other words, most frontages of dwellings on N. Holly Street face away from N. Holly Street, and driveways do not access N. Holly Street directly. South of the subject site on N. Holly Street, typical residential development utilizes N. Holly Street as the main access route and frontage for dwellings located directly on N. Holly Street. Overall, the area south of N. Territorial Road is almost entirely single family development on individual lots.

To the east of the subject site on N. Ivy Street, residential development has also taken up much of the developable land with residential single family dwellings on individual lots. So, the existing site is surrounded by a combination of land uses – agriculture to the north across N. Territorial Road and single family residential to the south of N. Territorial Road as well as to the west (across N. Holly Street) and to the east (across N. Ivy Street).

Zoning of much of the area is R-1 (Low Density Residential), including the subject site. In the R-1 zoning district, a use such as the Canby Adult Center would be allowed as a Conditional Use.

Urban services and facilities are well established in this area of Canby. Sanitary sewer and local water are provided and serves virtually every developed property in the local neighborhood, including the subject site. As such, no new utilities and/or services should be required for the change of use from the CUMC to the new use, the CAC.

### **III. Chapter 16 of the Canby Municipal Code**

- **Chapter 16.16, R-1 Low Density Residential Zone**

Chapter 16 of the Canby Municipal Code (“Code”) identifies the details of the zoning of the site, the Conditional Use nature of the Canby Adult Center, and the process through which an application is filed with the City of Canby, reviewed for compliance with all appropriate and applicable parts of the Code, and approved for establishment and use of the CUMC site for the CAC.

In Chapter 16.16, R-1 Low Density Residential Zone identifies the various uses, both “outright” and “Conditional” allowed in the R-1 zone. In this case, in section 16.16.020 “Conditional Uses” the proposed use of the subject site is determined to be **Q. *Other developments customarily found within a residential zone, as determined by the Planning Commission.*** This is because the CAC is a quasi-public facility that has received public funds, operates on publicly owned land in a publicly owned building, and finally, has a close working relationship with the City of Canby and city service providers. After the Pre-Application Conference, and following discussions between city staff and the applicant, it has been agreed that the CAC will be classified as an “*Other development customarily found within a residential zone. . . .*” in accordance with sub item Q. in 16.16.020. The applicant has followed this determination through the course of the application.

- **Section 16.16.030, Development Standards**

Response: The stated development standards contained in this section of the Code apply almost exclusively to single family residential development and, therefore, may not apply to the proposed CUP for the existing church building on the subject site. While the site exceeds to minimum size of 6,000 square feet (16.16.030.B.1.b.), it also exceeds the maximum allowable lot size of 10,000 square feet (16.16.030.A.). However, these minimum and maximum lot size apply specifically to “single family dwellings”. There appears to be no stated minimum or maximum lot size for non-single family residential uses. After the approved partition of the property as applied for by CUMC, Parcel 1 is 2.0985 acres, or approximately 91,410.66 square feet.

Other development standards set forth in this section of the Code deal with standards that are relative to single family residential development as opposed to non-residential development such as the existing CUMC or the proposed CAC.

Allowed “maximum building height” for the principal building is 35 feet. The existing church building is less than 35 feet, not including any rooftop items such as a cross. The existing church building is the only structure on the subject parcel (Parcel 1) and in its entirety it is within the established building footprint.

As required in 16.16.030.F., the “*the maximum amount of impervious surface allowed in the R-1 zone shall be 60 percent of the lot area.*” After the approved partition of the property as applied for by CUMC, Parcel 1 is 2.0985 acres, or approximately 91,410.66 square feet. Sixty percent of this area would be approximately 54,846.4 square feet. Based on a recent survey by ZTEC Engineers, Inc. (05-14-2024), the total impervious area of Parcel 1 is 44,980.06, or 49.2% of the subject site. Thus, the impervious surface does not exceed 60% of the subject site.

The site (Parcel 1) meets all requirements for yards, as set forth in 16.16.030.D. “*Minimum Yard Requirements*”. Because of the size of the subject site, and the current (and historic) location of the church building on the site, there is no yard that is equal to or less than the required dimensions, as listed.

The “Other Regulations” set forth in 16.16.030.G include “vision clearance and how setbacks should be measured. Further, there are no “accessory buildings” on the subject site. Thus, this requirements will not be violated by the proposed use of the existing church building.

- **Chapter 16.50, Conditional Uses**

Response: This will be the primary chapter of the Code that will apply to the proposed change of use from CUMC to CAC at the existing location of CUMC at 1520 N. Holly Street. This Chapter contains the criteria that must be adequately and satisfactorily addressed regarding the change of use. These are found in section 16.50.010.

**A. *The proposal will be consistent with the policies of the Comprehensive Plan and the requirements of this title and other applicable policies of the city;***

Response: First of all, the existing church building was constructed in the early 1980's when CUMC moved from its original location in downtown Canby. Photographs from that time in history shows the newly built church building with very little development around it, quite different from today. At the time the existing building was built, the site may have been outside the city. Regardless, today the site is within the Canby Urban Growth Boundary and the incorporated limits of the City of Canby.

City staff has provided the applicant with suggested Goals and Policies of the Canby Comprehensive Plan to review and address, where applicable and necessary. They are as follows:

**1. Citizen Involvement**

**Goal 1: *To provide the opportunity for citizen involvement throughout the planning process.***

Response: As required by the city, and insisted upon by the Canby Adult Center, a “public information meeting” was held on September 17, 2024 at the Canby United Methodist Church in the cafeteria/dining hall/activity room. Including CAC folks, there were approximately 12 people in attendance and everybody was briefed on the future plans of the CAC and CUMC, and each person at the meeting was afforded the opportunity to express their thoughts.

## **2. Urban Growth**

**Goal 1:** *To preserve and maintain designated agricultural and forest lands by protecting them from urbanization.*

**Goal 2:** *To provide adequate urbanizable area for the growth of the city, within the framework of an efficient system for the transition from rural to urban land use.*

Response: The current site of the Canby United Methodist Church, and the future site of the Canby Adult Center, has been within the City of Canby for over 40 years, and has been designated for lower density residential development. Zoning has been R-1, Low Density Residential. The site does not include either designated farm land or forest land that requires protection. By continuing the use of the site for both the CUMC and the CAC, no urbanizable land is being taken for these uses, and there will be no conflict with potential agricultural or forest lands.

## **3. Land Use**

**Goal 1:** *To guide the development and uses of land so they are orderly, efficient, aesthetically pleasing and suitable (sic) related to one another.*

Response: The Canby United Methodist Church relocated from Downtown Canby to the subject site in the early 1980's when there was little residential development in the immediate vicinity. Since that time, residential development has "grown up" on the east, west, and south sides, with consideration given by city and the public to how the subject site and the residential development surrounding it meld together without conflicts. For many years the CUMC building and activities have been recognized as a viable part of the development of this particular area of Canby. With the Canby Adult Center becoming part of the function of the site and the local neighborhood, the overall development of this area of Canby orderly, efficient, and aesthetically pleasing in its pattern.

## **4. Environmental Concerns**

**Goal 1:** *To protect identified natural and historical resources.*

**Goal 2:** *To prevent air, water, land and noise pollution.*

**Goal 3:** *To protect lives and property from natural hazards.*

Response: Because there are no identified natural or historic resources on the subject site, and none immediately surrounding the subject site, Goal 1 does not apply. While the CAC is a new use of the existing site and building, it will have no adverse impact on ambient air, water, land or noise in the vicinity. With virtually all activities taking place within the existing building, impacts on the local environment will be negligible. Further, the existing building will help provide some protection from natural hazards, while being environmentally conscious in its actions and activities.

## **5. Transportation**

**Goal 1:** *To develop and maintain a transportation system which is safe, convenient, and economical.*

Response: At the present time, the neighborhood around the CAC/CUMC building has experienced the development of local residential streets to serve the developing area. Being

located on the corner of an intersection, the site has two (2) points of driveway access, making it easier and more convenient for users of the site. This fact also helps to reduce pressure on the nearby local intersection of N. Holly Street and N. Territorial Road. Streets serving the site are well maintained, assisting in the movement of traffic in the neighborhood. Local transit routes and facilities, although somewhat limited, continue to serve the neighborhood and the subject site. Pedestrian facilities along the streets serving the subject site are adequate and are in decent condition that will not be adversely impacted by the proposed combined uses by the CAC and CUMC. Overall, both the CAC and CUMC support Canby's efforts to improve transportation of all modes for service not only to and from the subject site, but the local neighborhood as well.

## **6. Public Facilities and Services**

**Goal 1:** *To ensure the adequate provision of water services to meet the needs of the residents and property owners of Canby.*

**Goal 2:** *To ensure the adequate provision of wastewater services to meet the needs of the residents and property owners of Canby.*

**Goal 3:** *To ensure the adequate provision of storm drainage to meet the needs of the residents and property owners of Canby.*

**Goal 4:** *To ensure the adequate provision of transportation services to meet the needs of residents and property owners of Canby.*

**Goal 5:** *To ensure the adequate provision of parks and recreation services to meet the needs of residents and property owners of Canby.*

**Goal 6:** *To ensure the provision of a full range of public facilities and services to meet the needs of the residents and property owners of Canby.*

**Response:** Basically, Goal 6 is a summary of the prior five Goals that are stated. Because the existing building is fully operational and connected to all necessary and required facilities and services, the new combined use by CAC and CUMC will continue to fulfill all of the Goals in this section. No new services will be required for the subject site, and it is unlikely that any existing facilities and services will need to be upgraded to accommodate the higher level of use.

## **7. Economics**

**Goal 1:** *To diversify and improve the economy of the City of Canby.*

**Response:** The proposed new combined use of the existing building will have an indirect effect on the local economy through potential greater activities of the CAC. In addition, the site which CAC will be vacating (1250 S. Ivy Street) is in the City of Canby and will present the opportunity for a new user, thus improving the economic opportunities for development within the city. With CAC investing in the existing site and relocating to the building, along with CUMC, the building will be "repurposed" to a certain extent, thus improving the usability of the building and extending its potential lifetime.

## **8. Housing**

**Goal 1:** *To provide for the housing needs of the citizens of Canby.*

**Response:** While the proposed use of the subject site will not provide for the housing needs of the city, the fact that the site will remain zoned R-1, Low Density Residential, means that at

some point in the future, perhaps after CAC and CUMC have completed their missions at this location, it can be redeveloped for residential purposes. As a result, future housing needs of the city will be preserved and protected.

## **9. Energy**

**Goal 1:** *To conserve energy and encourage the use of renewable resources in place of non-renewable resources.*

Response: Because the existing building will not require additional connections to energy sources, there will likely be no new demands on available energy sources. As part of the CAC's move into this building, and becoming the new owner and primary user, measures are planned to attempt to reduce the use of nonrenewable resources.

**B. *The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features;***

Response: The site is both flat and level, with little topography. It is located on the southeasterly quadrant of the intersection of N. Territorial Road and N. Holly Street. The shape of Parcel 1 fits the existing building which was designed over 40 years ago when the building was constructed on a vacant plot of land in the northerly reaches of the Canby area. Improvements on and around the subject site have been made, and, over the years, upgrades have been made and may continue to be made to the local area. The site contains a few trees and landscape shrubbery, but little else. As it currently exists, the subject site was, and is perfect for a church, as well as other applicable and appropriate uses of the built facilities. The site is also perfectly suitable for a center serving older adults. The existing building includes community spaces, a kitchen and a dining room, and classroom/office spaces that may easily be reconfigured to suit the needs of the Center. The surrounding green space will be enjoyed by visitors to the Center, with the possible inclusion of well-located park benches.

**C. *All required public facilities and services exist to adequately meet the needs of the proposed development;***

Response: The subject site, including the existing building, is served with sanitary sewer, water, police, fire protection, emergency services and other services and utilities that are necessary and required for urban uses. Because there will be no new development on the site, all existing public facilities and services which currently serve the site, will continue to serve the proposed future use without need for any service extension or upgrades.

**D. *The proposed use will not alter the character of the surrounding areas in a manner which substantially limits, or precludes the use of surrounding properties for the uses listed as permitted in the zone.***

Response: The character of the local area has been established with the existing church building on the site for over 40 years. The area is now comprised of mostly single family residential development on individual lots, virtually all of which has been developed with the church as an integral part of the area. In short, the proposed use of the site and existing building for the Canby Adult Center, as well as the continuing existence of the Canby United



Methodist Church, will have virtually no impacts on the character or use of the surrounding residential neighborhood.

- **Section 16.50.03, Public Hearing required**

Response: The applicant is aware that this current application for a Conditional Use Permit is a Type 3 process, which requires a public hearing in front of the Canby Planning Commission.

- **Section 16.50.040, Placing conditions on a permit**

Response: The applicant is aware that conditions may be placed on any approved project. The Canby Code, under this section, contains 13 “categories” (A-M) where conditions of approval may be a part of the decision by the Canby Planning Commission. The first item, A. *Limiting the manner in which the use is conducted, including restricting the time an activity may take place, and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor*, may be the primary area of concern. However, because virtually all activities for both the Canby Adult Center (CAC) and the Canby United Methodist Church (CUMC) will take place within the existing building, there will be no noise, vibration, air pollution, glare and odor emanating from the various activities of the two organizations. With most activities of the CAC involving senior citizens, or at least those beyond middle age, the potential for any loud noise, those activities will tend to be “lower key” and non-intrusive.

B. Proceeding down the list, “special yard conditions” will not be necessary because yards are already well established and serve as buffers for surrounding uses.

C. “Limitations to the height, size or location” of a building or other structure may not apply because the existing Church building will not be remodeled or modified on the exterior. As such, the height, size or location of the existing building will not be changed, and no new/additional building is proposed.

D. There are two (2) vehicle access points for the existing property, and none will be added. Further, these vehicle access points will not be modified or changed unless the city determines that some modification is absolutely necessary.

E. It is doubtful that any modifications to existing streets or rights-of-way will be necessary, either for street improvements or for expansion of the existing right-of-way, since the existing streets are already in place and seem to be performing well.

F. No changes in the existing parking area should be necessary or required. The existing parking area contains approximately 103 spaces, which is more than adequate for the proposed use by CAC and CUMC.

G. At the present time, there is a free standing sign advertising the Canby United Methodist Church at this location. This existing sign will be retained and will likely be re-lettered to announce the existence of Canby Adult Center. There will be no change to the structural considerations of the existing sign. There are no signs identifying the site as the CUMC, and no new

free-standing signs are proposed. It is possible that a small sign will be mounted on the building, at the entrance from the parking area.

H. Outdoor lighting already exists on the site, and will not be changed or modified. This existing lighting provides visibility within the parking area, and provides a degree of security, generally after hours. No new outside lighting is proposed.

I. Landscaping around the site provides a buffer and screening for visibility from surrounding homes to the south, west and east. No diking or other facility to provide additional protection is necessary, based on the overall size of the subject site and the location and placement of the existing Church building.

J. Fencing, where necessary and desirable, is already in place around the site where it is necessary and desirable. This is primarily on the southerly side of the site, serving to provide a barrier between the site and neighboring residences.

K. All existing trees and vegetation on the subject site will be retained and, where necessary, improved and upgraded. However, the total landscaping on the subject site is well developed enough, and mature enough, that no new landscaping will be needed. There is no water course on the site, nor is there wildlife habitat or significant natural and/or open space area on the subject site.

L. There are two (2) existing accesses to the subject site, one on Holly Street and one on Territorial Road. Both accesses are full service driveways and will continue to serve the site and all users. As such, no new or additional accesses are necessary.

M. The applicant cannot think of any additional conditions that may be imposed on the approval of the Conditional Use for the CAC and the CUMC. However, any further potential conditions can be discussed with the city at the appropriate time.

- **Section 16.50.060, Standards governing conditional uses**

Response: This section contains three (3) specific standards that will apply to any Conditional Use. They are: A. Building Height; B. Utility Substation or Pumping Station, and C. Signs.

**A. Building Height:** Because there will be no revision to the structure of the existing building, the Canby Adult Center will “fit” nicely within the existing confines of the Church building. Height will not be an issue because the existing roofline of the Church building will not be changed or modified in any way, other than the removal of the external cross on the peak of the building. Because the building was built in the early 1980’s, standards may have been somewhat different than today. Nevertheless, building height will not be an issue, given the circumstances of the existing building.

**B. Utility Substation or Pumping Station** There is no “utility substation or pumping station” on the subject site, or nearby to the point that such substation could be adversely impacted by the change of operations at the Church building. Further, it is highly unlikely that a

new substation would be required as a result of the change of use. As such, this is not an issue for consideration of the Conditional Use.

**C. Signs** Currently, there is a free standing sign on the corner of the site at the intersection of N. Holly Street and N. Territorial Road advertising the existence of the Canby United Methodist Church. It is anticipated that this free standing sign will be retained, without changes in the structural nature of the sign (i.e., dimensions). This sign will likely have modified wording on the sign to reflect the existence of the Canby Adult Center, once it occupies the site. In addition, CAC is not planning any new or additional signs that might identify the site. Therefore, this subject will not be an issue for consideration of the Conditional Use.

- **Chapter 16.89, Application and Review Procedures**

This chapter identifies the process through which this Conditional Use application will be reviewed.

- Section 16.89.020, Description and Summary of Processes

Response: The various city processes for land use are contained in this section, and there are four (4) processes identified. It has been determined that this application for Conditional Use will be a Type III (Quasi-Judicial/Legislative process. This process will require an advertised public hearing before the Canby Planning Commission.

In Table 16.89.020 on page 2 of this Chapter, a “Conditional Use Permit” (as an Application Type) is identified as a Type III Land Use Process, with a Notice Radius (in feet) of 500 feet, and no Neighborhood Meeting Required. Even though this Table states that there is no requirement for a Neighborhood Meeting, we held on anyway, simply because it was the right thing to do. Perhaps it should be noted that section 16.89.070, *Neighborhood Meetings*, under subsection B., it is stated that “[T]he Planning Commission or Planning Director may require an applicant to hold a meeting in the neighborhood prior to accepting an application as complete.” Planning Director Don Hardy made a determination, in conjunction with the applicant, that such neighborhood meeting should be held. As such, right from the beginning, a neighborhood meeting was planned as part of the total process. This neighborhood informational meeting was held on September 17, 2024 with approximately 12 interested people in attendance.

At this meeting, a description of the proposed change to include CAC in the existing building was discussed, as well as the proposed interior changes that are being considered. Several questions were asked and answers provided. Overall, those in attendance expressed their support for the proposed change of use, and the Conditional Use Permit process that CAC must go through.

**Other Possible Chapters and/or Sections in Title 16, Planning and Zoning that May Be Applicable to the Proposed Conditional Use Application**

Response: As part of the Pre-Application Conference process, city staff provided suggested Chapters for review by the applicant to determine whether or not these Chapters may be applicable to the CUP application. These suggested Chapters include:

- 16.10, Off-street Parking and Loading;

- 16.46, Access Limitations; and
- 16.48, Site Plan Review.

Based on the information contained in this Chapter and its sections, the site should not require additional parking spaces. At the present time, there are approximately 103 parking spaces within the parking area, including handicapped spaces. This parking area will serve BOTH the CAC and the CUMC activities within the existing building. The existing building has approximately 13,890 square feet of floor, and there will be no increase in this amount of floor area. In Table 16.10.050, the use of the existing building will be classified as a ***Place of Public Assembly, d. Other places of public assembly, including churches.*** This category or use requires “1.00 space per four seats or eight feet of bench length”. Because this building will be used by both CAC and CUMC, it cannot be strictly held as being calculated by either seats or bench length. Not all uses of the building by both CAC and CUMC can be based on number of seats or bench length. This makes it difficult to calculate the number of parking spaces needed. However, the applicant believes that 103 parking spaces will be adequate for all of the possible uses of the building, whether by CAC or CUMC. Some activities taking place within the building will be in areas where individual seating is available, some activities where there may be no seats at all, and some use of some or all of the bench seating within the sanctuary area. The 103 parking spaces will be adequate for ALL of the uses that may occur within the building, resulting in a fulfillment of this standard.

Under ***16.10.060, Off-street loading facilities***, the building with 13,890 square feet of total floor area will require one (1) loading berth. At the present time, one (1) loading berth exists and is used by CUMC. Such loading berth will also be used by CAC. As such, this standard is satisfied.

In ***16.10.070(B)(9), Minimum access requirements for commercial and institutional uses***, it is stated that for 100-249 parking spaces, the minimum number of accesses is 2, and each access must be 20 feet in width with curbs and sidewalk on one side. Both access driveways serving the site are 20 feet in width and have curbs, but only the driveway onto N. Territorial Road has a sidewalk to the right (east). No sidewalk exists from one driveway to the other around the northwesterly perimeter of the site.. Because this site was originally developed in the early 1980's, the standards may have been different in terms of sidewalks required. Because most users of the site arrive by either personal vehicle or public transportation, there is little use of sidewalks in the area for “very local” users, resulting in little need for sidewalks along the access route. Although the site is within a largely residential area, minimum driveway spacing may not be a consideration, given that the Church has been in this location for over 40 years without issues arising or creating problems and issues.

Section ***16.10.080, Street Tree Plan***, states that in lieu of trees being provided every 30 lineal feet of street frontage, a Street Tree Plan may be presented to compensate for driveways, utilities, or other obstructions that would inhibit a 30-foot spacing requirement. While street trees along the frontages of both N. Holly Street and N. Territorial Road may not meet the Code requirements, the length of time since the site was originally developed has demonstrated that

there may not be a need for more street trees on the subject site. The existing trees on the site are mature trees, most planted when the church was built in the 1980's. While these trees may not meet the minimum spacing along either N. Holly Street or N. Territorial Road, they serve the purpose of the intent of having street trees in the first place.

Section **16.10.100, Bicycle Parking**, standards are set forth for onsite bicycle parking. Table 16.10.100 sets the standard for number of bicycle parking spaces on the site. For ***Institutional – Religious Institutions***, the standard is 1 space per 40 seat capacity. As with vehicle parking spaces, it is difficult to determine just how many bicycle parking spaces are needed for this site. Because so few people use bicycles to access CUMC or CAC, the number of spaces should be tied to reality. At the present time, CUMC has 8 bicycle spaces on the site, which have always served the need. With CAC moving into the building, there may be need for additional spaces, but it is nearly impossible to determine just how many additional spaces may be needed.

Based on these standards, and the existing situation regarding parking, access, loading spaces, street trees, and bicycle parking, the site currently has the minimum needed standards to satisfy the intent of the Code. The applicant believes that because the new use (CAC) coming to the site will not increase the demand for additional spaces, widths, etc., beyond what is currently provided. As such, the applicant believes that these standards have been fulfilled.

- **Chapter 16.46, Access Limitations on Project Density**

Response: This Chapter deals with project density for residential development. Because the proposed CUP does not deal with residential development, and no alternative standards for non-residential development are stated, this Chapter does not apply to the proposed CUP.

- **Chapter 16.48, Site Plan Review**

Response: In section **16.48.010, Required prior to plan check** it is stated "*Prior to undergoing a plan check for construction, all proposed commercial, industrial and residential development projects shall undergo a site plan review to be conducted by the staff.*". Based on this statement, and because this CUP project involves institutional uses, site plan review will not apply to this project. Therefore, there is no review of any standards contained in this Chapter for this specific project.

### **Traffic Impact Analysis (TIA)**

At the Pre-Application Conference, it was discussed that a Traffic Impact Analysis (TIA) would be required for this CUP project. The City of Canby's system is such that the retained consultant for the city will do the TIA, and the applicant would pay the city for the work. The TIA is currently underway, but its completion date is undetermined.

The applicant believes that the circumstances are such that there will be little impact to local traffic. The two driveway accesses to the site require that vehicles turn either left or right when existing the site, preventing straight-through traffic. N. Holly Street and N. Territorial Road is a 4-way intersection that is located at the northwesterly corner of the subject site. Current traffic volumes on both N. Holly Street and N. Territorial Road are both relatively low.

The Canby Adult Center and Canby United Methodist Church provided information regarding times of use and volumes of attendees at specific events during the course of a week. This information should assist the city's consultant in determining a more accurate conclusion in terms of site generated traffic impact.

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## **Final Items for Clarification for Conditional Use Permit Application**

As part of the formal application for a Conditional Use Permit to the City of Canby by the Canby Adult Center (CAC) at the site of the Canby United Methodist Church (CUMC) located at 1520 N. Holly Street, the following are specific individual points of clarification and additional information.

- On January 7, 2025, a physical count was made of on site parking spaces provided at the CUMC site. Previously, it was understood that there were 103 individual parking spaces. However, the physical county of onsite parking spaces revealed that there are 119 spaces, including 8 designated handicapped parking spaces. There was some difficulty in identifying some of the individual parking spaces because the painted lines denoting parking spaces was largely gone from the site. Fortunately, remnants of the painted lines were found in most cases. Where lines and paint remnants were not found, measuring the area revealed that parking spaces were existing where they were expected to be found. The end result was a total of 119 parking spaces within the existing CUMC parking area, with 8 of these spaces as identified and marked handicapped parking spaces;
- Along the N. Holly Street side of the site, and the N. Territorial Road side, there are no sidewalks. There is a sidewalk along the southerly side of N. Territorial Road up to the point of the driveway to the site, but nothing from the driveway to the intersection of N. Territorial Road and N. Holly Street. Because the land use on the northerly side of N. Territorial Road is agriculture, there is no sidewalk at all there. Also, there is no sidewalk along the easterly side of N. Holly Street from several properties beyond the subject site to the intersection of the two streets. However, there is a sidewalk on the westerly side of N. Holly Street where a relatively recent residential development has been completed. It is assumed that a conditional of approval of that particular development included construction of a sidewalk within the public right of way.

Along the entire frontage of the total CUMC site (N. Holly Street and N. Territorial Road) there is a 12 foot Public Utility Easement (PUE) directly adjacent to the public rights of way. It appears that there may be public and private utilities located underground within the 12 foot PUE along both streets. Traditionally, sidewalks are not built over PUEs because of the need for future access to these utilities. In addition, when the CUMC was built in the early 1980's, there may not have been the requirement for sidewalks along these two streets. A physical review of these PUEs indicates that they are in use for local utilities, especially along N. Territorial Road.

Further set back from the public rights of way of these two streets are numerous trees planted along a line of roughly 18 to 20 feet. These trees are planted in a line paralleling the streets. Most of the trees are Oregon White Oak and cherry. One oak tree has been removed from the line along N. Holly Street, near the driveway entrance there. These trees appear to be about the same age as the Church, approximately 45 years, perhaps older.

These onsite trees are located just inside the 12 foot PUE, by about 6 to 8 feet. Given there is only about 6 to 8 feet available for a sidewalk, this is not enough to accommodate BOTH the 12 foot PUE, a sidewalk, and a line of existing trees. While 6 feet may be enough for a sidewalk, such sidewalk cannot be built over the "root protection zone" of these trees. Doing so would adversely impact the trees, requiring removal of several of the main roots in the root system of each tree. The root protection zone (RPZ) is often determined to be one (1) foot of horizontal radial distance outward from the individual tree for each inch of diameter of the tree itself. Since these trees appear to have diameters of 12 to 18 inches, the RPZ would be 12 to 18 feet in radius, depending on each tree. However, this RPZ dimension would, when combined with the 12 foot PUE, would result in no possibility for construction of a sidewalk of any width along the frontages of N. Holly Street and N. Territorial Road without removing each and every tree on the site along the frontages of both streets.

As an alternative, a sidewalk could be proposed inside the tree line on both sides. However, because this would result in a sidewalk that is well onto the future CAC property as a sort of "meandering" pathway, an alignment of sidewalks along both sides of the site would be difficult at best. Unfortunately, even this would not be possible because such meandering alignment would conflict with the existing building and landscaping. As such, unless the 12 foot PUE is revised and replatted, there is no potential for a sidewalk on either side of the CAC site along either N. Holly Street and N. Territorial Road;

- At the present time, there is a bicycle rack near the main entrance to the building. This rack can accommodate up to eight (8) bicycles. According to the Church, it is rarely filled. Nevertheless, such rack is in place and will continue to be available to CAC users;
- It should be clear that both the CAC and the CUMC will operate within the same building on the same site. However, Church related activities and CAC related activities may overlap but will not be taking place at the same time. While the building may be in use seven (7) days a week, there will be few activities during the "dark hours" with most CAC activities taking place between about 9:00 AM and 3:30 PM. Once the Conditional Use Permit is approved by the city, the CAC will become the primary user of the site and the facilities. Head counts of the anticipated various activities indicate that none of the activities will "overload" the site and cause large crowds of people at any given time. It is assumed that when the CAC begins to operate at it peak efficiency, it will be similar to when the Church was operating at its peak. Therefore, as a local public service, the CAC will fit well into the site and the existing building.