



## PLANNING COMMISSION

### Meeting Agenda

Monday, March 13, 2017

7:00 PM

City Council Chambers – 222 NE 2<sup>nd</sup> Avenue

Commissioner John Savory (Chair)

Commissioner Larry Boatright (Vice Chair)

Commissioner John Serlet

Commissioner Derrick Mottern

Commissioner Tyler Hall

Commissioner Shawn Varwig

Commissioner Andrey Chernishov

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1. **CALL TO ORDER**
  - a. Invocation and Pledge of Allegiance
2. **CITIZEN INPUT ON NON-AGENDA ITEMS**
3. **MINUTES**
  - a. Approval of Planning Commission Minutes – February 27, 2017
4. **NEW BUSINESS**
5. **PUBLIC HEARING**
  - a. Consider a request for a Site & Design Review and Variance applications for a proposed 58-unit apartment complex on 2.5 acres located at 1203 & 1295 NE Territorial Rd. **(DR 17-02/VAR 17-01)**
6. **FINAL DECISIONS**

(Note: These are final, written versions of previous oral decisions. No public testimony.)

  - a. **(DR 17-02/VAR 17-01)** Trail Crossing Apartments
7. **ITEMS OF INTEREST/REPORT FROM STAFF**
  - a. Next Planning Commission Meeting
8. **ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION**
9. **ADJOURNMENT**

*The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for person with disabilities should be made at least 48 hours before the meeting at 503-266-7001. A copy of this agenda can be found on the City's web page at [www.canbyoregon.gov](http://www.canbyoregon.gov). City Council and Planning Commission Meetings are broadcast live and can be viewed on OCTS Channel 5. For a schedule of the playback times, please call 503-263-6287.*

## PUBLIC HEARING FORMAT

The public hearing will be conducted as follows:

- **STAFF REPORT**
  - **QUESTIONS** (If any, by the Planning Commission or staff)
  - **OPEN PUBLIC HEARING FOR TESTIMONY:**
    - APPLICANT** (Not more than 15 minutes)
    - PROPONENTS** (Persons in favor of application) (Not more than 5 minutes per person)
    - OPPONENTS** (Persons opposed to application) (Not more than 5 minutes per person)
    - NEUTRAL** (Persons with no opinion) (Not more than 5 minutes per person)
    - REBUTTAL** (By applicant, not more than 10 minutes)
  - **CLOSE PUBLIC HEARING** (No further public testimony allowed)
  - **QUESTIONS** (If any by the Planning Commission)
  - **DISCUSSION** (By the Planning Commission)
  - **DECISION** (By the Planning Commission)
- All interested persons in attendance shall be heard on the matter. If you wish to testify on this matter, please be sure to complete a Testimony Card and hand it to the Recording Secretary. When the Chair calls for Proponents, if you favor the application; or Opponents if you are opposed to the application please come forward and take a seat, speak into the microphone so the viewing public may hear you, and state your name, address, and interest in the matter. You may be limited by time for your statement, depending upon how many people wish to testify.

**EVERYONE PRESENT IS ENCOURAGED TO TESTIFY, EVEN IF IT IS ONLY TO CONCUR WITH PREVIOUS TESTIMONY.** All questions must be directed through the Chair. Any evidence to be considered must be submitted to the hearing body for public access.

Testimony and evidence must be directed toward the applicable review criteria contained in the staff report, the Comprehensive Plan, or other land use regulations which the person believes to apply to the decision.

Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision-maker and interested parties an opportunity to respond to the issue, may preclude appeal to the City Council and the Land Use Board of Appeals based on that issue.

Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the local government to respond to the issue may preclude an action for damages in circuit court.

Before the conclusion of the initial evidentiary hearing, any participant may ask the hearings body for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing. The Planning Commission shall grant such requests by continuing the public hearing or leaving the record open for additional written evidence or testimony. Any such continuance or extension shall be subject to the limitations of the 120-day rule, unless the continuance or extension is requested or agreed to by the applicant.

If additional documents or evidence are provided by any party, the Planning Commission may, if requested, allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. Any such continuance or extension of the record requested by an applicant shall result in a corresponding extension of the 120-day time period.

**MINUTES**  
**CANBY PLANNING COMMISSION**  
7:00 PM – Monday, February 27, 2017  
City Council Chambers – 222 NE 2<sup>nd</sup> Avenue

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**PRESENT:** Commissioners Larry Boatright, John Serlet, Derrick Mottern, Shawn Varwig, and Andrey Chernishov

**ABSENT:** John Savory and Tyler Hall

**STAFF:** Bryan Brown, Planning Director, and Laney Fouse, Recording Secretary

**OTHERS:** Curt McLeod, Hassan Ibrahim, Brian Varricchione, Adam Olsen, Dan Murphy, Bill Kinman, and Council Liaison Tyler Smith.

**1. CALL TO ORDER**

Vice Chair Boatright called the meeting to order at 7:00 pm.

**2. CITIZEN INPUT – None**

**3. MINUTES**

- a. February 13, 2017 Planning Commission Minutes

***Motion:*** A motion was made by Commissioner Mottern and seconded by Commissioner Chernishov to approve the February 13, 2017 Planning Commission minutes. Motion passed 5/0.

**4. NEW BUSINESS – None**

**5. PUBLIC HEARING**

- a. Consider a request for a 21-lot Subdivision for Northwood Estates Phase III on a 5.04 acre site on NW 11th Avenue, west of N Elm Street suitable for single family homes (**SUB 17-01**).

Vice Chair Boatright opened the public hearing and read the public hearing format. He asked if any Commissioner had a conflict of interest or ex parte contact to declare. Commissioner Serlet had driven by the site.

Bryan Brown, Planning Director, entered his staff report into the record. The Northwood Estates area had been master planned in 2005 into four phases. Phase I and II were mostly built out and this would be the next phase. He showed a map of the vacant property where Phase III was proposed. There were existing houses on adjacent property to the north and west. The layout followed the original master plan, the lots complied with the R-1 size except for one large, deep lot that was slightly over 10,000 square feet which was in the master plan, and the homes would be limited to one story on the lots backing up to existing residences. In Phase I and II, park land had been dedicated which satisfied the System Development Charges that would otherwise be collected for Phase III. A traffic study was done for Phase II and III, and there were no findings or requirements for Phase III. It was recommended to have speed cushions on N. Birch and those were installed last

week. The drainage plan was for underground injection wells that would need to be DEQ approved. Public testimony was received that was not included in the packet, an email from Florence Ball. She was concerned about having two story homes built next to the three existing homes on NW 10<sup>th</sup> Avenue. These homes were built in Phase II and were not part of the original agreement. He explained the in-fill home standard for a step up height requirement for existing houses that had been there for five years or more. Single story homes on those lots were not required. The letter from Keith Galitz in the packet was in support of the application and another letter in the packet was from a neighboring home stating a second story home that was built next to his should not have been allowed. He was trying to look out for the adjacent homes for the new phase. The requirement he was referring to in Phase I and II were to conform to in-fill standards, and was not a promise that there would only be single story homes. The applicant included a map that had stars on the lots that would be one story homes. Staff recommended approval of the application with conditions. He recommended eliminating Condition #27 as it was not needed.

**Applicant:**

Curt McLeod and Hassan Ibrahim of Curran McLeod Engineers in Portland were representing the applicant. The first phase was done in 2005, second phase in 2013, and they planned to build the third phase this year. The application followed what was in the master plan. In the neighborhood meetings years ago, they had committed to those on NW 12<sup>th</sup> that the homes would be single story, but did not promise the same for in-fill homes. The majority of the homes were single story. The speed cushions had been put in, and would soon be paved.

**Proponents, Opponents, or Neutral Testimony:** None

Vice Chair Boatright closed the public hearing.

**Motion:** A motion was made by Commissioner Varwig and seconded by Commissioner Serlet to approve SUB 17-01 as written. Motion passed 5/0.

- b. Consider a request for Site & Design Review for the proposed Canby Utility Office and Operational Facility at 1265 SW 3rd Ave. **(DR 17-01)**

Planning Director Bryan Brown entered his staff report into the record. He discussed a map of the location on SW 3<sup>rd</sup> and the proposed site plan which would be done in phases. The public would enter off of a SW 3<sup>rd</sup> driveway. The driveway would align with the Hawksoft driveway on the other side of the street. There would be two driveways on Pine Street for larger trucks. The applicant chose to use their own firm to do the traffic study instead of the City's Traffic Engineer. The City's Traffic Engineer reviewed the results of the study and found all the requirements had been met. The study showed an increase in traffic, but the standards for level of service and congestion were still being met. The phasing could be as much as ten years apart for the two phases, and the applicant proposed a condition of approval that would formalize that in the findings. This was for approval of both phases and as long as the site plan was followed, there would be no problem moving forward in the future for the second phase unless it was altered. Staff proposed a condition for the monument sign, which should be limited to the size and height standards applicable to the M-1 zone and Table 2 of the Sign Ordinance. There were already sidewalks on 3<sup>rd</sup> Avenue and the sidewalks on S Pine

would be curb-tight due to a gas line in the area. Staff recommended approval with conditions. He added four conditions not in the staff report as follows:

1. The Planning Commission will review any recommendations from ODOT that would differ or contest what already has been presented to the Commission today.
2. The project may be built in phases with an overall time frame of up to 10 years. Any changes to the approved plan shall require review pursuant to Section 16.89.090 of the Development Code.
3. On-street parking along S Pine Street within 20-feet of the site driveway access locations shall be prohibited by appropriate painted markings or signage to be arranged with the City Public Works staff.
4. Prior to occupancy, sight distance at any existing access point will need to be verified, documented, and stamped by a registered professional Civil or Traffic Engineer licensed in the State of Oregon.

**Applicant:**

Dan Murphy, General Manager of Canby Utility, said this project started in 2009 where some sites were identified and a feasibility study was done of the sites. In 2010, this property was purchased.

Adam Olsen, project architect with Mackenzie in Portland, discussed the potential phasing of the project which would be based on pricing. The property was in between residences on the west and south, industrial on the east, and commercial on the north. They took themes from all of these uses and incorporated them on the site. All the buildings would be single story, and would be using some of the same elements as the surrounding sites such as metal materials and concrete masonry. He showed sketches of what the office building exterior would look like and perspective from Pine Street. The idea was to keep the site open, transparent, safe, and welcoming.

Brian Varricchione, land use planner with Mackenzie in Portland, discussed the extra conditions of approval. Regarding the condition about ODOT, since the site was not on a State highway, ODOT did not have any permitting authority. They thought the City's Traffic Engineer would route it to ODOT, but that had not happened and Canby Utility would do that. They did not want Canby Utility to be in a bind if ODOT raised an issue that the Planning Commission had not evaluated yet. He would like the condition to say Canby Utility would cooperate with ODOT and get their input and respond to it with the City rather than satisfying everything ODOT might desire before a building permit was issued.

Commissioner Serlet clarified ODOT had oversight if the area was in a quarter mile of a State highway, such as 99E. Mr. Brown understood the concern as ODOT did overreach their authority at times. Traffic studies were circulated through ODOT and staff worked with them to arrive at satisfactory solutions in the studies. Most of the time, ODOT made recommendations and cities often pushed back. They could state in the condition that if ODOT was requiring something that seemed onerous, it would be brought back to the Commission.

Commissioner Serlet asked if there had been concern from the residential area about the noise from the trucks. Mr. Varricchione said no comments had been received. They had pushed the industrial uses to the east side to provide some separation and there would be a landscape buffer as well.

Proponents, Opponents, or Neutral Testimony: None

Vice Chair Boatright closed the public hearing.

**Motion:** A motion was made by Commissioner Mottern and seconded by Commissioner Varwig to approve DR 17-01 with the four additional conditions, and modification of one condition that the Commission would review whatever conditions were recommended by ODOT that would differ or contest what had been presented that day. Motion passed 5/0.

## 6. FINAL DECISIONS

### a. Northwood Estates Phase III (SUB 17-01)

**Motion:** A motion was made by Commissioner Varwig and seconded by Commissioner Mottern to approve the final decision for SUB 17-01 minus Condition #27. Motion passed 5/0.

### b. Canby Utility Office and Operational Facility (DR 17-01)

**Motion:** A motion was made by Commissioner Mottern and seconded by Commissioner Chernishov to approve the final decision for DR 17-01 with the four additional conditions. Motion passed 5/0.

## 7. ITEMS OF INTEREST / REPORT FROM STAFF

Mr. Brown discussed the pre-application for annexation of 77 acres for a 65 lot subdivision west of Fir Street towards Elm. There would be three different levels of residential zoning and it will require a master plan and new sanitary lift station.

The next regular Planning Commission meeting was scheduled for Monday, March 13, 2017. The Commission would be reviewing an application for the Trail Crossing Apartments.

## 8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION – None

## 9. ADJOURNMENT

**Motion:** Commissioner Varwig moved for adjournment, Commissioner Serlet seconded. Motion passed 5/0. Meeting adjourned at 8:17 pm.



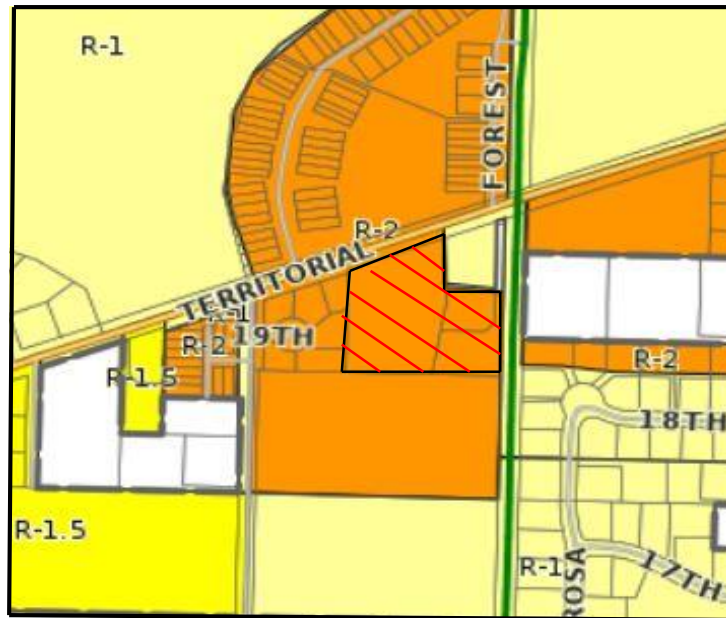
# City of Canby

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**SITE AND DESIGN REVIEW/VARIANCE STAFF REPORT  
FILE #: DR 17-02/VAR 17-01, TRAIL CROSSING APARTMENTS  
PREPARED FOR THE MARCH 13, 2017 PLANNING COMMISSION MEETING**

**LOCATION:** 1203 & 1295 NE Territorial Road

**TAXLOT:** 31E27CB01300, 1500, 1501



**LOT SIZE:** 2.58 total acres

**ZONING:** R-2 High Density Residential

**OWNER:** S.T.J.1, LLC

**APPLICANT:** S.T.J.1, LLC

**Representative:** Thomas Scott

**APPLICATION TYPE:** Site & Design Review (Type III)/ Variance (Type III)

**CITY FILE NUMBER:** DR 17-02/VAR 17-01

**APPLICANT'S REQUEST:**

The applicant is seeking site and design review, and major variance approval to construct a 58-unit apartment complex with an office/recreation building. The parcel is zoned R-2, High Density Residential, and is correspondingly designated High Density Residential in the Canby Comprehensive Plan. Site and design review evaluates the site layout, parking and loading, access points, design and development standards including building elevations and appearance, signs, lighting, landscaping, drainage, infrastructure services, and mobility connections and internal circulation and traffic impact on adjacent public streets. The applicant has requested a major variance to decrease the number of required parking spaces by 7 spaces, from 115 to 108 spaces. According to pre-application conference notes, the reduction is a result of increasing the density of the apartment complex by ten housing units, from the originally planned 48 units to 58 units. Additionally, the applicant is requesting a variance to increase the required number of 8 parking spaces between landscaped islands to 10 spaces between landscaped islands. The applicant also filed a Final Plat Application to replat the four existing lots into a single legal parcel. The recording of a replat to implement an approved lot boundary change can be approved at a later date but is necessary prior to development of the property.

**SECTION I APPLICABLE REVIEW CRITERIA:**

**City of Canby Land Development and Planning Ordinance Chapters:**

- 16.08 General Provisions**
- 16.10 Off-Street Parking and Loading**
- 16.20 R-2 - High Density Residential Zone**
- 16.21 Residential Design Standards**
- 16.42 Signs**
- 16.43 Outdoor Lighting Standards**
- 16.46 Access Standards**
- 16.49 Site and Design Review**
- 16.53 Major Variances**
- 16.60 Major and Minor Partitions**
- 16.89 Application and Review Procedures**
- 16.120 Parks, Open Space, and Recreation Land**

**SECTION II REVIEW FOR CONFORMANCE WITH APPLICABLE APPROVAL CRITERIA:**

- 16.08 General Provisions:**
- 16.08.070 Illegally Created Lots**

In no case shall a lot which has been created in violation of state statute or city ordinance be considered as a lot of record for development purposes, until such violation has been legally remedied. (Ord. 740 section 10.3.05(G), 1984)



**Findings:** It appears that the subject property identified as tax lot 1300 is a remnant parcel of original Lot 79 of the Canby Gardens Plat, recorded in 1909. A portion of Lot 79 to the west was subdivided as T & J Meadows in 1997 and a portion to the east was described by deed as early as 1976 and surveyed in 1982. Subject properties identified as tax lots 1500 and 1501 were partitioned into three lots in 1992 with Partition Plat No. 1992-182. The properties can be considered legal lots for land use proposes. The subject properties, tax lots 1300, 1500, and 1501, must be combined into a single legal parcel under criteria listed in Section 16.60 with a replat recorded and filed with the Clackamas County Surveyor to implement the lot boundary change prior to building permits or development of the properties. This requirement will be met with a condition of approval.

#### **16.08.090-110 Sidewalk & Fencing Requirements**

B. The Planning Commission may impose appropriate sidewalk and curbing requirements as a condition of approving any discretionary application it reviews. (Ord. 740 section 10.3.05(I), 1984)

**Findings:** The City Engineer requested a ten foot right-of-way dedication and half street improvements that includes six foot sidewalk. Additionally, sidewalks shall extend from the right-of-way of Territorial Road within the property adjacent to each access drive to facilitate pedestrian movement in an out of the apartment complex.

#### **16.08.150 Traffic Impact Study (TIS)**

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

B. Initial Scoping. During the pre-application conference, the city will review existing transportation data to determine whether a proposed development will have impacts on the transportation system. It is the responsibility of the applicant to provide enough detailed information for the city to make a determination. If the city cannot properly evaluate a proposed development's impacts without a more detailed study, a transportation impact study (TIS) will be required to evaluate the adequacy of the transportation system to serve the proposed development and determine proportionate mitigation of impacts. When a TIS is required, the city will provide the applicant with a "scoping checklist" to be used when preparing the TIS.

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

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

**Findings:** Based on available information, it was determined that a Traffic Scoping was needed for the project. The applicant submitted the required deposit with the City and staff worked with DKS & Associates, city traffic engineering firm, to determine the scope of work necessary for a Traffic Impact Study. The applicant had DKS complete the Transportation Impact Analysis which was submitted on February 9, 2017 and made part of the record. The recommendations reached by the traffic study are listed as conditions of approval except for a modification to maintain a 35 foot separation from the nearest parking space to the back of the sidewalk along NE Territorial Road rather than 40 feet as stated in the study.

**16.10 Off Street Parking and Loading**

**16.10.050 Parking standards designated**

**Findings:** The number of parking spaces provided does not meet the minimum parking standards. Subsequently, the applicant has proposed a major variance to change the minimum requirement from 115 spaces to 108. The criteria for a major variance is discussed below.

**16.10.060 Off-street loading facilities**

**Findings:** No loading spaces are required, so this provision is not applicable.

**16.10.070 Parking lots and access**

**Findings:** Staff accepts the applicant's narrative and submitted plans as having met parking design and access standards. The development access design provides ingress and egress onto Territorial Road. However, in order to meet fire access standards the applicant provided a 20 foot emergency access onto Logging Road Trail. This provision was recommended by public works staff and approved by the fire marshal.

**16.10.100 Bicycle Parking**

**Findings:** The site plan adequately addresses this criterion with 58 spaces for 58 units spaced around the site to meet the required number.

**16.20 R-2 (High Density Residential Zone)**

**Findings:** The zoning of the property is R-2 which allows apartments as an outright permitted use and the proposed density of 23.2 units exceeds the minimum 14 units per acre required by the code. The applicant noted that Building 4 is designed without a dormer in order to meet the height and setback requirement. The applicant's narrative adequately addresses development standards listed in the R-2 Zone.

**16.21 Residential Design Standards**

**Findings:** The applicant's narrative addressed the design standards in Section 16.21.060 and 070 and demonstrated that the project will meet the multi-family design menu in Table 16.21.070.

**16.42.040 Signs**

**Findings:** The applicant is proposing a monument sign that will be placed at a later date. A Sign Permit and review is required at the time of construction. Any future free standing signage must be located outside of driveway clear sight distance areas and meet applicable sign ordinance standards.

**16.43 Outdoor Lighting Standards**

**Findings:** The applicant submitted a photometric lighting plan that indicates uniform lighting across the site that is indicated to be shielded to avoid light trespass across the adjacent property lines and to prevent glare toward the street. The applicant shall include lighting cut sheets and specifications of the fixtures and lumen information to allow full assessment of conformance with lighting standards with submittal of the construction plans.

**16.46 Access Limitations on Project Density**

**Findings:** Territorial Road has a 100 driveway to driveway spacing standard which has been met when applied to the same side of the street and aligns with a driveway on the opposite side of the street.

**16.49 Site and design review**

**Findings:** A Site and Design Review Type III Application is required under 16.49.030(A)(1) and has been submitted for review. Staff accepts the findings of the applicant in their narrative submittal and considers all criterion to be met, including the Multi-family Design Menu Point Matrix.

**16.49.080 General provisions for landscaping**

**Findings:** The applicant provided a landscape plan and detailed landscaping calculation to address planting and landscape provisions listed in this section. Based on the information provided, the proposed landscaping meets requirements and incorporates Low Impact

Development (LID) techniques with rain garden treatment areas and a full irrigation system to assure long-term maintenance.

**16.53 MAJOR VARIANCE**

The applicant requested a major variance to alter two provisions in the Canby Municipal Code (CMC). The requests are to reduce the number of required parking spaces for a 58 unit apartment complex from 115 to 108 and to increase the required number of parking spaces between landscaped islands from 8 spaces to 10 spaces.

It should be noted that the TIA for the project recommended a 35 foot distance from the inside edge of the NE Territorial Road sidewalk to the first parking spaces within the complex. According to available information, this would result in a loss of two additional parking spaces to bring the total reduction to 106 spaces and a variance of 9 spaces from the required standard.

**16.53.020** These provisions are intended to prescribe procedures which allow variations from the strict application of the regulations of this title, by reason of exceptional circumstances and other specified conditions:

A. Authorization. The commission may authorize variances from the requirements of this title, other than Division VII, where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of the regulations would cause an undue or unnecessary hardship, except that no variance shall be granted to allow the use of property for purposes not authorized within the district in which the proposed use would be located. In granting a variance, the commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and to otherwise achieve the purpose of this title.

B. Standards and Criteria. A variance may be granted only upon determination that all of the following conditions are present:

1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the city and within the same zone. These exceptional or extraordinary circumstances result from tract size or shape, topography or other circumstances over which the owners of the property have no control. Actions of previous owners do not constitute other exceptional or extraordinary circumstances; and

**Findings:** The applicant stated in the submitted narrative that size and shape of the property results in design constraints because of setbacks from the adjacent R-1 Zone and forces traffic patterns that limit development. Staff would respond that the development constraints that prompt a variance are limited to the number of dwelling units proposed by the application. At the pre-application conference, the application proposed a 48 unit complex that would meet parking and landscape requirements. Staff does not fully support the requested parking variance when the number of residential units could be reduced and the required parking criteria met. Additionally, staff is reluctant to support an increase in the number of parking spaces between the landscaped islands from the required 8 spaces to the 10 spaces proposed by the applicant. The intent of the provision is to provide a more livable apartment complex

**that fits the overall landscape plan. The design constraints are due to developing around the existing R-1 zoned home, but does not fully justify the degree of variance requested by the applicant.**

2. The variance is necessary to assure that the applicant maintains substantially the same property rights as are possessed by the owners of other property in the city and within the same zone; and

**Findings: The property rights established for this particular zone is to allow a multi-family housing development within the R-2 Zone. It is common practice for developers to design apartment projects in Canby that can remain within the design criteria parameters provided in the Canby code. As mentioned above, the design constraints caused by the adjacent R-1 zone may not fully justify the amount of requested variance.**

3. Granting of this variance will not be materially detrimental to the intent or purposes of the city's Comprehensive Plan or the Land Development and Planning Ordinance; and

**Findings: As discussed above the proposal may not appear to be in conflict with the Comprehensive Plan that allows for multi-family development. But, the Planning Commission should consider the possibility that the use as proposed could set a precedent for the zone and compromise the Planning Ordinance if the apartment complex is allowed to develop as proposed by the variance. The intent of the Comprehensive Plan and the regulations listed above is to provide for better quality of life, reduce congestion and provide for increased safety.**

4. Granting of this variance will not be materially detrimental to other property within the same vicinity; and

**Findings: The property is a level irregular shaped 2.58 acre parcel. The shape extends in an "L" shape that borders the R-1 Zone in the northeast corner of the property that is developed with a single-family residence. The remainder of the property is surrounded by the R-2 Zone. The property fronts on NE Territorial Road on the north and Logging Road Pedestrian Trail on the east. It does not appear that development of a multi-family residential complex would be detrimental to other development in the vicinity. The code provides a degree of buffer for the existing home which could be regarded as a development constraint not equally dealt with by all multiple-family projects.**

5. The variance requested is the minimum variance which will alleviate the hardship; and

**Findings: It appears that the applicant's hardship is that less parking is needed in order to develop more residential units on the property, and no room remains for the additional required parking due to the number of units proposed. As mentioned above, if the project was developed with fewer units, the variances would not be necessary. The minimum variance is relative to the applicant's business aspirations. The Planning Commission will have to decide if the proposal meets this criterion. Staff is inclined to support a variance of 3 to 4 required parking spaces if the reduction resulted in reduction of 3 dwelling units.**

6. The exceptional or unique conditions of the property which necessitate the issuance of a variance were not caused by the applicant, or the applicant's employees or relatives.

**Findings: The applicant stated that the shape of the parcel created the unique conditions that require the variances.**

**16.89 Application and Review Procedures**

**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.

**Finding: The proposed project is subject to a Type III Site and Design Review procedure along with the requested Variance application. The required land use application process has been followed. Both a pre-application meeting and a neighborhood meeting were held prior to formal public hearing application. Meeting notes for both meetings were included with the applicant submittal. This standard is met.**

**16.120 Parks, Open Space, and Recreation Land**

**Findings: The applicant requested that in lieu of land dedication, a parks SDC fee assessment prior to issuance of a building permit. The City agrees to payment of SDC fees. This standard is met.**

**SECTION III COMMENTS:**

**Public Comments:**

One public comment was received stating concerns for the height of Building 6 adjacent to Logging Road Trail. The applicant should respond during the public hearing. The concern relates to the loss of open space, light, and air adjacent to this public space. It is not clear if a shadow from the building would be cast onto the trail resulting in loss of sunlight and a wetter surface where shaded.

Another comment was received from a neighbor who opposed the reduction in parking spaces. The letter noted reasons why parking is needed in an already congested area.

**Agency Comments:**

Agency comments were received from DirectLink and the Canby City Engineer who listed right-of-way dedication and other aspects that need to be addressed during the development process. Comments are included in the file. Staff has added a condition of approval to address the recommendation.

Any additional agency or public comments received after this report was written will be made available in the file and will be presented by staff at the hearing.

#### **SECTION IV CONCLUSION**

1. Staff concludes that the Site and Design Review is in conformance with the City's Comprehensive Plan and the Planning Commission should decide if the proposal meets the Land Development and Planning Ordinance subject to meeting Public Works and Building Code standards.
2. Staff concludes that the site is large enough to suitably accommodate the proposed use.
3. Staff concludes that public service and utility provision to the site is available or can be made available through planner extensions.

Note: Approval of this application is based on submitted application materials. Approval is strictly limited to the submitted proposal and is not extended to any other development of the property. Any modification of development plans not in conformance with the approval of application file DR 17-02/VAR 17-01, including all conditions of approval, shall first require an approved modification in conformance with the relevant sections of the Canby Municipal Code.

#### **SECTION V RECOMMENDATION:**

Based on the application submitted and the facts, findings, and conclusions of this report, staff recommends that the Planning Commission **approve** Site and Design Review DR 17-02 and has not made a specific recommendation regarding Variance 17-01 subject to the following conditions of approval:

#### **SECTION VI CONDITIONS OF APPROVAL:**

##### **Commission Findings and Approval for Modifications of Standards**

1. The number of parking spaces does not meet the criteria listed in Section 16.10.050, and parking lot landscaping standards under Section 16.49.120(D)(3) are not met. However, under the provision listed in the CMC, the applicant can request the Planning Commission to consider whether or not the standards are appropriate under the Major Variance Chapter 16.53. If the Commission makes a finding supporting the applicant's conclusions regarding variances, then the variance standards requested can be approved as proposed on the site plan.

##### **Conditions Unique to this Proposal**

2. The applicant shall meet the requirements listed in the City Engineer's memorandum dated February 27, 2017.

3. The applicant shall include lighting cut sheets and specifications of the fixtures and lumen information to allow full assessment of conformance with lighting standards with submittal of the construction plans.
4. The proposal shall meet recommendations listed in the TIA with the exception of provision for a 40-foot spacing between the access onto NE Territorial Road and the first parking stalls that is recommended by staff to be 35 feet. These are listed as follows:
  - Prohibit on-street parking along NE Territorial Road within 20-feet of site access locations, as recommended in the Manual on Uniform Traffic Control Devices (MUTCD) to improve intersection sight distance. The applicant to strip curbing or erect no-parking signs per public works standards
  - Prior to occupancy, sight distance at any existing access points will need to be verified, documented, and stamped by a registered professional Civil or Traffic Engineer licensed in the State of Oregon.
  - The site designer/engineer shall verify the turn templates and internal circulation routes for the proposed design vehicle to ensure adequate on-site circulation for the largest regular design vehicle with the approval of construction plans.
  - Site driveways shall be kept clear of visual obstructions (e.g. landscaping, objects, etc.) that could potentially limit vehicle sight distance.
  - **Provide at least 35 feet of spacing between the access on NE Territorial Road and the first parking stall measured from the back of the sidewalk to the closest point of the nearest parking space.**
  - Provide sidewalks (or walkways) adjacent to building entrances
  - Provide bicycle parking near building entrances

### **Procedural Conditions**

#### **Prior to Issuance of building permits, the following must be completed:**

5. The design engineer shall submit to the City of Canby for review and approval at the time of final construction plan approval a storm drainage analysis and report applicable to the defined development area detailing how storm water disposal from both the building and the parking areas is being handled – including a pre and post development analysis. Any drainage plan shall conform to the Clean Water Services storm drainage design standards as indicated in the Public Works design standards.
6. A sediment and Erosion Control Permits will be required from the City prior to commencing site work.
7. Prior to the issuance of a building permit, the installation of public utilities, or any other site work other than rough site grading, construction plans must be approved and signed by the City and all other utility/service providers. A Pre-Construction Conference with sign-off on all final construction plans is required. The applicant may submit the civil construction drawings separate from the building permit submittal



package for final preconstruction conference sign-off approval. The design, location, and planned installation of all roadway improvements and utilities including but not limited to water, electric, sanitary sewer, natural gas, telephone, storm water, cable television, and emergency service provisions is subject to approval by the appropriate utility/service provider. The City of Canby's preconstruction process procedures shall be followed.

8. Construction plans shall be designed and stamped by a Professional Engineer registered in the State of Oregon.
9. Clackamas County will provide structural, mechanical, grading, and review of Fire & Life Safety, Plumbing, and Electrical permits for this project. Fire & Life Safety approval must be obtained from Canby Fire District prior to issuance of a City building permit.

**Final Replat Conditions Unique to This Request:**

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10. Implementation of the approved consolidation of the established the parcel boundaries shall be completed through a re-plat or County surveyor's office approved means prior to issuance of a building permit for this development.
11. The applicant is responsible for determining if existing utility service to all existing structures will need to be relocated or protected by private easement as a result of this replat.
12. Any access or utility easement to serve the parcels shall be shown on the recorded replat.
13. A street tree easement 12 feet wide measured from the front property line shall be provided along the NE Territorial Road street frontage and shall be designated on the replat. The applicant shall submit a Street Tree Plan to determine appropriate spacing or pay the street tree fee and space the trees at 30' for each street frontage as required by the ordinance
14. A final surveyed replat shall be prepared by a licensed surveyor for recording the plat of record. Prior to recordation with Clackamas County, the plat shall be submitted to the city along with applicable fees for review by the city and other appropriate agencies. The final plat must be submitted to the city within one year of Planning Commission approval or the applicant must request, in writing, a one year extension from the Planning Commission. The applicant or county shall provide the city with a recorded copy of the plat in a timely manner.

**Monumentation/Survey Accuracy Conditions**

15. The county surveyor shall verify that the survey accuracy and monumentation requirements set forth in Oregon Revised Statutes and CMC 16.64.070(M) are met prior to the recordation of the final plat. Installation of the front lot monumentation (along and within street rights-of-way) and the replacement of any existing monuments destroyed during improvement installation shall be confirmed by the city engineer or county surveyor prior to the recordation of the partition plat.
16. Monuments shall be reestablished and protected in monument boxes at every street

intersection and all points of curvature and points of tangency of street centerlines as required by Oregon Revised Statutes Chapter 92. The city engineer or county surveyor shall verify compliance with this condition prior to the recordation of the final plat.

### **Attachments**

1. Applications
2. Narratives
3. Drawings
4. Transportation Impact Analysis (DKS)
5. Neighborhood Meeting Materials
6. Drawings
7. Comments



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

# LAND USE APPLICATION

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## SITE AND DESIGN REVIEW

### General Type III

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

Applicant Name: S.T.J. 1, LLC Phone: 503.266.5488  
 Address: 130 SW 2<sup>nd</sup> Ave - Suite 103 Email: \_\_\_\_\_  
 City/State: CANBY, OR Zip: 97013

Representative Name: THOMAS SCOTT Phone: 503.266.5488  
 Address: 130 SW 2<sup>nd</sup> Ave - Suite 103 Email: tomscott@scott-investments.com  
 City/State: CANBY, OR Zip: 97013

Property Owner Name: S.T.J. 1, LLC Phone: 503.266.5488  
 Signature: [Signature], MANAGER THOMAS SCOTT - MANAGING MEMBER  
 Address: 130 SW 2<sup>nd</sup> Ave - Suite 103 Email: \_\_\_\_\_  
 City/State: CANBY, OR Zip: 97013

Property Owner Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Signature: \_\_\_\_\_  
 Address: \_\_\_\_\_ Email: \_\_\_\_\_  
 City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

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:**

31E27CB

1203 NE TERRITORIAL RD. 2.58 ACRES TAX LOT\* 1300, 1500, 1501  
 Street Address or Location of Subject Property Total Size of Assessor Tax Lot Numbers  
 Property

2 SINGLE FAMILY RESIDENCES R-2 HDR R-2  
 Existing Use, Structures, Other Improvements on Site Zoning Comp Plan Designation

CONSTRUCT 58 APARTMENT UNITS AND COMMUNITY ROOM  
 Describe the Proposed Development or Use of Subject Property

STAFF USE ONLY				
<u>DR 17-02</u>	<u>1/27/17</u>	<u>If</u>		
FILE #	DATE RECEIVED	RECEIVED BY	RECEIPT #	DATE APP COMPLETE

## SITE AND DESIGN REVIEW APPLICATION – TYPE III–INSTRUCTIONS

*All required application submittals detailed below must also be submitted in electronic format on a CD, flash drive or via email. Required application submittals include the following:*

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 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.
- One (1) copy of a written, narrative statement describing the proposed development and detailing how it conforms with the Municipal Code and to the approval criteria, including the applicable Design Review Matrix, and availability and adequacy of public facilities and services. *Ask staff for applicable Municipal Code chapters and approval criteria.*  
 Applicable Code Criteria for this application includes:  


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- Three (3) copies of 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.
- One (1) copy in written format of the minutes of the neighborhood meeting as required by Municipal Code 16.89.020 and 16.89.070. The minutes shall include the date of the meeting and a list of attendees. *MEETING NOTICE INCLUDED – MEETING NOTES AND ATTENDEES TO FOLLOW*
- One (1) copy in written format of the minutes of the pre-application meeting
- One 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.
- 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. If major site grading is proposed, or removal of any trees having trunks greater than six inches in diameter is proposed, then submit one (1) copy of a grading plan and/or tree-cutting plan.

Applicant City  
 Check Check

Two (2) 11" x 17" paper copies of the proposed plans, 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.
- Landscape Plan, with the following general 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.
- Elevations Plan
 

The following general information shall be included on the elevations plan:

  - Profile elevations of all buildings and other proposed structures;
  - Profile of proposed screening for garbage containers and exterior storage areas;
  - Profile of proposed fencing.

- Sign Plan.
  - Location and profile drawings of all proposed exterior signage.
- Color and Materials Plan.
  - Colors and materials proposed for all buildings and other significant structures.
- One (1) copy of a completed landscaping calculation form (see page 5)
- One (1) copy of a completed Design Review Matrix (see page 6)

**SITE AND DESIGN REVIEW APPLICATION: LANDSCAPING CALCULATION FORM**

**Site Areas**

1. Building area	21,920	- Square footage of building footprints
2. Parking/hardscape	47,358	- Square footage of all sidewalks, parking, & maneuvering areas
3. Landscaped area	40,421	- Square footage of all landscaped areas
4. Total developed area	109,699	- Add 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	109,699	- 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	32,910	- Multiply line 4 and line 7
9. Proposed square footage of landscaping	40,421	- 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		- 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	42,178	- 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	108	- For Core Commercial sub-area in the Downtown Canby Overlay only, fill in the total # of parking spaces on-site.
14. Required square footage of landscaping within 10 feet of parking lot	6,327	- 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	8,462	- Calculate the amount of landscaping proposed within 10 feet of all parking and maneuvering areas.

**Parking Lot Tree Calculation**

<b>16. Number of parking spaces</b>	108	- Total number of vehicle parking spaces
<b>17. Area of parking lot &amp; hardscape</b>	42,78	- Area from line 12
<b>18. Number of parking spaces (line 16) divided by 8</b>	14	- Round up to the nearest whole number
<b>19. Area of parking lot area (line 17) divided by 2,800</b>	15	- Round up to the nearest whole number
<b>20. Number of required trees in parking lot</b>	15	- Fill in the larger of row 18 and row 19
<b>21. Number of trees provided within 10 feet of parking lot</b>	20	- Fill in the number of proposed trees within 10 feet of parking and maneuvering areas.

**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.

**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.

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

**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)

Design Criteria	Possible Points				
	0	1	2	3	4
<b>Parking</b>					
Screening of parking and/or loading facilities from public right-of-way	Not screened	Partially screened	Fully screened	-	-
Parking lot lighting provided	No	Yes	-	-	-
Parking location (behind building is best)	Front	Side	Behind	-	-
Number of parking spaces provided (% of minimum required)	>120%	101-120%	100%	-	-
<b>Tree Retention</b>					
Percentage of trees retained	<10%	10-50%	51-75%	>75%	-
Replacement of trees removed	<50%	≥50%	-	-	-
<b>Building Orientation to the Street</b>					
Primary entrances face the street	Not street-facing	Entrance breezeway faces street	All entrances face the street	-	-

1  
1  
1  
2  
  
1  
1  
1



Design Criteria	Possible Points					
Building Orientation to the Street, cont.	0	1	2	3	4	
Site's frontage has buildings within 25 feet of front lot line. (Full points may be given when courtyards are adjacent to the frontage.)	0-25% of street frontage	26-50% of street frontage	≥51% of street frontage	-	-	1
<b>Screening of Storage Areas and Utility Boxes</b>	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 is screened from view.	Not screened	Partially screened	Fully screened	-	-	2
<b>Prevention of Monotonous and Incompatible Design</b>	0	1	2	3	4	
Horizontal length of all buildings is a maximum of 120 feet.	101 - 120 feet	81 - 100 feet	≤80 feet	-	-	
Roofs have a gable, hip or gambrel form, minimum pitch of 3 to 12 with at least 6-inch overhang.	No	Yes	-	-	-	1
A minimum of 15% of street façade areas contains windows or doors. All windows provide trim, recess, or other method of providing shadowing.	No	Yes	-	-	-	1
Garages are located to minimize their visual impact.	Front of building	Side of building	Back of building	-	-	1
Exterior design features include offsets, balconies, projections, window reveals, or similar elements to break up large building expanses.	Less than one design feature within every 30 feet of longest façade.	One design feature within every 30 feet of longest façade.	Two or more design features within every 30 feet of longest façade	-	-	2
<b>Private Open Space and Landscaping</b>	0	1	2	3	4	
Private open space provided in addition to what is required for the base zone.	No additional open space.	Patios or balconies (at least 48 square feet) provided for 50% of units.	Patios or balconies (at least 48 square feet) provided for 51-100% of units.	Sport court, tot lot, pool or community room is provided.	-	3
Number of non-required trees provided.	-	At least one tree per 500 square feet of landscaping.	-	-	-	1

Design Criteria	Possible Points				
	0	1	2	3	4
<b>Private Open Space and Landscaping, cont.</b>					
Amount of grass (less grass is better) (% of total landscaped area)	>50%	25-50%	<25%	-	-
<b>Street and Block Framework</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
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.	No blocks or network.	10-50% of units are along a street with sidewalks, street trees, and on-street parking.	51-100% of units are along a street with sidewalks, street trees, and on-street parking.	N/A	-2 FROM REQ
<b>Low Impact Development (LID)</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
Use of pervious paving materials (% of total paved area)	<10%	-	10-50%	51-75%	>75%
Provision of park or open space area for public use	None	-	Open Space (Generally not for public use)	-	Park (public or privately owned for public use)
Use of drought tolerant species in landscaping (% of total plants)	<25% drought tolerant	-	25-50% drought tolerant	51-75% drought tolerant	>75% drought tolerant
Provision of additional interior parking lot landscaping (% of minimum required)	100%	101-110%	111-120%	>120%	-
Provision of an eco-roof or rooftop garden (% of total roof area)	<10%	-	-	10-50%	>50%
Parking integrated within building footprint (below-grade, structured parking, or tuck-under parking) (% of total on-site parking)	<10%	-	-	10-50%	>50%
Disconnecting downspouts from city stormwater facilities	None	Some downspouts disconnected	All downspouts disconnected	-	-
Shared parking with adjacent uses or public parking structure (% of total required parking spaces)	None	<50%	≥50%	-	-
Provision of rain gardens/bioretenion areas for stormwater runoff (% of total landscaped area)	None	-	10-50%	51-75%	>75%
Total Possible Points = 67 60% = 40 points (rounding down), 10% = 7 points (rounding up)					

(Ord. 1338, 2010)

TOTAL POSSIBLE = 65 x 60% = 39 pts REQ

40 POINTS PROVIDED

## **SITE AND DESIGN REVIEW – TYPE III: APPLICATION PROCESS**

1. Prior to submitting an application, all applicants are encouraged to request a pre-application meeting with the City -or- the 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 City Planner, and after receiving the Planner's initials, must then make and take (3) copies of the pre-application materials to the Canby Public Works Department to schedule the pre-application meeting. The amount of the fee for a pre-application meeting is based on whether the application involves a public hearing or not.
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. In certain situations, the Planning Director may waive the neighborhood meeting requirement.
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 City 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 City will prepare notice materials for posting on the subject property. Staff will post this material at least ten (10) days before the public hearing.
7. The staff report will be available to all interested parties seven (7) 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. A 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, as 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 Plan set by all agencies, and payment of Canby System Development Charge (SDC) and construction excise tax to the City before issuance of any building permits for the project(s) by Clackamas County.

## **SITE AND DESIGN REVIEW – TYPE III: REVIEW CRITERIA (*Code 16.49.040*)**

1. The Planning Commission shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the following A through D, and with Criteria 4, 5, and 6 below:
  - A. 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
  - B. The proposed design of the development is compatible with the design of other developments in the same general vicinity; and
  - C. 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; and
  - D. The Planning Commission shall, in making its determination of compliance with subsections B and C above, use the applicable matrix [*pages 8-12*] to determine “compatibility”.
2. The Planning Commission shall, in making its determination of compliance with the above requirements, be guided by the objectives and standards set forth in this section. 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.
3. The Planning Commission 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 Planning Commission shall not use the requirements of this section to exclude needed housing types. However, consideration of these factors shall not prevent the Planning Commission 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.
4. 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.



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

# LAND USE APPLIACTION

## MAJOR VARIANCE Process Type III

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

Applicant Name: S.T.J. 1, LLC Phone: 503-266-5488  
 Address: 130 SW 2nd Avenue - Suite 103 Email: tomscott@scott-investments.com  
 City/State: Canby, Oregon Zip: 97013

Representative Name: Thomas Scott, Manager Phone: 503-266-5488  
 Address: 130 SW 2nd Avenue - Suite 103 Email: tomscott@scott-investments.com  
 City/State: Canby, Oregon Zip: \_\_\_\_\_

Property Owner Name: S.T.J. 1, LLC Phone: 503-266-5488  
 Signature: [Handwritten Signature]  
 Address: 130 SW 2nd Avenue - Suite 103 Email: tomscott@scott-investments.com  
 City/State: Canby, Oregon Zip: \_\_\_\_\_

Property Owner Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Signature: \_\_\_\_\_  
 Address: \_\_\_\_\_ Email: \_\_\_\_\_  
 City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

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

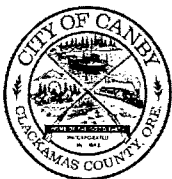
- 1 All property owners represent they have full legal capacity to and hereby do authorize the filing of this application and certify that the information and exhibits herewith submitted are true and correct.
- 2 All property owners understand that they must meet all applicable Canby Municipal Code (CMC) 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>1203 &amp; 1295 NE Territorial Rd</u>	<u>2.58 acres</u>	<u>31E27CB 1300, 1500, 1501</u>
Street Address or Location of Subject Property	Total Size of Property	Assessor Tax Lot Numbers
<u>2 SFR structures</u>	<u>R-2</u>	<u>R-2</u>
Existing Use, Structures, Other Improvements on Site	Zoning	Comp Plan Designation
<u>58 unit Apartment Complex</u>		
Describe the Proposed Development or Use of Subject Property		

STAFF USE ONLY				
<u>VAR 17-01</u>	<u>1/27/17</u>	<u>[Signature]</u>	<u>1105</u>	
FILE #	DATE RECEIVED	RECEIVED BY	RECEIPT #	DATE APP COMPLETE
<u>DR 17-02</u>				

Visit our website at: [www.canbyoregon.gov](http://www.canbyoregon.gov)  
 Email Application to: [PlanningApps@canbyoregon.gov](mailto:PlanningApps@canbyoregon.gov)



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

# LAND USE APPLICATION

## FINAL PLAT APPLICATION

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

Applicant Name: S.T.J. 1, LLC Phone: 503-266-5488  
 Address: 130 SW 2nd Avenue - Suite 103 Email: tomscott@scott-investments.com  
 City/State: Canby, Oregon Zip: 97013

Representative Name: Thomas Scott - Manager Phone: 503-266-5488  
 Address: 130 SW 2nd Avenue - Suite 103 Email: tomscott@scott-investments.com  
 City/State: Canby, Oregon Zip: 97013

Property Owner Name: S.T.J. 1, LLC Phone: 503-266-5488  
 Signature: *[Handwritten Signature]*  
 Address: 130 SW 2nd Avenue - Suite 103 Email: tomscott@scott-investments.com  
 City/State: Canby, Oregon Zip: 97013

Property Owner Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Signature: \_\_\_\_\_  
 Address: \_\_\_\_\_ Email: \_\_\_\_\_  
 City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

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

- ❶ 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.
- ❷ 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.
- ❸ 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>1203 &amp; 1295 NE Territorial Rd</u>	<u>2.58 acres</u>	<u>31E27CB 1300, 1500, 1501</u>
Street Address or Location of Subject Property	Total Size of Property	Assessor Tax Lot Numbers
<u>Previous Land Use Actions</u>	<u>R-2</u>	<u>R-2 - High Density Residential</u>
	Zoning	Comp Plan Designation

Combine all 3 tax lots into 1 single tax lot

Describe the Proposed Development or Use of Subject Property

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

Site and Design Review Project Narrative for  
**TRAIL CROSSING APARTMENTS**

**Project Summary**

**Applicant & Owner:**

Scott Investment Companies – S.T.J.1, LLC  
130 S.W. 2<sup>ND</sup> Ave., Suite 103  
Canby, OR 97013  
Phone 503-266-5400

**Property Address:**

1203 N.E. Territorial Road, Canby Oregon 97013

**Legal & Assessor's Map:**

Located in the SW ¼ of Section 34, T4S, R1E, Willamette Meridian  
City of Canby, Clackamas County, Oregon  
Assessor Map: 31E27CB Tax Lots 1300, 1500 and 1501

**Lot Area:**

2.5 Acres

**Zoning:**

R-2, High Density Residential

**Request:** Type III Site Design Review to construct a (58) unit apartment complex.

**Architectural Consultant:**

Scott Beck Architect  
361 N.E. Third Avenue  
Canby, OR 97013  
(503) 266-9270

**Civil Engineering Consultant:**

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

**Landscape Consultant:**

Aurora Landscape, Zander Prideaux  
22333 Boones Ferry Rd. NE  
Aurora, OR 97002  
(503) 678-1234

# Site Design Summary

## Property Description:

The proposed new Multi-family Apartment complex is to be located on a combined 2.5 acre site at 1203 N.E. Territorial Road. The site is on the South side of the street opposite the Willamette Green Condominiums. Two existing houses on-site are scheduled for demolition pending the approval of this project. Vehicle access will be served from N.E. Territorial Rd. in the form of a single two-way access driveway.

## Aerial Photo



The site is zoned R-2, High Density Residential. Adjoining properties to the West and South are zoned R-2. The Parcel to the Northeast corner is zoned R-1 Low Density Residential. The Logging Road Walking Trail adjoins the site to the East. The property is generally L- shaped. The site is relatively flat and covered by grass and trees.

## Proposed Development:



The applicant proposes to develop a (58) unit Multi-family Housing complex consisting of (6) individual buildings. Included in the project is a Community Room and Exercise Facility for shared use by the residents. The unit mix will include (48) two-bedroom units and (10) three-bedroom units. Living units will be single level flats in two and three story building configurations with the Community Rm./ Office portion being one story. The site improvements include paved parking, carports, screened trash/ recycling area and pedestrian connections to adjacent street and the Logging Road pedestrian path. Site amenities will include an outdoor kid's play area, fixed picnic tables, outdoor bbq's, fixed benches and bicycle racks. In addition a small landscape area with fixed bench seating is proposed on the N.E. flag portion of the site. This improvement will create a small "pocket park" to be shared with the general public using the Logging Road pedestrian pathway.



## **Buildings:**

The buildings will be wood frame construction with painted cement and wood siding in horizontal lap, board and batten and shingle texture patterns. Cultured stone veneer accents are proposed on certain first floor walls and Entry structure column bases throughout the project.

## **Landscaping:**

The proposed landscaping design exceeds the requirements of the City of Canby landscape standards.

Total proposed landscaping = 40,421 s.f., this represents 37% of the total site area exceeding the 30% minimum required for Residential projects. Total parking lot landscaping = 8,462 s.f. of landscaping or 20 % of the parking area, exceeding the 15% required. All landscaping will be irrigated with a high-efficiency automatic irrigation system. Drought tolerant plants are proposed make up the majority of landscape plant materials to further conserve water resources.

## **Utility and Service Requirements:**

Water service: A single water meter will supply domestic water to all buildings. An irrigation service will be provided for landscaping.

Fire Suppression: Several fire hydrants are located near the site to provide fire suppression water to the proposed building. The buildings will also be constructed with a residential fire sprinkler system.

Sanitary sewer: Wastewater will be typical for residential use. One private sewer lateral will be provided to plumb each building. The sewer laterals will drain into an existing stub to the North end of the site.

Electrical: A single electrical disconnect will be installed on each building with individual metering for each separate tenant.

Natural Gas: will not be used on-site.

Phone / cable: Telephone and cable will be installed for internet, phone, t.v. to each living unit.

Storm drainage: Storm drain runoff will be managed by collection of storm water runoff from paved surfaces in downspouts, catch basins or bioswales, and disposal of storm water runoff through above or below ground infiltration.

Garbage: A masonry trash enclosure with a painted steel gate is proposed for garbage and recycling. Dumpsters and containers. The trash enclosure will be accessible to all residents.

US Mail: Mail box units will be installed on-site as directed by the U.S. Postal Service.

# TYPE III SITE DESIGN REVIEW NARRATIVE

## 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**

#### **16.10.050 Parking standards designated**

Off-street Parking Provisions – The parking standards identified in Table 16.10.050 are the minimum standards for off-street vehicle parking in the City of Canby. The standards below apply to this development.

USE	PARKING REQUIREMENT
<i>Residential Uses:</i>	
a. Single-family dwellings	2.00 spaces per dwelling unit for new construction. (Existing single-family dwellings having only a single parking space shall not be considered to be nonconforming.)
b. Two-family dwellings	2.00 spaces per dwelling unit.
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 often or more units.

*Multi-family dwellings applies to this project. (58), two and three bedroom units apply at the rate of (2) parking stalls per unit, plus (1) additional guest parking stall for each (5) units. Based upon these ratios, required parking is as follows:*

*(58) units x (2) spaces per unit = 116 stalls required.*  
*(58) x (1) space per (5) units = 11.6 stalls required*  
*Total Parking Required: = 127.6 stalls*

#### **16.10.030 General requirements.**

**H.** The number of vehicular spaces required in Table 16.10.050 may be reduced by up to 10% if one of the following is demonstrated to the satisfaction of the Planning Director or Planning Commission:

1. Residential densities greater than nine units per gross acre (limit parking to no less than one space per unit for multi-family structures);

*The proposed Multi-family Development will include a Site Density of (23.2) units per acre. This density exceeds the threshold of (9) units per acre and is allowed a 10% parking reduction. 127.6 stalls x .90 = 115 parking stalls required.*

*The applicant is proposing 108 parking stalls to serve the site. In an effort to push for greater site density and provide much needed housing, the applicant is proposing NOT to reduce (4) housing units in order to meet the minimum parking standards.*

*This proposal requests that the Planning Commission review and approve a reduced parking ratio. Justification for this request will be listed at the end of this Narrative.*

**16.10.060 Off-Street loading facilities**

**A.** The minimum number of off-street loading berth for commercial and industrial uses is as follows:

*The proposed Residential development is exempt from Loading stall requirements.*

**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.

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.

*Proposed parking stalls are 8'-6" x 18'-0" or 9'-0" x 18'-0" for standard 90 degree stalls and 8'-0" x 16'-0" for compact 90 degree stalls. 26'-0" and 24'-0" side back-up aisles are proposed at all parking. The requirements of this section is met.*

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 as part of a Conditional Use Permit 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 Planning Commission 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.

*The project proposes to use asphaltic concrete paving. Parking areas and roofs will drain into drywells that will provide storm water infiltration. Some parking areas will drain directly into bio-filtration landscape swales. Experience has shown that pervious pavement systems are prone to clogging over time. Trees in particular are an enemy to pervious pavements as leaves and needles tend to clog the pervious pores. It is the applicant's intent to save as many existing trees as possible. This proposal asks for approval of non-permeable pavement for the stated reasons.*

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 driveway will be fully and completely paved, therefore meeting this requirement.*

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 into any 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 of the site meet this requirement.*

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.

*Parking bumpers and curbs are proposed to prevent cars from encroaching into adjacent landscape areas and pedestrian walkways. The provisions of this section are met.*

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

*Three accessible parking stalls are proposed. All 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.

*One access point to the site is proposed to N.E. Territorial Road to the north. This access drive will include a pedestrian sidewalk connection between the public right of way and all the building entrances. A second Emergency only access is proposed to the Logging Road Trail. 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.

*The existing site has two access drives onto N.E. Territorial. One of these driveways will be eliminated and the second will be improved to City of Canby standards. Shared access in this case is not recommended due to existing and proposed traffic patterns on this and the adjacent developments.*

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

*The proposed ingress and egress will be via a curb cut to public streets. 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.

*New sidewalks are proposed to connect the Buildings to the public sidewalks along the street frontage. 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.

*New sidewalks are proposed along the site's street frontage. In addition a sidewalk network will connect to all Living unit entrances and the Logging Road Trail. This requirement is met.*

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.

<b>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):</b>			
<i>Dwelling units</i>	<i>Minimum number of accesses required</i>	<i>Minimum access width</i>	<i>Sidewalks &amp; curbs (in addition to driveways)</i>
50-499	Option A: 1 access OR Option B:	30 feet  20 feet	Curbs required; Minimum of one sidewalk connection to residences and parking areas

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.

9. Maximum driveway widths and other requirements except for single-family dwellings [see subsection (d) below]:

- a. Unless otherwise herein provided, maximum driveway widths shall not exceed forty (40) feet.
- b. No driveways shall be constructed within five (5) feet of an adjacent property line, except when two (2) adjacent property owners elect to provide joint access to their respective properties as provided by subsection 2.

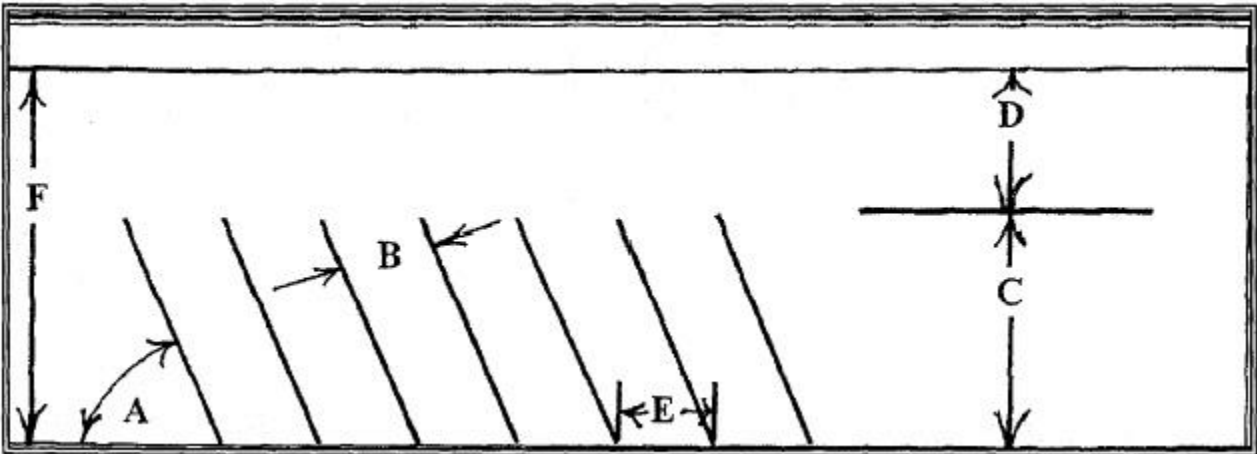
*The project will utilize a new paved drive way, measuring 26 feet wide. The access driveways will be curbed on both sides. A second emergency access is provided to the Logging Road.*

*A two driveway design was discouraged by city of Canby Public Works due to the required driveway separation distances and congestion created at the Logging Road pedestrian cross-walk at Territorial Rd. Internal driveways will have a minimum access width of 26 feet typical and 24 feet at the rear of the site. The 26 foot wide driveway meets the minimum access width requirements. Sidewalks will be constructed adjacent to all proposed buildings and extend through the site to the north sidewalk and the east public walking trail. The requirements of these sections have been 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"



*All proposed parking stalls are 0 or 90 degrees. All proposed parking stalls meet or exceed the minimum requirements of this section.*

**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 the uses listed above in Table 16.10.100, the Apartment project requires:  
1 stall per Unit x (58) units. = (58) bike stalls required. The Site Plan indicates bike racks spread throughout the project as well as some covered bike spaces in the covered Entryways. The rack will be less than 50 feet from a building entrance and will be lit to the level the adjacent parking lot. 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 zone shall be as follows:

**D.** Multi-family dwelling;  
*This requirement is met.*

**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. Density is calculated by dividing the number of dwelling units by the property area in acres (minus area required for street right-of-way and public park/open space areas). Decimals are rounded to the nearest whole number. The Planning Commission may modify the density standard if it cannot be met due to existing lot dimensions, road patterns, or other site characteristics.

*A site density of 23.2 units is proposed. This requirement is met.*

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

*This requirement is met.*

**C. 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 requirement is met.*

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;

*This requirement is met.*

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

*This requirement 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.

*This requirement is met.*

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.

*This requirement is met.*

- 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);

*This requirement is met.*

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

*Not applicable.*

**D. Maximum building height and length:**

**1. Principal building: thirty-five feet.**

*The proposed height to the average of the gable roofs is 24'-9" for the two story building and 34'-1" and 34'-9" for the three story buildings. This requirement is met.*

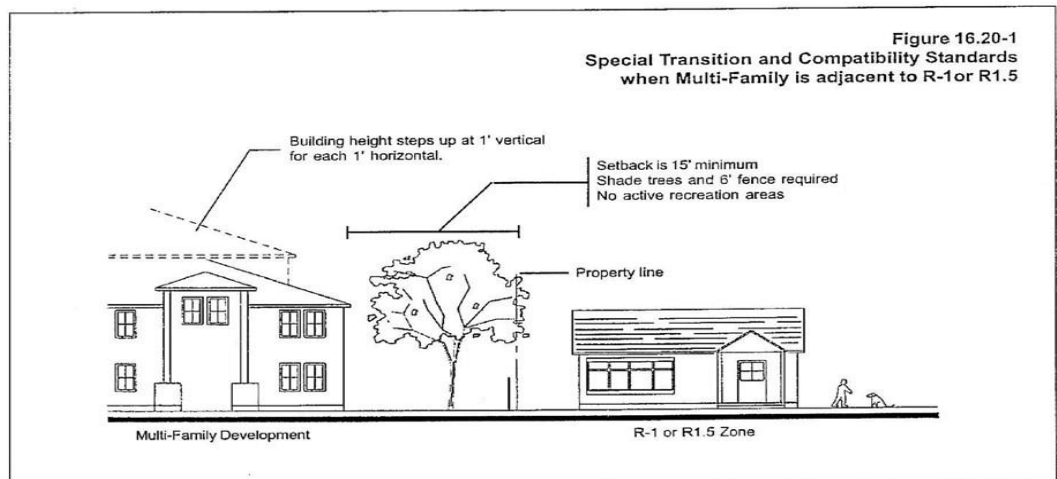
**2. Detached accessory structure:**

- a.** If located inside the allowed building footprint for the principal building, a detached accessory structure may be up to twenty-two feet tall, as measured to the highest point of the roof.
- b.** If located outside the allowed building footprint for the principal building, a detached accessory structure is subject to a step-up height standard, and is allowed outright only if it meets this standard. The structure shall not exceed eight feet tall, as measured to the highest point of the roof, at a distance of three feet from the property line. The structure may increase in height by one foot vertically for every one foot horizontally away from the three foot line, up to the maximum height of twenty-two feet.
- c.** A conditional use permit is required to locate the structure outside of the allowed building footprint for the principal building in violation of the step up height standard.
- d.** Detached accessory structures over twenty-two feet tall are not permitted.

*Proposed Carport structures meet this requirement.*

**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.**

*The site plan indicates additional setback of Building 1 and Building 4 to respect this requirement. In order to fully comply with this requirement, the north elevation of Building 4 has no dormer roof elements to comply within the 1 foot horizontal for each 1 foot vertical sight line. This building can be designed with or without the rear dormers. This requirement is met.*



4. Maximum building length shall be 120 feet.

*All buildings meet this maximum length requirement.*

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

*This requirement is met.*

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.

*Onsite soil conditions are favorable for permeable paving, however, permeable asphalt does not typically hold up well under the heavy loads and tight turns associated with garbage truck service. Tight turns tend to cause the truck tires to grab ahold of the aggregate in permeable pavement and loosen it, more so than with conventional asphalt. This is due to permeable pavement having fewer fines holding the aggregate in place, thereby allowing it to be more permeable. The loosening of the aggregate in the pavement tends to turn the pavement into a gravel-like material over a relatively short period of time. In addition, pervious pavement systems are prone to clogging over time. Trees in particular cause pervious pavements to clog due to normal shedding of leaves and needles. The applicant proposes to use regular asphaltic concrete paving rather than permeable paving for the mentioned reasons.*

F.

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.

*This requirement is met.*

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.

*This requirement is met.*

3. Required setbacks on southern and western exposures may be reduced by not more than five feet for eaves or canopies to provide shade.

*This requirement is met.*

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. *Proposed Outdoor Recreation space equals s.f. which exceeds the 8,700 s.f. required for (58) units. This requirement is met.*
5. Accessory buildings shall not have a larger footprint than the primary building. (Ord. 890 sect. 23, 1993; Ord. 740 sect. 10.3.21 (C),1984; Ord. 955 sect. 7, 1996; Ord. 981 sect. 47, 1997; Ord. 1080, 2001; Ord. 1107, 2002; Ord. 1237, 2007; Ord. 1338, 2010)  
*This requirement is met.*

**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)

**D. Design Menu Standards** (*Proposed Design Elements provided are highlighted*)

1. Dormers
2. Gables, hip roof, or gambrel roof form.
3. Recessed entries (minimum 2 foot recess)
4. Covered porch entries (minimum 48 square feet, minimum 4 feet deep)
5. Bay windows
6. Any eaves of 12 inches or greater
7. Off-set of 16 inches or greater on building face or roof
8. Windows and main entrance doors occupy a minimum of 15% of the facade, not including the roof.
9. Window trim (minimum 4-inch) or shutters (minimum 8-inch)
10. Balconies or porch rail
11. Shakes, shingles, brick or other similar decorative materials occupy at least 60 square feet of the street facade. (Ord. 1107, 2002; Ord 1237, 2007)

**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.

- 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.

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

*These requirements are met.*

**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)

These requirements are met. See the following Multi-family Design Menu Matrix.

Design Criteria	Possible Points				
	0	1	2	3	4
<b>Parking</b>					
Screening of parking and/or loading facilities from public right-of-way	Not screened	Partially screened	Fully screened	-	-
Parking lot lighting provided	No	Yes	-	-	-
Parking location (behind building is best)	Front	Side	Behind	-	-
Number of parking spaces provided (% of minimum required)	>120%	101-120%	100%	w/ park'g. variance	
<b>Tree Retention</b>					
Percentage of trees retained	<10%	10-50%	51-75%	>75%	-
Replacement of trees removed	<50%	≥50%	-	-	-
<b>Building Orientation to the Street</b>					
Primary entrances face the street	Not street-facing	Entrance breezeway faces street	All entrances face the street	-	-
			entries face street @ angle <45 degrees at street front.		

Design Criteria	Possible Points				
<b>Building Orientation to the Street, cont.</b>	0	1	2	3	4
Site's frontage has buildings within 25 feet of front lot line. (Full points may be given when courtyards are adjacent to the frontage.)	0-25% of street frontage	26-50% of street frontage	≥51% of street frontage	-	-
<b>Screening of Storage Areas and Utility Boxes</b>	0	1	2	3	4
Trash storage is screened from view by solid wood fence, masonry wall or landscaping.	No	Yes	-	-	-
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	-	-
Utility equipment is screened from view.	Not screened	Partially screened	Fully screened	-	-
<b>Prevention of Monotonous and Incompatible Design</b>	0	1	2	3	4
Horizontal length of all buildings is a maximum of 120 feet.	101 - 120 feet	81 - 100 feet	≤80 feet	-	-
Roofs have a gable, hip or gambrel form, minimum pitch of 3 to 12 with at least 8-inch overhang.	No	Yes	-	-	-
A minimum of 15% of street façade areas contains windows or doors. All windows provide trim, recess, or other method of providing shadowing.	No	Yes	-	-	-
Garages are located to minimize their visual impact.	Front of building	Side of building	carports Back of building	-	-
Exterior design features include offsets, balconies, projections, window reveals, or similar elements to break up large building expanses.	Less than one design feature within every 30 feet of longest façade.	One design feature within every 30 feet of longest façade.	Two or more design features within every 30 feet of longest façade.	-	-
<b>Private Open Space and Landscaping</b>	0	1	2	3	4
Private open space provided in addition to what is required for the base zone.	No additional open space.	Patios or balconies (at least 48 square feet) provided for 50% of units.	Patios or balconies (at least 48 square feet) provided for 51-100% of units.	Sport court, tot lot, pool or community room is provided.	-
Number of non-required trees provided.	-	At least one tree per 500 square feet of landscaping.	-	-	-

Design Criteria	Possible Points				
	0	1	2	3	4
<b>Private Open Space and Landscaping, cont.</b>					
Amount of grass (less grass is better) (% of total landscaped area)	>50%	25-50%	<25%	-	-
<b>Street and Block Framework</b>	0	1	2	3	4
<b>Not Applicable due to acreage</b> 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.	No blocks or network.	10-50% of units are along a street with sidewalks, street trees, and on-street parking.	<b>-2 N.A. from Total Pts.</b> 51-100% of units are along a street with sidewalks, street trees, and on-street parking.		
<b>Low Impact Development (LID)</b>	0	1	2	3	4
Use of pervious paving materials (% of total paved area)	<10%	-	10-50%	51-75%	>75%
Provision of park or open space area for public use	None	-	Open Space (Generally not for public use)	on-site pocket park	Park public or privately owned for public use
Use of drought tolerant species in landscaping (% of total plants)	<25% drought tolerant	-	25-50% drought tolerant	51-75% drought tolerant	>75% drought tolerant
Provision of additional interior parking lot landscaping (% of minimum required)	100%	101-110%	111-120%	>120%	-
Provision of an eco-roof or rooftop garden (% of total roof area)	<10%	-	-	10-50%	>50%
Parking integrated within building footprint (below-grade, structured parking, or tuck-under parking) (% of total on-site parking)	<10%	-	-	10-50%	>50%
Disconnecting downspouts from city stormwater facilities	None	Some downspouts disconnected	All downspouts disconnected	-	-
Shared parking with adjacent uses or public parking structure (% of total required parking spaces)	None	<50%	≥50%	-	-
Provision of rain gardens/bioretenation areas for stormwater runoff (% of total landscaped area)	None	-	10-50%	51-75%	>75%
<b>Total Possible Points= 67 60%=40 points (rounding down). 10%=7 points (rounding up)</b>					

(Ord. 1338, 2010)

65 points applicable to project.  $65 \times .60 = 39$  points required. 40 points provided, O.K.

L.I.D. points provided = 15 > 7 points required, O.K.




**16.42 SIGNS**

**16.42.050 Size, type, and location of signs permitted by zoning district and use.** In addition to the design standards for signs in Section 16.42.040, Table 16.42.050 sets forth standards for type, size, and location of permanent signs that are allowed in specific zoning districts. The table is arranged by section as follows:

**Table 1** Residential Zones and Agricultural Zone (R-1, R-1.5, R-2, A, C-R)

**TABLE 16.42.050**

<b>Table 1. Residential Zones and Agricultural Zone (R-1, R-1.5, R-2, A, C-R)</b>		
<b><u>Monument Sign</u></b>		
<b>B.</b> Use on site: Multi-family development.		
Size: maximum 16 square feet per sign face.	Maximum Height: 7 feet.	Location/Number: One sign may be located adjacent to the primary street frontage, on either side of a vehicle accessway; AND one sign may be located adjacent to a collector or arterial street frontage if it is not the primary street frontage, on either side of a vehicle accessway.

*A monument sign is proposed near the main entrance driveway of the project. A final design is not available as part of this Design Review Application. The sign area and height are expected to occur well within the allowable design parameters.*

**16.43 OUTDOOR LIGHTING STANDARDS**

**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 Multifamily usage will be in the 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.

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

**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 300 watts.

*None of the above lighting systems are proposed, the provisions of this section are met.*

**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 Lumens 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.

*Cut sheets for proposed lighting fixtures are included with the application. 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:

**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.

**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 2	35	18.0	8.0

*Exterior light fixtures will be mounted at the elevations shown on the Architectural Elevations. The applicant will install the outdoor lighting as required to meet the provisions of this section.*

**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 the development application, meeting the requirements of this section.*

**16.46 ACCESS LIMITATIONS ON PROJECT DENSITY**

**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

N.E. Territorial Road is classified as a Collector on the City's TSP. The proposed driveway and emergency access are more than 100 feet to adjacent roadways and driveways including those on the north side of Territorial. This standard is met.

**16.49 SITE AND DESIGN REVIEW**

**16.49.035 Application for Site and Design Review**

**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)

*This project is subject to a Type III approval process and the design review standards in applicant is requesting a waiver from the applicable site and design review standards in Chapters 16.21 and 16.50. The application shall be a Type III process.*

**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 storm water management facilities, and retaining native vegetation.

5. The Board shall, in making its determination of compliance with this Ordinance, 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).

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.

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 project is located within the R-2 Zone*

**See the Type III application per Table 16.21.070 Multi-Family Design Menu**

**Replaces 16.49.040 Site Design Review Menu , Matrix**

*The proposed Site and building design yield an excess of points including those for LID. The requirements of the matrix are therefore met.*

**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 walkway system is being provided only to connect this development to the public street and Logging Road Trail. Adjacent developments also have connections to public walkways so no additional internal connections are proposed to adjacent sites. The provisions of this section are met.*

**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 access ways.

*The provisions of this section have been met to the extent practical with new walkways being provided within the development.*

**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.

*This is not a commercial development, so this section does 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 concrete. The sidewalks will drain to water quality manholes and drywells and into bio filtration. No permeable compacted gravels are proposed.*

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)

*This site does abut Molalla Forest Road and a compacted gravel path is proposed.*

#### **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 storm water 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.

*The minimum landscaping requirement of thirty (30) percent of the site area has been met.*

D. LID storm water management facilities, such as rain gardens and bio retention 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 storm water 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.

*Landscape areas of the site will be subject to storm water drainage movement, some bio-retention areas are proposed with landscaped areas included in the landscape area calculation.*



**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.

*Existing trees are located on the site and will be retained as practical. The remaining vegetation onsite consists of grass and brush and it will also be removed.*

**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.

*Existing trees proposed to be preserved will be treated in this manner.*

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

*Existing trees proposed to be preserved will be treated in this manner.*

**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.

*Existing trees proposed to be preserved will be treated in this manner.*

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 prepared by Aurora Landscape and 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 prepared by Aurora Landscape and 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 by Aurora Landscape 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.

*Once grading is complete, 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.

*The landscaped area within 10 feet of any exterior face of curb or paving/maneuvering area, is proposed to be landscaped.*

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

*All landscape Islands proposed conform to this parameter. The design meets this requirement.*

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 storm water management facilities into the required landscaping areas.

*LID storm water management facilities are integrated into the landscaping areas as appropriate to site grades and landscape design.*

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.

*More than fifteen percent (15%) of the parking area will be landscaped, all in the area surrounding the parking lot. 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.

*The parking area landscaping meets these requirements with the exception of the landscape island every (8) continuous stalls. Landscape islands are proposed at (10) stalls maximum where handicap access aisles are required and at the compact stalls at the rear of the site. The Applicant request relief from the requirement of a landscape island every 8 stalls.*

*This proposal requests that the Planning Commission review and approve the parking lot landscaping as submitted allowing for landscaped islands up to (10) parking stalls apart. Justification for this request will be listed at the end of this Narrative.*

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.*

**Chapter 16.89 APPLICATION AND REVIEW PROCEDURES**

**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

### 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.

*Pre-application conferences for this project were held on JAN.14, 2016. 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.

*A neighborhood meeting will be held asap and minutes will be submitted to the Planning Director.*

- 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.*

## Chapter 16.120 PARKS, OPEN SPACE, AND RECREATION LAND

### 16.120.010 Purpose

The availability of park, open space, and recreation land is an important element in determining the character of a developing neighboring city to the metropolitan area, such as City of Canby. Land which substitutes trees, grass, and vegetation for structures, paving, and other urban features provides not only an aesthetically pleasing landscape with striking views of Mt. Hood, but also buffers incompatible uses, and preserves sensitive environmental features and important resources. Parks, open space, natural parks and trail recreation lands, together with support facilities, also help to meet the active and passive recreational needs of the population of Canby; therefore, concurrent development of support facilities is equally important. This chapter implements policies of Goal 8 of the Comprehensive Plan, the Park and Recreation Master Plan, and Park and Open Space Acquisition Plan by outlining provisions for parks, open space and recreational facilities in the City of Canby.

2. The City shall require land dedication or payment of the system development charge (SDC) in lieu of land dedication (Section 4.20.170). In addition, the City may credit private on-site park, open space and recreation area(s) and facilities (Section 16.120.060). The City may approve any combination of these elements. Prior to parkland dedication, a Level I Environmental Assessment of the lands proposed for dedication shall be performed by the applicant as part of the site plan approval for the project.

**16.120.040 Cash in lieu of dedication of land**  
**B. Options for Meeting System Development Charge Requirements**

If no parkland dedication is required or requested by the city, the full amount of the park system development charge will be assessed and is due and payable at the time the first building permit(s) is/are issued.

a. Cash charged in lieu of land dedication shall be based on the City's System Development Charge for parkland, as provided by the Systems Development Charge ordinance.

*This site will is subject to SDC parks fees in-lieu of dedication. The fees will be paid at issuance of the first building permit..*

**TYPE III MAJOR VARIANCE NARRATIVE**  
**TRAIL CROSSING APARTMENTS**

There are two Site Design elements Illustrated in this Type III application that do not meet the letter of the Canby Municipal Code Chapter 16, Planning and Zoning.

This application is requesting a variance for a reduction in the number of required parking stalls from 115 to 108 and a variance to have more than 8 contiguous parking spaces between landscape islands. Justification for approval of each is as follows:

**A. Minimum On-site Parking Less than minimum required by Parking Code:**

This submittal requests approval in a reduction of required parking from 115 stalls to 108 stalls.

1. Our experience in the development of similar Multi-family housing projects has shown that a parking ratio of 1.75 parking stalls per unit provides adequate parking for two and three bedroom living units. The proposed parking ratio calculated at 108 stalls per 58 units Equals 1.86 stalls per unit. This parking ratio exceeds the rule of thumb and will provide adequate parking to serve the project.

2. In comparing the calculated parking required by the Canby Parking Code relative to that of other near-by jurisdictions it is noted that the Canby parking requirements are on the high-side of the scale. Canby required parking for two and three bedroom units is (2) stalls/ unit, plus (1) stall per (5) units. This equals (2.2) stalls per unit. (58) units x 2.2 stalls per unit= 128 stalls. There is a 10% reduction allowed for housing density = 12.8 or a (13) stall reduction; Required Parking = 115 stalls.

The proposed unit mix is **(48) two bedroom** and **(10) three bedroom** units.

Here is a comparison of other Jurisdiction's parking requirements:

- a. Oregon City:  
1.5 stalls / 2 BR x (48) = 72 stalls  
1.75 stalls / 3BR x (10)= 17.5 stalls  
Required parking = 90 stalls
  
- b. West Linn:  
1.5 stalls / 2 BR x (48) = 72 stalls  
1.75 stalls / 3BR x (10)= 17.5 stalls  
1 per 3 units for visitors  
1/3x(58) = 20 stalls  
Required parking = 109.5 stalls
  
- c. Wilsonville:  
1.5 stalls / 2 BR x (48) = 72 stalls  
1.75 stalls / 3BR x (10)= 17.5 stalls  
Required parking = 90 stalls
  
- d. Woodburn:  
1.75 stalls per Apt. Unit=  
(58) x 1.75 = 102 stalls
  
- e. Molalla:  
1.5 stalls/ 2 BR x (48) = 72 stalls  
2.0 stalls/ 3BR x (10)= 20 stalls  
92 stalls
  
- f. Keizer:  
1.5 stalls/ 2 or 3 BR x (58)= 87 stalls  
Plus 1/ 10 units = 6 stalls  
93 stalls
  
- g. Salem:  
1.5 stalls/ unit x (58)= 87 stalls

Upon inspection of these calculations it is apparent that the 108 parking stalls proposed would exceed the parking code in all but one of the nearby jurisdiction without adjustment.



**B. Parking lot landscape islands farther apart than (8) continuous stalls allowed:**

This submittal requests approval of parking area landscape islands up to (10) stalls apart.

1. The increased spacing of landscape planter islands allows for (3) additional on-site parking stalls. This additional parking promotes a higher housing density.
2. The proposed total parking and maneuvering landscape area of 8,462 s.f. exceeds the 6,327 s.f. required to meet the minimum 15%. This additional parking related landscaping will allow for more plant materials including trees. The additional landscaping and trees provided will mitigate any impact created by the landscape island spacing.
3. With the provision for covered parking (carports), A.D.A. and fair housing codes require the handicap parking stalls and access aisles also be covered. This often requires longer sections of contiguous parking stalls to maintain an efficiency to the carport design provide the covered handicap stall(s) and aisle.
4. Approval of a similar Variance was recently granted for the Sequoia Grove Apartments.

## **16.53 VARIANCES**

### **16.53.020 Major Variances.**

These provisions are intended to prescribe procedures which allow variations from the strict application of the regulations of this title, by reason of exceptional circumstances and other specified conditions:

**B. Standards and Criteria.** A variance may be granted only upon determination that all of the following conditions are present: **(Applicant's Response in *highlighted text*)**

1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the city and within the same zone. These exceptional or extraordinary circumstances result from tract size or shape, topography or other circumstances over which the owners of the property have no control. Actions of previous owners do not constitute other exceptional or extraordinary circumstances; and

*The size and shape of the parcel result in dimensional constraints that dictate the site layout of the project. This R-2 zoned site wraps around an R-1 zoned site in a fashion that forces certain setbacks and traffic patterns that limit options for efficient parking design while respecting privacy of the living units and neighbors.*

- The variance is necessary to assure that the applicant maintains substantially the same property rights as are possessed by the owners of other property in the city and within the same zone; and

*Granting of these variances will have no negative impact on the livability and residential character of the immediate neighborhood. Adjacent high-density Apartment projects have a similar appearance and scale. Additional landscaping is proposed on-site to provide for a greener environment, tenant privacy and promote outdoor living and play.*

- Granting of this variance will not be materially detrimental to the intent or purposes of the city's Comprehensive Plan or the Land Development and Planning Ordinance; and
- Granting of this variance will not be materially detrimental to other property within the same vicinity; and

*Granting of the variances will not be detrimental to the adjacent properties. The proposed on-site parking will be adequate to support a marketable and livable high density development. The parking stall landscape islands spaced up to (10) stalls apart occurs primarily on the interior of the site away from any neighbors. The additional spacing of the islands is offset by proposed parking lot landscaping area which represents 133% of that required. The additional landscape area allows for more trees and plant materials along the landscaped edges of the walkway between the parking lot islands.*

- The variance requested is the minimum variance which will alleviate the hardship; and
- The exceptional or unique conditions of the property which necessitate the issuance of a variance were not caused by the applicant, or the applicant's employees or relatives.

*The conditions and shape of the site were created by history with the existence of the logging road and surrounding development. Granting these variances will have no adverse impact on the immediate neighborhood and will enhance livability of the project by pushing density while preserving greenspace.*

## 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 "spirit and intent" 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*

<i>Applicant</i>	<i>Tom Scott, Scott Investment Companies – S.T.J. 1, LLC</i>	<i>(503) 266-5400 tomscott@scottinvestments.com</i>
<i>Civil Engineer</i>	<i>Pat Sisul, Sisul Engineering</i>	<i>(503) 657-0188 patsisul@sisulengineering.com</i>
<i>Architect</i>	<i>Scott Beck Scott Beck, Architect</i>	<i>(503) 266-9270 beck-arch@web-ster.com</i>
<i>Landscaper</i>	<i>Zander Prideaux Aurora Landscape NW</i>	<i>(503) 678-1234 zander@auroralandscapenw.com</i>



SCOTT R. BECK  
ARCHITECT  
361 N.E. Third Avenue  
Canby, Oregon 97013  
(503) 266-9270

TRAIL CROSSING APARTMENTS  
1203 N.W. TERRITORIAL RD.  
CANBY, OREGON 97013  
DEVELOPER:  
SCOTT INVESTMENT COMPANIES - S.T.I. I, LLC  
130 S.W. Second Avenue, Suite 102  
Canby, Oregon 97013  
(503) 266-5488

SITE PLAN

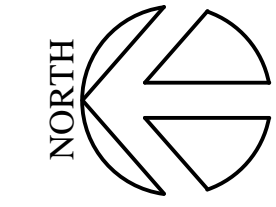
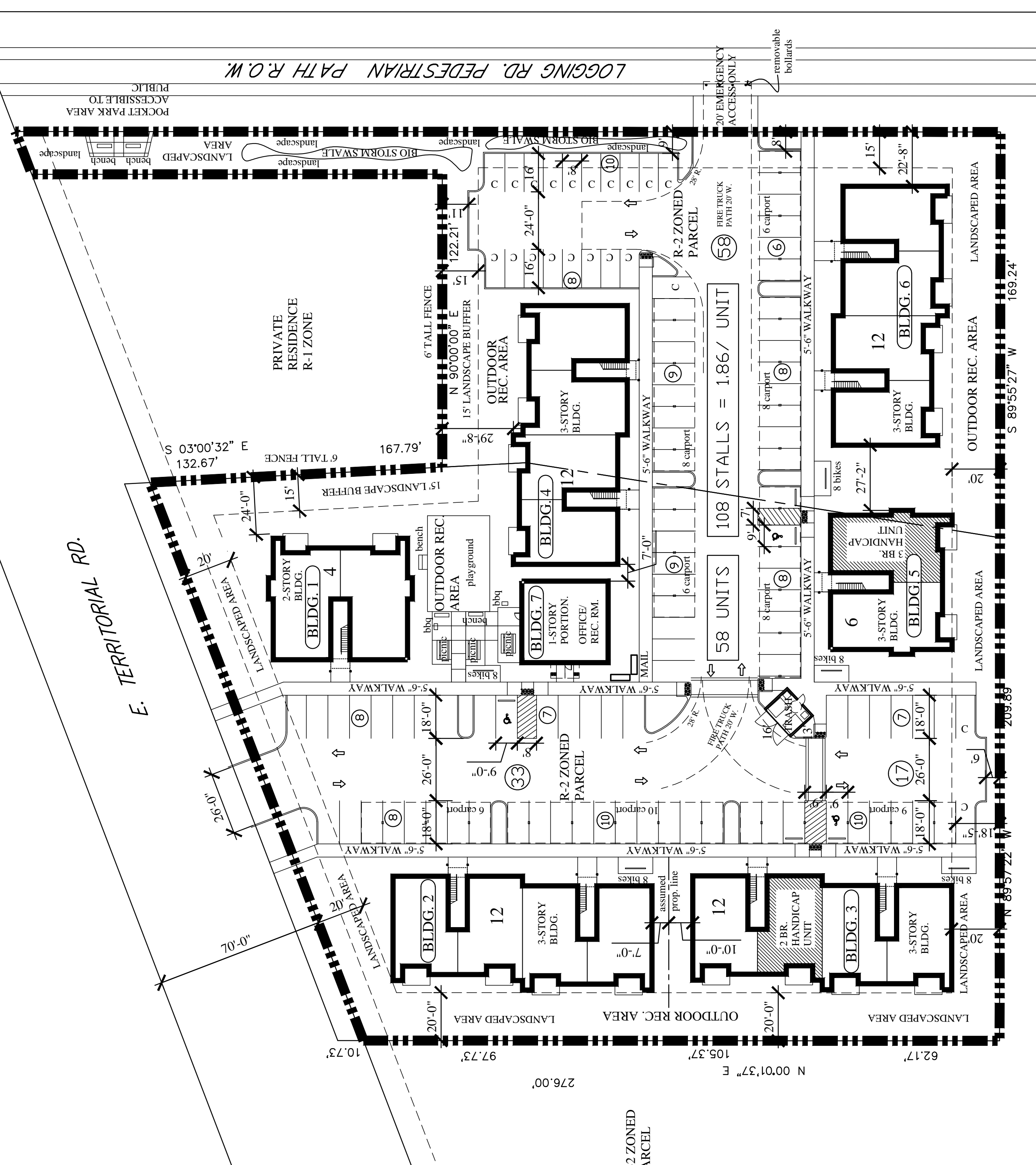
revisions:

date: 1/27/2017  
scale: 1"=30'  
drawn: S.R.B.  
job no: 1525

**A1.1**

**SITE & PROJECT DATA:**

ZONING: R-2  
TOTAL SITE AREA: 109,699 S.F. includes flag portion, (2.5 ACRES)  
SITE AREA less flag portion= 106,595 S.F.  
MINIMUM DENSITY REQUIRED: 14 UNITS PER ACRE, 21.6 PROVIDED  
PROJECT TYPE: MARKET RATE APARTMENTS  
OCCUPANCY GROUP: R2-UNITS, B-OFFICE  
MAXIMUM HEIGHT ALLOWED: 35' TO AVG. ROOF HT.  
CONSTRUCTION TYPE:  
TYPE V-B "NONRATED" W/ 1 HR UNIT SEPARATION WALLS & FLOOR CEILING SEPARATION, 100% FIRE SPRINKLERED.  
UNIT TYPES: (48) TYPE 1 UNITS (2BR/2BA) 965 S.F. + 24 S.F. STOR. = 989 S.F.  
(10) TYPE 2 UNITS (3BR/2BA) 1,194 S.F. + 24 S.F. STOR. = 1,218 S.F.  
(38) UNITS TOTAL: 59,652 S.F.  
COMMUNITY BLDG. / OFFICE: 1,224 S.F.  
TOTAL BUILDING SQUARE FOOTAGE: 60,876 S.F.  
PARKING REQUIRED:  
2 & 3 BR. UNITS X 20 STALLS / UNIT: 58 X 2.0 = 116 STALLS  
VISITORS = 0.2 STALLS / UNIT: 58 X 0.2 = 12 STALLS  
TOTAL STALLS REQUIRED 128 STALLS  
PARKING REDUCTION:  
10% MAX. WHEN OVER 9 UNITS PER ACRE= (13 STALLS REDUCTION ALLOWED)  
TOTAL MINIMUM PARKING REQUIRED: 115 STALLS  
PARKING PROVIDED:  
STANDARD STALLS: 83 STALLS  
COMPACT STALLS: 22 STALLS  
HANDICAP STALLS: 3 STALLS  
TOTAL PARKING PROVIDED= 108 STALLS. **PARKING IS (7) STALLS SHORT** REQUIRES VARIANCE  
PARKING RATIO = 1.86 STALLS PER UNIT  
BICYCLE PARKING REQUIRED: 1 BIKE STALL PER UNIT= 58 STALLS REQD.  
BICYCLE PARKING PROVIDED:  
(2) STALLS PER COVERED STAIRWELL X (10) = 20 BIKE STALLS PROVIDED,  
PLUS 40 BIKE STALLS ELSEWHERE ON SITE THEREFORE O.K.  
REQUIRED OUTDOOR RECREATION AREA:  
150 S.F. PER DWELLING UNIT X 38 UNITS = 8,700 S.F. REQUIRED  
PROVIDED OUTDOOR RECREATION AREA: 16,051 S.F., EXCLUDES 15' R-1 BUFFER THEREFORE O.K.  
PARKING & MANUEVERING:  
INCLUDES WALKWAYS & PATIOS = 47,358 S.F.  
MAXIMUM ALLOWED PARKING COVERAGE = 70%, THEREFORE O.K.  
PROPOSED GROUND FLOOR BUILDING FOOTPRINT AREA= 21,920 S.F.  
MAXIMUM ALLOWED LOT COVERAGE= NONE  
PROPOSED BUILDING LOT COVERAGE = 21,920 S.F. / 109,699 S.F. = 20%, THEREFORE O.K.  
LANDSCAPE AREA:  
TOTAL LANDSCAPE AREA REQUIRED: 30% OF SITE MIN.  
TOTAL LANDSCAPE AREA PROVIDED= 40,421 S.F. / 109,699 S.F. = (36.8%) OF SITE AREA THEREFORE O.K.  
PARKING AREA LANDSCAPE:  
PARKING & MANUEVERING AREA PLUS HARDSACPE WITHIN 10 FT. = 42,178 S.F.  
REQUIRED PARKING LOT LANDSCAPE = 15% X 42,178 S.F. = 6,327 S.F. MIN. REQD.  
PROPOSED PARKING AREA LANDSCAPE = 8,462 S.F. = 20% PROVIDED THEREFORE O.K.



**SITE PLAN**  
1"=30'

A1.1

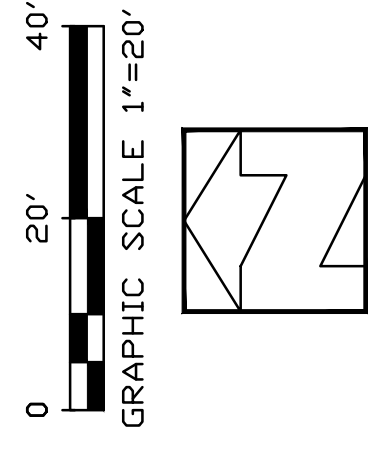
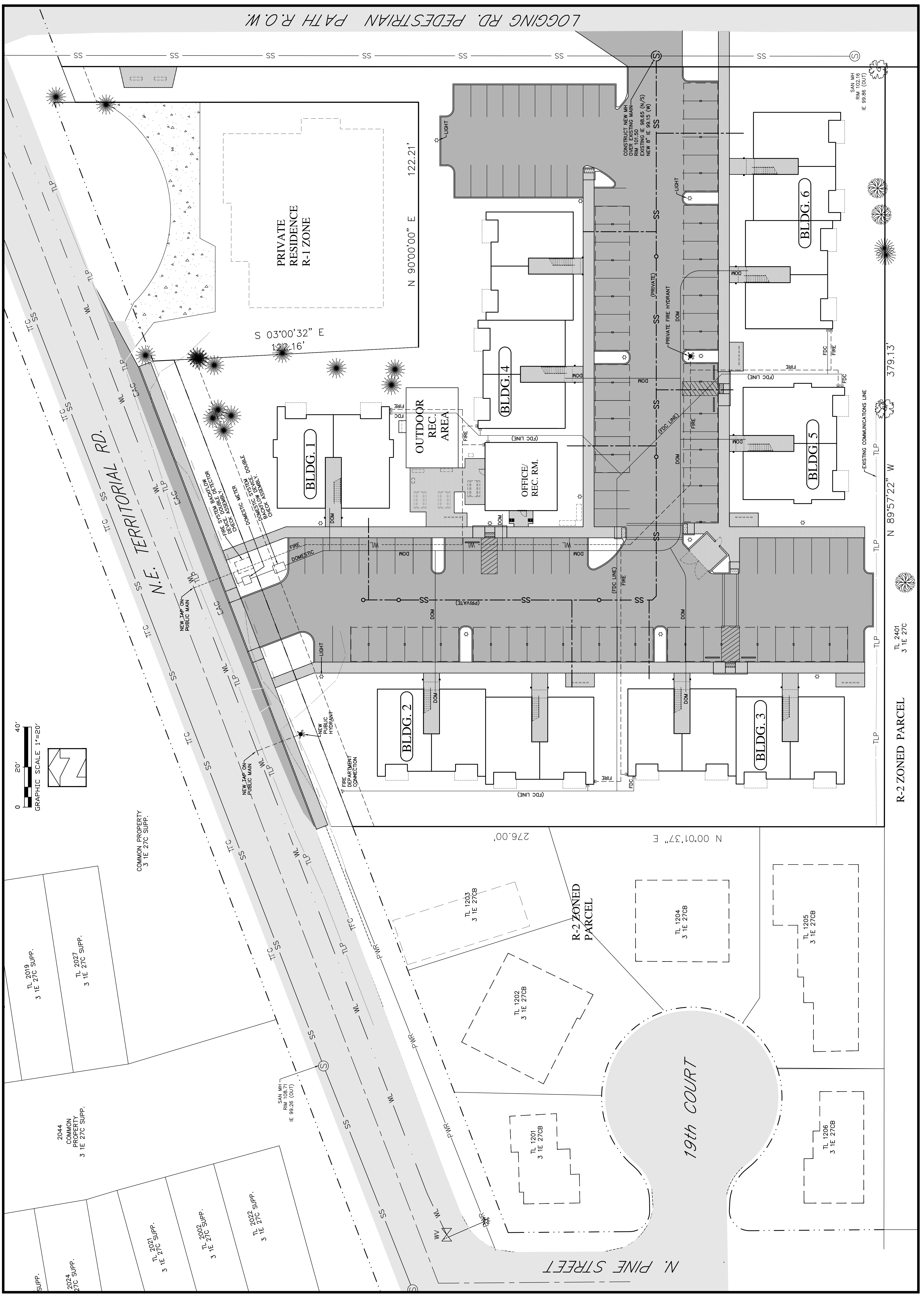
NO.	DATE	BY	REVISIONS

Trail Crossing Apartments  
 Scott Investment Companies - S.T.I. 1, LLC

# Water & Sewer Plan

**SISUL ENGINEERING**  
 376 PORTLAND AVENUE  
 GLADSTONE, OREGON 97027  
 (503) 657-0188  
 DRAWING: 16-027\_CDDing\_Ultimis.dwg

DATE: JAN. 2017  
 SCALE: 1"=20'  
 DRAWN: PS  
 JOB: SGL05-033  
 SHEET: 4  
 OF 4



COMMON PROPERTY  
 3 1E 27C SUPP.

TL 2019 SUPP.  
 3 1E 27C SUPP.

2044  
 COMMON  
 PROPERTY  
 3 1E 27C SUPP.

TL 2021 SUPP.  
 3 1E 27C SUPP.

TL 2002 SUPP.  
 3 1E 27C SUPP.

TL 2022 SUPP.  
 3 1E 27C SUPP.

TL 1203  
 3 1E 27CB

TL 1202  
 3 1E 27CB

TL 1201  
 3 1E 27CB

TL 1204  
 3 1E 27CB

TL 1205  
 3 1E 27CB

TL 1206  
 3 1E 27CB

LOGGING RD. PEDESTRIAN PATH R.O.W.

N.E. TERRITORIAL RD.

N. PINE STREET

19th COURT

PRIVATE  
 RESIDENCE  
 R-1 ZONE

BLDG. 1

BLDG. 2

BLDG. 3

BLDG. 4

BLDG. 5

BLDG. 6

OUTDOOR  
 REC.  
 AREA

OFFICE/  
 REC. RM.

R-2 ZONED PARCEL

TL 2401  
 3 1E 27C

N 89°57'22" W

379.13'

N 90°00'00" E  
 122.21'

SAN MH  
 RIM 102.16  
 IE 99.86 (OUT)

SS

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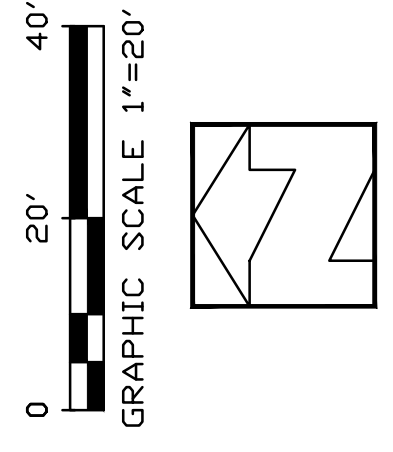
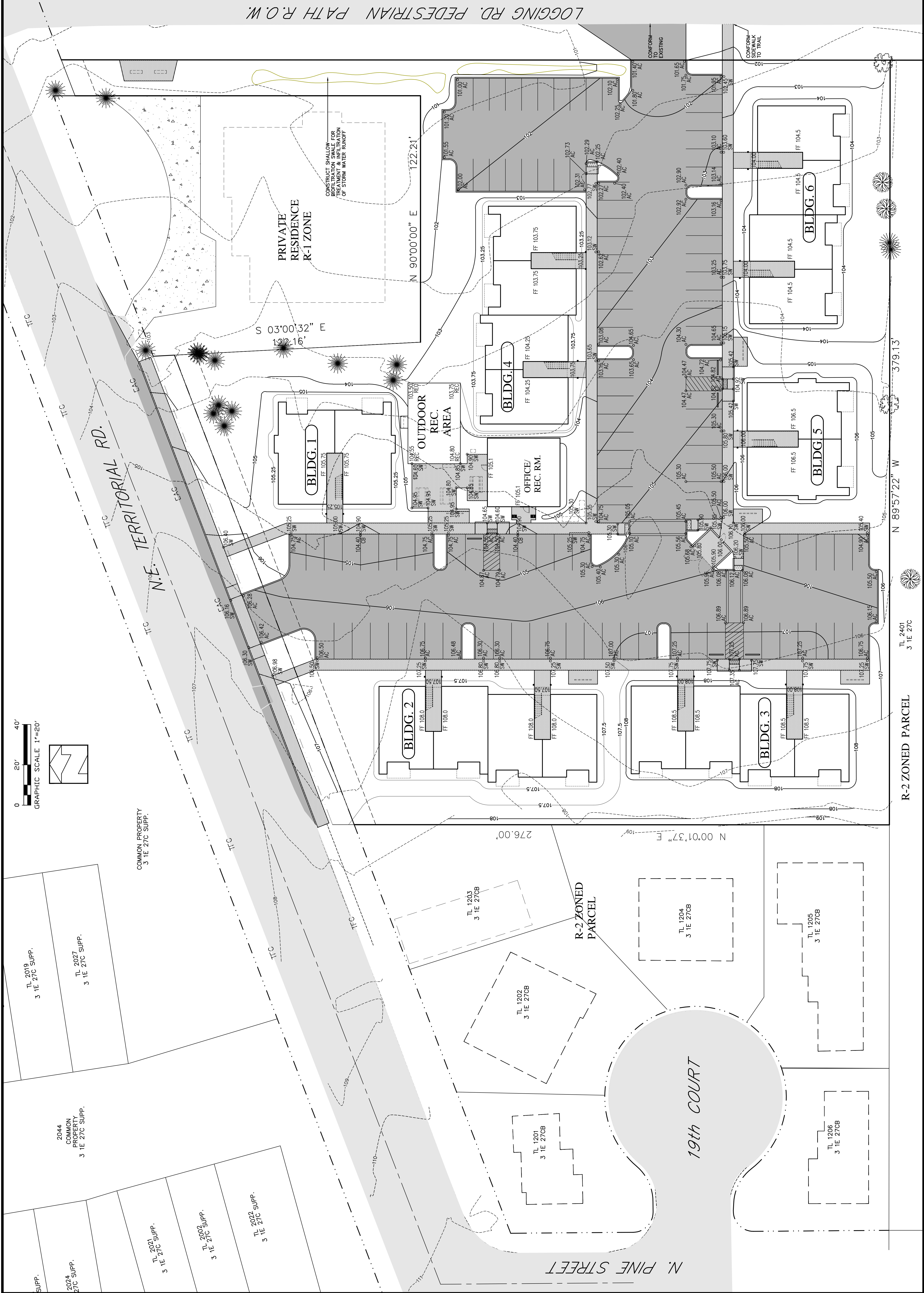
REVISIONS	BY

Trail Crossing Apartments  
 Grading Plan  
 Scott Investment Companies - S.T.I., LLC

**SISUL ENGINEERING**  
 376 PORTLAND AVENUE  
 GLADSTONE, OREGON 97027  
 (503) 657-0188  
 DRAWING: 16-027 Grading\_Ultima.dwg

DATE: JAN. 2017  
 SCALE: 1"=20'  
 DRAWN: PS  
 JOB: SGL05-033  
 SHEET

**3**  
 SHEETS  
 OF 4



COMMON PROPERTY  
 3 1E 27C SUPP.

TL 2019 SUPP.  
 3 1E 27C SUPP.

2044  
 COMMON  
 PROPERTY  
 3 1E 27C SUPP.

TL 2021 SUPP.  
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TL 2022 SUPP.  
 3 1E 27C SUPP.

TL 1203  
 3 1E 27CB

TL 1202  
 3 1E 27CB

TL 1201  
 3 1E 27CB

R-2 ZONED  
 PARCEL

TL 1204  
 3 1E 27CB

TL 1205  
 3 1E 27CB

TL 1206  
 3 1E 27CB

TL 2401  
 3 1E 27C

R-2 ZONED PARCEL

N 89'57'22" W

N 90'00" E

LOGGING RD. PEDESTRIAN PATH R.O.W.

N. PINE STREET

19th COURT

NO.	DATE	BY	REVISIONS

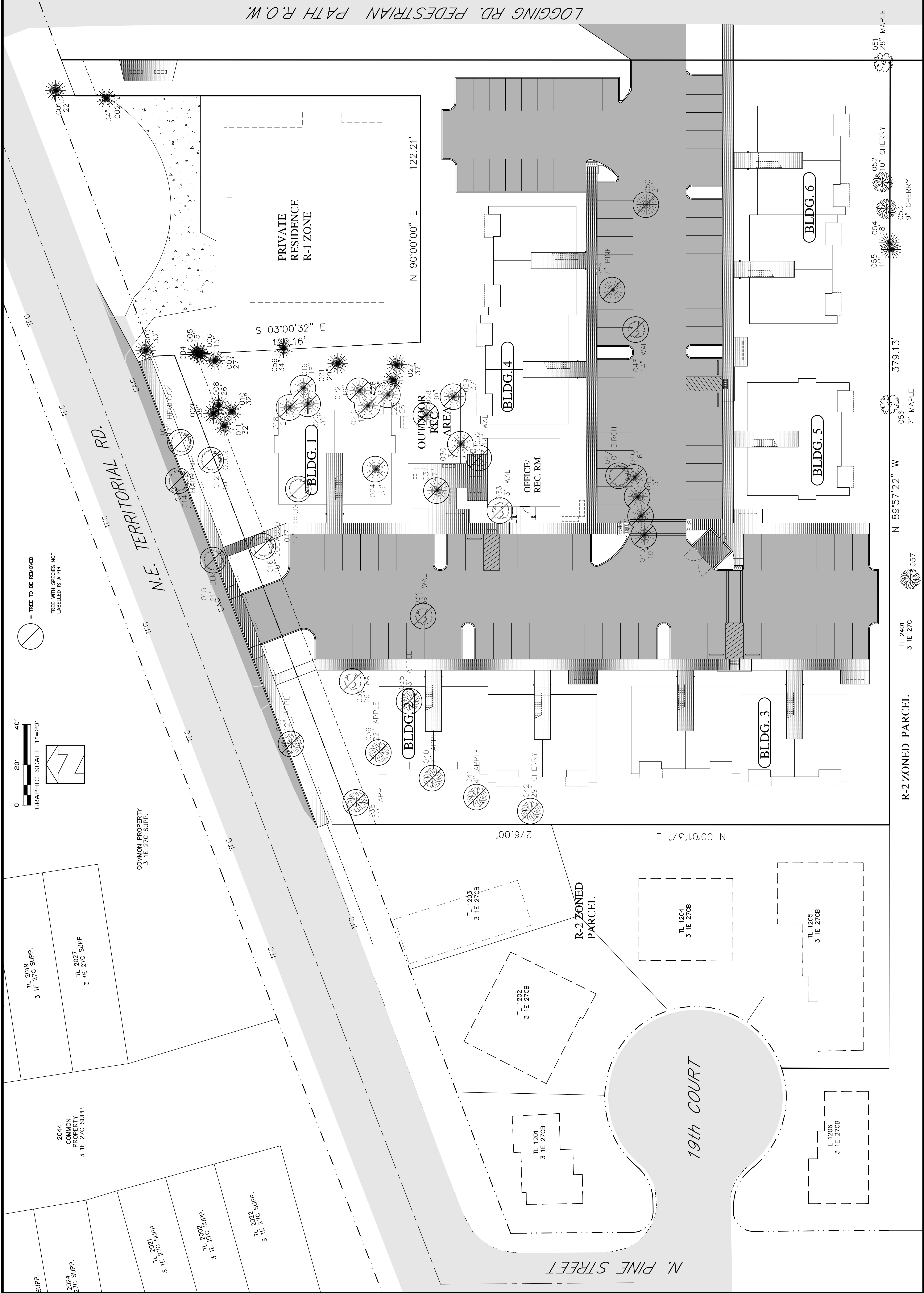
Trail Crossing Apartments  
 Tree Retention Plan  
 Scott Investment Companies - S.I.J. 1, LLC

Trail Crossing Apartments  
 Tree Retention Plan

**SISUL ENGINEERING**  
 376 PORTLAND AVENUE  
 GLADSTONE, OREGON 97027  
 (503) 657-0188  
 DRAWING: 16-027\_Crdgng\_Utlrtrls.dwg

DATE: JAN. 2017  
 SCALE: 1"=20'  
 DRAWN: PS  
 JOB: SGL05-033  
 SHEET

**C4**  
 SHEETS  
 OF 4



R-2 ZONED PARCEL

TL 2401  
 3 1E 27C

N 89°57'22" W  
 379.13'

055 11" WAL  
 054 18" WAL  
 053 9" CHERRY  
 052 10" CHERRY  
 051 28" MAPLE

LOGGING RD. PEDESTRIAN PATH R.O.W.

19th COURT

N. PINE STREET





HARDIE CEMENT SHINGLE SIDING  
6" EXPOSURE 5/16"x16"x48"  
"SHINGLESIDE" PANELS, PAINTED

### LEFT SIDE ELEVATION

3/16" = 1'-0"

DECORATIVE STONE  
VENEER

FACES TERRITORIAL RD.



5/4X10 HARDIE HORIZ  
BELLIE BAND TRIM,  
PAINTED W/ Z' MTL  
DRIP FLASHING OVER  
TOP TYP.

### FRONT ELEVATION

3/16" = 1'-0"

6X6 P.T. ENTRY  
COLUMNS W/ 2X6  
OUTDOOR WOOD TRIM

FACES TERRITORIAL RD.  
AT AN ANGLE

DECORATIVE STONE  
VENEER

HARDIPLANK  
CEDARMILL CEMENT  
HORIZ LAP SIDING,  
PAINTED

35 YR. ARCHITECTURAL  
COMP. ROOFING

5/4 X 4 R.S.  
HARDIE TRIM BD.

VINYL WINDOWS

5/4X 4 R.S. HARDIE  
CORNER TRIM BDS,  
PAINTED



5/4X10 HARDIE HORIZ  
BELLIE BAND TRIM,  
PAINTED W/ Z' MTL  
DRIP FLASHING OVER  
TOP TYP.

### RIGHT SIDE ELEVATION

3/16" = 1'-0"



### REAR ELEVATION

3/16" = 1'-0"

**BLDG. 1**  
EXTERIOR ELEV.  
TYPE 1-2 STORY

revisions:

date: 1/27/2017

scale: 3/16"=1'-0"

drawn: S.R.B.

job no.: 1525

**A5.1**

TRAIL CROSSING APARTMENTS  
1203 N.W. TERRITORIAL RD.  
CANBY, OREGON 97013  
DEVELOPER:  
SCOTT INVESTMENT COMPANIES - S.T.J. I, LLC  
130 S.W. Second Avenue, Suite 102  
Canby, Oregon 97013  
(503) 266-5488

SCOTT R. BECK  
ARCHITECT  
361 N.E. Third Avenue  
Canby, Oregon 97013  
(503) 266-9270

HARDIE CEMENT SHINGLE SIDING 6" EXPOSURE 5/16" X 16" X 48" "SHINGLE SIDE" PANELS, PAINTED

5/4 X 10 HARDIE HORIZ. BELLY BAND TRIM, PAINTED W/ 'Z' MTL DRIP FLASHING OVER TOP TYP.

HARDIE CEMENT BOARD & BATTEN SIDING, PAINTED

DECORATIVE STONE VENEER

### REC. RM./ OFFICE

### FRONT ELEVATION

3/16" = 1'-0"

7' LANDSCAPED GAP

DECORATIVE STONE VENEER

6X6 P.T. ENTRY COLUMNS W/ 2X6 OUTDOOR WOOD TRIM

HARDIPLANK CEDARMILL, CEMENT HORIZ. LAP SIDING, PAINTED

35 YR. ARCHITECTURAL TAB ROOF.

5/4 X 4 R.S. HARDIE TRIM BD. VINYL WINDOWS

5/4 X 4 R.S. HARDIE CORNER TRIM BDS., PAINTED

SCOTT R. BECK ARCHITECT  
361 N.E. Third Avenue  
Canby, Oregon 97013  
(503) 266-9270

TRAIL CROSSING APARTMENTS  
1203 N.W. TERRITORIAL RD.  
CANBY, OREGON 97013  
DEVELOPER:  
SCOTT INVESTMENT COMPANIES - S.T.J. I, LLC  
130 S.W. Second Avenue, Suite 102  
Canby, Oregon 97013  
(503) 266-5488

BLDG. 4  
EXTERIOR ELEV.  
TYPE 2-3 STORY

BLDG. 7  
REC. BLDG.

revisions:

date: 1/27/2017

scale: 3/16" = 1'-0"

drawn: S.R.B.

job no: 1525

A5.4

DECK GUARDRAIL SYSTEM W/ TOP RAIL AT +42" MIN. ABOVE DECK & PICKETS & RAILS 4" APART MAX. CLEAR SPACING TYP.

DECORATIVE STONE VENEER

### REC. RM./ OFFICE

### BLDG. 4 REAR ELEVATION

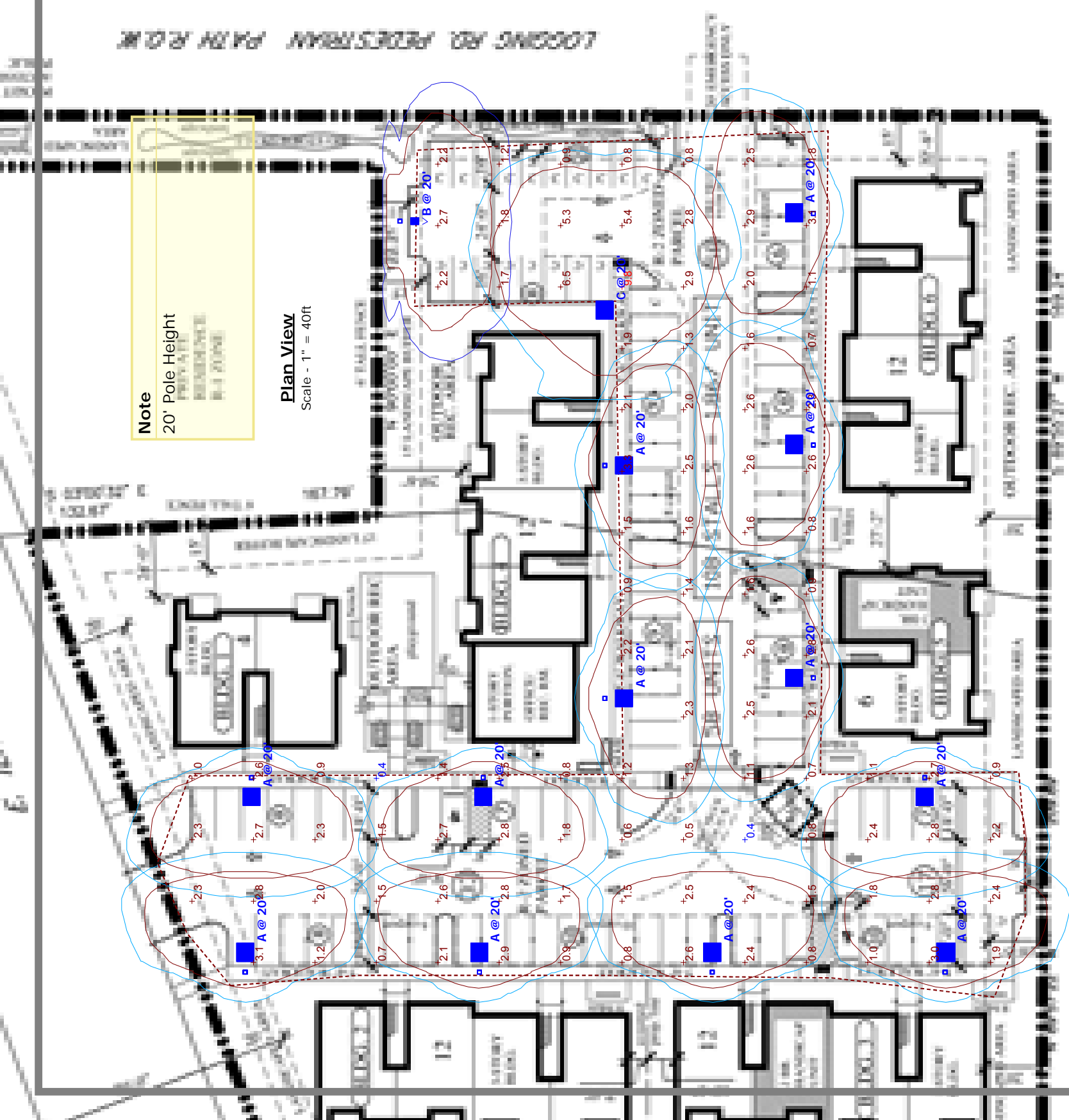
3/16" = 1'-0"

Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Parking Lot	+	2.1 fc	9.8 fc	0.4 fc	24.5:1	5.3:1

**Statistics**

Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Parking Lot	+	2.1 fc	9.8 fc	0.4 fc	24.5:1	5.3:1

Description	Wattage
KAX AREA SERIES SIZE 1, PERFORMANCE PACKAGE 1, 4000 K, TYPE 3, 120-277V	50
DSXO LED WITH 20 LEDs @1000 mA, 4000K, BACKLIGHT CONTROL OPTIC	72
KAX AREA SERIES SIZE 1, PERFORMANCE PACKAGE 4, 4000 K, TYPE 4, 120-277V	160



**Note**  
20' Pole Height  
RESIDENTIAL  
R-1 ZONING

**Plan View**  
Scale - 1" = 40ft

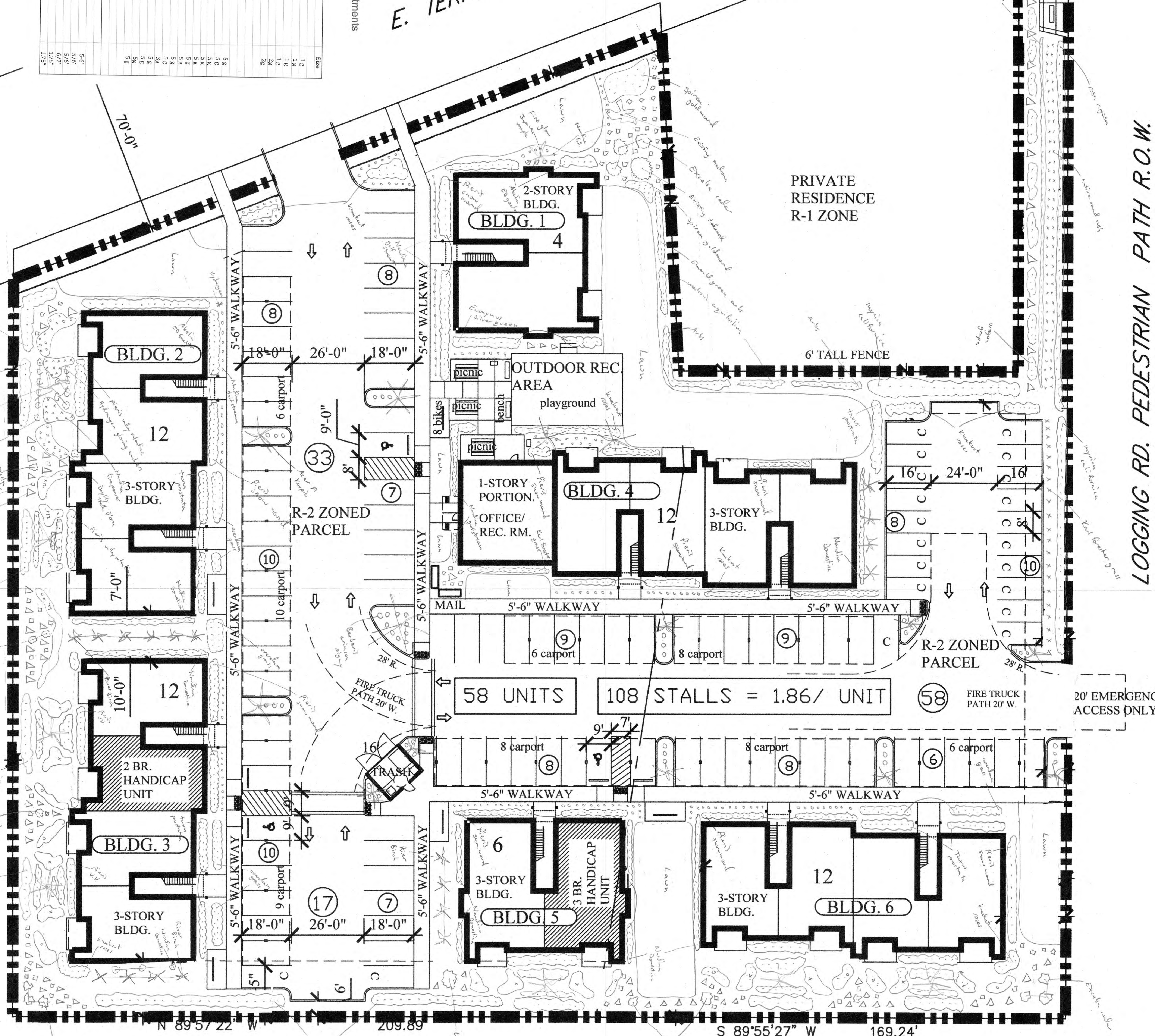
**SITE PLAN**

Plants	Qty.	Name	Size
1	1	Hemlock	1 1/2"
2	1	Green Ginkgo	1 1/2"
3	1	Spirea	1 1/2"
4	1	Round oak	1 1/2"
5	1	Rose rugosa	1 1/2"
6	1	Kent Foster grass	28"
7	1		
8	1		
9	1		
10	1		
11	1		
12	1		
13	1		
14	1		
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99	1		
100	1		

Trail Crossing Apartments

E. TERRITORIAL RD.

LOGGING RD. PEDESTRIAN PATH R.O.W.



AURORA LANDSCAPE  
 22333 BOONES FERRY ROAD NE  
 AURORA OR 97002  
 503-678-1234

LANDSCAPE DESIGN FOR:  
 L.E.S. - Canby Crossing  
 Trail Crossing Apartments  
 1203 NE Territorial Rd  
 Canby, OR 97013

DATE: 1/11/17  
 SCALE: 1" = 15'  
 REVISION #:



**Scott Investment Companies**

**S.T.J. 1, LLC**

**130 SW 2<sup>nd</sup> Avenue  
Canby, Oregon 97013**

**503-266-5488**

**503-266-4570 FAX**

January 25, 2017

RE: Neighborhood Meeting - Proposed Residential Development

Dear Property Owner,

You are invited to attend a neighborhood meeting to discuss a proposed 58 unit high density residential development on vacant property located 1203 & 1295 NE Territorial Rd. The meeting will be held on Thursday, February 23, 2017 - 6pm at Canby Police Department - Community Room - 1175 NW 3<sup>rd</sup> Avenue, Canby, Oregon.

Enclosed is a general description and layout of the development. We will be providing general information concerning the development proposal. If you have any questions concerning our development we would like to discuss them at this meeting. Thank you for your time and we look forward to seeing you at the meeting.

If you are unable to attend the meeting but would like to discuss the development with us, please give us a call at 503-266-5488.

Sincerely,

Thomas AW Scott  
Managing Member

Neighborhood Meeting			
Trail Crossing Apartments			
Name:	Address:	Phone:	E-mail
Linda Allen	1200 NE Territorial Rd #65	503/263-4588	Allenl@canby.com
Kris Hettegma	1802 N. Pine St Apt I-103	(503) 266-3434	Krogershettegma@gmail.com
Gretchen Clausurek	1802 N. Pine Street		darkhorseghm@yahoo.com
Scott Beck	301 NE Third Ave.	503-266-9270	beckarch@webster.com
Kacie Heidt	2037 NE Cupine St.	503-708-1485	heidt1@canbyoregon.gov

Neighborhood Meeting

Trail Crossing Apartments

Name:

Andrew Rivinus

Address:

1675 N. Panderosa St.

Claire White,

1321 NE 18th Pl

Phone:

503-263-8091

4087072329

E-mail

andrew@rivinus.us

clawew73@yahoo.com



**S.T.J. 1, LLC**  
**130 SW 2<sup>nd</sup> Avenue**  
**Canby, Oregon 97013**  
**503-266-5488**  
**503-266-4570 FAX**

February 27, 2017

RE: Neighborhood Meeting - Proposed Multi-Family Apartment Complex  
Trail Crossing Apartments

To Whom It May Concern:

A neighborhood meeting was held at Canby Police Station - Community Room - 1175 NW 3<sup>rd</sup> Avenue, Canby, Oregon at 6pm on Thursday, February 23, 2017 to present information and answer questions concerning our proposed Multi-Family Residential Apartment development. All property owners living within 500 feet of the subject property were notified at least fourteen (14) days in advance.

We have enclosed list of the attendees that signed in upon entering the meeting.

The following is a list of comments and questions raised during the meeting:

- Has the proposal been submitted to the City?
- What is the timeline for construction and completion?
- Can you estimate the rental rates for the units?
- Will you be removing any trees? How many? Will you be planting additional trees on site?
- Will you be building a fence along the walking trail?
- Will you have parking lot lighting? Will this lighting be cast onto neighboring properties?
- What is the zoning/comprehensive plan designation of this property and surrounding properties?
- Tell us about the pocket park that you will building next to the walking trail. Size? Amentities?
- Would you consider exchanging the locations of building 5 and 6 and making building 5 a two story structure?
- Could you tell us the exterior paint colors?

- What is the make-up of the units? 3 bedroom? 2 bedroom? Square footage of each?
- Did you have a traffic study completed? Did they find any issues with Territorial or the project?
- Can you build another entrance/exit onto Territorial Rd?
- Why emergency access onto walking trail? Will fire and police have keys?
- Can you remove the windows on the East side of building #6 so that they won't look into our house across walking trail?
- Will the apartments be available for low income and section 8 housing?

We answered all above questions to the best of our ability. All in attendance seemed to be satisfied with our responses.

Thank you for your time.

Sincerely,

Thomas AW Scott  
Manager

**Laney Fouse**

---

**From:** kris rogers-hettema <krogershettema@gmail.com>  
**Sent:** Thursday, February 23, 2017 11:57 AM  
**To:** PlanningApps  
**Subject:** Fwd: Trail Crossing Apartment Building Proposal - Concerns - View from Logging Road  
**Attachments:** 0.Trail Crossing Apts Site Map Proposal Feb 2017.jpg  
**Follow Up Flag:** Flag for follow up  
**Flag Status:** Completed

Hi - This email includes the site map of "Trail Crossing Apts"  
My apologies for not including it in my first email.

Thank you,  
Kris Hettema

----- Forwarded message -----

**From:** kris rogers-hettema <krogershettema@gmail.com>  
**Date:** Thu, Feb 23, 2017 at 11:21 AM  
**Subject:** Trail Crossing Apartment Building Proposal - Concerns - View from Logging Road  
**To:** [planningapps@canbyoregon.gov](mailto:planningapps@canbyoregon.gov)

February 23rd

2017

To Scott Investment Companies 130 SW 2<sup>nd</sup> Ave Canby, OR 97013  
& Canby Planning Department 222 NE 2<sup>nd</sup> PO Box 930 Canby, OR 97013  
[planningapps@canbyoregon.gov](mailto:planningapps@canbyoregon.gov)

Subject: Proposed "Trail Crossing" Apartments

3 Story Building #6 to be located next to the walking/bike path "Logging Road"

Dear Scott Investment and the Canby Planning Department,

I am concerned that the 3 story height of Building #6, to be located so close to the public walking path (logging road), will feel dominating and unintentionally offensive.

A solution would be to create a height transition - adjusting the building plans so that the narrower Building #5 switches places with the wider Building #6 , and then change Building #5 to a 2-story building. This would place a 2 story building next to the walking path. The 2 story building would allow a visual transition to the 3 story building, would be far less imposing, and would have much greater eye appeal.

Willamette Grove Apartments are located next to the Trail Crossing property. The 3 story building at Willamette Grove that faces the logging road is set back, flanked by two 2 story buildings. This works pretty well, especially with the green space to soften the visual effect.

Reducing the height of Building #5 to a 2 story building would mean the loss of two apartments. However, the improved attractiveness that this height transition would bring would increase the “curb appeal” of Trail Crossing, and would certainly benefit the many people who walk & bicycle on the logging road.

Thank you for considering this suggestion,

Sincerely,

Kris Hetteema

1802 N. Pine St Apt I-103

Canby, OR 97013

Email: [krogershetteema@gmail.com](mailto:krogershetteema@gmail.com)

Phone: [\(503\)724-5300](tel:(503)724-5300)

February 28, 2017

Attention: City of Canby Planning Commission

Subject: Application: Site & Design Review & Variance – DR 17-02 / VAR 17-01 Trail Crossing Apartments

For your consideration: Table 16.10.050 – C. Multifamily reads 1 parking space for a studio and 2 parking spaces per 2-3 bedroom units with an additional 1 space for every 5 units. The site plan that was mailed to me shows 108 stalls for 58 units. Based on the number of proposed stalls (parking spaces) this is not sufficient parking for this site proposal. There is no optional on street parking on Territorial road, so this proposal of 108 spaces is not in compliance.

I reside on 18<sup>th</sup> Place off of Redwood and have a family member who resides in the Town Homes on Redwood near 99E. This is a prime example of not having adequate parking. Currently, most multi-dwellings have 2 drivers/2 vehicles an addition family/friends who visit. Unfortunately, there is not adequate parking available and limited parking available on Redwood.

By the table referenced above, for 58 units there should be 116 spaces for the residents and additional 11 spaces for guests. Currently, the proposed site is short 19 spaces.

I'm not opposed to having new neighbors, but I'm opposed on allowing buildings to be built without sufficient parking available. We're not downtown Portland with Tri-met and MAX lines that take the place of cars. We're a growing community, with the majority of citizens commuting to their employment.

Sincerely,

Laurie Bergstrom



January 12, 2016

Comments from Canby Telcom for 48 units apartment at 1203 & 1295 NE Territorial Rd :

Canby Telcom services will become available through the development.

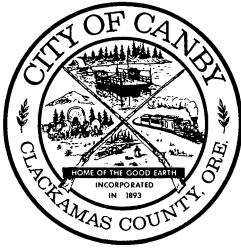
The Developer/Owner is required to provide utility trenches for placing underground communication facilities; We will place and provide all materials.

Canby Telcom will try to design following the power route as much as possible to minimize trenching; however, additional trenches may be required. We will have to wait to see where are the power trenches to start our route lay out.

There is no development fee.

Contact Information:

Engineering Manager	Brad Madison	503-266-8255
Associate Engineer	Dinh Vu	503-266-8201
Construction Inspector	Ron Stenger	503-266-8290
Customer care center		503-266-8111



BEFORE THE PLANNING COMMISSION  
OF THE CITY OF CANBY

A REQUEST FOR SITE AND DESIGN )  
REVIEW AND MAJOR VARIANCE )  
FOR 58-UNIT APARTMENT COMPLEX )  
AT 1203 & 1295 NE TERRITORIAL )

FINDINGS, CONCLUSION & FINAL ORDER  
DR 17-02/VAR 17-01  
TRAIL CROSSING APARTMENTS

**NATURE OF THE APPLICATION**

The Applicant has sought an approval of Site and Design Review and Major Variance (DR 17-02/VAR 17-01) approval to construct a 58-unit apartment complex with an office/recreation building at 1203 & 1295 NE Territorial. The parcel is zoned R-2, High Density Residential, Tax Lots #'s 31E27CB01300, 1500, 1501 and is correspondingly designated High Density Residential in the Canby Comprehensive Plan. The applicant has requested a major variance to decrease the number of required parking spaces by 7 spaces, from 115 to 108 spaces.

**HEARINGS**

The Planning Commission considered application DR 17-02/VAR 17-01 after the duly noticed hearing on March 13, 2017 during which the Planning Commission by a \_\_\_/\_\_\_ vote approved DR 17-02/VAR 17-01. These findings are entered to document the specifics of the approval.

**CRITERIA AND STANDARDS**

In judging whether or not a Site and Design Review application shall be approved, the Planning Commission determines whether criteria from the Code are met, or can be met by observance of conditions, in accordance with Chapter 16.49.040 Site & Design Review and other applicable code criteria and standards reviewed in the Staff Report dated March 13, 2017 and presented at the March 13, 2017 meeting of the Canby Planning Commission.

**FINDINGS AND REASONS**

The Staff Report was presented by staff with a recommendation for approval of the Site and Design Review application (prior to and without benefit of the public hearing) along with Conditions of Approval in order to ensure that the proposed development will meet all required *City of Canby Land Development and Planning Ordinance* approval criteria.

After holding the public hearing where written and oral testimony was received from the applicant, other proponents, those who were neutral, and opponents in attendance; the Planning Commission closed the public hearing and moved into deliberation where they utilized the findings and conditions listed in the staff report along with the overall presentation record at the public hearing to make the following findings beyond those contained in the staff report to arrive at their decision and support their recommended conditions of approval:

**CONCLUSION**

In summary, the Planning Commission adopted the findings contained in the Staff Report along with the additional findings indicated above, concluded that the Site and Design Review application meets all

applicable approval criteria, and recommended that City File# DR 17-02/VAR 17-01 be approved with the Conditions of Approval stated below. The Planning Commission decision is reflected in the written Order below.

**ORDER**

The Planning Commission concludes that based on the record on file including testimony of the applicant and public at the public hearing, and findings of the Planning Commission that the application will meet the requirements for Site and Design Review approval. Therefore, **IT IS ORDERED BY THE PLANNING COMMISSION** of the City of Canby that **DR 17-02/VAR 17-01** is approved, subject to the following conditions of approval:

**CONDITIONS OF APPROVAL:**

**Commission Findings and Approval for Modifications of Standards**

1. The number of parking spaces does not meet the criteria listed in Section 16.10.050, and parking lot landscaping standards under Section 16.49.120(D)(3) are not met. However, under the provision listed in the CMC, the applicant can request the Planning Commission to consider whether or not the standards are appropriate under the Major Variance Chapter 16.53. If the Commission makes a finding supporting the applicant’s conclusions regarding variances, then the variance standards requested can be approved as proposed on the site plan.

**Conditions Unique to this Proposal**

2. The applicant shall meet the requirements listed in the City Engineer’s memorandum dated February 27, 2017.
3. The applicant shall include lighting cut sheets and specifications of the fixtures and lumen information to allow full assessment of conformance with lighting standards with submittal of the construction plans.
4. The proposal shall meet recommendations listed in the TIA with the exception of provision for a 40-foot spacing between the access onto NE Territorial Road and the first parking stalls that is recommended by staff to be 35 feet. These are listed as follows:
  - Prohibit on-street parking along NE Territorial Road within 20-feet of site access locations, as recommended in the Manual on Uniform Traffic Control Devices (MUTCD) to improve intersection sight distance. The applicant to strip curbing or erect no-parking signs per public works standards
  - Prior to occupancy, sight distance at any existing access points will need to be verified, documented, and stamped by a registered professional Civil or Traffic Engineer licensed in the State of Oregon.
  - The site designer/engineer shall verify the turn templates and internal circulation routes for the proposed design vehicle to ensure adequate on-site circulation for the largest regular design vehicle with the approval of construction plans.
  - Site driveways shall be kept clear of visual obstructions (e.g. landscaping, objects, etc.) that could potentially limit vehicle sight distance.
  - **Provide at least 35 feet of spacing between the access on NE Territorial**



**Road and the first parking stall measured from the back of the sidewalk to the closest point of the nearest parking space.**

- Provide sidewalks (or walkways) adjacent to building entrances
- Provide bicycle parking near building entrances

**Procedural Conditions**

**Prior to Issuance of building permits, the following must be completed:**

5. The design engineer shall submit to the City of Canby for review and approval at the time of final construction plan approval a storm drainage analysis and report applicable to the defined development area detailing how storm water disposal from both the building and the parking areas is being handled – including a pre and post development analysis. Any drainage plan shall conform to the Clean Water Services storm drainage design standards as indicated in the Public Works design standards.
6. A sediment and Erosion Control Permits will be required from the City prior to commencing site work.
7. Prior to the issuance of a building permit, the installation of public utilities, or any other site work other than rough site grading, construction plans must be approved and signed by the City and all other utility/service providers. A Pre-Construction Conference with sign-off on all final construction plans is required. The applicant may submit the civil construction drawings separate from the building permit submittal package for final preconstruction conference sign-off approval. The design, location, and planned installation of all roadway improvements and utilities including but not limited to water, electric, sanitary sewer, natural gas, telephone, storm water, cable television, and emergency service provisions is subject to approval by the appropriate utility/service provider. The City of Canby's preconstruction process procedures shall be followed.
8. Construction plans shall be designed and stamped by a Professional Engineer registered in the State of Oregon.
9. Clackamas County will provide structural, mechanical, grading, and review of Fire & Life Safety, Plumbing, and Electrical permits for this project. Fire & Life Safety approval must be obtained from Canby Fire District prior to issuance of a City building permit.

**Final Replat Conditions Unique to This Request:**

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10. Implementation of the approved consolidation of the established the parcel boundaries shall be completed through a re-plat or County surveyor's office approved means prior to issuance of a building permit for this development.
11. The applicant is responsible for determining if existing utility service to all existing structures will need to be relocated or protected by private easement as a result of this replat.
12. Any access or utility easement to serve the parcels shall be shown on the recorded replat.

13. A street tree easement 12 feet wide measured from the front property line shall be provided along the NE Territorial Road street frontage and shall be designated on the replat. The applicant shall submit a Street Tree Plan to determine appropriate spacing or pay the street tree fee and space the trees at 30' for each street frontage as required by the ordinance
14. A final surveyed replat shall be prepared by a licensed surveyor for recording the plat of record. Prior to recordation with Clackamas County, the plat shall be submitted to the city along with applicable fees for review by the city and other appropriate agencies. The final plat must be submitted to the city within one year of Planning Commission approval or the applicant must request, in writing, a one year extension from the Planning Commission. The applicant or county shall provide the city with a recorded copy of the plat in a timely manner.

**Monumentation/Survey Accuracy Conditions**

15. The county surveyor shall verify that the survey accuracy and monumentation requirements set forth in Oregon Revised Statutes and CMC 16.64.070(M) are met prior to the recordation of the final plat. Installation of the front lot monumentation (along and within street rights-of-way) and the replacement of any existing monuments destroyed during improvement installation shall be confirmed by the city engineer or county surveyor prior to the recordation of the partition plat.
16. Monuments shall be reestablished and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street centerlines as required by Oregon Revised Statutes Chapter 92. The city engineer or county surveyor shall verify compliance with this condition prior to the recordation of the final plat.