

PLANNING COMMISSION

Meeting Agenda

Monday, April 10, 2017

7:00 PM

City Council Chambers – 222 NE 2nd 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

1. **CALL TO ORDER**
 - Invocation and Pledge of Allegiance
 2. **CITIZEN INPUT ON NON-AGENDA ITEMS**
 3. **MINUTES**
 - Approval of the April 10, 2017 Planning Commission Minutes
 4. **NEW BUSINESS**
 5. **PUBLIC HEARING**
 - 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 continued from 3-13-17 meeting for review and approval of revised site plan design. **(DR 17-02/VAR 17-01)**
 6. **FINAL DECISIONS** - (Note: These are final, written versions of previous oral decisions. No public testimony.)
 - **(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**
-

PLANNING COMMISSION WORK SESSION
Immediately following Planning Commission Meeting
Council Chambers
222 NE 2nd Avenue, 1st Floor

The Planning Commission will be meeting in a Work Session for a discussion of growth and development in the community and related review processes and existing standards.

(Work Session is open to the Public but will not be televised.)

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. 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, March 13, 2017
City Council Chambers – 222 NE 2nd Avenue

PRESENT: Commissioners John Savory, Larry Boatright, John Serlet, Derrick Mottern, Shawn Varwig, Tyler Hall, and Andrey Chernishov

ABSENT: None

STAFF: Bryan Brown, Planning Director

OTHERS: Tom Scott, Scott Beck, Pat Sisul, Brian Kromer, Kris Hetteema, and Laurie Bergstrom

1. CALL TO ORDER

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

2. CITIZEN INPUT – None

3. MINUTES

- a. February 27, 2017 Planning Commission Minutes

Motion: A motion was made by Commissioner Serlet and seconded by Commissioner Boatright to approve the February 27, 2017 Planning Commission minutes. Motion passed 7/0.

4. NEW BUSINESS – None

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)**

Chair Savory 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. There were none.

Bryan Brown, Planning Director, entered his staff report into the record. This was a site and design review and variance application for property located on NE Territorial Road. The existing house on the back of the property would be removed and the house in the front was not part of the proposed project and would remain. A house to the west would also be removed. There were multiple tax lots that would need to be consolidated so nothing was built over tax lot lines. There was a trail to the east and to the south was an apartment complex. There was low and high density zoning in this area. He then discussed the site plan. There would be seven buildings with a mixture of two to three story buildings. They were proposing 58 units with a mixture of two bedroom and three bedroom apartments. They were slightly deficient in parking and had applied for a variance to address it. A traffic study was done and one recommendation was made to provide adequate throat length in the driveway for cars coming in off of Territorial to adequately get off of Territorial and to

accommodate more than one car wanting to exit at the same time. They needed to supply 35 feet for the driveway, which would eliminate two parking spaces. The applicant was supposed to supply 115 spaces and they were 7 spaces short. This included a 10% reduction since they were over a certain density. They were also asking for a variance on the requirement of no more than eight spaces in a row in a bank of parking spaces on site without an intervening landscape island. Staff recommended approval of the site and design review. There could be room to support a partial variance. There was emergency access through the Logging Road Trail. All the public utilities were adequate and could be made available to serve the site. He then reviewed the conditions of approval. Staff did not know if there was enough shielding on the light fixtures to prevent light trespass on the neighboring properties. One condition was for clearer information on the lighting. Another condition was that there was a prohibition of parallel on street parking on Territorial near the driveway due to site distance.

Commissioner Hall discussed the need for handicapped parking, although it might reduce the number of parking spaces even more.

Chair Savory was concerned about tenants being able to use the emergency access on the Logging Road since it was blocked by bollards. He was also concerned about adding more traffic to the already heavy traffic on Territorial in the peak times. He suggested a left hand turn lane going into the complex from Territorial going north to south. Mr. Brown said the traffic study did not indicate they were at the level and would not be at the level with this development to justify the need for that kind of improvement. The applicant was dedicating 10 feet of right-of-way adjacent to the site and was building a sidewalk on Territorial. Emergency access was focused on getting an emergency vehicle in and out, not on the tenants to escape.

Chair Serlet was concerned about the amount of growth happening in the Redwood area. The increased traffic needed to be addressed or there would be serious problems on Territorial.

Applicant:

Tom Scott, applicant, and Scott Beck, architect, discussed the site, surrounding area zoning, and site plan. They were proposing 58 units, 48 would be two bedroom and 10 would be three bedroom. There would be seven buildings, a recreation center, playground, plaza/patio area, benches, barbecues, and a pocket park near the Logging Road. There would be a landscaping buffer abutting the R-1 property. A six foot privacy fence would also be installed. There would be pedestrian connections from Territorial through the site and a series of access curb ramps and crosswalks. They were under the threshold that required two accesses for the development. There would be a hammerhead turnaround for fire trucks and there was a secondary access on the Logging Road Trail. They discussed the architecture of the exterior of the buildings which would be done in a craftsman architectural style. Regarding the variance to exceed the required eight contiguous parking stalls, there was an abundance of landscaping proposed in the parking areas which softened the parking up. They would lose more parking if it had to be broken up more for landscape islands. The Sequoia Grove development that was currently under construction asked for the same variance and it was approved. They had more landscaping surrounding their parking lot than the Sequoia Grove development and they had less units per acre. There was a need for high density residential units in the City. They had tried to maximize the number of units on the site, which did not meet the parking code. They had researched the parking necessary for this type of development and had looked at

what other cities did. Canby's Code was more stringent than other cities. They also did a parking analysis of how many parking spots they would lose in different scenarios. In their research, they found two and three bedroom units were the most desirable. They discussed how they could potentially meet the parking standards if the variance was not approved by replacing some two bedroom units with one bedroom units. There was opportunity for more handicapped stalls.

There was discussion regarding the width of the Logging Road Trail and where the bollards would be placed.

Pat Sisul of Sisul Engineering clarified the issue of the bollards at the Logging Road. The edge of the existing pathway in the Logging Road right-of-way was 16 to 17 feet away from the edge of the property line. If they wanted to widen the trail in the future, there was room in the existing right-of-way to do it. The bollards would be private bollards owned by the complex and would be placed on private property, 18 feet from the existing pathway. Originally they had tried to make a second driveway onto Territorial, but it was a busy street with a lot of pedestrians accessing the Logging Road Trail. The City did not want to have another access at that point. There was also a provision to have 100 feet between driveways that made it difficult to create a second access.

Opponents: None.

Neutral Testimony:

Laurie Bergstrom, Canby resident, was not opposed to this development. Her concern was parking. Most people had two cars and did not use their garage to park. This was a bedroom community where many commuted to work every day. She thought the 58 units required 116 spaces and 11 extra spaces for guests. The application did not take into account guest parking and there was no other place to park except for in the nearby residential neighborhoods. She thought the units should be scaled down to create sufficient parking for the residents.

Rebuttal:

Mr. Scott understood they were a bedroom community and that Canby was different from a lot of jurisdictions. He thought the Code needed to be looked at as he thought it was too stringent. They were trying to maximize the number of units, which had been stressed as a need by the City. They were willing to add one bedroom units to meet the parking requirements.

Mr. Beck said the Code required 20% of the parking for visitors and that was taken into account in the parking proposed. He had worked on a number of projects in this area and a lot of jurisdictions required less for parking than Canby did. He thought a happy medium was 1.75 or 1.8 parking spaces per unit as a bottom threshold, and they were at 1.86.

Chair Savory closed the public hearing.

Commissioner Serlet said another issue was the school children residing in these apartments, and how school buses stopped both lanes of traffic to load and unload. He thought congestion on Territorial would become an issue in the future.

Chair Savory thought this was a nice development. However, taking the totality of what was going on with other developments, particularly along Redwood, it raised a lot of red flags on the traffic issue. That was not in the Commission's purview for this application, however, as they had to make sure the application met the criteria.

Commissioner Boatright understood the concerns regarding the traffic on Territorial and only having one entrance. The emergency entrance satisfied the Fire Department. The complex had a lot of space between apartment buildings. He thought the parking would be a problem even if they had all of the parking spaces, and did not think the parking was a good enough reason to deny the application.

Commissioner Varwig wanted to see more handicapped stalls.

Commissioner Chernishov thought they should have the applicant follow the traffic study's recommendation for the throat length in the driveway.

Commissioner Mottern thought there would be a lot of congestion with only one entrance and exit and they should follow the traffic study's recommendation. He thought parking was an issue and that one bedroom units should be added. He was fine with the variance on the landscape islands to allow more parking.

Commissioner Hall agreed about the islands. However, he thought parking would be an issue. Most people had two cars per household no matter how many bedrooms were in the unit. Typically apartments only gave residents one parking spot and it was sometimes difficult to find parking for a second car. The more spaces, the better the chance to keep the residents happy.

Mr. Scott thought the Commission wanted them to meet the Code except for the landscape island variance. If that was the case, rather than a denial, he asked to come back with a revised site plan or work with staff on a unit mix that met the requirements.

The consensus was for the applicant to come back with a revised plan. There was also consensus that the applicant would lose two parking spaces to widen the entrance on Territorial and that the landscape island variance was acceptable.

Motion: A motion was made by Commissioner Varwig and seconded by Commissioner Hall to approve DR 17-02/VAR 17-01 with a revised plan to add one bedroom units and to add parking spaces subject to final Planning Commission approval. Motion passed 7/0.

6. FINAL DECISIONS

- a. Trail Crossing Apartments (DR 17-02/VAR 17-01)

Mr. Brown would bring these findings back to the next meeting for approval.

7. ITEMS OF INTEREST / REPORT FROM STAFF

Mr. Brown said the March 27 Planning Commission meeting was canceled. The Commission would be reviewing the revised Site Plan for the Trail Crossing Apartments on April 10.

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

9. ADJOURNMENT

Motion: Commissioner Serlet moved for adjournment, Commissioner Mottern seconded. Motion passed 7/0. Meeting adjourned at 8:34 pm.

Date: Prepared for the April 10, 2017 Planning Commission Meeting

From: Bryan Brown, Planning Director

**RE: Trail Crossing Apartments, Review and Final Approval of Revised Site Plan Design
(DR 17-02/VAR 17-01)**

Background

At the March 13, 2017 Planning Commission Meeting, the Commissioners tentatively approved the subject applications per staff recommended conditions associated with the Site Plan and recommended the following revisions:

- Removal of two of the originally proposed parking spaces lying within 35' of the back of sidewalk at the driveway,
- Changing 6 two-bedroom units to 6 one-bedroom units to decrease the required parking standard by six spaces.
- Indicated support of a parking variance of up to 3 parking spaces below the standard ordinance requirement of 109 based on the required revised mix of unit types.
- Supported and granted the requested variance of the landscape islands within the parking banks as proposed to provide a degree of flexibility in meeting parking requirements in recognition that the overall parking lot area landscaping area exceeded minimum requirements by approximately 34%.
- Required that a final reconfigured Site Plan indicating the final unit mix and conformance with the above parking parameters be brought back for final layout approval for the April 10, 2017 regular meeting.

Staff Recommendation

In accordance with your previous action and the site design revisions provided, Staff recommends approval of Case #'s DR 17-02/VAR 17-01.

Options

The Commission has the following options:

1. Reapprove DR 17-02/VAR 17-01 with the revised designs. Final findings will reflect approval of the revised designs.
2. Make a new decision recommending denial of the design revisions to DR 17-02/VAR 17-01 or request further design modifications.

Recommended Motion

Should the Planning Commission choose Option 1 above, staff recommends the motion made be as follows:

I move to: affirm the Planning Commission's previous approval of the Trail Crossing Apartments Site and Design Review/Variance DR 17-02/VAR 17-01 with the revised site plan design, and the revised findings submitted as follows:

- I move to re-approve DR17-02/VAR 17-01 with the revised site design proposal for the apartments based on the design modifications included in the record and further explained in staff's April 10, 2017 memo.

Attachments:

- Revised Submittals From Scott Beck, Architect for Tom Scott/Trail Crossing Apartments

Laney Fouse

From: Bryan Brown
Sent: Wednesday, March 29, 2017 4:11 PM
To: Laney Fouse
Subject: FW: Revised Site Plan Submittal- Trail Crossing Apartments
Attachments: REVISED SITE PLAN, 11X17 NO SCALE- 3-20-2017 - TRAIL CROSSING APTS.pdf; REVISED SITE PLAN, 11X17, 1=50 SCALE- 3-20-2017 - TRAIL CROSSING APTS.pdf; REVISED EXT.ELEVS. BLDG.3, 11X17, NO SCALE- 3-20-2017 - TRAIL CROSSING APTS.pdf

From: Scott Beck Architect [<mailto:beckarch@web-ster.com>]
Sent: Monday, March 20, 2017 12:34 PM
To: Bryan Brown
Cc: tomscott@scott-investments.com
Subject: Revised Site Plan Submittal- Trail Crossing Apartments

Hello Bryan,

On behalf of Tom Scott, I am submitting the attached revised Site Plan dated 3-20-2017. Also attached are revised Exterior Elevations for Building 3. Please share this modified project design with the Planning Commission for their consideration at the Continuation of the our project approval hearing.

Here are the key changes to the site and building design:

1. The revised project design includes a changed unit mix: (6) one bedroom, (42) two bedroom and (10) three bedroom units.
2. The footprint of Building 3 has been changed to accommodate the one bedroom units and the additional one bedroom handicap unit.
3. Two (2) parking stalls have been eliminated at the Territorial Rd. vehicle entrance. This includes (1) stall each side of the entry driveway as recommended by the Traffic Study.
4. The parking stalls on the immediate west face of Buildings 1 and the Rec. Building have been changed to 8'-6" in width. This yields (1) additional parking stall to the project.
5. One (1) parking stall in front of Building 3 has been converted to a handicap stall so that the one and two bedroom handicap units each have access to a handicap stalls near their entries.
6. The change in unit mix and modifications to the parking proposed result in a request for parking variance of (3) stalls.

Please let me know if you have any questions regarding this revised design proposal.

Respectfully Submitted,

Scott Beck

Scott Beck Architect,

361 N.E. Third Ave.

Canby, OR 97013

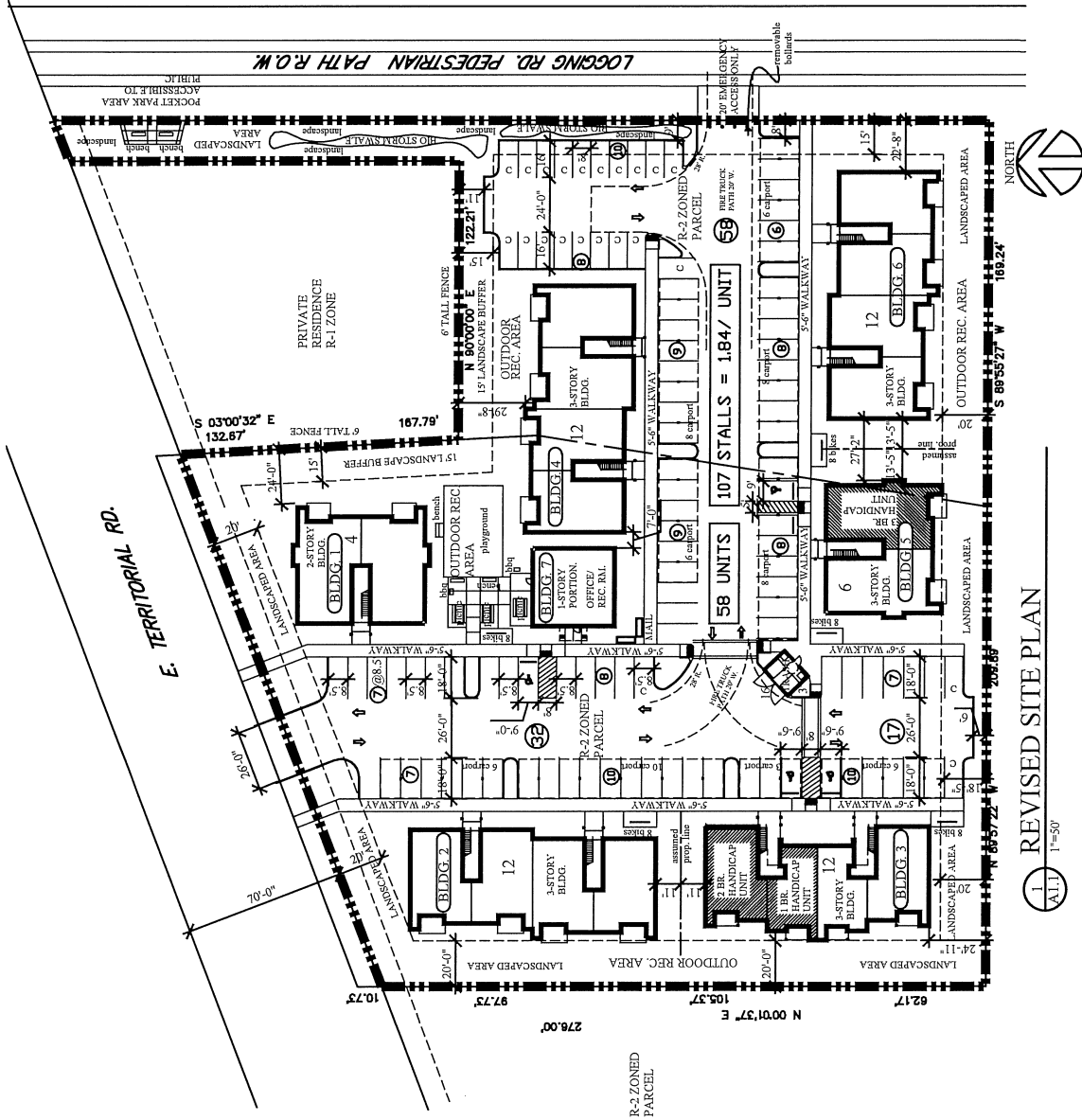
(503) 266-9270

PUBLIC RECORDS LEGAL DISCLOSURE

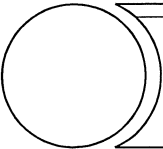
This email is a public record of the City of Canby, Oregon, and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This email is subject to the State Retention Schedule.

SITE & PROJECT DATA:

ZONING: R-2
 TOTAL SITE AREA: 109,699 S.F. includes flag portion, (2.5 ACRES)
 TOTAL AREA USEABLE FOR BUILDING: 166,356 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 A VG. ROOF HT.
 CONSTRUCTION TYPE: TYPE V-B "NONRATED" W/ 1 HR UNIT SEPARATION WALLS & FLOOR CEILING SEPARATION. 100% FIRE SPRINKLERED.
 UNIT TYPES: (6) TYPE 1 UNITS (BR, JBA) 704 S.F. + 24 S.F. STOR. = 728 S.F.
 (10) TYPE 2 UNITS (BR, JBA) 616 S.F. + 24 S.F. STOR. = 640 S.F.
 (194) TYPE 3 UNITS (BR, JBA) 1,194 S.F. + 24 S.F. STOR. = 1,218 S.F.
 (58) UNITS TOTAL: 58,086 S.F.
 COMMUNITY BLDG. / OFFICE: 1,224 S.F.
 TOTAL BUILDING SQUARE FOOTAGE: 59,310 S.F.
 PARKING REQUIRED: 1 BR UNIT X 10 STALL / UNIT: 6 X 1.0" = 6 STALLS
 7 & 8 BR UNITS X 2.0 STALLS / UNIT: 52 X 2.0 = 104 STALLS
 10 & 11 BR UNITS X 0.2 STALLS / UNIT: 58 X 0.2 = 12 STALLS REQUIRED
 PARKING REDUCTION: 10% RED. WHEN OVER 7 UNITS PER ACRE - (12 STALLS REDUCTION ALLOWED)
 TOTAL MINIMUM PARKING REQUIRED: 110 STALLS
 PARKING PROVIDED: 81 STALLS
 STANDARD STALLS: 4 STALLS (21% OF STALLS - 30% ALLOWED)
 HANDICAP STALLS: 2 STALLS [PARKING IS (3) STALLS SHORT REQUIRES VARIANCE]
 TOTAL PARKING PROVIDED - 107 STALLS
 PARKING RATIO = 1.86 STALLS PER UNIT
 BICYCLE PARKING REQUIRED: 1 BIKE STALL PER UNIT - 58 STALLS REQ'D.
 BICYCLE PARKING PROVIDED: 20 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 58 UNITS = 8,700 S.F. REQUIRED
 PROVIDED OUTDOOR RECREATION AREA: 16,651 S.F. EXCLUDES 15' R-1 BUFFER THEREFORE O.K.
 PARKING & MANUEVERING: 47,358 S.F.
 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.
 PROPOSED BUILDING LOT COVERAGE = 21,920 S.F. / 109,699 S.F. = 20%, THEREFORE O.K.
 LANDSCAPE AREA: 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 HARDSCAPE WITHIN 10 FT. = 42,178 S.F.
 REQUIRED PARKING LOT LANDSCAPE = 15% X 42,178 S.F. = 6,327 S.F. MIN. REQ'D.
 PROVIDED PARKING AREA LANDSCAPE = 8,463 S.F. = 13.4% OF SITE AREA THEREFORE O.K.



REVISED SITE PLAN
 A.1.1 1"=50'



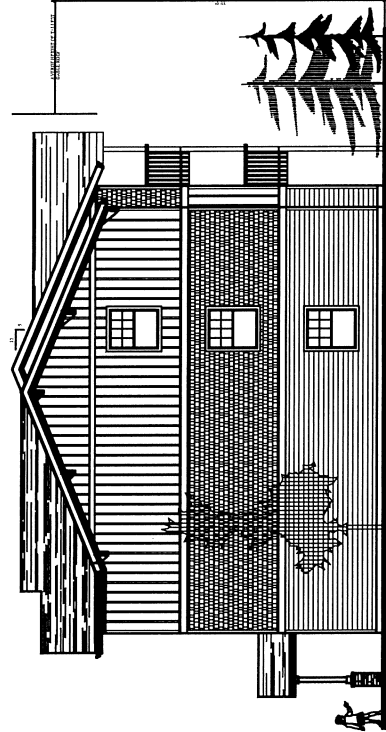
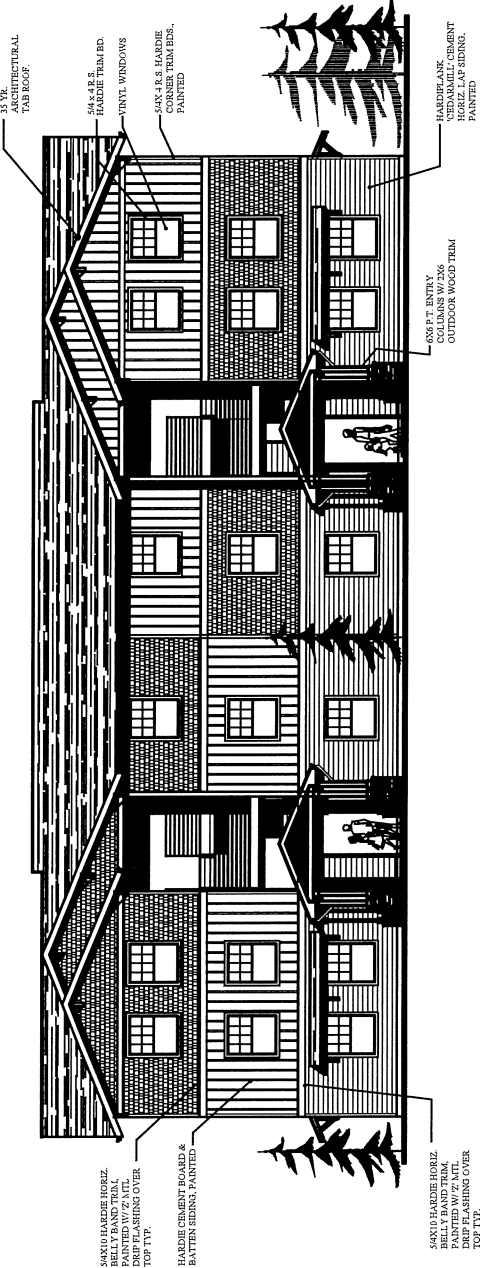
SCOTT R. BECK
ARCHITECT
361 N.E. Third Avenue
Cantby, Oregon 97013
(503) 266-9270

TRAIL CROSSING APARTMENTS
130 N.W. TRAILCROSS BLVD.
CANTBY, OREGON 97013
DEVELOPER:
SCOTT INVESTMENT COMPANIES - S.T.J. L.L.C.
190 S. Second Avenue, Suite 102
Cantby, Oregon 97013
(503) 266-5488

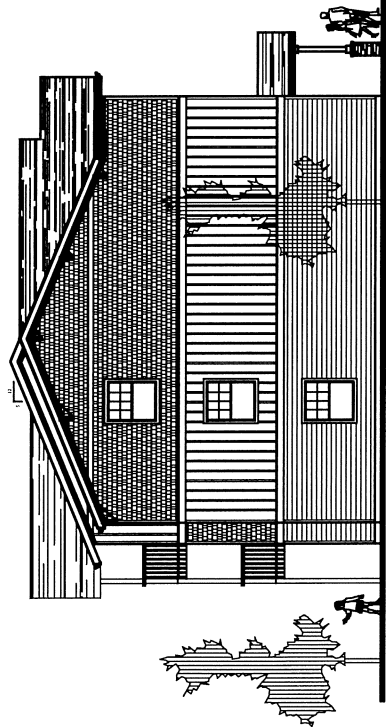
REVISED
BLDG. 3
EXTERIOR ELEV.

DATE:	10/29/2017
SCALE:	3/8" = 1'-0"
DRAWN BY:	ELB
CHECKED BY:	ELB
DATE:	1/25

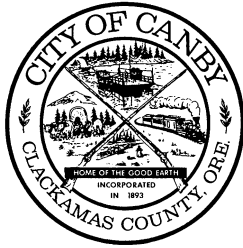
A5.6



SIDE ELEVATION
3/8" = 1'-0"



SIDE ELEVATION
3/8" = 1'-0"



**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 hearings on March 13, 2017 and April 10, 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 and a Memo dated April 10, 2017 and presented at the April 10, 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:

- The Commission supported the recommendations in the staff report – including removal of two of the originally proposed parking spaces lying within 35’ of the back of sidewalk at driveway,
- Parking demand would be lessened by changing 6 two-bedroom units to 6 one-bedroom units which would lessen required parking by 6 spaces.
- In recognition that the City of Canby apartment parking standards are the most restrictive of all submitted for comparison, the Commission indicated support of a variance to 3 spaces,
- There was support for the landscape island variance to provide a degree of flexibility in meeting parking requirements in recognition that overall parking lot landscaping area exceeds minimum requirements by approximately 34%,
- The Commission wanted to review and approve a final revised Site Plan indicating the final unit mix and conformance with their parking changes at the April 10, 2017 meeting.

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:

Conditions Unique to this Proposal

1. The applicant shall meet the requirements listed in the City Engineer’s memorandum dated February 27, 2017.
2. 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.
3. 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 which was approved by the Planning Commission 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:

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.