

## PLANNING COMMISSION

### Meeting Agenda

Monday – December 8, 2014

6:00 PM

City Council Chambers – 155 NW 2<sup>nd</sup> Avenue

Commissioner Tyler Smith (Chair)

Commissioner John Savory

Commissioner John Serlet

Commissioner (Vacant)

Commissioner Shawn Hensley

Commissioner Larry Boatright

Commissioner (Vacant)

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#### WORK SESSION

City Council Chambers

155 NW 2<sup>nd</sup> Avenue

6:00 PM – The Planning Commission will hear a presentation by City Administrator Rick Robinson on Land Use Planning that focuses on Canby's growth parameters.

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#### PLANNING COMMISSION REGULAR MEETING – 7:00 PM

**1. CALL TO ORDER**

- a. *Pledge of Allegiance and Invocation*

**2. CITIZEN INPUT ON NON-AGENDA ITEMS**

**3. MINUTES**

- a. *Planning Commission Minutes, November 24, 2014 (available 12/2/14)*

**4. PUBLIC HEARING**

- a. *Consider a Site and Design Review application to construct a new 5,404 SF pad building with a drive-thru at Canby Square, 1075 SW 1<sup>st</sup> Ave. (DR 14-04)*

**5. NEW BUSINESS - None**

**6. FINAL DECISIONS - None**

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

**7. ITEMS OF INTEREST/REPORT FROM STAFF**

- a. *Next Regular Planning Commission meeting scheduled for Monday, December 22, 2014*

**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.ci.canby.or.us](http://www.ci.canby.or.us) 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 step forward when the Chair calls for Proponents if you favor the application; or Opponents if you are opposed to the application; to the microphone, state your name address, and interest in the matter. You will also need to sign the Testimony sheet at the microphone with your name and address. 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 criteria listed on the wall.

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 of 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.



# City of Canby

## SITE AND DESIGN REVIEW STAFF REPORT

FILE #: DR 14-04

Prepared for the December 8, 2014 Planning Commission Meeting

**LOCATION:** 1075 SW 1<sup>st</sup> Avenue

**TAXLOT:** 41E05A00101 & 00102 (Bordered in map below)



**LOT SIZE:** 0.86 ac

**ZONING:** C-2 Highway Commercial/OHC-Outer Highway Commercial Overlay Zone

**OWNER:** Rancho Sonoma Partners LLC

**APPLICANT:** Argonaut Investments, Stephen Jaeger

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

**CITY FILE NUMBER:** DR 14-04

### APPLICANT'S REQUEST:

The applicant is seeking site and design approval to construct a 5,404 square foot commercial building on a 0.86 acre property consisting of two tax lots. The proposal consists of 27,450 square feet of development area within the existing Canby Square Shopping Center, and includes the demolition of an existing 4,307 square foot building formally used as a restaurant.

**SECTION I STAFF RECOMMENDATION:**

Based upon the findings in this Staff Report, Staff recommends **APPROVAL** of Site & Design Review DR14-04, subject to conditions presented in this Staff Report.

**SECTION II APPLICABLE REVIEW CRITERIA:**

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

- 16.08 General Provisions**
- 16.10 Off-Street Parking and Loading**
- 16.28 C-2 Highway Commercial Zone**
- 16.41 Downtown Canby Overlay Zone**
- 16.42 Signs**
- 16.43 Outdoor Lighting Standards**
- 16.46 Access Limitations**
- 16.49 Site and Design Review**
- 16.89 Application and Review Procedures**

**SECTION III 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: Based on a review of deed records, staff determined that the property consists of two legally created lots.**

**16.08.090 Sidewalks Requirements**

A. In all commercially zoned areas, the construction of sidewalks and curbs (with appropriate ramps for the handicapped on each corner lot) shall be required as a condition of the issuance of a building permit for new construction or substantial remodeling, where



such work is estimated to exceed a valuation of twenty thousand dollars, as determined by the building code. Where multiple permits are issued for construction on the same site, this requirement shall be imposed when the total valuation exceeds twenty thousand dollars in any calendar year.

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 project is a redevelopment of a previously developed site. Sidewalks and curbs on street frontages are previously developed and adequate for this proposal. All sidewalks within the development area shall meet required standards.**

#### **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. If 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 criteria listed in *16.08.150 (C)* above, staff determined that a TIS is required for this particular proposal. During the initial scoping, staff provided the applicant with a scoping checklist as required under this section and instructed the applicant as to the necessary elements to include in the TIS. The applicant submitted a TIS prepared by Kittelson and Associates that was reviewed by staff and forwarded to DKS and Associates, the engineering firm contracted by the City for technical traffic evaluation of all submitted TIS material.

## **16.10 Off Street Parking**

### **16.10.030 General requirements**

A. Should the owner or occupant of a structure change the use to which the building is put, thereby increasing parking or loading requirements, the increased parking/loading area shall be provided prior to commencement of the new use.

C. In the event several uses occupy a single structure, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately. If the applicant can demonstrate that the uses do not have overlapping parking needs (based on days and hours of operation) and can share parking, the total requirement for combined uses may be reduced by up to 60 percent.

**Findings:** The existing 4,307 square foot building was previously used as restaurant and will be demolished as part of the applicant's building project. The proposed 5,404 square foot retail building will contain multiple uses described by the applicant as an 1,050 square foot café with drive through, 1000 square foot hair salon, 1,500 square foot specialty retail, and 941 square foot general office, as well as 113 square foot uninhabited utility space.

The proposed building is included with the Canby Square Shopping Center and parking can be calculated with the standard for shopping centers listed in *Table 16.10.050*. This standard states the following:

*Shopping Center (over 100,000 square feet of gross leasable area) 3.00 spaces per 1,000 square feet of floor area.*

The applicant provided a detailed table to calculate the square footage of existing buildings and the proposed structure within Canby Square Shopping Center and the total number of spaces required for the site. Based on these calculations, the applicant noted the total number of spaces necessary amounts to 351 parking spaces, and the total number that will be available are 491. If calculated based on the square footage of the proposed use, the 5,404 square foot building would require 16 spaces (5,404/1000x3), and information provided indicated that 27 spaces are proposed. Based on available information, staff concurs with the applicant that this criterion is met.

### **16.10.060 Off-street loading facilities**

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

SQUARE FEET OF FLOOR AREA	NUMBER OF BERTHS
Less than 5,000	0
5000 – 25,000	1
25,000 – 60,000	2
60,000 and over	3

- G. The Planning Commission may exempt a building from the loading berth requirement, or delay the requirement, based on findings that loading berths are not needed for a particular building or business. (Ord. 854 section 2[part], 1991; Ord. 848, Part V, section 1, 16.10.060, 1990; Ord. 1237, 2007)

**Findings:** The proposed building is slightly over 5000 square feet and requires (1) one loading space. However, due to the types of multiple uses intended for the building that require minor delivery activity, the applicant intends to request an exemption at the Planning Commission Hearing under provisions listed in *Section 16.10.060(G)*. This requirement will be addressed further by the applicant at the Planning Commission Hearing.

- 16.10.070 Parking lots and access
- 16.10.090 Drive-up Uses
- 16.10.100 Bicycle Parking

**Findings:** Staff finds that applicant’s narrative adequately addresses this criterion. The submitted plans and narrative indicate that the provisions for drive-up uses listed in *16.10.090* and bicycle parking *16.10.100* can be met. Minimum distance for parking and drive along the west parking area and drive between double loaded parking with compact spaces and standard spaces is 58 feet, and 58 feet is provided. The project is serviced by the existing site accesses. However, the submitted site plan indicates a depth of 14 feet in length for compacts stalls and 19 feet for standard spaces where 16 feet and 18 feet are the lengths necessary leaving a 24 foot driving aisle. The applicant shall show these dimensions on the submitted construction plans in order to meet *16.10.070*.

- 16.28.010 C-2 Highway Commercial Zone

**Findings:** The underlying zoning of the property is C-2. The property is also located within the DCO (Downtown Canby Overlay Zone), and is situated in the (OHC) Outer Highway Commercial sub-area. The DOC (Chapter 16.41) is the superseding development chapter for this proposal. Section 16.41.030 states: *“Unless modified pursuant to the following Subsection, uses permitted outright in the underlying base zones are permitted outright in the DCO zone, subject to the respective zone district boundaries.... Uses permitted in the C-1 zone are permitted in the DCO zone...”* The C-2 zone states in 16.28.010.A that uses permitted outright in the C-2 Zone includes uses permitted outright in a C-1 zone. Subsequently, the uses proposed by the applicant are permitted uses in the zone. All other development standards are contained in DCO (Chapter 16.41)

**16.41.010 Downtown Canby Overlay Zone (DCO)/ Outer Highway Commercial Sub-Area (OHC)**

**Purpose**

The purpose of the DCO Sub-Area OHC is to provide an auto-oriented commercial area that maintains a visual connection with the street by establishing buildings and landscaping close to street frontage

**16.41.050 Development standards (OHC)**

- (1) Street Setback: 10' min. 0' max.
  - (b) At least 40% of the length of each lot frontage shall be developed with a building(s) built at the minimum setback from the street lot line.
  - (c) Where feasible, building should be located at one or both street-facing corners of a lot.
- (2) FAR (Floor Area Ratio): 0.25

**16.41.060 B.2.c DCO Site and Design Review Guidelines**

**Findings:** The project is located in Outer Highway Commercial Sub-Area that was established to ensure an automobile-oriented area. The proposal is situated at the southeast corner of two arterials within the northwest corner of the existing Canby Square Shopping Center. The project is consistent with the intent of OHC which provides flexibility in design and presents alternative methods or materials to meet site and design standards of the DOC. In this particular case, 16.41.050(1)(b) and (2) are not met. The building is built entirely outside the 10 minimum setbacks, and the FAR could only be calculated at 0.19 using the defined development area of 27,450 square feet. Lack of compliance is primarily a result of the original layout of the Canby Square Shopping Center which was not designed in a way to allow redevelopment of only a portion of the complex. Staff suggests that the intent of the OHC is met as much as possible if the drive through is incorporated in the design. A drive through

**design is supported by the OHC. The Commission may find that the design is appropriate under the Type III application.**

#### **14.41.070 DCO site and design review standards**

**Applicable design criteria: The following are the primary standards to be considered; these include:**

- Visible transmittance.
- Primary Street facing façade- primary façade.
- Building entries and doors Orientation.
- Planning Comment: Satisfied by the proposal.
- Transparency.
- Additional architectural standards/elements: Bays, awnings etc.
- Rooftop structures.
- Parking
- Parking and Maneuvering Landscaping
- Overall Site Landscaping

**Findings: Based on Table 1, 2, and 3 of Section 16.41.050, the new buildings setbacks, frontage and location meet development standards for the OHC if modifications are approved by the Commission as allowed under a Type III application. The applicant's description of the project and submitted plans indicate that the proposal meets the purpose of the DCO stated in 16.41.010 A-E. The design of the new structure, as indicated on the plans, will meet standards for footprint, height, parking, and screening. Additionally, the proposed building will be placed substantially on the footprint of the existing structure. The applicant will construct a building with variable roofline elevations and a variety of building materials will be used, such as stucco and cultured stone, on the façade as stated in 16.41.060A for design objectives. Section 16.41.060B (2) (c) states the design focus for the OHC Sub-Area is oriented toward an automotive design. The applicant has accomplished the standards listed above through access, parking, building materials, and location. Based on the applicant's submitted material, standards listed in Sections 14.41.050, 14.41.0060, and 14.41.070 can be met.**

#### **16.42.040 Signs**

**Findings: The applicant is not proposing any new signage at the time of this application. Prior to the filing of this application, signage was approved as part of the Canby Square Shopping Center improvements. Review and approval for future wall signs will occur when individual businesses begin to occupy the building.**

#### **16.43 Outdoor Lighting Standards**

**Findings: The applicant states that the project includes wall scones and the relocation of one existing parking area site pole light. Additionally, lighting will be installed or shielded in a manner that prevents a 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. Prohibited**

**lighting is not included in the proposal. Statements and graphic material provided indicate that the project meets shielding, installation and lumens requirements for a lighting zone 2 listed in Section 16.43.070. The submitted lighting plan indicates that provisions in Section 16.43 will be met.**

#### **16.46 Access Limitations on Project Density**

**Findings: Ingress and egress for the project is from the existing Canby Square Shopping Center onto SW Berg Parkway and SW 4<sup>th</sup> Avenue. The proposed new building will share these assesses and not enter onto State Highway 99E. Subsequently, an ODOT permit is not required. The proposal meets this criterion.**

#### **16.49.035 Application for Site and Design Review**

- A. For projects in the Downtown Canby Overlay Zone, applicants may choose one of the following two processes:
1. Type II - If the applicant meets all applicable site and design review standards set forth in *Chapters 16.41 and 16.49*, applicant shall submit a Type II application for approval pursuant to the approval criteria set forth in *16.49.040.A*; or
  2. Type III - If the applicant proposes the use of alternative methods or materials to meet the intent of the site and design review standards set forth in Section *16.41.070*, the applicant shall submit a Type III application for approval pursuant to the approval criteria set forth in *16.49.040.B*. The applicant must still meet all applicable requirements of Chapter 16.49.

**Findings: The applicant filed a Type III application, and the process is described in the submitted narrative. The applicant indicates that modifications and design of the project meets the intent of criteria listed and ensures minimal impact to the existing shopping center.**

#### **16.49.040 Site and Design Review - 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 Ordinances, shall use the matrix in Table 16.49.040 to determine compatibility unless this matrix is superseded by another matrix applicable to a specific zone or zones under this title. An application is considered to be compatible with the standards of Table 16.49.040 if the following conditions are met:

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

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

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.

**Findings:** A site and design review is required for all new buildings. In this case the applicant's proposal does not meet standards listed in Section 16.41.050 that states that buildings shall have a 10 foot minimum setback from the property line and at least 40% of the building be developed at the minimum setback along the length of each street lot frontage. According to the submitted plans, the building will be located at a 35 foot setback from Highway 99E and 25 feet to 43 feet bordering SW Berg Parkway. Additionally, at a point on the south side of the building the minimum clear aisle width in the parking lot narrows to 21 feet from 24 feet required under Table 16.10.070. Under provisions noted in 16.49.040(D) above, the Board can determine if the project meets the intent of design review standards under a Type III review.

The applicant provided a detailed response to Table 16.49.040 and demonstrated compliance with the total point menu and meets this criterion.

**16.49.065 Bicycle and pedestrian facilities.**

Developments coming under design review shall meet standards listed in this section.

**Findings:** Staff concludes that the applicant adequately addressed this criterion.

**16.49.070 Landscaping provisions, Authority and intent**

The purpose of this section is to establish standards for landscaping within the City of Canby in order to enhance the environmental and aesthetic quality of the city

**16.49.080 General provisions for landscaping**

**Findings:** The applicant provided a scaled landscape plan and detailed comments to address planting and landscape provisions listed in this section. The information contained specifics on LID storm water management, controls during construction, specification of tree and plant materials and other information required in this section. After a review of all information provided, staff concluded that the project meets these standards.

**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. A Type III decision is triggered because the proposed site layout does not meet the minimum building setback, clear aisle width provision, and the minimum FAR established under the DCO overlay zone. Therefore, this proposal is subject to Planning Commission review and decision.

**16.89.050 Type III Decision**

**Findings:** Requirements under this section are included in the application materials. The Pre-application was held on June 16, 2014, a neighborhood meeting was conducted on October 9, 2014, and all application requirements were met.

**Public Comments:**

No public comments were received at the time this staff report was written.

**Agency Comments:**



Comments concerning the proposal were received from the following agencies and included as attachments. Additionally, comments from ODOT are expected at a later date.

1. Canby Fire District Fire Marshall
2. Canby Area Transit – Julie Wehling

#### **SECTION IV CONCLUSION**

Staff concludes that the use is in conformance with the City’s Comprehensive Plan and the Zoning Ordinance. Additionally, the relevant site and design standards and minimum acceptable compatibility scores are met, and the site can accommodate the proposed use. The public service and utility provision to the site is available or can be made available through future improvements. Staff recommends approval of the proposal subject to meeting the following conditions of approval.

#### **SECTION V CONDITIONS OF APPROVAL**

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 no. DR14-04, including all conditions of approval, shall first require an approved modification in conformance with the relevant sections of the Canby Municipal Code.

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

1. Prior to any approval the applicant shall meet the 10 foot minimum setback from the property line and at least 40% of the building shall be developed at the minimum setback along the length of each street lot frontage unless the proposed modifications are approved by the Commission.
2. A 24 foot minimum clear isle width shall be maintained unless the proposed modifications are approved by the Commission.
3. The applicant shall construct the building to meet the FAR of 0.25 unless the proposed modifications are approved by the board.
4. The applicant shall include a loading berth for the project or receive modification approval from the Commission.

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

5. The applicant shall revise the site plan when submitting for construction plans approval to indicate measurements for parking spaces stated in Section 16.10.070.
6. Wall signs for any future businesses at the site shall receive required permit approval.

#### **Procedural Conditions**

Prior to Issuance of Building Permit the following must be completed:

7. 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.
9. A sediment and Erosion Control Permits will be required from the City prior to commencing site work.
10. 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.
11. Construction plans shall be designed and stamped by a Professional Engineer registered in the State of Oregon.
12. 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 prior to issuance of a City building permit.

**Section VI Attachments/Exhibits:**

1. Applicant narrative
2. Proposed Site Plan
3. Agency Comments
4. Neighborhood Meeting Comments
5. Pre-application Conference Summary



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

# LAND USE APPLICATION

## SITE AND DESIGN REVIEW

### Downtown Canby Overlay - Type III

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

Applicant Name: Argonaut Investments - Stephen Jaeger Phone: 415.945.2474  
 Address: 770 Tamalpais Dr, Suite 401-B Email: sbjaeger@argoinvest.com  
 City/State: Corte Madera, CA Zip: 94925

Representative Name: Baysinger Partners Architecture - Jennifer L. Rinkus Phone: 503.546.1623  
 Address: 1006 SE Grand Ave #300 Email: jenniferr@baysingerpartners.com  
 City/State: Portland, OR Zip: 97214

Property Owner Name: RANCHO SONOMA PARTNERS LLC Phone: 415.945.2474  
 Signature: \_\_\_\_\_  
 Address: 770 Tamalpais Drive, Suite 401-B Email: sbjaeger@argoinvest.com  
 City/State: Corte Madera, CA Zip: 94925

Property Owner Name: ARGO CANBY, LLC Phone: 415.945.2474  
 Signature: \_\_\_\_\_  
 Address: 770 Tamalpais Drive, Suite 401-B Email: sbjaeger@argoinvest.com  
 City/State: Corte Madera, CA Zip: 94925

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>1075 SW 1st Avenue</u>	<u>9.06 ac</u>	<u>41E05A00101 &amp; 00102</u>
Street Address or Location of Subject Property	Total Size of Property	Assessor Tax Lot Numbers
<u>Former restaurant building</u>	<u>C-2/OHC</u>	<u>HC</u>
Existing Use, Structures, Other Improvements on Site	Zoning	Comp Plan Designation

Demo of existing structure, construction of new 5404 SF pad building w/drive-through in same location  
 Describe the Proposed Development or Use of Subject Property

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



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

# LAND USE APPLICATION

## SITE AND DESIGN REVIEW

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 Address: 770 Tamalpais Dr, Suite 401-B Email: sbjaeger@argoinvest.com  
 City/State: Corte Madera, CA Zip: 94925

Representative Name: Baysinger Partners Architecture - Jennifer L. Rinkus Phone: 503.546.1623  
 Address: 1006 SE Grand Ave #300 Email: jenniferr@baysingerpartners.com  
 City/State: Portland, OR Zip: 97214

Property Owner Name: Christine Chessen Phone: 415-923-9601  
 Signature: *Christine Chessen*  
 Address: 3445 Washington St. Email: chessenc@comcast.net  
 City/State: SF, CA Zip: 94118

Property Owner Name: Kevin Chessen Phone: 415 786-5220  
 Signature: *K. Chessen*  
 Address: 3445 Washington St Email: Kevin@BTIG.com  
 City/State: SF CA 94118 Zip: 94118

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

- 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.
- 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.
- 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>1075 SW 1st Avenue</u>	<u>9.06 ac</u>	<u>41E05A00101 &amp; 00102</u>
Street Address or Location of Subject Property	Total Size of Property	Assessor Tax Lot Numbers
<u>former restaurant building now vacant</u>	<u>C-2/OHC</u>	<u>HC</u>
Existing Use, Structures, Other Improvements on Site	Zoning	Comp Plan Designation
<u>+ 5,400 sq ft</u>		
<u>Demo of existing structure, construction of new ?? SF pad building w/drive-through in same location</u>		
Describe the Proposed Development or Use of Subject Property		

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

**Chapter 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.

**RESPONSE:** The proposed project site is composed of two legal lots of record, Parcel 1 and Parcel 2 of map 41E05A. The County Assessor's office shows four tax lots associated with those two parcels, Lot 100, 101, 102 and 103; however, a search of city records by Bryan Brown (email to Baysinger Partners on September 11, 2014) shows that there are no records as to the creation of a separate lot or lots for tax parcels 101 and 102 at the location of the construction proposed in this application. Thus the applicant understands that the construction proposed is within the bounds of legal lot, Parcel 1. This application therefore does not request work within a lot that was illegally created.

**16.08.090 Sidewalks required.**

- A. In all commercially zoned areas, the construction of sidewalks and curbs (with appropriate ramps for the handicapped on each corner lot) shall be required as a condition of the issuance of a building permit for new construction or substantial remodeling, where such work is estimated to exceed a valuation of twenty thousand dollars, as determined by the building code. Where multiple permits are issued for construction on the same site, this requirement shall be imposed when the total valuation exceeds twenty thousand dollars in any calendar year.

**RESPONSE:** Per the pre-application meeting notes supplied by the City on June 16, 2014 the City concurred that the existing sidewalks and curbs of both the SW Berg and Highway 99 rights-of-way are adequate and do not required replacement. As such, the only sidewalks included in the proposed project are those within the bounds of the site adjacent to the building. This criterion does not apply as the existing rights-of-way sidewalks were found to be adequate by city staff.

**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. If a TIS is required, the city will provide the applicant with a "scoping checklist" to be used when preparing the TIS.

**RESPONSE: A scoping letter was prepared by DKS at the direction of the City. The scoping letter (reference included letter) required a trip generation analysis along with analysis of the internal circulation (i.e. new drive-through queuing and circulation) and non-vehicular modes of travel.**

D. TIS General Provisions

1. All transportation impact studies, including neighborhood through-trip and access studies, shall be prepared and certified by a registered Traffic or Civil Engineer in the State of Oregon.

**RESPONSE: The provided Trip Generation Letter and Circulation analysis provided in response to the scoping letter was prepared by Oregon certified traffic engineers at Kittelson and Associates. This criterion is therefore met.**

2. Prior to TIS scope preparation and review, the applicant shall pay to the city the fees and deposits associated with TIS scope preparation and review in accordance with the adopted fee schedule. The city's costs associated with TIS scope preparation and review will be charged against the respective deposits. Additional funds may be required if actual costs exceed deposit amounts. Any unused deposit funds will be refunded to the applicant upon final billing.

**RESPONSE: The applicant provided the city with a check for \$500 for the initial scoping study. The applicant has also chosen to have their own engineer preform the study and pay to have DKS review the report. A check for \$250.00 per the scoping letter was provided to the City as part of the submittal to cover the cost of DKS's review of the report. This criterion is therefore met.**

3. For preparation of the TIS, the applicant may choose one of the following:
  - a. The applicant may hire a registered Oregon Traffic or Civil Engineer to prepare the TIS for submittal to the city. The city Traffic Engineer will then review the TIS and the applicant will be required to pay to the city any fees associated with the TIS review; or
  - b. The applicant may request that the city Traffic Engineer prepare the TIS. The applicant will pay to the city any fees associated with preparation of the TIS by the city Traffic Engineer.

**RESPONSE: The applicant has chosen to hire Oregon certified traffic engineers at Kittelson and Associates to perform the work; refer to the included report. This criterion is therefore met.**

4. The TIS shall be submitted with a concurrent land use application and associated with application materials. The city will not accept a land use application for process if it does not include the required TIS.

**RESPONSE: The land use application has been submitted for completeness review prior to the completion of the final traffic report. This narrative and the included application materials have been completed in consultation with our traffic engineer and preliminary memo. It is the applicant's intent to submit the**

**final traffic memo at its completion prior to completeness review. However, should the study take longer than anticipated it is understood the application will be deemed incomplete, the traffic study made a completeness item and that full review of the application will not commence until the traffic study is submitted.**

- E. TIS Scope. The city shall determine the study area, study intersections, trip rates, traffic distribution, and required content of the TIS based on information provided by the applicant about the proposed development.
1. The study area will generally comprise an area within a ½-mile radius of the development site. If the city determines that development impacts may extend more than ½ mile from the development site, a larger study area may be required. Required study intersections will generally include (in addition to the primary access points) collector/collector and above intersections with an anticipated peak hour traffic increase of five-percent from the proposed project.
  2. If notice to ODOT or other agency is required pursuant to noticing requirements in Chapter 16.89, the city will coordinate with those agencies to provide a comprehensive TIS scope. ODOT may also require a TIS directly to support an OR 99E approach permit application.

**RESPONSE: A scoping letter was prepared by DKS at the direction of the City. The scoping letter (reference included letter) required a trip generation analysis along with analysis of the internal circulation (i.e. new drive-through queuing and circulation) and non-vehicular modes of travel. ODOT is not an agent involved with this application as the proposed project does not have direct access to Highway 99, is not creating an access to Highway 99 and will not trigger the need for intersection studies that involve Highway 99. It was confirmed that DKS has had initial consultation with ODOT and they agree that the proposed development does not require the above.**

- F. TIS Content. A project-specific TIS checklist will be provided to the applicant by the city once the city has determined the TIS scope. A TIS shall include all of the following elements, unless waived by the city.
1. Introduction and Summary. This section shall include existing and projected trip generation including vehicular trips and mitigation of approved development not built to date; existing level and proposed level of service standard for city and county streets and volume to capacity for state roads; project build year and average growth in traffic between traffic count year and build year; summary of transportation operations; traffic queuing and delays at study area intersections; and proposed mitigation(s).
  2. Existing Conditions. This section shall include a study area description, including information about existing study intersection level of service.
  3. Impacts. This section should include the proposed site plan, evaluation of the proposed site plan, and a project-related trip analysis. A figure showing the assumed future year roadway network (number and type of lanes at each intersection) also shall be provided. For subdivision and other developments, the future analysis shall be for the year of proposed site build-out. For proposed comprehensive plan and/or zoning map amendments, the future analysis year shall be 20 years from the date of the City's adopted TSP, or 15 years, whichever is greater.

4. Mitigation. This section shall include proposed site and area-wide specific mitigation measures. Mitigation measures shall be roughly proportional to potential impacts. See Subsection K below for rough proportionality determination.
5. Appendix. This section shall include traffic counts, capacity calculations, warrant analysis, and any other information necessary to convey a complete understanding of the technical adequacy of the TIS.

**RESPONSE: A scoping letter was prepared by DKS at the direction of the City. The scoping letter (reference included letter) required a trip generation analysis along with analysis of the internal circulation (i.e. new drive-through queuing and circulation) and non-vehicular modes of travel.**

- G. TIS Methodology. The City will include the required TIS methodology with the TIS scope.
- H. Neighborhood Through-Trip Study. Any development projected to add more than 30 through-vehicles in a peak hour or 300 through-vehicle per day to an adjacent residential local street or neighborhood route will be require assessment and mitigation of residential street impacts. Through-trips are defined as those to and from a proposed development that have neither an origin nor a destination in the neighborhood. The through-trip study may be required as a component of the TIS or may be a stand-alone study, depending on the level of study required in the scoping checklist. The through-trip study shall include all of the following:
  1. Existing number of through-trips per day on adjacent residential local streets or neighborhood routes.
  2. Projected number of through-trips per day on adjacent residential local streets or neighborhood routes that will be added by the proposed development.
  3. Traffic management strategies to mitigate for the impacts of projected through- trip consistent.

If a residential street is significantly impacted, mitigation shall be required. Thresholds used to determine if residential streets are significantly impacted are:

  1. Local residential street volumes should not increase above 1,200 average daily trips
  2. Local residential street speeds should not exceed 28 miles per hour (85<sup>th</sup> percentile speed).

**RESPONSE: The proposed project does not propose to add more than 30 through-vehicles in a peak hour or 300 through-vehicles per day to an adjacent residential local street or neighborhood router; therefore, this criterion does not apply.**

- I. Mitigation. Transportation impacts shall be mitigated at the time of development when the TIS identifies an increase in demand for vehicular, pedestrian, bicycle, or transit transportation facilities within the study area. Mitigation measures may be suggested by the applicant or recommended by ODOT or Clackamas County in circumstances where a state or county facility will be impacted by a proposed development. The city shall determine if the proposed mitigation measures are adequate and feasible. ODOT must be consulted to determine if improvements



proposed for OR 99E comply with ODOT standards and are supported by ODOT. The following measures may be used to meet mitigation requirements:

1. On-and off-site improvements beyond required standard frontage improvements.
2. Development of a transportation demand management program.
3. Payment of a fee in lieu of construction, if construction is not feasible.
4. Correction of off-site transportation deficiencies within the study area that are substantially exacerbated by development impacts.
5. Construction of on-site facilities or facilities located within the right-of-way adjoining the development site that exceed minimum required standards and that have a transportation benefit to the public.

**RESPONSE:** At this time, according to preliminary discussions with our traffic engineer, there are no anticipated impacts. The drive-through queuing meets the highest minimum length required by the city and is similar to several existing and properly functioning drive-throughs in adjacent developments. The queuing will not negatively impact on-site circulation. Pedestrian and bicycle access is adequate, direct and safe. This criterion therefore does not apply.

#### **16.08.160 Safety and Functionality Standards.**

The City will not issue any development permits unless the proposed development complies with the city's basic transportation safety and functionality standards, the purpose of which is to ensure that development does not occur in areas where the surrounding public facilities are inadequate. Upon submission of a development permit application, an applicant shall demonstrate that the development property has or will have the following:

- A. Adequate street drainage, as determined by the city.

**RESPONSE:** The proposed project is for the construction of a pad building within an existing shopping center. All abutting streets are constructed to current right-of-way standards and the project does not include the creation of any new streets. All abutting streets are currently provided with adequate drainage and the proposed project will not impact this existing drainage system. Refer to the included civil drawings for detailed storm and drainage information. This criterion is therefore met.

- B. Safe access and clear vision at intersections, as determined by the city.

**RESPONSE:** All accesses associated with the shopping center are existing and will remain without change. Construction of the proposed pad building within the shopping center does not include the construction of new accesses or the modification of the existing accesses. All existing accesses are safe and have adequate clear vision. The proposed construction also will not negatively impact the clear vision area of the abutting the intersection of SW Berg and Highway 99. This criterion is therefore met.

- C. Adequate public utilities, as determined by the city.

**RESPONSE:** The site of the proposed pad building is already constructed with a similar sized pad building which will be demolished. The existing building is served

by utilities. While the new building is slightly larger than the existing, the former use (sit-down restaurant) is more intensive on both water and sewer than the anticipated mix of retail, café, and office. Thus, the utilities present are adequate for the proposed use. This criterion is met as there are existing adequate utilities for the proposed building or the existing utilities can be repaired to adequate status.

- D. Access onto a public street with the minimum paved widths as stated in Subsection E below.

**RESPONSE:** The proposed project is located within the larger Canby Square Shopping Center which has existing access to both SW Berg and SW 4<sup>th</sup>. Both abutting rights-of-way are of adequate width and no additional improvements are required. All access points are of adequate width. The proposed project does not include any changes to these existing accesses or the creation of any new access points. This criterion is therefore met.

- E. Adequate frontage improvements as follows:

1. For local streets and neighborhood connectors, a minimum paved width of 16 feet along the site's frontage.
2. For collector and arterial streets, a minimum paved width of 20 feet along the site's frontage.
3. For all streets, a minimum horizontal right-of-way clearance of 20 feet along the site's frontage.

**RESPONSE:** The proposed project is located within the larger Canby Square Shopping Center which has existing access to both SW Berg and SW 4<sup>th</sup>. Both abutting rights-of-way are of adequate width and no additional improvements are required. The abutting Highway 99 frontage is also improved to current right-of-way standards. This criterion is therefore met.

- F. Compliance with mobility standards identified in the TSP. If a mobility deficiency already exists, the development shall not create further deficiencies.

**RESPONSE:** As shown in the included traffic memo the proposed project will have less of an impact on the system than the former high turnover sit-down restaurant. This criterion is therefore met.

## Chapter 16.10

## OFF-STREET PARKING AND LOADING

**16.10.010 Off-street parking required – exceptions.**

- A. At the time of establishment of a new structure or use, change in use, or change in use of an existing structure, within any planning district of the city, off-street parking spaces and off-street loading berths shall be as provided in this and following sections, unless greater requirements are otherwise established by the conditional use permit or the site and design review process, based upon clear and objective findings that a greater number of spaces are necessary at that location for protection of public health, safety and welfare. A lesser number of spaces may be permitted by the Planning Commission based on clear and objective findings that a lesser number of parking spaces will be sufficient to carry out the objective of this section.

**16.10.030 General requirements.**

- A. Should the owner or occupant of a structure change the use to which the building is put, thereby increasing parking or loading requirements, the increased parking/loading area shall be provided prior to commencement of the new use.

**RESPONSE: The existing building to be demolished is approximately 4,307 square feet while the new building to be constructed is approximately 5,404 square feet. The new building is expected to be comprised of the following uses: approximately 1,850 square feet of cafe with drive-through (ITE 937), 1,000 square feet of Hair Salon (ITE 918), 1,500 square feet of Specialty Retail (ITE 826) and 941 square feet of General Office (ITE 710) with an additional 113 square feet of uninhabited utility space. Parking meeting the minimum required for the proposed uses has been provided as demonstrated in the narrative sections that follow. This criterion is therefore met.**

- C. In the event several uses occupy a single structure, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately. If the applicant can demonstrate that the uses do not have overlapping parking needs (based on days and hours of operation) and can share parking, the total requirement for combined uses may be reduced by up to 60 percent.

**RESPONSE: All parking required and discussed herein has been calculated based on the sum required for the proposed differing uses calculated separately. This criterion is therefore met.**

- D. Off-street parking spaces for dwellings shall be located on the same lot, or adjacent lot, with the dwelling. Parking spaces located within an on-site garage shall count toward the minimum parking requirement for residential uses. Other required parking spaces may be located on a separate parcel, provided the parcel is not greater than five hundred (500) feet from the entrance to the building to be served, measured along the shortest pedestrian route to the building. The applicant must prove that the parking located on another parcel is functionally located and that there is safe vehicular and pedestrian access to and from the site.

**RESPONSE: All required off-street parking has been provided on the same lot as the uses; therefore, this criterion is met.**

- E. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees and shall not be used for

storage of vehicles or materials or for the parking of trucks used in conducting the business.

**RESPONSE:** No parking will be used for the storage of vehicles or materials or for the parking of trucks; therefore, this criterion is met.

F. Institution of on-street parking shall not be allowed for off-street parking, where none is previously provided, and shall not be done solely for the purpose of relieving crowded parking lots in commercial or industrial planning districts.

**RESPONSE:** On-street parking is not included as part of the proposed project. This criterion is therefore met.

**16.10.040 Prohibited near intersections.**

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

**RESPONSE:** All parking is provided outside of required vision clearance areas adjacent to an intersection; therefore, this criterion is met.

**16.10.050 Parking standards designated.**

The parking standards set out in Table 16.10.050 shall be observed.

**TABLE 16.10.050**

Off-street Parking Provisions - The following are the minimum standards for off-street vehicle parking:

USE	PARKING REQUIREMENT
Commercial	
c. Shopping center (over 100,000 square	3.00 spaces per 1,000 square feet of gross leasable area

**RESPONSE:** The new building is a part of the larger Canby Square Shopping Center. The total building area of the center with new pad building is approximately 116,920 square feet requiring a minimum of 351 stalls at the "Shopping Center" rate of 3 spaces per 1,000 square feet of area. The existing center, after construction of the new building and associated site changes will provide 491 parking stalls. This criterion is met as the number of parking stalls on-site continues to exceed the minimum required.

Use	Square Footage	Parking Requirement	Total Spaces
Shopping Center			
Existing Dollar Tree & Ace Hardware	23,041		
Existing Safeway	45,642		
Existing Big 5	27,844		
Existing Multi-tenant Retail Building	14,989		
Proposed Pad Building	5,404		
<b>Grand Total Required</b>	<b>116,920</b>	3.00/1,000 SF	<b>351</b>
<b>Total Parking Provided</b>			<b>491</b>

**16.10.060 Off-street loading facilities**

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

SQUARE FEET OF FLOOR AREA	NUMBER OF BERTHS
Less than 5,000	0
5000 - 25,000	1
25,000 - 60,000	2
60,000 and over	3

**RESPONSE:** The new building totals 5,404 square feet; however, the project is seeking approval by the Planning Commission, per sub item (G) below for an exemption from the single required loading facility due to the intended tenants. See sub item (G) for detailed explanation.

- G. The Planning Commission may exempt a building from the loading berth requirement, or delay the requirement, based on findings that loading berths are not needed for a particular building or business.

**RESPONSE:** While the building in total is slightly over 5,000 square feet at 5,404 square feet the anticipated mix of users are all small retail, café or office tenants no more than 1,850 square feet in area. None of the anticipated tenants will receive deliveries via large 18-wheel vehicles that need a designated loading berth. Deliveries will arrive via UPS, FedEx, USPS or small box truck. Small box truck deliveries are typically made at off hours to ensure interaction with patrons is limited. Due to the nature and size of the anticipated uses a large loading berth is not required for this building and thus we request that the Planning Commission exempt the project from the loading berth requirement.

**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.

**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  
 B = Minimum stall width  
 C = Minimum stall depth  
 D = Minimum clear aisle width  
 E = Minimum clear stall distance at bay side  
 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"

**RESPONSE:** The proposed project will construct a new commercial pad building in the same location as an existing pad building to be demolished. The project site is within the Canby Square Shopping Center thus parking already exists. The proposed project will remove approximately 22 existing spaces and construct seven (7) new spaces along the south façade of the south façade of the new building. Five (5) of the seven new spaces are nine (9) feet wide by 18 feet long. The two remaining spaces are ADA accessible and meet current ADA size requirements including a van accessible aisle eight (8) feet wide. The drive aisle serving these seven new stalls is a minimum 24 feet wide. All parking meets the minimum requirements of Table 16.10.070; therefore, this criterion is met.

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.

**RESPONSE:** The total number of parking stalls provided is 491 which allows up to 147 stalls as compact. The site will have approximately 49 compact stalls at the completion of the proposed project. This criterion is met as the number of compact stalls provided does not exceed the maximum allowed.

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:

**RESPONSE:** All vehicular parking and maneuvering areas will be paved with asphalt. This criterion is therefore met.

4. The full width of driveways must be paved in accordance with (3) above:

- a. For a minimum of 20 feet from the right-of-way line back into the private property to prevent debris from entering public streets, and
- b. To within 150 feet of all portions of the exterior wall of the first story of any structure(s) served by the driveway to ensure fire and emergency service provision.

**RESPONSE:** The full width of all drive aisles provided will be paved in accordance with (3) above. The project does not include any new driveways or access points to abutting rights-of-way. There are no changes proposed for existing access points to the development as they are already paved. This criterion is therefore met.

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.

**RESPONSE:** All parking provided is served by drive aisles and driveways that ensure no backing movements or other maneuvering is required within a street right-of-way. This criterion is therefore 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.

**RESPONSE:** The proposed project is for the demolition and reconstruction of a pad building within an existing shopping center. The center is currently fully developed with buildings, parking, accesses and non-vehicular travel ways. The proposed project does not include changes to the existing pedestrian pathways or site access points and includes only minor changes to the existing parking field and internal drive aisles.

The project will shorten several rows of existing parking and add an east-west drive aisle between two existing north-south drive aisles south of the building. The flow of traffic within the site will not be negatively impacted by this change. Where the new drive aisle crosses the existing pedestrian pathway through the parking field the walkway will be raised and of contrasting concrete for added visibility. These measures ensure that the pedestrian crossing will be safe and highly visible.

The proposed drive-through lane provides 160 feet of stacking or enough for 8 cars at 20 feet per car. The city code requires a minimum of between 2 and 8 cars. The proposed plan therefore provides space meeting the highest end of the minimum required. Additionally, the included Trip Generation and Circulation Study conducted by traffic engineers Kittelson and Associates indicates that the proposed queuing is adequate to meet the demands of the anticipated drive-through coffee use. The drive-through entry and exit have been aligned with existing drive aisles to ensure they work with the flow of traffic and will not negatively impact on-site circulation. The drive-through has also been placed as far from existing accesses to the shopping center as practical so as to ensure no negative impacts to the ingress and egress of

the site.

**This criterion is met as the minimal changes to the existing site do not negatively impact access or circulation of traffic or pedestrians.**

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.

**RESPONSE: Curb stops or bumpers will be provided where needed to prevent cars from encroaching on adjacent landscape areas and pedestrian pathways. All parking is an adequate distance from the rights-of-way and will not encroach into the rights-of-way. This criterion is therefore 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.

**RESPONSE: ADA compliant parking has been provided in accordance with all State and Federal regulation. This criterion is therefore met.**

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.

**RESPONSE: The proposed project is for the demolition of an existing pad building within the fully developed Canby Square Shopping Center and the construction of a new pad building in the same location. The existing center is already developed with pedestrian and vehicular ingress and egress. The proposed project will tie into the existing pedestrian system and utilize the existing access points. The project does not propose changing the existing system or access or creating new ones.**

**Existing vehicular access is provided to both SW Berg and SW 4<sup>th</sup>. These access points have served the site safely and adequately with the full center built out and a high turnover sit down restaurant occupying the existing pad building to be demolished. As the included traffic memo states, the anticipated uses (coffee with drive-through, retail and office) provide lower p.m. peak hour trips than the existing uses; thus, vehicular access will remain adequate for the project. The traffic memo also supports the proposed project having minimal effect on the access points; refer to the included traffic memo.**

**The center also has an existing pedestrian pathway system. There is direct access from SW Berg just south of the vehicular access. This pathway runs east-west along the main facades of the anchor buildings. A second pedestrian pathway runs north-south from the SW Berg pathway and travels out to the Highway 99 right-of-way walk. This pathway passes directly**



adjacent to the existing pad building's east façade. The new pad building has been sited in the same basic location as the existing building to intentionally utilize the existing cross site pedestrian pathway. The existing north-south walkway will continue to run adjacent to the proposed buildings east façade and will provide access to the main walkway along the south façade of the building and the main entries.

The proposed project will utilize the existing vehicular accesses which, as demonstrated by the included traffic memo, are more than adequate for the proposed uses. Additionally, the building has been design and located to utilize the existing pedestrian pathways and is therefore provided with access from both abutting rights-of-way. This criterion is therefore 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.

**RESPONSE:** The proposed project is for the construction of a pad building within the larger, existing Canby Square Shopping Center. The center is comprised of two parcels with five buildings that share parking and accesses. The new building is to be located in the same location as an existing pad building to be demolished and will share parking and access with the center. This criterion is therefore met.

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

**RESPONSE:** The proposed project is located within the larger Canby Square Shopping Center. The Center has existing accesses to both SW Berg and SW 4<sup>th</sup> rights-of-way. The proposed project does not include any new accesses or changes to the existing accesses. This criterion is therefore met as the site has ingress and egress directly to public streets.

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.

**RESPONSE:** The proposed building includes customer entries on the west façade (southwest corner), the south and east facades. All three facades include a pedestrian walkway which provides access to the entries and meets up with the existing on-site pedestrian pathway. The existing pedestrian pathway provides access south through the parking lot to the walkway along the main anchor building façade as well as north directly to the Highway 99 right-of-way walkway. This criterion is met as all entrances are connected to the public street via a walkway.

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 and Design Review Board.

**RESPONSE:** Per the pre-application meeting notes supplied by the City on June 16, 2014 the City concurred that the existing sidewalks and curbs of both the Berg and Hwy 99 rights-of-way are adequate and do not required replacement. As such, the only sidewalks included in the proposed project are those within the bounds of the site adjacent to the building. This criterion does not apply as the existing rights-of-way sidewalks were found to be adequate by city staff.

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.

**RESPONSE:** The proposed project is a pad building location with the larger Canby Square Mall Shopping Center complex. Accesses to abutting rights-of-way already exist. The proposed project does not include any new accesses or any alterations to the existing accesses. This criterion therefore does not apply.

10. Distance Between Driveways and Intersections- Except for single-family dwellings [see subsection (f) below] the minimum distance between driveways and intersections shall be as provided below. Distances listed shall be measured from the stop bar at the intersection:

**RESPONSE:** The proposed project is a pad building location with the larger Canby Square Mall Shopping Center complex. Accesses to abutting rights-of-way already exist. The proposed project does not include any new accesses or any alterations to the existing accesses. This criterion therefore does not apply.

#### **16.10.090 Drive-up uses.**

- A. Drive-up uses shall provide a minimum stacking area clear of the public right-of-way or parking lot aisle from the window service to the vehicles as follows:
  1. All drive-up uses. – Each lane shall provide a minimum capacity for two (2) to eight (8) automobiles, as determined by the Site and Design Review Board.
  2. For purposes of this section, an automobile shall be considered no less than twenty (20) feet in length. The width and turning radius of drive-up aisles shall be approved by the City Public Works Director.

**RESPONSE:** The proposed building includes one drive-up use. The queuing length of the drive-through is 160 feet from the entry to the service window. At 20 feet per car this equates to eight cars. The provided drive-through meets the high end of the minimum queuing required, is adequate per the included traffic circulation memo by Kittelson and associates and is similar in length to several adjacent existing and functional drive-throughs. This criterion is therefore met.

- B. The stacking area shall not interfere with safe and efficient access to other parking

areas on the property. Traffic aisles shall be wide enough to accommodate backing movements where adjacent to parking stalls. Parking maneuvers shall not occur in the stacking area.

**RESPONSE:** The stacking area meets the high end of the minimum queuing length required by Section 16.10.090.A above. While Section 16.41 recommends vehicular maneuvering areas not be located between a building and street the submitted design provided the least impact to the existing center and parking field. The drive-through was located so as to minimize a reduction in parking or existing maneuvering aisles. It was also located to ensure that both the entrance and exits do not conflict with the existing on-site traffic flow.

All traffic aisles are existing except for the drive-through lane and the east-west aisle directly south of the building. The drive-through aisle is 12 feet wide meeting the required width of a one-way access with parallel parking. The two-way drive aisle south of the building which as one row of 90 degree parking stalls abutting it is a minimum of 24 feet wide and meets the minimum requirement of Section 16.10.070.A.1. All new drive aisles meet the code requirements of Section 16.10.070.A.1; therefore, this criterion is met.

#### **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.

**RESPONSE:** All new bicycle parking spaces are a minimum of six feet long and two feet wide with and overhead clearance of at least seven feet. Five feet of maneuvering is provided between and beside rows. The single rack will accommodate the two required spaces and is provided adjacent to the building's east façade and main pedestrian pathway. This criterion is therefore met.

- 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.

**RESPONSE:** The rack is located along the building's east façade adjacent to the main pedestrian pathway. The location is easily accessible, well-lit and within 50 feet of a main entry. This criterion is therefore met.

- 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
Shopping Centers	0.33 space per 1000 ft <sup>2</sup>

**RESPONSE:** The project contains the following uses which results in a total of two (2) required bicycle parking stalls as per the below calculation table. The project includes two (2) stalls located adjacent to the building's east façade. This criterion is met as the minimum number of required bicycle stalls are being provided.

Use	Square Footage	Parking Requirement	Total Spaces
Proposed Pad Building	5,404	0.33 space/1,000 SF	<b>2</b>
<b>Total Parking Provided</b>			<b>2</b>

## Chapter 16.28

## C-2 HIGHWAY COMMERCIAL ZONE

**16.28.010 Uses permitted outright.**

Uses permitted outright in the C-2 zone are as follows:

- A. A use permitted outright in a C-1 zone;
- E. Restaurant, including drive-in;
- Q. Similar commercial uses as determined by the Planning Commission.
- R. Attached WTS facilities (see 16.08.120).
- S. Detached WTS facilities (monopole), less than 100 feet in height (see 16.08.120).

**RESPONSE:** The proposed project is located within the Canby Square Shopping Center and is within the C-2 zoning district and the Outer Highway Commercial sub-area of the Downtown Overlay Zone. The project will construct a commercial pad building which may house up to four (4) tenants. At this time the anticipated mix of tenants is as follows: approximately 1,850 square feet of cafe with drive-through (ITE 937), 1,000 square feet of Hair Salon (ITE 918), 1,500 square feet of Specialty Retail (ITE 826) and 941 square feet of General Office (ITE 710) and 113 square feet of unoccupied utility space.

The C-2 zone allows "uses permitted outright in a C-1 zone" as well as restaurants with drive-through. The C-1 zone allows retail stores, beauty shops, and offices. The proposed uses are allowed in the C-1 zone and the C-2 zone and are therefore permitted outright. This criterion is therefore met.

**16.28.030 Development standards.**

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

- A. Minimum lot area: none;
- B. Minimum width and frontage: none;
- C. Minimum yard requirements:
  1. Street yard: twenty feet where abutting Highway 99-E and S. Ivy Street. Gas station canopies shall be exempted from the twenty foot setback requirements. Remaining property none, except ten feet where abutting a residential zone. Sign setbacks along Highway 99-E and S. Ivy Street are to be measured from the face of the curb rather than the lot line. Where no curb exists, the setback shall be measured from the property line. Other than signs which are nonconforming structures and street banners which have been approved per the requirements of the Uniform Sign Code, no signs will be allowed to be located within or to project over a street right-of-way;

**RESPONSE:** The proposed project is located within the OHC sub-area of the Downtown Overlay Zone thus the minimum setback along Highway 99 is replaced with the minimum setback specified in Section 16.41.050. Refer to Section

**16.41.050 for a detail response to minimum yard requirements.**

2. Interior yard: none, except ten feet where abutting a residential zone;

**RESPONSE:** The project site is located within the larger Canby Square Shopping Center and does not abut any interior lot lines. This criterion does not apply.

- D. Maximum building height:

1. Freestanding signs: thirty feet;
2. All other structures: forty-five feet.

**RESPONSE:** The proposed building has a maximum height of 30 feet. The project does not include any freestanding signs. There are freestanding signs already existing. This criterion is met as the maximum building height is less than the 45 feet allowed.

- E. Maximum lot coverage: sixty percent;

**RESPONSE:** The proposed project is for the demolition of an existing vacant 4,307 square foot pad building and the construction of a new approximately 5,404 square foot pad building in the same location. Both the existing and new building are located within the Canby Square Shopping Center who's site area totals approximately 9.07 acres. The total building area on-site at the completion of this project will be approximately 116,920 square feet or 29% lot coverage.

If lot coverage is analyzed against just the area of land that will be altered for this project, or the "development area", the total lot coverage is approximately 19% as the development area is approximately 27,450 square feet. This criterion is met as the lot coverage of the site will not exceed the maximum 60% allowed.

- F. Other regulations:

1. Vision clearance distances shall be fifteen feet from any alley or driveway and thirty feet from any other street or railroad;

**RESPONSE:** All accesses to the Shopping Center are existing and will remain without change. The proposed project does not include any changes to existing accesses or the creation of new accesses. The placement of the proposed structure does not interfere with any existing clear vision areas; therefore, this criterion is met.

2. Except in cases where existing building locations or street width necessitate a more narrow design, sidewalks eight feet in width shall be required;
  - a. In those locations where angle parking is permitted abutting the curb, and
  - b. For property frontage along Highway 99-E.

**RESPONSE:** Per the City supplied pre-application meeting notes on June 16, 2014 the City concurred that the existing sidewalks and curbs of both the Berg and Hwy 99 rights-of-way are adequate and do not require replacement. As such, the only sidewalks included in the proposed project are those within the bounds of the site adjacent to the building. This criterion does not apply as the existing rights-of-way sidewalks were found to be adequate by city staff.

3. All setbacks to be measured from the foundation line of the building. Overhangs shall not exceed two feet.

**RESPONSE:** All setbacks referenced in this narrative and on the included plans are measured from the foundation line of the building. All overhangs, except for canopies and awnings do not exceed two feet. This criterion is therefore met.

## Chapter 16.41

## DOWNTOWN CANBY OVERLAY (DCO) ZONE

**16.41.010 Purpose.**

The purpose of the Downtown Canby Overlay (DCO) zone is to:

- A. Encourage more intense development in the Core Commercial area and allow for more intensive development in the Transitional Commercial area over time. Intensity of development and the relationship between setbacks, lot coverage and floor area ratio address this objective. Floor area ratios (FAR) are intended to work with building height and setback standards to control the overall bulk of the building. The proposed FAR in conjunction with the maximum lot coverage ensures that the development will be a minimum of two floors along the street in the C-1 portion of the Core Commercial area.

**RESPONSE: The proposed project site is located in the C-2 zone and within the Outer Highway Commercial sub-area of the Downtown Canby Overlay. This criterion does not apply as it is related to the Core Commercial and Transitional Commercial sub-areas.**

- B. Create a pedestrian friendly environment in the Core Commercial and Transitional Commercial areas while allowing for a more auto-oriented focus in the Outer Highway Commercial area. A comfortable pedestrian-oriented environment and limited setbacks are important in the Core Commercial and Transitional Commercial areas. In the Outer Highway Commercial area, a portion of development should be closer to the road to provide visual connection and signal that drivers are entering an urban area. Larger setbacks in the Outer Highway Commercial area also allows for more landscaping, access and other improvements between buildings and street.

**RESPONSE: The proposed project is for the construction of an approximately 5,400 square foot pad building to be located at the northwest corner of the Canby Square Shopping Center, adjacent to the intersection of Highway 99 and SW Berg. The building is adjacent to both rights-of-way while the remainder of the existing center is further from the rights-of-way. The proposed building includes a drive-through use. This criterion is met as the project provides a building adjacent to the rights-of-way to demonstrate to motorists they are entering an urban area while providing an auto-oriented drive-through use.**

- C. Ensure that building sizes reflect desired uses in the Core Commercial and Transitional Commercial areas. Requirements limit the size of the building footprint to 40,000 square feet in these areas. For the purpose of understanding the scale of development, the proposed maximum allows for the creation of a high end grocery store (e.g. New Seasons, Whole Foods or Zupans). The proposed maximum differentiates developments in this area from those in the Outer Highway Commercial area. Maximum building footprints are much larger in the Outer Highway Commercial area.

**RESPONSE: The proposed project is located with the Outer Highway Commercial sub-area, however, the proposed building footprint is only approximately 5,404 square feet. The size of the proposed building does not exceed the maximum size allowed in the OHC; therefore, this criterion is met.**

- D. Ensure compatibility among adjacent uses within the Transitional Commercial area as it changes over time. Requirements for massing and form will help ensure compatibility if uses in this area increase over time, while allowing for a broader



range of building sizes than currently exists.

**RESPONSE:** **The proposed project is located within the Outer Highway Commercial sub-area and is not within the Transitional Commercial sub-area; therefore, this criterion does not apply.**

- E. Maintain an attractive, visually pleasing environment that is relatively free of structures or activities that detract from it. Most buildings have areas devoted to services and equipment. These uses can be noisy, noxious and unsightly. Screening requirements reduce the impact of these structures and activities. Placement on an alley also may be an option. Furthermore, limitations on exterior storage and display will help reduce visual clutter while allowing flexibility for retail merchants and eating and drinking establishments.

**RESPONSE:** **The proposed project is for the construction of a commercial pad building and the anticipated tenants are a mix of café with drive-through, retail and office uses. The uses proposed do not include exterior storage or displays except for the café which does typically have a small outdoor patio with seating. Equipment located on the roof will be screened by the building's parapet. The refuse and recycling area has been located in the most inconspicuous location that still provides convenient access for the building tenants. Additionally, screen walls constructed of brick with metal gates, surround the area to ensure proper screening. The materials used match those of the proposed building ensuring that the refuse enclosure is compatible with the building and is attractive. As the proposed project has strategically located the refuse area and screened it, will screen rooftop equipment and does not anticipate outdoor storage or display, this criterion is met.**

- F. Ensure adequate accessibility to and within sites by a variety of travel modes, along with attractively designed parking and loading areas. Parking standards for automobiles and bicycles are intended to allow for ready access to commercial uses by all modes and create attractive "green" sites that enhance human and environmental health.

**RESPONSE:** **The proposed project is for the construction of a pad building within the larger Canby Shopping Center. The site is served by existing pedestrian walkways on both abutting rights-of-way, Hwy 99 and SW Berg. These walkways were determined to be adequate during the pre-application meeting. Within the site there is a pedestrian pathway from SW Berg that runs along the primary façade of the Anchor buildings. From this walkway a second pedestrian pathway runs north-south through the parking field, along the east façade of the existing pad building and out to the Highway 99 walkway. The proposed project will retain the existing pathways and has designed the new building to intersect with the north-south route. This walkway provides pedestrian access from both rights-of-way to the main building entrance as well as to other main entries within the site. This site is therefore fully accessible to pedestrian traffic.**

The SW Berg right-of-way also has an existing bicycle path while Highway 99 has a wide shoulder; therefore the site is also well served and accessible by bicycle.

The parking field is existing and will sustain only minor modifications as part of this project. The existing parking is well laid out with straight drive aisles that intersect at 90 degrees, except for a small section along the northern property line where the property lines are not perpendicular. Modifications to the parking will be limited to south of the proposed building where

parking will be removed and a new east-west aisle added. The seven new parking stalls adjacent to the south façade of the building and the new drive aisle meet the city code standards for size per Section 16.10.070.A.1. The site is therefore well served by attractive and safe vehicular traffic.

#### 16.41.020 Applicability.

- A. It is the policy of the City of Canby to apply the DCO zone to all lands located within the boundaries illustrated on the Downtown Canby Framework Diagram; the boundaries of the overlay district, and boundaries of the three sub-areas, are as shown in this chapter, Figure 11. The three sub-areas are established as follows:
3. Outer Highway Commercial Area. The Outer Highway Commercial area extends long Highway 99E both south of Elm Street and north of Locust Street. This area is quite different from the Core Commercial and Transitional Commercial areas, by nature of its highway access and orientation. The design focus in this area is less about creating a high-quality pedestrian experience, and more about ensuring that automobile-oriented design is built to the highest standard possible.

**RESPONSE:** The project, located in the Outer Highway Commercial Area, is proposing a new pad building which will include a drive-through use. The proposed drive-through has been located so as to ensure minimal impact to the existing center. By locating the drive-through between the building and street the design maintains established parking and internal circulation patterns, both vehicular and pedestrian; a measure that retains safety and function.

To ensure the drive-through does not detract from the site's aesthetics it will be fully screened on both sides by a generous landscape area planted with a screen hedge and other various shrubs, trees and groundcover. The placement of the drive-through does not negatively impact the building design either as the building still provides the required window areas facing public rights-of-way and decorative elements specified by the following design standards.

This project meets the intent of the Outer Highway Commercial subarea as the proposed project is for an automobile-oriented use; the placement of the drive-through minimizes negative on-site impacts; and, its placement does not prohibit the building or site's design from meeting the high quality standards expected.

#### 16.41.030 Uses permitted outright.

Unless modified pursuant to the following Subsection, uses permitted outright in the underlying base zones are permitted outright in the DCO zone, subject to the respective zone district boundaries.

**RESPONSE:** As demonstrated in narrative Section 16.28 the proposed uses, restaurant with drive-through, retail and general office are allowed outright. This criterion is therefore met.

#### 16.41.050 Development standards.

The following subsections indicate development standards required in the DCO zone. These standards supplement, and in some cases replace, the development standards in the underlying base zones. Where the standards set forth in the following subsections conflict with standards in the underlying base zone, the DCO development standards set forth below supersede the base zone standards.

- A. Setbacks, Floor Area Ratio, Building Footprint and Height Requirements.
  - 1. Setbacks. Minimum and maximum setbacks for each DCO subarea are described in Table 1 and must meet the following requirements:
    - a. Mechanical units used for the heating/cooling of dwelling units are exempt from interior yard and rear yard setback requirements.
    - b. At least x% of the length of each lot frontage shall be developed with a building(s) built at the minimum setback from the street lot line (see Table 2 and Figure 12).
    - c. Where feasible, buildings should be located at one or both street-facing corners of a lot.

**RESPONSE:** The proposed building is to be located in the northwest corner of the site adjacent to the SW Berg and Highway 99 intersection. This criterion is therefore met.

**Table 1.** Setback Requirements

Standards	OHC subarea
Minimum setback	10 feet
Maximum setback from street lot lines	--

**RESPONSE:** The proposed building is setback from the street more than 10 feet; therefore this criterion is met. While there is no specified maximum setback in Table 1 above, Table 2 below dictates a percentage of building required at no more than the minimum which is in effect a maximum setback. Refer to the Table 2 response below for information on the maximum setback.

**Table 2.** Street Lot Minimum Setback Requirements

Standards	OHC subarea
Minimum percentage (x)	40%

**RESPONSE:** The proposed project is for the construction of a pad building within and existing and fully developed center. The Center has a total frontage of 386.84 lineal feet along Highway 99 and SW 4th of which 0.02% (10.67 feet) is currently building at no more than 10 feet from the street. The project also has 494.65 lineal feet of frontage along SW Berg of which 0% is currently building at no more than 10 feet from the street.

The intent of a setback is to provide building visible from the right-of-way for way-finding and creating an attractive and active street front. While the proposed project removes the existing 10.67 feet of the existing building that's within 10 feet of the right-of-way the design of the project presents more of the buildings north façade to the right-of-way. This increases visibility of the building and creates a more inviting project and street edge. Aligning the north façade with the Highway 99 property line also allows for the building to be placed closer to the SW Berg right-of-way, moving this frontage toward compliance over existing conditions. Additionally, the design of the building includes varying roof heights, entry towers and ample glazing which makes the building very visible especially compared to the

visible of the existing building of which only the sloped roof, large fascia board and blank wall are visible from the rights-of-way. Therefore, while the project removes an insignificant amount of compliant building visually unappealing building from the setback, the improved aesthetics and increased visibility from both rights-of-way (adjacent to a prominent intersection) make the project fully compliant with the intent of the setback as well as the intent of the OHC zone for creating a high quality auto-oriented project.

2. Floor area ratio, building footprint, and building height. Minimum floor area ratio, maximum building footprint, and maximum building height requirements for each DCO subarea are described in Table 3 and illustrated in Figures 13, 14, and 15. Footprints are exclusive of exterior displays or merchandise (e.g., garden centers).

**Table 3.** Floor Area Ratio Requirements

Standards	OHC subarea
Minimum floor area ratio	0.25

**RESPONSE:** The proposed project is for the construction of a building within the existing Canby Square Shopping Center. The center has an area of 9.07 acres and will have approximately 116,920 square feet of building at the completion of the proposed project, or an F.A.R. of 0.29. If the project is looked at in terms of the "development area" of the project, the F.A.R. is 0.19 (5,404 square feet of building with a "development area" of 27,450 square feet). While this is below the 0.25 FAR minimum it is an increase in FAR from 0.15% of the existing 4,307 square feet within the development area. In either case, the proposed project increases building area and improves the FAR from current conditions. As the site complies with the minimum FAR and the development area is moved toward compliance, this criterion is met.

Maximum building footprint (square feet)	80,000 per use
	100,000 all uses within footprint if more than 1 use (see Figure 13)

**RESPONSE:** The proposed footprint of the building is approximately 5,404 square feet. This is considerably less than the maximum (for all uses) and the per use allowance; therefore, this criterion is met.

Maximum building height (see Figure 14)	45 feet
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**RESPONSE:** The maximum height of the proposed building is 30 feet. This criterion is met as the proposed maximum height is less than the 45 feet allowed.

3. Screening. All exterior garbage collection areas, recycling collection areas and mechanical equipment shall be screened with a site obscuring fence, landscaping on all sides, wall, other enclosure, or architectural element per the requirements below (see Figure 16 for examples of good screening design).

- a. Location. Wherever possible, locate screened areas away from the

street.

**RESPONSE:** Due to the project being and infill within and existing center we sought a design that minimized the negative impacts to parking and both vehicular and pedestrian circulation within the site. As such, the trash enclosure will be located at the southwest corner of the building adjacent to the SW Berg right-of-way. It will be screened by an enclosure constructed of the same materials as the building beyond, which will serve to minimize its visual impact. The drive-through queuing lane is also located between the building and street; however, attractive and ample landscaping is provided to screen it from both rights-of-way. This criterion is therefore met.

- b. Materials. Materials used to construct screening structures shall be consistent and compatible with the exterior materials on adjacent buildings located on the same lot as the screened area or located on a contiguously- owned abutting lot, and shall be consistent with the material requirements of Section 16.41.070.E and 16.41.070.F.

**RESPONSE:** The screen walls of the refuse and recycling area will be constructed of brick with metal gates. The brick is the same brick used on the building façade and the metal will match the metal of the proposed canopies. This criterion is therefore met.

- c. Buffering. Screening structures shall be buffered from surrounding areas on all sides with landscaping or other buffering elements.

**RESPONSE:** The refuse and recycling enclosure will be screened with existing and proposed trees as well as numerous shrubs; refer to included landscape sheet L1.1. This criterion is therefore met.

- d. Rooftop structures. Rooftop mechanical structures shall be screened and not visible from any visible public right-of-way at the same elevation as, or lower than, the base of the building. Screening structures should be compatible with the overall building design and may include the following elements or approaches:
  - (1) By providing parapets as tall as the tallest part of the equipment with a minimum height of 3 feet and 6 inches;
  - (2) By incorporating an architectural screen around all sides of the equipment;
  - (3) By setting the equipment back from the building edge with a setback of at least 3 feet for every 1 foot of building height.

**RESPONSE:** All rooftop mechanical will be full screened by the building's parapet which has a minimum height of 4.9 feet. This criterion is therefore met.

- 4. Parking. Parking areas shall meet the following standards in addition to all other applicable requirements.
  - a. Location. In the CC and TC subareas, parking and vehicle maneuvering areas shall not be located between a building and the street. This standard applies to primary street facing facades and secondary street facing facades, as defined in Sections 16.41.060.C.

**RESPONSE:** The project site is located in the OHC subarea and the proposed project includes a drive-through whose queuing lane is located between the building and the Highway 99 right-of-way. This is allowed as parking and maneuvering is only prohibited between the building and the street in the CC

and TC subareas per the above criterion.

- b. Side of building parking areas. In the CC, TC, and OHC subareas, parking shall be permitted between a building and an interior lot line that is not a rear lot line, provided the following standards are met:
- (1) Parking and maneuvering areas shall be set back a minimum of 15 feet from the front lot line;

**RESPONSE:** The proposed project will occur within an existing and fully developed center whose front property line abuts the Highway 99 right-of-way. The center has existing parking at this location that abuts the property line; however, the proposed project does not plan to alter these spaces and they are outside of the project's "development area". Within the development area there are no parking or maneuvering areas within 15 feet of the property line. The proposed drive-through queuing lane has been design to remain at least 20 feet from the front property line. This criterion is met as all parking and maneuvering areas within the development area are more than 15 feet from the front lot line.

- (2) A minimum 5 foot wide landscaped strip shall surround and abut the perimeter of the parking and maneuvering area, except where vehicular driveways and pedestrian accessways are permitted to interrupt the landscaped strip, and except where the parking and maneuvering area is part of a larger parking area in which case a perimeter landscaping strip is not required between the side of building parking area and the remainder of the parking area;

**RESPONSE:** All parking and maneuvering areas are provided a minimum 5 foot wide landscape strip around the perimeter. This criterion is therefore met.

- (3) Parking and maneuvering areas, including accessways and driveways, must not exceed 40 percent of a lot frontage in the TC and CC subareas, or 60 percent of a lot frontage in the OHC subarea;

**RESPONSE:** The proposed project is located within the OHC subarea. While the entire frontage of the Canby Shopping Center is 386.84 feet along Hwy 99 and 494.65 feet along the Berg right-of-way the project's "development area" as used for all parking, landscaping and FAR calculations has approximately 163.41 feet of frontage on Hwy 99 and 176.41 feet of frontage on SW Berg. Parking within the "development area" accounts for approximately 85% (140 feet) of the Highway 99 frontage. Parking within the "development area" accounts for 80% (142 feet) of the Berg frontage; however, 72 feet is existing parking that will not be altered. Thus, the new parking and maneuvering area accounts for only 39% (70 ft) of the frontage.

It should be noted that new parking and maneuvering areas along both frontages are setback more than the minimum 15 feet required and generous landscape planters are provided between the vehicular areas and the lot line. Unlike much of the existing parking, particularly along the front lot line, which directly abut the property line our project provides enough setback and landscape screening of these areas to ensure that the frontage does not feel dominated by paving.

Additionally, sites across the Highway 99 right-of-way, Walgreens and Panda Express, are also within the OHC subarea and provide 100% of their frontage

**as parking and maneuvering area setback with landscaping. As such, the proposed project is no more impactful than existing surrounding development.**

**The intent of this criterion is met as the maneuvering area will be screened by ample landscaping to ensure that it does not dominate the streetscapes and the improved aesthetics of the building ensure that both street fronts are attractive and active.**

- (4) On lots greater than 120,000 square feet, side parking areas shall be broken up into multiple smaller parking areas rather than concentrated in one portion of the lot. This may be done through the use of landscaping or the location of multiple buildings on a lot.

**RESPONSE: While the entirety of the Canby Square Shopping Center exceeds 120,000 square feet the project's "development area" used for all parking, landscaping and FAR calculations is only 27,450 square feet; therefore, this criterion does not apply.**

- c. Off-street vehicle parking space reduction. The minimum number of off-street vehicle parking spaces required for all uses located on a lot, as set forth in Chapter 16.10, may be reduced by the total number of on-street vehicle parking spaces located within the width of the frontage of the lot on which the use or uses are located. Such reduction shall be calculated on a one-for-one basis, and shall include only parking spaces located on the same side of the street as the lot frontage. Where an on-street parking space is located adjacent the frontage of two abutting lots, only the lot adjacent the larger portion of the parking space may count the entirety of the parking space towards its off-street parking requirement. (Ord. 1296, 2008)

**RESPONSE: The project does not include any on-street parking spaces within the provided totals listed nor does it reduce the number of required spaces for on-street parking.**

**16.41.060 DCO site and design review guidelines.**

A. Findings and objectives.

3. The objectives of the design standards in this section include the following:
- a. Create a pedestrian-oriented environment through design of ground floors. Fostering interaction between activities within buildings and activities within the public realm (the sidewalk and street) is crucial to creating a vibrant and interesting built environment. A high degree of transparency between the two realms creates visual interest for the pedestrian on the sidewalk, and promotes a more active, engaging pedestrian experience. Design of ground floor windows and building entries is important to achieving this goal. In addition, courtyards, arcades and special paving enhance the pedestrian environment by providing pleasing, semi-public transitions between the public and private realms, effectively creating a "threshold" between the sidewalk and the building (see Figure 17).

**RESPONSE: The proposed project meets this section's window requirements, design elements and features as demonstrated in the following narrative sections. In doing so the building, while setback from the property line and with an**

**intervening vehicular queuing lane, creates an attractive and inviting presence from both rights-of-way as well as the abutting intersection. Easily accessibility and highly visibility into all tenant spaces of the building ensure the project is pedestrian-oriented. This objective is therefore met.**

- b. Establish cohesive architectural elements. Well- designed, repetitive building elements tend to create a strong sense of place and leave a lasting physical memory. Cohesive and repetitive architectural “bays” along the street-facing ground floor of a building create a pleasing sense of rhythm for the pedestrian, and help to scale and order the built environment as it is experienced from the sidewalk and street (see Figure 18).

**RESPONSE: The proposed project meets this section’s requirements for building design features and elements as demonstrated in the following narrative sections. In doing so the building, provides pleasing and inviting street facing facades that are clearly visible. This criterion is therefore met.**

- c. Ensure that buildings have a unified design. Providing clear distinctions between different portions of a building is important for the building’s appearance, consistency of design within a larger area and the ability of people to read or understand how the building functions. Building facades should have a clear and distinct base, middle, and top (Figure 19), utilizing horizontal bands and changes in color and / or material / or building massing and form to differentiate these breaks. The base of the building typically extends from the sidewalk to the bottom of the second story or the belt course / string course that separates the ground floor from the middle of the building (see Figure 19).

Given Canby’s desire to create a thriving pedestrian and business district, it is important that uses above the ground floor encourage housing and allow for commercial uses. Upper floor windows should reflect this change in use (see Figure 20). The middle of the building often contains smaller, vertically-oriented windows to reflect changes in use on upper floors. Finally, the top of the building contains a “capping” element which visually terminates the façade and creates visual interest at the top of the building.

**RESPONSE: The proposed project meets this section’s requirements for building design features and elements as demonstrated in the following narrative sections. In doing so the building, provides a design that clearly delineates the building’s base, middle and top and entry points. The project proposes only a single story and no residential construction. This criterion is therefore met.**

- d. Reinforce the appearance and function of corners within core commercial area. Incorporating strong architectural elements where streets intersect not only results in a more visually interesting built environment, but enhances the way pedestrians “read” and understand city blocks by creating recognizable and memorable design elements at the corner of each block. For this reason, buildings on corner lots should be designed to not only address, but celebrate the corner (see Figure 21).

**RESPONSE: The proposed project is not within the core commercial area; therefore, this criterion does not apply.**



- e. Use materials that reflect the character and values of Canby. Materials evoke emotions among visitors and residents and help define the character of the community. On the positive side, they can evoke a sense of timelessness, permanence, quality, strength and creativity. On the negative side, they may connote feelings of transience, incongruity or inconsistency, weakness or tedium. Standards for materials are important to reflect and enhance the community's values and quality of life (see Figure 22).

**RESPONSE: The proposed project meets this section's requirements for building materials as demonstrated in the following narrative sections. The proposed primary materials, brick and stucco, are durable high quality materials commonly found (and made) throughout the northwest region. These materials are synonymous with timelessness, permanence, quality and strength; therefore, this is met.**

B. Applicability.

- 1. General applicability.
  - a. Subsection 16.41.060.C and section 16.41.070 define how and where different types of standards apply.
  - b. Design standards apply only to the following: (1) new developments; (2) remodels which represent 60 percent tax assessed or more of the value of the existing building; (3) façade improvements that would alter the exterior structure of the building.

**RESPONSE: The proposed project is for the construction of a new commercial pad building; therefore, design standards apply.**

- c. Outer Highway Commercial Sub-Area (OHC). The design focus in this area is less about creating a high-quality pedestrian experience, and more about ensuring that automobile-oriented design is built to the highest standard possible. While this goal will be largely accomplished through the development standards (i.e., locating parking lots next to and behind building and the street, requiring high quality landscaping, particularly in front setbacks and around parking areas, and requiring that buildings orient to walkways), architectural design standards will also aid in this effort. The result will be automobile-oriented highway uses that demonstrate high-quality design and that evoke a sense of permanence (see Figure 27).

**RESPONSE: The project, located in the Outer Highway Commercial Area, is proposing a new pad building which will include a drive-through use. The proposed drive-through has been located so as to ensure minimal impact to the existing center. By locating the drive-through between the building and street the design maintains established parking and internal circulation patterns, both vehicular and pedestrian; a measure that retains safety and function.**

**To ensure the drive-through does not detract from the site's aesthetics it will be fully screened on both sides by a generous landscape area planted with a screen hedge and other various shrubs, trees and groundcover. The placement of the drive-through does not negatively impact the building design either as the building still provides the required window areas facing public rights-of-way and decorative elements specified by the following design standards.**

**This project meets the intent of the Outer Highway Commercial subarea as the proposed project is for an automobile-oriented use; the placement of the drive-through minimizes negative on-site impacts; and, its placement does not prohibit the building or site’s design from meeting the high quality standards expected. This objective is therefore met.**

**16.41.070 DCO site and design review standards.**

The following design standards provide a framework for how a building should look, function, and feel. The standards are organized by topic and consist of the following elements:

- Intent Statement - the big idea or the goal to be accomplished (ex. “protect pedestrians from sun, wind, and rain”). In addition to providing context for specific standards, these statements are used to evaluate applications as part of an alternative review process administered by the City’s Design Review Board (see Section 16.49.035).
  - Standards which provide clear, objective guidance related to specific design elements, in many cases providing options for how to meet a specific goal, and varying by sub-area.
  - Illustrative graphics, including photos and diagrams, with an emphasis on examples of good design found in Canby and other communities.
- A. Pedestrian oriented ground floor design standards.
1. Intent. Design standards in this section are intended to help create an active, inviting street and sidewalk-facing storefronts and entryways that are friendly and easily accessible to passersby. They also will help ensure that the ground floor promotes a sense of interaction between activities in the building and activities in the public realm.
  2. Design standards and applicability.

Standards	Applicability
1. Ground floor windows	
a. Visible transmittance. All commercial ground floor windows must have a Visible Transmittance (VT) of 0.6 or higher, with the exception of medical and dental offices which may have tinted windows.	CC, TC, OHC

**RESPONSE: All windows proposed have a visible transmittance (VT) of 0.6 or higher. Refer to the included window cut sheets. This criterion is therefore met.**

b. Primary Street facing façade – primary façade coverage. Transparent windows shall be used along a minimum of x% of the length of the ground-level primary street-facing façade, and along x% ground- level primary street-facing wall area (See Figure 34). Ground level walls include all exterior wall areas up to 10 feet above the finished grade. Primary and secondary street facing facades are defined in section 16.41.060.	OHC: x=50% for buildings with less than 6,000 square feet of floor area and 25% for buildings with more than 6,000 square feet of floor area or located more than 75 feet from a lot line.
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**RESPONSE: The building’s primary façade, facing Highway 99, is 92 feet long and has an area of 920 square feet requiring 46 lineal feet and 460 square feet of**

**windows. The proposed design includes 46.65 lineal feet and 466.50 square feet of window area. This criterion is met as the proposed design meets or exceeds both the required window length and area for the primary façade.**

<p>c. Secondary Street facing façade – secondary façade coverage. Transparent windows shall be used along a minimum of x% of the length of the ground-level secondary street-facing façade, and along x% of the overall secondary street-facing wall area (See Figure 35). Ground level walls include all exterior wall areas up to 10 feet above the finished grade.</p>	<p>OHC: x=40% for buildings with less than 6,000 square feet of floor area; 25% for buildings with more than 6,000 square feet of floor area or located more than 75 feet from a lot line.</p>
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**RESPONSE: The building’s secondary street facing façade, facing SW Berg, is 62 feet long and has an area of 620 square feet requiring 24.80 lineal feet and 248 square feet of windows. The proposed design includes 29.67 lineal feet and 267.13 square feet of window area. This criterion is met as the proposed design meets or exceeds both the required window length and area for the secondary street facing facade.**

<p>d. Alley facing façade coverage. Facades facing alleys shall provide windows along x% of the length of the alley-facing façade and along y% of the overall wall area of the alley-facing façade. Wall area shall be measured to a height of 10’-0” above the finished grade.</p>	<p>OHC: x=30%; y=20%</p>
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**RESPONSE: This criterion does not apply as the project does not include any alley facing facades.**

<p>2. Building entries and doors</p>	
<p>a. Orientation. All buildings shall have a prominent entry oriented to and directly connected to the sidewalk. When buildings are set back from the sidewalk, a direct, perpendicular connection between the building and the sidewalk is required. Additional entries may be provided and serve as principal entries (e.g., oriented to parking areas to the side or rear of buildings). (See Figure 36)</p>	<p>CC, TC</p>

**RESPONSE: This criterion does not apply as the project is located in the OHC sub-area.**

<p>b. Transparency. The street-facing building entry door on all buildings should be comprised of at least 40% transparent glass. The entry door includes any flanking or transom windows. (See Figure 37)</p>	<p>CC, TC, OHC</p>
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**RESPONSE: All entries doors include transparent glazing greater than 40% of the door area; refer to the included elevations. This criterion is therefore met.**

<p>c. Flanking or transom windows. Commercial and mixed-use building doors shall include flanking glass windows on either side of the principal door and/or clerestory/transom windows. (See Figure 38).</p>	<p>CC, TC, OHC</p>
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**RESPONSE: All doors include either storefront glazing on either side of the door or a transom window; refer to the included elevation drawings. This criterion is**

therefore met.

<p>d. Design features. Commercial and mixed-use building entries must comply with at least x of the following:</p> <ul style="list-style-type: none"> <li>(1) Recessed entries. If recessed, principal entries shall be recessed a minimum of 3 feet into the building façade (see Figure 39).</li> <li>(2) Awnings or canopies. These may be used to provide weather protection and a visual element and meet standards (see Figure 40).</li> <li>(3) Architectural features. Principal entries may be reinforced with prominent architectural features such as towers, turrets, increased heights, articulated parapets, large storefront windows and doors, or entry awnings (see Figure 41).</li> <li>(4) Decorative features. Entries may be reinforced through the use of decorative exterior light fixtures (i.e., wall sconces) or decorative features (see Figure 42).</li> <li>(5) Engaged columns or piers may be used to reinforce and highlight entries (see Figure 43).</li> </ul>	<p>CC: x=3; TC: x=2; OHC: x=2</p>
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**RESPONSE: The proposed project is commercial in nature and is thus required design features at the entries. The project will provide canopies, wall scones and tower elements to accentuate the entries. This criterion is therefore met.**

<p>3. Transition areas. One of the following design elements (a or b) is required for buildings that span more than 75% of a city block or 350 feet. The City encourages smaller property owners to work together to collaboratively provide similar features in other areas.</p>	<p>CC only; Encouraged but not required in the TC or OHC</p>
<p>a. Arcades as defined in section 16.41.060 and that meet all of the following standards:</p> <ul style="list-style-type: none"> <li>(1) Front entries must be set back a minimum of 6' (clear) behind an arcade that is located at the front property line or the adjusted property line.</li> <li>(2) Spacing between columns and/or posts along building be a minimum of 10' (clear) and a maximum of 25' (clear). (See Figure 44)</li> </ul>	
<p>b. Courtyards or plazas that meet all of the following standards (see Figure 45):</p> <ul style="list-style-type: none"> <li>(1) Courtyards or plazas shall be located along the sidewalk-facing façade of the building within the front setback. Internal courtyards may be provided but will not satisfy these requirements.</li> <li>(2) Courtyard-facing facades shall include windows along a minimum of 50% of the length of the ground level courtyard-facing façade, and along 25% of the overall courtyard-facing wall area. (3) Courtyards/ plazas shall incorporate special paving (see Figure 46) and/or landscaping.</li> <li>(4) Courtyards/plazas shall provide seating, including but not limited to benches, tables, planter boxes, and other design elements.</li> </ul>	

**RESPONSE: This criterion does not apply as the project site is located in the OHC sub-**

**area. Additionally, the proposed building does not span 75% of a city block and is also no 350 feet or longer.**

- B. Cohesive architectural elements standards.
  - 1. Intent. Build upon downtown Canby’s traditional architectural vernacular by incorporating cohesive and repetitive architectural elements into the ground floor of street facing facades.
  - 2. Design standards and applicability.

Standards	Applicability
1. Architectural bays	
a. Bay divisions. Ground floors of commercial and mixed-use buildings shall be divided into distinct street- facing architectural bays that are no more than x feet on center. (See Figure 48). For the purpose of this standard, an architectural bay is defined as the zone between the centerlines of two columns. Applicants are encouraged (but not required) to divide the ground floor into an odd (rather than even) number of architectural bays.	CC, TC: x=30; OHC: x=50

**RESPONSE: The division of the ground floor into bays is accomplished through the use of columns accentuated by brick or stucco. The bays on the north elevation, facing Highway 99, are 16 feet on center while the bays on the west elevation, facing SW Berg are a maximum of 26 feet on center. This criterion is met as the provided columns are spaced not more than the 50 maximum allowed.**

b. Height of bays. For large single-story buildings (greater than 6,000 square feet), taller than 16 feet, design and decorative elements required in sections 3, 4 and 5 will extend to the top of the ground floor (i.e., just below the roof, cornice or parapet).	OHC
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**RESPONSE: This criterion does not apply as the proposed building is less than 6,000 square feet and not a “large” building.**

c. Design elements. Each architectural bay within a commercial or mixed-use building shall incorporate at least x of the following elements (see Figure 49): (1) Engaged columns or piers. (2) Transom windows over doorways. (3) Storefront cornice or beltcourse (4) Canopies, awnings, or overhangs provided along a minimum of 50 percent of the overall street- facing building length. (5) Storefront frieze or sign band. (6) Bulkheads.	CC: x=3; TC: x=2; OHC: x=2
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**RESPONSE: The proposed project is located within the OHC sub-area and provides engaged columns and transom windows over doors. This criterion is met as the project provides the required two design elements.**

<p>d. Decorative accents. Each architectural bay within a commercial or mixed-use building shall incorporate at least x of the following elements (See Figure 50):</p> <ul style="list-style-type: none"> <li>(1) Projecting window sills (12 to 24 feet above grade).</li> <li>(2) Horizontal and vertical window mullions.</li> <li>(3) Building lighting (minimum of 2 lights), including wall sconces, pendants, gooseneck fixtures, or lighting recessed into awnings. Wall-mounted fluorescent lights and internally lit awnings are not permitted.</li> <li>(4) Medallions (minimum of 2).</li> <li>(5) Projecting or blade signs (8 to 12 foot clearance from bottom of sidewalk).</li> </ul>	<p>CC: x=3; TC: x=2; OHC: x=2</p>
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**RESPONSE:** The proposed project is located within the OHC sub-area and provides window mullions (horizontal and vertical) and wall sconces. This criterion is met as the project provides the required two decorative accents.

- C. Integrated building façade standards.
  - 1. Intent. Build upon Canby’s traditional downtown architecture by creating an attractive and unified building façade that celebrates ground floor activities, the top of the building (where the edifice meets the sky), and everything in between.
  - 2. Design standards and applicability.

Standards	Applicability
<p>1. Distinct base, middle, and top of building</p> <ul style="list-style-type: none"> <li>a. All buildings (regardless of height or number of stories) shall have a clear and distinct base, middle and top to break up vertical mass. (See Figure 51). Buildings must utilize horizontal bands and/or changes in color, material, form and/or pattern to differentiate the base, middle, and top of the building subject to the following requirements. These elements are required on all street facing facades and the side of the building on which the primary entrance is located if it does not face a street.</li> </ul>	<p>CC, TC, OHC</p>
<ul style="list-style-type: none"> <li>(1) Horizontal bands or other changes in pattern or material shall be a minimum of 8 inches high (the length of a standard brick), and must project a minimum of 3/4 to one inch from the building face. (2) Changes in building massing and form may also be used to differentiate a building’s base, middle, and top. This may include architectural setbacks or projections, measuring a minimum of 3 inches (see Figure 52).</li> </ul>	

**RESPONSE:** The proposed project includes a base of brick that is 2.41 feet high. The middle of the building is defined by stucco in different integral colors and brick. The top of the building is defined by a decorative cornice. This criterion is met as the building design includes a distinct base, middle and top of the building.

2. Ground floor design elements	CC, TC; (commercial and mixed use buildings only)
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**RESPONSE: The Ground floor design elements do not apply as the project is not within the CC or TC sub-areas.**

3. Middle of building design elements	CC: x=2; TC: x=1; (buildings of 2 or more stories only)
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**RESPONSE: The Ground floor design elements do not apply as the project is not within the CC or TC sub-areas.**

4. Top of building design elements. a. Roof forms may be flat or sloped. Requirements for chosen roof forms are as follows:	CC, TC, OHC
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**RESPONSE: The proposed building includes a flat roof which is allowed.**

b. Flat roofs. All flat roofs shall employ a detailed, projecting cornice or projecting parapet to visually "cap" the building and meet all of the following requirements: (1) Cornices shall project horizontally a maximum of 3 feet (see Figure 58). (2) Parapets must be a minimum of 24 inches in height. Parapets must include a cornice, molding, trim, or variations in brick coursing (see Figure 59). (3) Cornices and parapets shall wrap around all sides of the building visible from any adjacent street or parking area.	CC; TC; OHC
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**RESPONSE: The proposed project provides a parapet that is a minimum 4.91 feet high that wraps the entire perimeter of the building. The parapet is capped with decorative cornice that projects no more than 3 feet horizontally. This criterion is met as the parapet meeting the minimum height and detail requirements is provided.**

c. Sloped roofs must meet all of the following requirements: (1) All sloped roofs shall provide a minimum 1-foot overhang. (2) All sloped roofs must have a minimum slope of 4:12 (see Figures 14 and 60).	CC; TC; OHC
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**RESPONSE: This criterion does not apply as the project does not include sloped roofs.**

- D. Corner intersection standards.
  - 1. Intent. Create a strong architectural statement at street corners to create a strong identity. Establish visual landmarks and enhance visual variety.
  - 2. Design standards and applicability.

Standards	Applicability
<p>1. Corners</p> <p>a. Commercial and mixed-use buildings located on corner lots must address the corner by employing one of the following:</p> <ul style="list-style-type: none"> <li>(1) Chamfer the corner of the building (i.e., cut the building at a 45 degree angle for a minimum of 10 feet) (see Figure 62).</li> <li>(2) Incorporate an arcade at the corner as a way of creating a semi-public zone (see Figure 62).</li> <li>(3) Using special paving, plantings, or lighting, create a formal gathering space at the corner by notching the building so it operates as an extension of the sidewalk (see Figure 63).</li> <li>(4) Employ prominent architectural elements within 25 feet of the corner to highlight the corner of the building, such as increased building height or massing, turrets, cupolas, a pitched roof, or other prominent features (see Figure 63).</li> </ul>	<p>CC</p>

**RESPONSE:** This criterion does not apply as the project is not located in the CC sub-area.

E. Materials standards.

1. Intent. Use building materials that evoke a sense of permanence and are compatible with Canby’s business areas and the surrounding built environment.
2. Design standards and applicability. Materials allowed in the CC, TC and OHC sub-areas are summarized in the following table in terms of primary, secondary and accent materials. Other materials may be permitted through the design review process described in Chapter 16.49.

Standards	OHC
<p>Primary materials – 70% or more of building façade, excluding windows and transparent doors.</p>	<p>Brick, Stone, Stucco/EIFS, Wood, siding, Hardy Plank, Split-face CMU ,Tilt-up concrete, Spandrel glass curtain walls</p>

**RESPONSE:** The primary material of the proposed building is stucco which accounts for 75.67% of the building’s façade excluding windows and transparent doors. This criterion is met as the material is a recognized material in the OHC zone and more than 70% of the façade is composed of it.

<p>Secondary materials – up to 25% of building façade, excluding windows and transparent doors.</p>	<p>Brick, Stone, Stucco/EIFS, CMU (split and ground face), Concrete Wood siding, Hardy Plank, Spandrel glass curtain walls</p>
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**RESPONSE:** The secondary material used on the proposed building is brick and account for 17.30% of the building’s façade excluding windows and transparent doors. This criterion is met as the materials are recognized materials in the OHC zone and account for more than 25% of the façade.



Accent materials – up to 10% of building façade, excluding windows and transparent doors.	Brick, Stone, Stucco/EIFS, CMU (split and ground face), Concrete Wood siding, Hardy Plank, Spandrel glass curtain walls; Metal Ceramic tile; Wood, vinyl and/or metal for trim
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**RESPONSE:** The accent material used on the proposed building is metal that accounts for 7.03% of the building’s façade excluding windows and transparent doors. This criterion is met as the materials are recognized materials in the OHC zone and account for more than 10% of the façade.

Roof materials (sloped roofs only)	Metal, Wood shingles; Tile
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**RESPONSE:** The project does not include sloped roofs; therefore, this criterion does not apply.

F. Color palette

1. Intent. Use colors on buildings that are generally compatible with Canby’s business areas and the surrounding built environment.
2. Design standards and applicability. Applicants are strongly encouraged to use colors from, or consistent with, the Sherwin-Williams Arts and Crafts color palette (i.e. with the same paint color codes). Additional information about this color palette is available from the City of Canby, Canby Business Development and/or the Sherwin-Williams Web site. (Ord. 1296, 2008)

**RESPONSE:** The project is proposing Sherwin Williams colors. While not specifically from the Arts and Crafts color palette they are similar and compatible with varying shades of gray, tan and an accent color in green. This criterion is therefore met.

Chapter 16.42

SIGNS

**16.42.040 Design standards for signs.**

The following standards apply to signs in all zone districts.

- C. Monument signs.

**RESPONSE: The proposed project does not include any monument signs as new site signage was applied for, permitted and installed prior to this application.**

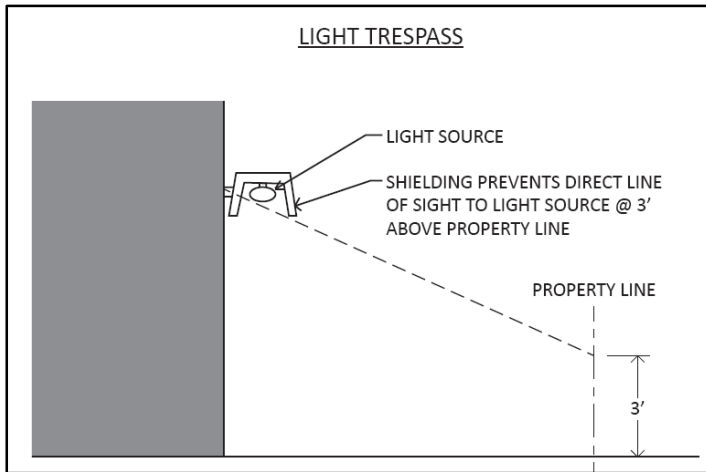
- F. Wall signs. A wall sign shall not project more than 18 inches from the wall to which it is attached (or 12 inches from a wall directly abutting an alley). Wall signs which extend over the public right-of-way are subject to the standards of 16.42.045.

**RESPONSE: The building associated with this land use application will eventually have wall signs when tenants are secured. However, at this time there are no confirmed tenants thus signage is not included in this land use application packet. All tenant signage will be reviewed and permitted as required in conjunction with their respective tenant improvement work.**

Chapter 16.43

OUTDOOR LIGHTING STANDARDS

Figure 16.43.1: Light Trespass



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).

**RESPONSE:** The proposed project is not a residential use and is therefore within 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 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.

16.43.060 Prohibited Light and Lighting.

- A. All outdoor light sources, except street lights, shall be shielded or installed so that there is no direct line of sight between the light source or its reflection at a point 3 feet or higher above the ground at the property line of the source. Light that does not

meet this requirement constitutes light trespass. Streetlights shall be fully shielded. However, the applicant is permitted to have some unshielded lighting if lumens are within the limits of Table 16.43.070 below.

**RESPONSE: The proposed project includes wall scones and relocation of one existing site pole light. All lighting associated with the project will be installed or shielded 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 round at the property line. This criterion is therefore met.**

- B. The following lighting systems are prohibited from being installed or used except by special use permit:
1. Aerial Lasers.
  2. "Searchlight" style lights.
  3. Other very intense lighting, defined as having a light source exceeding 5200 lumens.

**RESPONSE: The proposed project does not include any of the prohibited light sources; therefore, this criterion is met.**

**16.43.070 Luminaire Lamp Lumens, 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.

**RESPONSE: All outdoor lighting complies with the limits and shielding as showing in Table 16.43.070; refer to the included lighting cut sheet(s) and photometric plan. This criterion is therefore met.**

- 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.

**RESPONSE: All fixtures will be constructed and installed to comply with the specifications and will be permanently affixed. This criterion is therefore met.**

- 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.

**RESPONSE: The project is proposing only wall scones lighting; therefore, this criterion does not apply.**

- E. Landscape features shall be used to block vehicle headlight trespass while vehicles are at an external point of service (i.e. drive-thru aisle).

**RESPONSE:** A solid hedge of English Lauryl shrubs are being provided to ensure that light emitted from vehicle headlights at the drive-through facility and parking areas is maintained within the site. Refer to included Sheet L1.1. This criterion is therefore met.

- F. All facade lighting must be restricted to the facade surface. The margins of the facade shall not be illuminated. Light trespass is prohibited.

**RESPONSE:** The light from the proposed wall scones will be restricted to the façade surface. This criterion is therefore met.

**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 2	7800 lumens or less	1600 lumens or less	800 lumens or less	Landscape and facade lighting 1600 lumens or less; ornamental lights of 800 lumens or less.

**RESPONSE:** The only new lights proposed as part of the project are the façade wall scones. These lights are approximately 1800 lumens and will be shielded. Refer to the included photometric plan. This criterion is therefore met.

**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:
  - 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.
  - 5. Street and bicycle path lights.

**RESPONSE:** The project includes one light mounted on a pole; however, it will be an existing light that is relocated slightly to allow for the placement of the queuing lane. This light is not new; therefore, this criterion does not apply.

- 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:
  - 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.

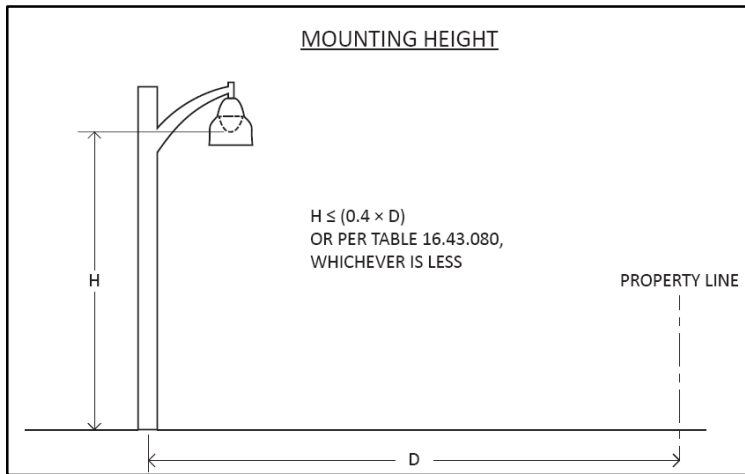
**RESPONSE:** All wall scones are to be mounted to either side of the storefront window system and below the height of the canopies. The lights will therefore be well below the tallest portion of structure. This criterion is met.

**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	37.5	18.0	15.0

**RESPONSE:** All lighting complies with the above table. This criterion is therefore met.

**Figure 16.43.2: Mounting Height**



**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 lumens 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.

**RESPONSE:** A lighting plan has been provided with the included submittal materials. Refer to included Sheet E-101.

**Chapter 16.46****ACCESS LIMITATIONS ON PROJECT DENSITY****16.46.020 Ingress and egress.**

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

**RESPONSE: All access associated with the project is existing as part of the already developed Canby Square Shopping Center and includes existing access to both SW Berg and SW 4<sup>th</sup>. The proposed project does not include any new access points or alterations to the existing accesses. This criterion therefore does not apply as all accesses are existing to remain.**

**16.46.040 Joint and cross access.**

Any developments requiring site plan review that do not meet access spacing requirements are subject to these requirements. In these cases, the following information shall be shown on the site plan.

**RESPONSE: The proposed project is for the construction of a pad building within the existing Canby Square Shopping Center. The Center has existing accesses to both SW Berg and SW 4<sup>th</sup>. The proposed project will share those accesses with the Center and does not propose any alterations to the accesses or creation of new accesses. This criterion is therefore met.**

**16.46.050 Nonconforming access features.**

Legal access connections in place as of April 19, 2000 that do not conform with the standards herein are considered nonconforming features and shall be brought into compliance with applicable standards under the following conditions:

- A. When new access connection permits are requested; or
- B. Change in use or enlargements or improvements that will significantly increase trip generation.

**RESPONSE: The proposed project is for the demolition of an existing former high turnover sit down pad restaurant building and construction of a pad building within the existing Canby Square Shopping Center. The new building will be occupied by a mix of cafe with drive-through, retail and office uses. Per the included traffic memo the number of p.m. peak hour trips does not increase with the proposed project. Additionally, the project does not include any new access connection permits. This criterion therefore does not apply.**

**16.46.060 Amount of access points.**

In the interest of promoting unified access and circulation systems, the number of access points permitted shall be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements, and stipulations shall be met. This shall also apply to phased development plans. The owner and all lessees within the affected area are responsible for compliance with the requirements of this ordinance and both shall be cited for any violation.

**RESPONSE: The proposed project is for the construction of a pad building within the existing Canby Square Shopping Center. The Center has existing accesses to both SW Berg and SW 4<sup>th</sup>. The proposed project will share those accesses**



**with the Center and does not propose any alterations to the accesses or creation of new accesses. The number of access points is therefore the minimum required and this criterion is met.**

**16.46.080 State highway standards.**

- A. Refer to the Motor Vehicle Chapter of the Transportation System Plan. ODOT regulates access to OR 99E. ODOT shall review and process applications for approaches to OR 99E consistent with *Oregon Highway Plan* standards and OAR 734.51 procedures. An ODOT permit to operate and maintain a State Highway Approach must be approved prior to site occupancy.

**RESPONSE: The proposed project is for the construction of a pad building within the existing Canby Square Shopping Center. The Center has existing accesses to both SW Berg and SW 4<sup>th</sup>. The Center does not have direct access to any State highway including Highway 99. The proposed project will share the existing accesses with the Center and does not propose any alterations to the accesses or creation of new accesses. This criterion does not apply as the site and project do not have and are not requesting access to a State highway.**

**Chapter 16.48****SITE PLAN REVIEW****16.48.010 Required prior to plan check.**

Prior to undergoing a plan check for construction, all proposed commercial, industrial and multiple-family residential development projects (having greater than two dwelling units) shall undergo a site plan review to be conducted by the staff. This review is intended to focus on Code compliance and the mitigation of potential health and safety hazards rather than on architectural or aesthetic design features. Additional to the requirements imposed as a result of a site plan review the staff may also make certain recommendations which are not binding upon the applicant but which are intended to improve the overall quality or appearance of the development. A site plan review shall also be conducted by staff for any residential structure including, but not limited to, manufactured homes, whether new or previously occupied, which are proposed to be moved onto a site. This review is intended to focus on Code compliance and mitigation of safety hazards as well as to insure near like-new or historically restored condition of building exterior.

**16.48.020 Information required.**

Application procedures for site plan review shall be as described in Chapter 16.89.

**RESPONSE: The application has followed all procedures as laid out by Chapter 16.89 and as is demonstrated in narrative Section 16.89. This criterion is therefore met.**

**16.48.050 Standards and criteria for site plan review.**

The staff shall utilize the following standards and criteria in conducting a site plan review:

- A. Compliance of the proposal with all applicable city ordinance requirements;

**RESPONSE: The proposed project complies with all city ordinance as demonstrated by the included drawings, supplemental materials and the narrative. This criterion is therefore met.**

- B. A determination that the proposal will result in no unusually hazardous conditions for motorists, bicyclists, pedestrians or other users of the site;

**RESPONSE: The proposed project is for the demolition and reconstruction of a pad building site within an existing fully developed shopping center. The project proposes only minimal changes to the existing on-site parking and maneuvering with a reduction of approximately 15 parking spaces, the addition of a new east-west access aisle and drive-through lane around the building.**

**The reduction in parking and addition of the east-west access aisle improve on-site circulation by allowing full cross property access; today the parking field south of the pad building is segregated from the main parking field by a raised walkway that is un-crossable by motorized vehicles. While the walkway will remain the new design allows for safe vehicular cross traffic and will eliminate congestion within the separated parking area.**

**The drive-through lane has been design to align with the existing traffic aisles thereby reducing vehicular conflict of cars entering and leaving the drive-through service area. Adequate queuing is provided as demonstrated by the circulation study conducted by traffic engineers Kittelson and Associates; refer to the included report.**

The new pad building has been designed and located to work with the existing on-site pedestrian pathways with minimal change. The existing pathways are clearly marked and provide direct and convenient access from both abutting rights-of-way to all building entries onsite. Where the new drive aisle crosses the pedestrian pathway, south of the building, the walkway will remain raised and constructed of concrete to contrast with the vehicular drive aisle asphalt; this will ensure visibility and safety. Where the walkway crosses the drive-through lane the walkway will be lowered to the grade of the drive aisle for vehicular safety and use; however, it will be striped to clearly denote the walkway and ensure pedestrian safety.

This criterion is met as the changes proposed to the site have been well designed to ensure the safety of both vehicular and pedestrian traffic enter, exiting and maneuvering within the site and the proposal will not result in unusually hazardous conditions to any site users.

- C. A determination that exterior lighting will not result in a glare on neighboring properties or a hazard to motorists;

**RESPONSE:** As discussed in the lighting Section of this narrative above, the project does not propose exterior lighting that will result in glare on neighboring properties or that will be a hazard to motorists. This criterion is therefore met.

- D. A finding that any previously established conditions of approval (for a variance, conditional use permit, etc.) have been met.

**RESPONSE:** To the applicants knowledge there are no prior conditions of approval which apply to this project. This criterion therefore does not apply.

- E. For residential structures moved onto the site including, but not limited to, manufactured homes, a determination shall be made by staff that a near like-new or historically restored condition of building exterior shall exist prior to occupancy. This determination shall include an evaluation of color, materials and appearance of siding, roofing and appurtenances, as determined by evidence of recent painting, new construction, or replacement or repair of weathered, damaged or deteriorated materials or surfaces.

**RESPONSE:** The proposed project is for construction of a commercial building and does not include any residential structures; therefore, this criterion does not apply.

## Chapter 16.49

## SITE AND DESIGN REVIEW

**16.49.030 Site and design review plan approval required.**

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

1. All new buildings.

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

**RESPONSE: The proposed project is for the construction of a new approximately 5,400 square foot pad building; therefore, site and design review is required.**

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

**RESPONSE: All construction and development will be carried out in accord with the approved site and design review plans. This criterion will therefore be met.**

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

**RESPONSE: The proposed project does not include a new fence or wall; therefore, this criterion is met.**

**16.49.035 Application for Site and Design Review**

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

2. Type III – If the applicant proposes the use of alternative methods or materials to meet the intent of the site and design review standards set forth in Chapter 16.41, the applicant shall submit a Type III application for approval pursuant to the approval criteria set forth in 16.49.040. The applicant must still meet all applicable requirements of Chapter 16.49.

**RESPONSE: The proposed project is submitting a Type III Site and Design Review application as the design of the project proposes alternative methods to the maximum building setback (percentage of building at minimum setback) and location and total frontage of vehicular maneuvering areas. The project was designed to ensure minimal impact to the existing and functioning Center in the interest of safety and functionality; however, the modifications provide a project that complies with or better meets the intent of the standards. Refer to the following narrative for detailed information.**

**16.49.040 Criteria and standards.**

A. 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

**RESPONSE:** The proposed pad building has a maximum height of 30 feet which is lower than the 45 foot maximum allowed by Section 16.1.050, Table 3. The building's appearance meets all the standards for materials and design features and elements, including bays, windows, and entries. As is required by Section 16.41.050.A.1.c the building has been located adjacent to the abutting intersection; however, both the percentage of building located at the minimum setback and percentage of vehicular maneuvering areas is slightly deficient of the standards. The location of the building and vehicular maneuvering areas was designed to ensure minimal impact to the existing Center and its parking and circulation patterns, both vehicular and pedestrian. While this results in slight deficiencies for building location and vehicular area location (drive-through queuing) the design fully meets the intent of the sections to provide an attractive and active streetscape. Refer to the included following narrative for detailed information. This criterion is therefore met as the proposed project fully meets the intent of the standards where the project is deficient of the standards themselves.

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

**RESPONSE:** The materials used for the building include brick and stucco; both materials are found through the Center and on most buildings of adjacent properties. The design of the building complies with the code requirements for window area facing the street(s) as well as bays, horizontal accentuation (base, middle and top) and design elements. The design of the site, including location of the drive-through, is similar multiple adjacent properties. To the west across SW Berg both the former Burger King and the KFC have a drive-through lane and/or parking between the building and at least one, sometimes two street-facing frontages. To the north across Highway 99 the Walgreens and Panda Express also have parking and/or a drive-through between the building and the street. Both of these properties also have a significant portion (nearly all) their street facing frontage(s) as parking or vehicular maneuvering areas. Therefore, while the proposal is slightly deficient of both building location at the minimum setback and frontage a vehicular area, the project is similar to and less deficient than existing adjacent properties and fully complies with the intent of these sections.

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.

**RESPONSE:** The primary materials of the structure a brick, stucco and glass; all of which are found within the Center and adjacent properties. The proposal is for an approximately 5,400 square foot pad building which is similar in size to the two pad buildings west across SW Berg as well as the Panda Express north across Highway 99. The design of the building, single story with flat roof and parapets, matches all of the surrounding pad buildings. This criterion is therefore met.

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

**RESPONSE:** **The project provides two open space areas (pedestrian plazas) within the bounds of the site (non-public); drought tolerant plants are used for more than 75% of the landscape area; interior landscaping is provided which is more than 120% of the required minimum; and, parking is shared with adjacent uses within the center. These measures total 11 of the 44 total points for the project. This criterion is met as the project proposes LID measures that meet the minimum 10% of the total points required.**

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.

**RESPONSE:** **The project provides 11 LID points or more than 10% of the total possible points and a total of 44 points (more than 60% possible). Refer to the included matrix attached to the signed application. This criterion is therefore met.**

- B. In review of a Type II Site and Design Review Application described in Section 16.49.035.A.1, the Planning Director shall, in exercising his powers, duties or functions, determine whether there is compliance with the DCO site and design review standards.

**RESPONSE:** **This criterion does not apply as the project has submitted for a Type III review.**

- C. 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.

**RESPONSE:** **As demonstrated in the following narrative, where the project is slightly deficient of the standard (building at the minimum setback and vehicular area adjacent to a street) it complies with the intent of the codes to create an attractive and active streetscape. Refer to the following narrative sections for details.**

- D. 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..

**RESPONSE: The proposed project is for the construction of a pad building within an existing shopping center. The location of the proposed building will require that an existing pad building be demolished for its construction. As there is already an existing building present that is fully served by utilities, public facilities and services are available. This criterion is therefore met.**

- E. 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.

**RESPONSE: The proposed project is within a commercial zoned parcel and does not include residential construction. The proposed project does not adversely impact available housing; therefore, this criterion does not apply.**

- F. 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.

**RESPONSE: The proposed project requires that four existing landscape trees be removed. This application therefore requests review and approval of the tree removal associated with the project.**

#### **Table 16.49.040 Site Design Review Menu**

As part of Site and Design Review, the following menu shall be used as part of the review. In order to "pass" this table 60% of total possible points shall be earned, 10% of the total possible points must be from LID elements

**RESPONSE: The Site Design Review Menu is included as part of the Site Design Application and has been completed as part of the application itself. Refer to the application for specific details on methods used and points accumulated. The project provides for 44 total points of which 11 are in LID elements. The project meets the minimum required total points (exceeding 60% of total possible points) and the minimum LID points (greater than 10%). This criterion is 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.

**RESPONSE: The proposed project is for the construction of a pad building within an existing fully developed shopping center. The new building will be**

constructed in the same location as an existing pad building to be demolished. The existing center already has a well-designed pedestrian pathway system in place which will not be altered as part of the proposed project. The new pad building will abut and utilize the existing system.

The existing system provides a pedestrian pathway originating at the SW Berg right-of-way walk that runs east-west along the main façade of the primary anchor buildings onsite. A second north-south walkway connects to that east-west pathway and runs from the anchor buildings north through the parking lot and along the east façade of the new building. From there it continues on, out to the Highway 99 right-of-way walkway.

A second walkway from the proposed building's south façade to the SW Berg right-of-way was not included as adequate access to the building from both frontages exists and there is a two to three foot grade difference between the building's finished floor elevation and the SW Berg right-of-way walkway elevation. A sidewalk here could not be made ADA accessible due to the grades and would increase the number of pedestrian drive-aisle crossings as it would require traversing the drive-through queue lane at its exit.

**This criterion is met as the proposed building will have pedestrian access from both abutting rights-of-way.**

- B. On-site facilities shall be provided to accommodate safe and convenient pedestrian and bicycle access within new subdivisions, multi-family developments, planned development, shopping centers, and commercial districts, and connecting to adjacent residential areas and neighborhood activity centers. Residential developments shall include streets with sidewalks and accessways.

**RESPONSE:** The proposed project is for the construction of a pad building within an existing fully developed shopping center. The new building will be constructed in the same location as an existing pad building to be demolished. The existing center is well served by both pedestrian pathways, as demonstrated above, and bicycle access. While the proposed project is commercial in nature it is within an existing shopping center with no proposed changes to the existing adequate pedestrian and bicycle systems; therefore, this criterion is met.

- 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.

**RESPONSE:** The proposed project is for the reconstruction of an existing pad location within the existing and fully developed Canby Square Shopping Center. The work associated with the project is highly focused to the northwest corner of the site and includes only minor modifications to the existing, well designed, pedestrian system within the center. The changes are limited to providing two drive aisle crossings; however, the path of the walkway will not be altered. As such, the project is not proposing any new connections to abutting developments; this criterion, therefore does not apply.

2. Walkways shall be provided to the street for every 300 feet of developed frontage.

**RESPONSE:** The proposed project is for the reconstruction of an existing pad location



within the existing and fully developed Canby Square Shopping Center. The work associated with the project is highly focused to the northwest corner of the site and includes only minor modifications to the existing, well designed, pedestrian system within the center. The changes are limited to providing two drive aisle crossings; however, the path of the walkway will not be altered.

A second walkway from the proposed building's south façade to the SW Berg right-of-way was not included as adequate access to the building from both frontages exists and there is a two to three foot grade difference between the building's finished floor elevation and the SW Berg right-of-way walkway elevation. A sidewalk here could not be made ADA accessible due to the grades and would increase the number of pedestrian drive-aisle crossings as it would require traversing the drive-through queue lane at its exit.

As such, the project is not proposing any new pedestrian connections; this criterion, therefore does not apply.

3. Walkways shall be direct with minimal driveway crossings.

**RESPONSE:** The proposed project is for the reconstruction of an existing pad location within the existing and fully developed Canby Square Shopping Center. The work associated with the project is highly focused to the northwest corner of the site and has been designed and located to work with the existing pedestrian system of the center. The site is currently served by a direct access to SW Berg and a straight-line, direct pathway from Highway 99. The new pad building will abut the existing north-south walkway from Highway 99. Where the new drive aisle south of the building will cross the existing pathway the walkway will be raised and constructed of contracting material (concrete) to ensure safety. Where the pathway crosses the drive-through lane the walkway will be clearly denoted by striping.

A second walkway from the proposed building's south façade to the SW Berg right-of-way was not included as adequate access to the building from both frontages exists and there is a two to three foot grade difference between the building's finished floor elevation and the SW Berg right-of-way walkway elevation. A sidewalk here could not be made ADA accessible due to the grades and would increase the number of pedestrian drive-aisle crossings as it would require traversing the drive-through queue lane at its exit.

This criterion is met as the path of existing walkways is not being altered and they remain straight-line and direct. While the project is proposing new driveway crossing the number has been minimized to two and in each case the walkway is clearly denoted to ensure safety. This criterion is therefore met.

4. Walkways shall be linked to the internal circulation of the building.

**RESPONSE:** The proposed building fronts on the existing internal site pedestrian walkway which runs north-south through the site from the Highway 99 right-of-way walk to the main walkway of the primary anchor buildings. This pathway abuts the eastern façade of the proposed building and provides direct access to the walkway along the building's south façade; both facades include proposed entries. This criterion is met as the onsite system is 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.

**RESPONSE:** The proposed building fronts on the existing internal site pedestrian walkway which runs north-south through the site from the Highway 99 right-of-way walk to the main walkway of the primary anchor buildings. The existing walkway is a minimum of five feet wide and raised through the parking lot. The proposed changes associated with this project will remain the raised walkway. Where the pathway crosses the new drive-aisle south of the building it will remain raised and will be constructed of concrete to accentuate it from the paved vehicular area. Where the pathway crosses the proposed drive-through the path will be constructed of concrete. This criterion is met as the walkway is at least five feet wide for the entire length and constructed of a contracting paving material (concrete) where it crosses drive-aisles and maneuvering areas.

- 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.

**RESPONSE:** The project will utilize the existing on-site walkways and aims to minimize the extent of impact to the existing system and creation of new impervious area. As such, the majority of the pathway abutting the proposed building is existing and new walkway area along the building's south façade and small portions of the existing path within the center will be concrete to match the existing system retained. At this time there is no permeable surfacing 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.

**RESPONSE:** This criterion does not apply as the site does not abut the Molalla Forest Road multi-use path.

#### **16.49.070 Landscaping provisions, Authority and intent.**

The purpose of this section is to establish standards for landscaping within the City of Canby in order to enhance the environmental and aesthetic quality of the city:

- A. By encouraging the retention and protection of existing trees and requiring the planting of trees in new developments;

**RESPONSE:** The proposed project has been designed to retain as much of the existing perimeter and interior landscaping as possible. The project will result in the removal of four landscape trees. However, the proposed landscape plan (refer to included landscape sheet) includes planting of 13 new trees. The new project retains as much of the existing landscaping as is practical while proposing a full new landscaping within the development area; as such, this criterion is met.

- B. By using trees and other landscaping materials to temper the effects of the sun, wind, noise and air pollution;

**RESPONSE:** A generous landscape planter has been maintained along both rights-of-way to mitigate negative impacts of noise and light and the planting of 13 new trees will reduce the effects of both sun and wind. This criterion is therefore met.

- C. By using trees and other landscaping materials to define spaces and uses of the specific areas;

**RESPONSE:** Landscaping has been provided that will screen vehicular and refuse areas. Landscaping is also used to define internal circulation patterns. This criterion is therefore met.

- D. Through the use of trees and other landscaping materials as a unifying element within the urban environment; and

**RESPONSE:** The landscaping design proposed has been created by a registered landscape architect who has given great consideration to creating a cohesive design both within the development area and with the existing center's landscaping. The materials and design proposed will unify the newly improved area but also be compatible with the existing landscape of the rest of the center. This criterion is therefore met.

**16.49.080 General provisions for landscaping.**

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

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

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

**RESPONSE:** Retention of healthy trees was maximized through the siting and design of the new building. The proposed plan will result in the loss of only four existing trees.

**The project provides two open space areas (pedestrian plazas) within the bounds of the site (non-public); drought tolerant plants are used for more than 75% of the landscape area; interior landscaping is provided which is more than 120% of the required minimum; and, parking is shared with adjacent uses within the center.**

- 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).

**RESPONSE:** The proposed project is for the construction of a pad building within the already developed Canby Square Shopping Center. While the shopping center is several acres in size the development area of the project is 27,450 square feet. As indicated by city staff during the pre-app meeting, all landscaping has been based on the development area associated with the project.

**Based on the development area the project is required to provide 4,117.59 square feet of landscaping. The project will provide 5,437.80 square feet (19.81%) as perimeter and interior parking lot landscaping. This criterion is met as the proposed landscaping exceeds the minimum amount required.**

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

**RESPONSE:** The proposed project does not include rain gardens or bioretention areas; therefore this criterion does not apply.

- 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.

**RESPONSE:** All trees that are existing to be retained are shown on in the included landscape plan as dashed circles while trees to be removed are shown as bold "X"s; refer to included Sheet L1.1. This criterion is therefore met.

- 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.

**RESPONSE:** All trees to remain will be protected both above and below ground. This criterion will therefore be met.

2. Trees and plant materials identified for preservation shall be protected by chain link fencing placed around the tree, at the drip line.

**RESPONSE:** All trees and plant materials to remain will be protected with chain link fencing placed at the drip line. This criterion will therefore be met.

3. If it is necessary to fence within the drip line, such fencing shall be specified by a qualified arborist, nurseryman or landscape architect.

**RESPONSE:** At this time it is not anticipated that fencing will be required in the drip lines. If it becomes necessary a qualified arborist or landscape architect will be consulted. This criterion is not applicable at this time will be met if it becomes necessary.

4. Neither top soil storage nor construction material storage shall be located within the drip line of trees designated to be preserved.

**RESPONSE:** **There will be no soil or construction material storage within the drip line of trees to be preserved. This criterion will therefore be met.**

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.

**RESPONSE:** **At this time it is not anticipated that grading, building, paving, trenching, boring, digging or other encroachment, aside from those already existing, will be required in the drip lines. If it becomes necessary a qualified arborist or landscape architect will be consulted. This criterion is not applicable at this time will be met is it becomes necessary.**

6. Tree root ends shall not remain exposed.

**RESPONSE:** **No tree root ends will be allowed to remain exposed. This criterion will therefore be met.**

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

**RESPONSE:** **All landscaping proposed adjacent to preserved trees is compatible with their health and retention. This criterion is therefore met.**

- 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.

**RESPONSE:** **It is not anticipate that a preserved tree will need to be removed; therefore, this criterion does not apply.**

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

**RESPONSE:** **All landscape areas proposed will result in the ground being covered by living grass or other plant materials within three years of installation. A maximum of five percent of the landscape area will be covered in non-plant materials. This criterion will therefore be met.**

- 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.

**RESPONSE:** **All plant materials used will be healthy, disease-free, damage-free and well-**

**branched. The proposed landscaping materials include Vine Maple, Kinnickinnick, and Oregon Grape, to name a few; all of which are native to the Pacific Northwest. This criterion is therefore met.**

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

**RESPONSE: All landscaping methods are according to the most recent edition of Sunset Western Garden Book or similar publication; refer to the included landscape plan(s). This criterion is therefore met.**

- 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.

**RESPONSE: All landscaping has been selected and sited to ensure a hardy and drought-resistant landscape. This criterion is therefore met.**

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.

**RESPONSE: The proposed landscaping shown on Sheet L1.1 was designed by Oregon registered landscape architect, Michael O'Brien, with AAI Engineering. Michael is an experience professional and has designed the proposed landscaping after consideration of all factors which affect plan growth to ensure the proposed landscaping will thrive. This criterion is therefore met.**

- 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.

**RESPONSE: All landscaping will be properly maintained so as to ensure plant growth does not interfere with pedestrian and vehicular access, will not create a traffic hazard and will not hinder solar access. This criterion is therefore met.**

- 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.

**RESPONSE: Any areas proposed as landscape will be restored with topsoil after any required grading. This criterion will therefore be met.**

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

**RESPONSE: All planting areas have been designed for positive drainage. Refer to the included grading and landscaping plans. This criterion is therefore met.**

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

**RESPONSE:** All areas with soils, water, plant materials and mulch materials have been designed to ensure those materials will not be washed into or across roadways or walkways through the use of grading and curbs. This criterion is therefore met.

**16.49.090 Specifications for tree and plant materials.**

- A. Deciduous Trees. Deciduous shade and ornamental trees shall be a minimum of two inch (2") caliper, measured six inches (6") above ground, balled and burlapped. Bareroot trees will be acceptable to plant during their dormant season. Trees shall be well branched and characteristically shaped specimen.

**RESPONSE:** All proposed deciduous trees are specified at a minimum of two inches in caliper; refer to included Sheet L1.1. This criterion is therefore met.

- B. Coniferous Trees. Coniferous trees shall be a minimum five feet (5') in height above ground, balled and burlapped. Trees shall be well branched and characteristically shaped specimen.

**RESPONSE:** All proposed coniferous trees are specified at a minimum of five feet in height; refer to included Sheet L1.1. This criterion is therefore met.

- C. Evergreen and Deciduous Shrubs. Evergreen and deciduous shrubs shall be at least one (1) to five (5) gallon size. Shrubs shall be characteristically branched. Side of shrub with best foliage shall be oriented to public view.

**RESPONSE:** All proposed shrubs are specified at a minimum of one gallon in size; refer to included Sheet L1.1. This criterion is therefore met.

- D. Ground covers. Ground covers shall be fully rooted and shall be well branched or leafed.

**RESPONSE:** All ground covers will be fully rooted and well branched or leafed; therefore, this criterion will be met.

- E. Lawns. Lawns shall consist of grasses, including sod, or seeds of acceptable mix within the local landscape industry. Lawns shall be 100 percent coverage and weed free. (Ord. 890 section 46, 1993; Ord. 848, Part IV, section 3, 1990)

**RESPONSE:** The proposed project does not include any new lawn area; therefore, this criterion does not apply.

**16.49.100 Landscaping installation and maintenance.**

- A. Except as allowed by subsection (2), all landscaping and exterior improvements required as part of the site and design review approval shall be completed prior to the issuance of any certificate of occupancy.

**RESPONSE:** It is understood that all landscaping and exterior improvements must be completed prior to issuance of a certificate of occupancy.

- B. A temporary certificate of occupancy may be issued prior to the complete installation of all required landscaping and exterior improvements if security equal to 110 percent of the cost of the landscaping and exterior improvements, as determined by the Site and Design Review Board or City Planner, is filed with the city, assuring such installation within a time specified by the Board, but not to exceed six (6) months

after occupancy. The applicant shall provide the cost estimates of landscaping materials and installation to the satisfaction of the Site and Design Review Board, City Planner, or city forester, prior to approval of the security. Security may consist of a faithful performance bond payable to the City of Canby, cash, certified check, time certificate of deposit, or assignment of a savings account; and the form shall meet with the approval of the City Attorney. If the installation of the landscaping or other exterior improvements is not completed within the period specified by the Board or City Planner, the security may be used by the city to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the city shall be returned. The final landscape and exterior improvement inspection shall be made prior to any security being returned. Any portion of the plan not installed, not installed properly, or not properly maintained shall cause the inspection to be postponed until the project is completed, or shall cause the security to be used by the city.

**RESPONSE: It is understood that a temporary certificate of occupancy can be issued for landscaping and exterior improvements if a security is filed.**

- C. All landscaping approved through the site and design review process shall be continually maintained, including necessary watering, weeding, pruning and replacement, in a manner substantially similar to that originally approved by the Site and Design Review Board, unless later altered with Board approval.

**RESPONSE: All landscaping will be continually maintained to ensure the areas remain similar to that which was originally approved and installed. This criterion will therefore be met.**

#### **16.49.120 Parking lot landscaping standards.**

- A. General Provisions. In addition to the objectives stated in section 2 of this ordinance, goals of parking lot standards are to create shaded areas in parking lots to reduce glare, enhance the visual environment, and encourage the use of LID practices. The design of the parking area shall be the responsibility of the developer and should consider visibility of signage, traffic circulation, comfortable pedestrian access, and aesthetics. Trees shall not be cited as a reason for applying for or granting a variance on placement of signs.
- B. Application. Parking lot landscaping standards shall apply to any surface passenger vehicle parking area of ten (10) spaces or more, or to any paved vehicular use area 3,500 square feet or larger on the same tax lot or on contiguous tax lots under common ownership. Any paved vehicular area which is used specifically as a utility storage lot or a truck loading area shall be exempt from landscaping requirements within a parking lot.
- C. Landscaping Within a Parking Lot.
1. Area within a parking lot shall include the paved parking and maneuvering area, as well as any area within ten (10) feet of any exterior face of curb surrounding the paved parking and maneuvering area.

**RESPONSE: Per the Pre-application Meeting landscaping required is to be based on the "development area" of the project and not the entire acreage of the existing Shopping Center. The development area has a total area of 27,450 square feet. Within the development area the parking and maneuvering and all paved surfaces within 10 feet of those area account for 15,379 square feet. This criterion is met as the area of the paved parking and maneuvering area includes paved surfaces within 10 feet of the exterior face of the curb.**



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

**RESPONSE:** All new interior landscaped areas are a minimum of six feet in width; therefore, this criterion is met.

3. The use of LID best management practices in parking lots is encouraged whenever site and soil conditions make it feasible. Such practices include, but are not limited to, permeable surfacing materials, and integrating LID stormwater management facilities into the required landscaping areas.

**RESPONSE:** The project provides two open space areas (pedestrian plazas) within the bounds of the site (non-public); drought tolerant plants are used for more than 75% of the landscape area; interior landscaping is provided which is more than 120% of the required minimum; and, parking is shared with adjacent uses within the center. The project includes LID measure that total 11 of the 44 total points for the project. This criterion is met.

- 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

**RESPONSE:** Per the Pre-application Meeting landscaping required is to be based on the "development area" of the project and not the entire acreage of the existing Shopping Center. The development area has a total area of 27,450 square feet. Within the development area the parking and maneuvering and all paved surfaces within 10 feet of those area account for 15,379 square feet. The total required landscaping within the parking lot is therefore 2,306.85 square feet. The project will provide 3,331 square feet. This criterion is met as the provided landscape exceeds the minimum required.

- 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.

**RESPONSE:** The proposed project does not create any new rows of parking that include more than eight contiguous parking spaces; therefore this criterion is met.

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 section (F) below.
3. Landscape islands may be counted toward the minimum parking lot landscaping requirements.

**RESPONSE:** All new landscape islands are a minimum 48 square feet in area and six feet minimum in width. Each island contains a tree per subsection (F) below except where an existing tree to remain interferes with placement of a new tree. All islands have been counted toward the minimum landscaping provided. These criteria are therefore met.

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

1. Reach a mature height of approximately forty (40) feet. Trees must be approximately two-inch (2") caliper at the time of planting.
2. Cast moderate to dense shade in summer.
3. Be long lived, i.e., live to be over approximately 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.

**RESPONSE:** The trees specified for the parking area include maples and katsura, both of which meet all of the criteria listed above. The trees have been specified at a minimum planting size of 2 inches; refer to included Sheet L1.1. These criteria are met as the trees do not produce fruit, resist drought, require little maintenance, are long lived, cast shade, are proven to thrive in and urban environment and reach a mature height of at least 40 feet.

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.

**RESPONSE:** All new landscaping abutting parking and vehicular areas includes shrubs, English Laurel, spaced to form a hedge that will be of a height and density in three years to screen vehicle headlights; refer to included Sheet L1.1 for depiction of the screen hedge. This criterion is therefore met.

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.

**RESPONSE:** The frontage of the development area along Highway 99 is approximately 163 lineal feet requiring 5 shrubs. The project proposes six shrubs in addition to the screen hedge; refer to Sheet L1.1. The frontage of the development area along SW Berg is approximately 167 lineal feet of which approximately 72 lineal feet is existing landscaping to remain. The 95 lineal feet of new landscape requires three shrubs. The project proposes 20 shrubs in addition to the screen hedge; refer to Sheet L1.1.

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 approximately 150 feet of all plant materials to be maintained.

**RESPONSE: A fully automatic and permanent underground irrigation system will be installed; therefore, this criterion is met.**

**16.49.150 Parking lots or paving projects.**

All new paving or parking lot projects which create over 2,500 square feet of impervious surface and any new paving added to existing paving areas which creates a total of more than 2,500 square feet of impervious surface must meet City storm drainage requirements, parking lot landscaping standards and the drainage and access standards of the Oregon Department of Transportation (if applicable). Applicants for such paving projects must submit an application to the Planning Department. Application procedures shall be as described in Chapter 16.89.

**RESPONSE: The proposed project creates a net addition of approximately 1,577 square feet of new impervious surfaces. This is less than the 2,500 square feet threshold of the above criterion; therefore, this criterion does not apply.**

## Chapter 16.89

## APPLICATION AND REVIEW PROCEDURES

**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

NOTES: \* See also Chapter 16.78 .\*\* See also Chapter 16.58.

**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.

**RESPONSE: A pre-application conference was held on with the City on October 9, 2014. This criterion is therefore 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.

**RESPONSE: A neighborhood meeting was held on October 9, 2014; therefore, this criterion is met. Refer to the included neighborhood meeting sample notice, mailing list, sign-in sheet and notes for detailed information on the neighborhood meeting.**

- 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.

**RESPONSE: This submittal is accompanied by all required forms as provided on the City of Canby Planning website. This criterion is therefore met.**

**16.89.070 Neighborhood Meetings.**

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

**RESPONSE: A neighborhood meeting was held on October 9, 2014; therefore, this criterion is met. Refer to the included neighborhood meeting sample notice, mailing list, sign-in sheet and notes for detailed information on the neighborhood meeting.**

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

**RESPONSE: A neighborhood meeting was held on October 9, 2014; therefore, this**

**criterion is met. Refer to the included neighborhood meeting sample notice, mailing list, sign-in sheet and notes for detailed information on the neighborhood meeting.**

- C. At least two weeks prior to the neighborhood meeting, the applicant shall mail notice of the meeting to:
1. The appointed chair and all active members of any neighborhood association in whose boundaries the application lies; and
  2. All of those who would receive notice of the application's public hearing before the Planning Commission.

**RESPONSE: The proposed project is not located within the bounds of an active neighborhood association; therefore, subsection (1) above does not apply. The applicant mailed a notice regarding the neighborhood meeting on September 23, 2014 to all land owners (as found on 2014 tax records and provided by First American Title Company) and all "occupants" as found by Baysinger Partners on the Clackamas County GIS system as directed by the City of Canby. The neighborhood meeting was held on October 9, 2014. This criterion is met as the noticing was sent to all individuals who would receive notice of a public hearing before the Planning Commission as stipulated in Canby Code Section 19.89.050.D.1 and the notice was mailed more than two weeks prior to the meeting date.**

- D. The meeting shall be held in a fully accessible location approved by the City.

**RESPONSE: Per a phone call with Bryan Brown the city does not have a list of "approved" locations thus the applicant found a location as close to the proposed project site as possible. The neighborhood meeting was held at the Clackamas County Fairground, Clackamas Hall building location at 694 NE 4<sup>th</sup> Avenue in Canby. The building and location is fully accessible and the meeting was open to the public. This criterion is therefore met.**

- E. Following a required neighborhood meeting, applicants shall prepare a written summary of pertinent issues raised and shall prepare a detailed response to each issue. This material shall be submitted to the Planning Department in electronic format at least two weeks before the initial public hearing.

**RESPONSE: Notes from the neighborhood meeting detail both the issues raised and a response to each. Refer to the included neighborhood meeting notes for detailed responses. This criterion is therefore met.**

**16.89.080 Application Requirements and Completeness.**

- A. Submittal. Applications for land use and development permits shall be filed on forms provided by the purpose by the Planning Director. The application shall be made with all required information and fees.

**RESPONSE: This submittal is accompanied by all required forms as provided on the City of Canby Planning website. This criterion is therefore met.**

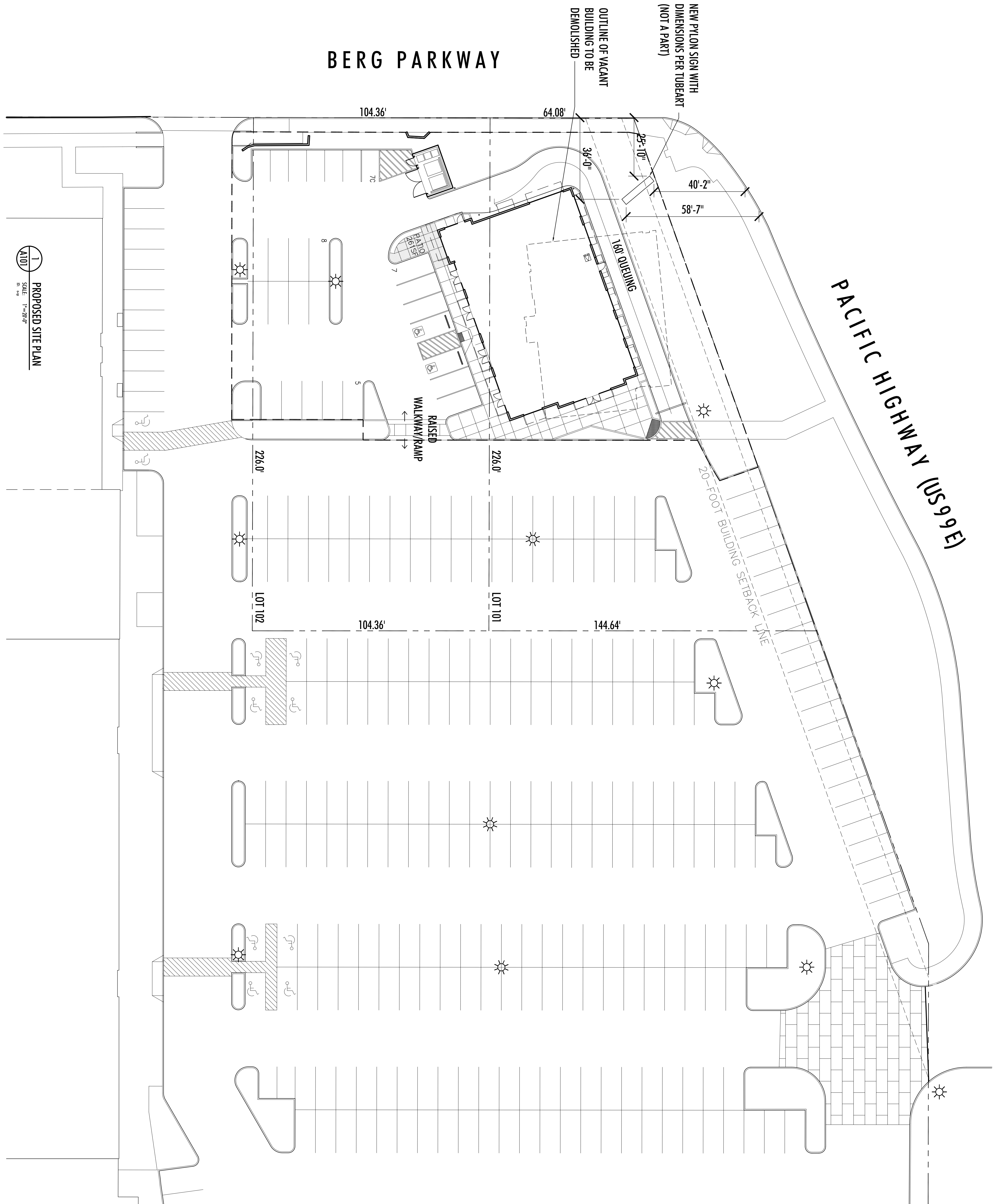
- B. Fees. Fees shall be set out by resolution adopted by the City Council. Fees shall differentiate between various processes and applications and no part of the fee shall be refunded unless approved by the Planning Director.

**RESPONSE: This submittal was accompanied by a check for \$1,700 (\$1,500 base fee plus \$200 for additional site area over 0.5 acre as the development area is 27.450**

square feet). This criterion is therefore met.

- D. Completeness. In reviewing an application for completeness, the following procedure shall be used:
1. When an application is received by the City, the Planning Director shall immediately determine whether the following essential items are present. If they are not, the Planning Director may choose not to accept the application, in which case the application shall be immediately returned to the applicant:
    - a. The required form;
    - b. The required fee; and
    - c. The signature of the applicant on the form, and signed written authorization of the property owner of record if the applicant is not the owner.

**RESPONSE:** The submittal initially brought to the city included the Site and Design Review application as found on the City's Planning Department website, one check for \$1,700 made payable to the "City of Canby" for the land use review, one check for \$250 for DKS's review of our Traffic memo and signatures of all property owners related to the site area. This criterion is therefore met and the application contained all essential items listed above.

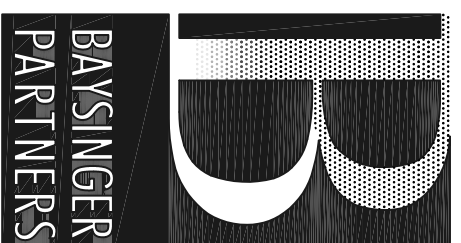


**ARGONAUT INVESTMENTS**  
CANBY SQUARE PAD BUILDING

AG 14009

770 Tamalpais Dr., Suite 401-B  
Corte Madera, CA 94925  
Phone : (415) 945-2473 Fax : (415) 226-8541

**BAYSINGER PARTNERS ARCHITECTURE**  
1006 SE Grand Ave., Suite 300, Portland, OR 97214  
Phone : 503-546-1600 Fax : 503-546-1601  
PaulR@BaysingerPartners.com



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ISSUED / REVISED	DATE

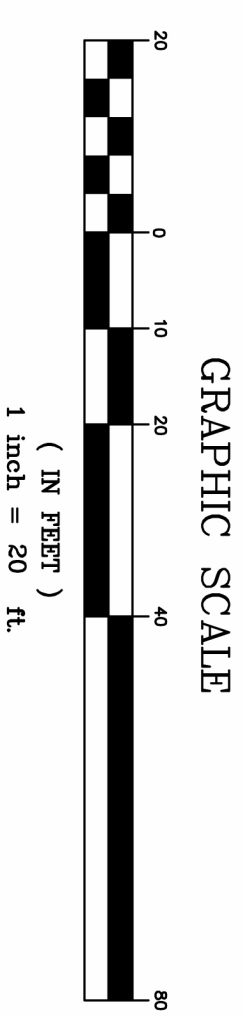
ORIGINAL ISSUE DATE  
DRAWN BY  
CHECKED BY

**PROPOSED SITE PLAN**  
SCALE: 1" = 20'-0"  
A101





**NORTH**  
**PLANTING PLAN**  
 SCALE 1" = 20'



**PLANTING LEGEND**

- TREES**
- ACER CIRCINATUM 'PACIFIC FIRE' - VINE MAPLE 8' B&B, WELL BRANCHED, 3 STEM MIN. AT BASE
  - ACER RUBRUM 'BOWHALL' - BOWHALL MAPLE 2" CAL. B&B, WELL BRANCHED, LIMBED TO 6'
  - ACER TRUNCATUM 'WARRENER' - PACIFIC SUNSET MAPLE 2" CAL. B&B, WELL BRANCHED, LIMBED TO 6'
  - CERIODPHYLLUM JAPONICUM - KATSURU TREE 2" CAL. B&B, WELL BRANCHED, LIMBED TO 6'
  - TSUGA MERTENSIANA - MOUNTAIN HEMLOCK 8' B&B, FULL TREES BRANCHED TO GROUND
  - EXISTING TREES TO REMAIN
  - EXISTING TREES TO REMAIN PROTECT DURING CONSTRUCTION
  - EXISTING TREES TO BE REMOVED
  - EXISTING TREES TO BE REMOVED MITIGATE PER PLAN

**SHRUBS AND GROUNDCOVER**

- ARCTOSTAPHYLOS UVA-URSI - VANCOUVER JADE - KINNICKINICK 4" POTS, FULL PLANTS, 18" O.C.
- CISTUS X CANESCENS - ROCK ROSE 1 GAL. CONT., FULL PLANTS, 30" O.C.
- LIROPE GIGANTEA - GIANT LILYTURF 1 GAL. CONT., FULL PLANTS, 24" O.C.
- MAHONIA REPENS - CREEPING OREGON GRAPE 1 GAL. CONT., FULL PLANTS, 24" O.C.
- MISCANTHUS SINENSIS 'PURPURASCENS' - FLAME GRASS 1 GAL. CONT., FULL PLANTS, SPACE AS SHOWN
- PRINUS LAURO-CERASUS OTTO LUYKEN - ENGLISH LAUREL 3 GAL. CONT., FULL PLANTS, SPACE AS SHOWN
- RIBES SANGUINEUM 'KING EDWARD VII' - RED CURRANT 3 GAL. CONT., FULL PLANTS, SPACE AS SHOWN
- SARCOCCOA RUSCIFOLIA - FRAGRANT SWEET BOX 2 GAL. CONT., FULL PLANTS, SPACE AS SHOWN
- EXISTING LANDSCAPE TO REMAIN
- EXISTING LANDSCAPE TO REMAIN PROTECT DURING CONSTRUCTION

**NOTES**

1. CONTRACTOR SHALL PROVIDE TOPSOIL, SOIL AMENDMENTS AND EROSION CONTROL AS SPECIFIED.
2. ALL PLANTS SHALL BE INSTALLED IN ACCORDANCE WITH DETAILS AND SPECIFICATIONS AS PROVIDED AS PART OF THE CONSTRUCTION DOCUMENT PACKAGE. SEE SHEETS L2.1 & L2.2 FOR TYPICAL DETAILS.
3. ALL PLANTS SHALL BE IRRIGATED BY A FULLY AUTOMATIC, PERMANENT, UNDERGROUND IRRIGATION SYSTEM UNLESS OTHERWISE NOTED.

AG 14009

**ARGONAUT INVESTMENTS**  
 CANBY SQUARE PAD BUILDING

770 Tamalpais Dr., Suite 401-B  
 Corte Madera, CA 94925  
 Phone : (415) 945-2473 Fax : (415) 226-8541

**BAYSINGER PARTNERS ARCHITECTURE**  
 1006 SE Grand Ave., Suite 300, Portland, OR 97214  
 Phone : 503-546-1600 Fax : 503-546-1601  
 PaulR@BaysingerPartners.com



**AAI** alightn associates, inc.  
 ENGINEERING  
 4875 SW Griffin Drive | Suite 300 | Beaverton, OR 97005  
 503.620.3030 tel | 503.620.5539 fax | www.aainc.com  
 Project No. A13015.12

REGISTERED ARCHITECT  
 410  
 PRELIMINARY  
 LANDSCAPE ARCHITECT  
 MICHAELE M. WILSON  
 1/19/20

ISSUED / REVISED DATE

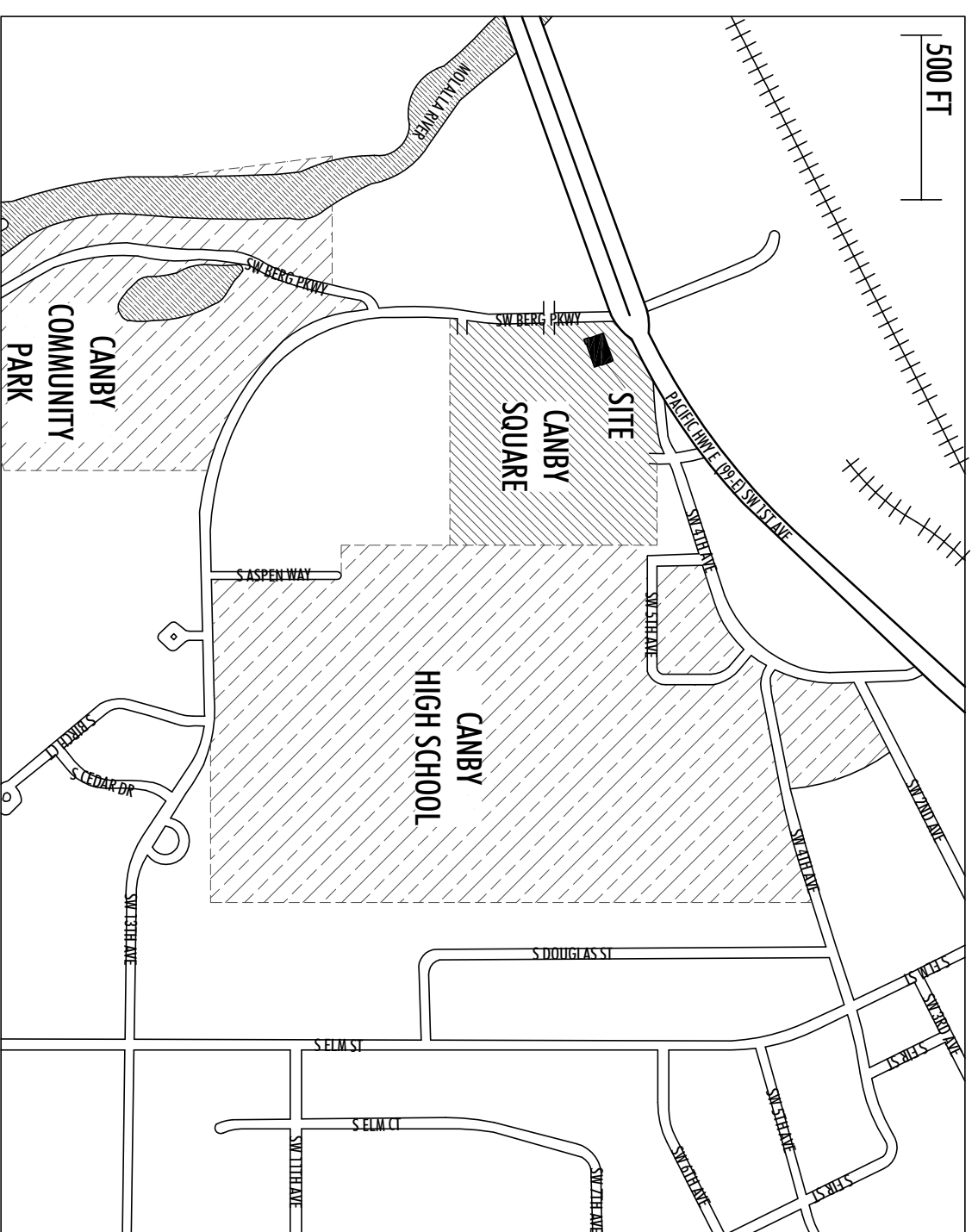
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**PLANTING PLAN**

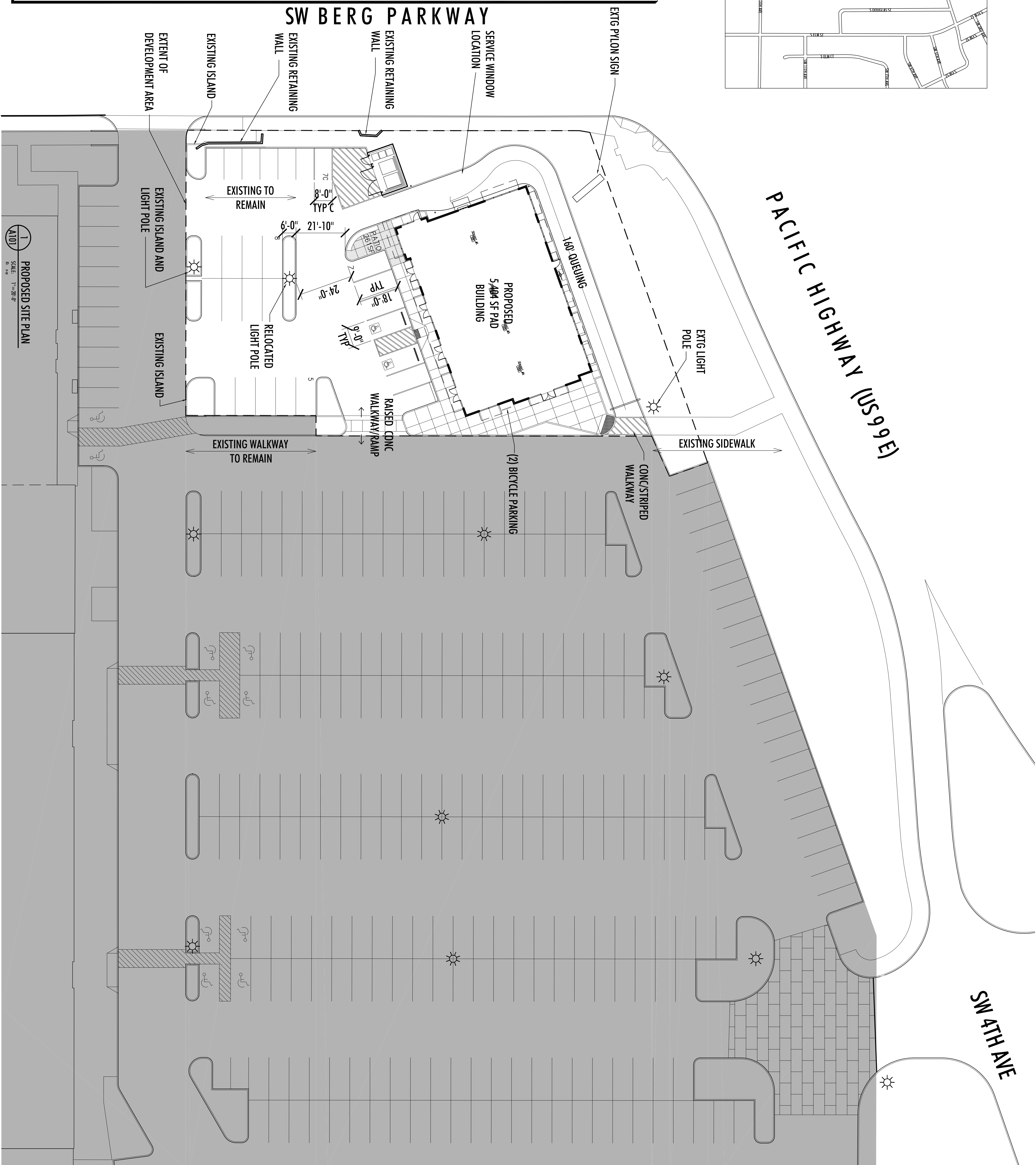
L1.1

NEIGHBORHOOD MEETING





Project Data			
<b>Site Area</b>			
• Total Shopping Center Area:		395,089 SF	
• Development Area:		27,450 SF	
<b>Building Area</b>			
• Existing to be Demol:		4,307 SF	
• Proposed:		5,404 SF	
• Retail:		1,850 SF	
• Café w/ drive-through:		2,500 SF	
• Office:		941 SF	
• Unoccupied mechanical		113 SF	
• Total Shopping Center Area after proposed project:		116,920 SF	
<b>FAR</b>			
• Existing Center:		0.29 SF	
• Proposed Center:		0.29 SF	
• Existing In "Development Area":		0.15 SF	
• Proposed In "Development Area":		0.19 SF	
<b>Parking</b>			
• Car			
• Use	SF	Ratio Req'd	Total Spaces
Minimum Required:			
Shopping Center	116,920	3.00/1,000 SF	351
Provided			491
Allowed Compact		30% of 491	147
Provided Compact			49
• Bicycle			
• Use	SF	Ratio Req'd	Stalls Required
Minimum Required:			
Shopping Center	5,404	0.33/1,000 SF	2
Provided			2
<b>Landscaping</b>			
• Total			
o Required: 4,117.59 SF (1.5%) of development area			
o Provided: 5,437 (1.9%) of development area			
• Interior			
o Required: 2,306 SF (1.5%) of vehicular maneuvering areas			
o Provided: 3,331 SF (2.1%) of vehicular maneuvering areas			



**ARGONAUT INVESTMENTS**  
CANBY SQUARE PAD BUILDING

770 Tamalpais Dr., Suite 401-B  
Corte Madera, CA 94925  
Phone : (415) 945-2473 Fax : (415) 226-8541

AG 14009

**BAYSINGER PARTNERS ARCHITECTURE**  
1006 SE Grand Ave., Suite 300, Portland, OR 97214  
Phone : 503-546-1600 Fax : 503-546-1601  
PaulR @BaysingerPartners.com

**BAYSINGER PARTNERS**

**PRELIMINARY NOT FOR CONSTRUCTION**

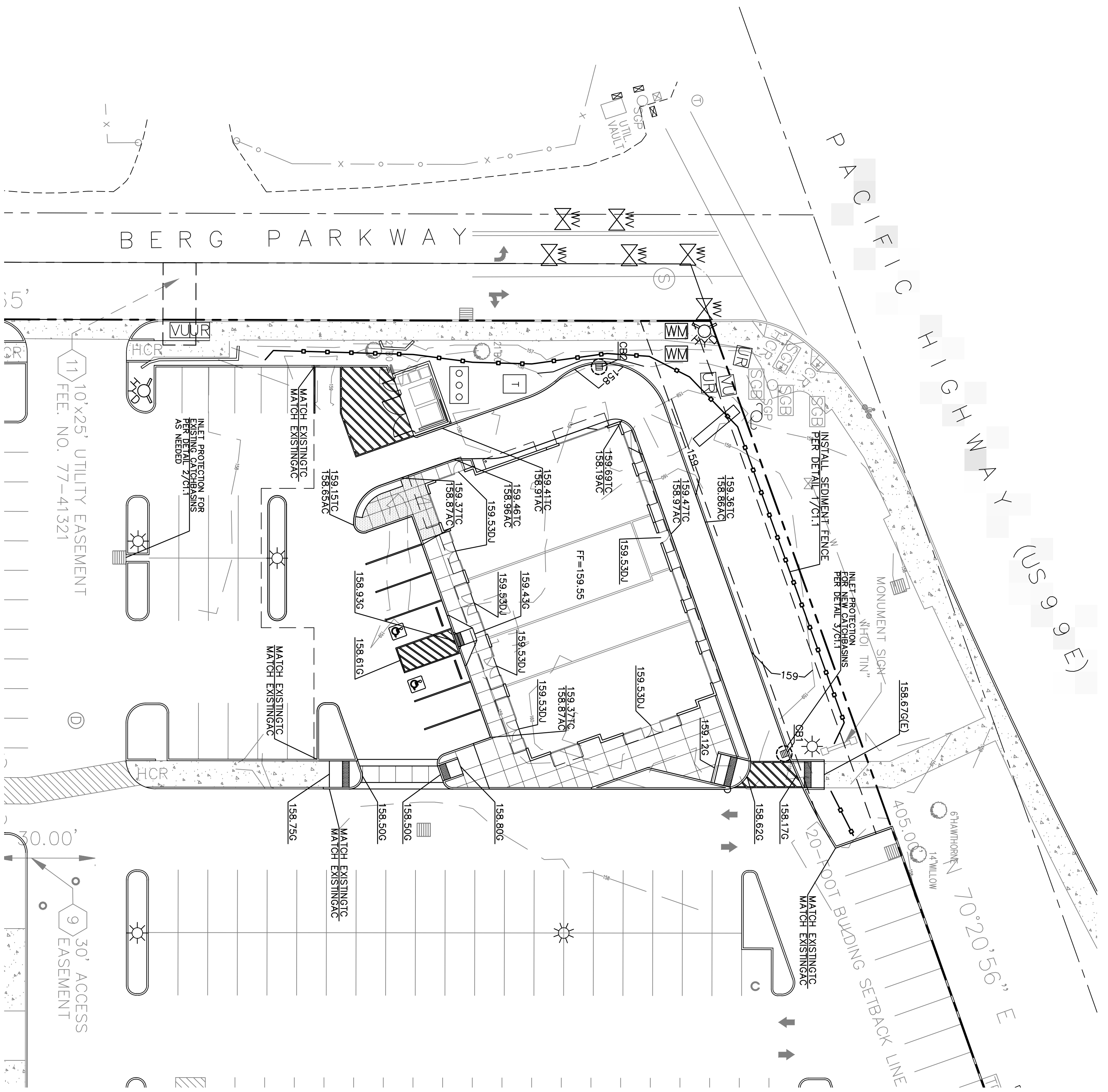
ISSUED / REVISED DATE

**PROPOSED SITE PLAN**

ORIGINAL ISSUE DATE 10/29/14  
DRAWN BY PAR CHECKED BY PAR

**A101**

DESIGN REVIEW



**LEGEND**

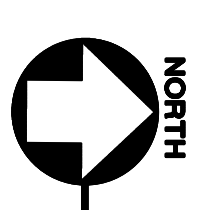
EXISTING CONTOUR--1 TO 4 FOOT INTERVALS	---
NEW CONTOUR--5 FOOT INTERVALS	---
EXISTING CONTOUR TO NEW CONTOUR--5 FOOT INTERVALS	---
SEDIMENT FENCE	—○—○—○—
CATCH BASIN RIM ELEVATION	▬
SPOT ELEVATION	100.00
TOP FACE OF CURB ELEVATION	TO
ASPHALT ELEVATION	AC
GRADE	G
DOOR JAMB	DJ
EXISTING	(E)
CATCH BASIN	■

**GENERAL NOTES**

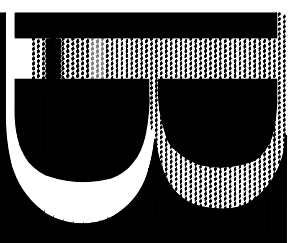
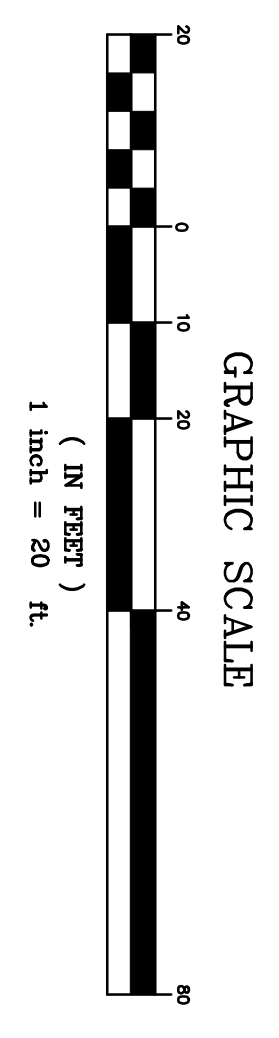
1. ALL WORK SHALL CONFORM TO THE REQUIREMENTS OF THE JURISDICTION, THE GEOTECHNICAL INVESTIGATION FOR THIS PROJECT, AND THE PROJECT SPECIFICATIONS.
2. THE CONTRACTOR SHALL HAVE A FULL SET OF THE CURRENT APPROVED CONSTRUCTION DOCUMENTS INCLUDING ADDENDA ON THE PROJECT SITE AT ALL TIMES.
3. THE CONTRACTOR SHALL COMPLY WITH ORS 737.541 TO 737.571 REQUIRING NOTIFICATION OF INTENDED EXCAVATION TO UTILITY PROVIDERS.
4. THE CONTRACTOR IS RESPONSIBLE FOR COORDINATION OF PRIVATE UTILITIES SUCH AS GAS, TELEPHONE, POWER, CABLE TELEVISION, ETC. CONFIRM VAULT LOCATIONS WITH ENGINEER.
5. THE CONTRACTOR SHALL KEEP THE ENGINEER AND JURISDICTION INFORMED OF CONSTRUCTION PROGRESS TO FACILITATE SITE OBSERVATIONS AT REQUIRED INTERVALS. 24-HOUR NOTICE IS REQUIRED.
6. EXISTING CONDITIONS BASED ON TOPOGRAPHIC BOUNDARY AND UTILITY SURVEY SUPPLIED BY THE CLIENT.
7. FINISH GRADES ARE TO BE BROUGHT TO WITHIN 0.08 FT IN 10 FT OF THE GRADES SHOWN AT SUBGRADE AND TO WITHIN 0.03 FT IN 10 FT AT FINISH GRADE. CONTRACTOR TO ALLOW FOR PLACEMENT OF REQUIRED TOPSOIL IN ROUGH GRADING.
8. GRADING ELEVATIONS AS SHOWN ON SITE AND LANDSCAPE PLANS ARE FINISHED GRADE WHICH INCLUDES SUBGRADE SOIL, TOPSOIL, SOIL AMENDMENTS, ROCKERY AND RUNOFF PROTECTION CONTRACTOR IS RESPONSIBLE TO COORDINATE GRADING WITH BOTH EXCAVATOR AND LANDSCAPE CONTRACTOR.

**UTILITY STRUCTURE INFORMATION**

CBL	RIM=158.05
59412PE	
CBR2	RIM=157.85



**GRADING AND EROSION CONTROL PLAN**  
SCALE 1" = 20'

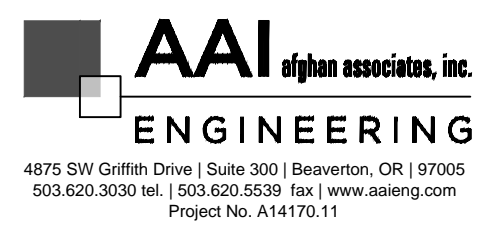


**BAYSINGER PARTNERS**

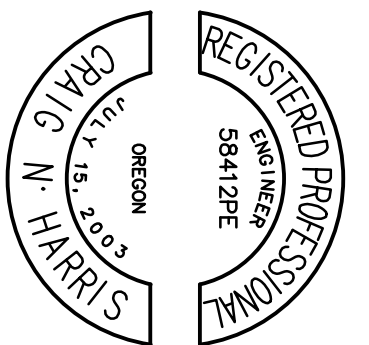
**BAYSINGER PARTNERS ARCHITECTURE**  
1006 SE Grand Ave., Suite 300, Portland, OR 97214  
Phone : 503-546-1600 Fax : 503-546-1601  
PaulR@BaysingerPartners.com

**ARGONAUT INVESTMENTS**  
CANBY SQUARE PAD BUILDING

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Phone : (415) 945-2473 Fax : (415) 226-8541



4875 SW Griffin Drive | Suite 300 | Beaverton, OR | 97005  
503.620.3030 | tel: 1.503.620.5638 | fax: www.aaieng.com  
Project No. A14170.11



ISSUED / REVISED DATE

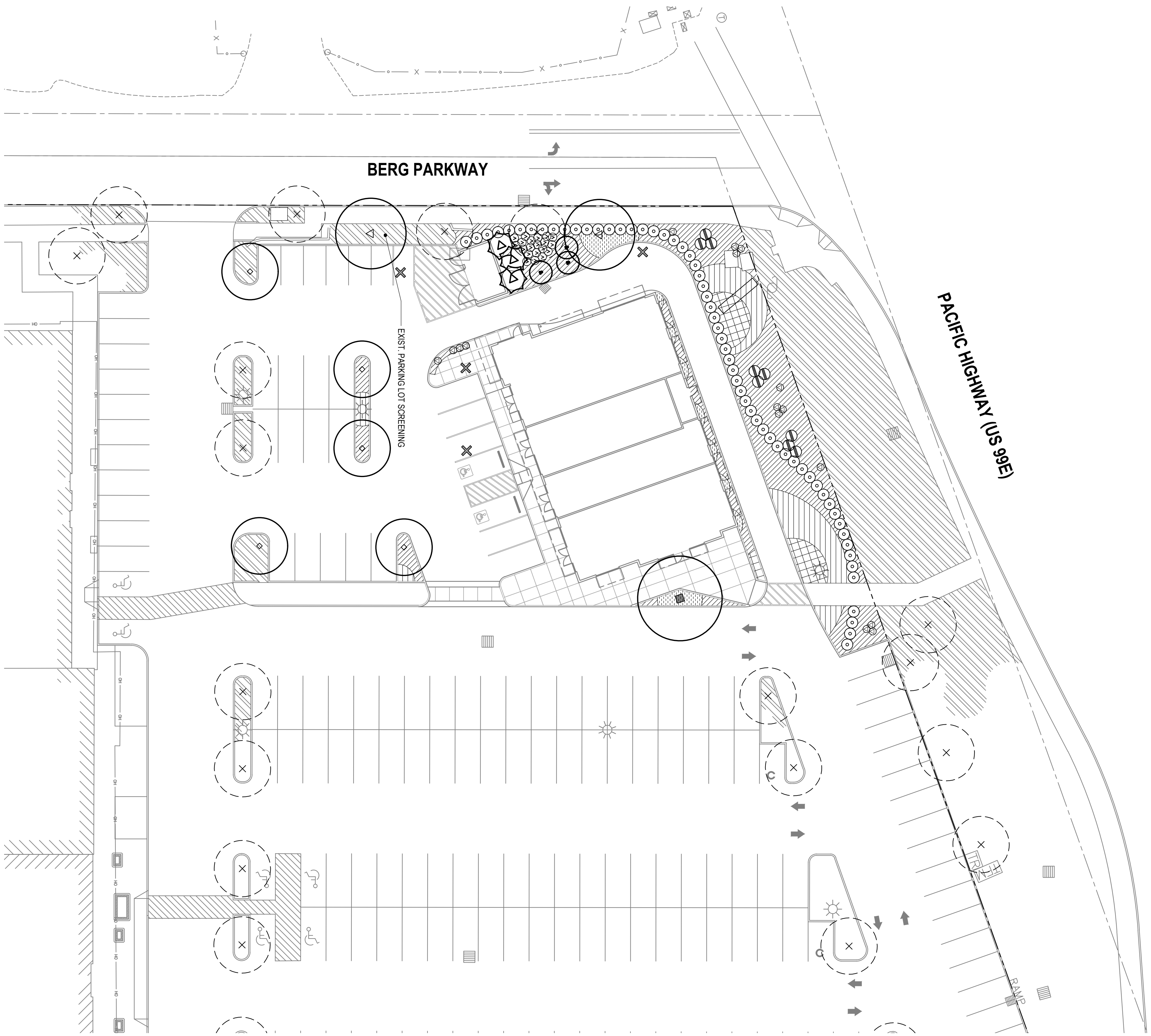
ORIGINAL ISSUE DATE 10/29/14  
DRAWN BY NWS CHECKED BY CNH

**GRADING AND EROSION CONTROL PLAN**

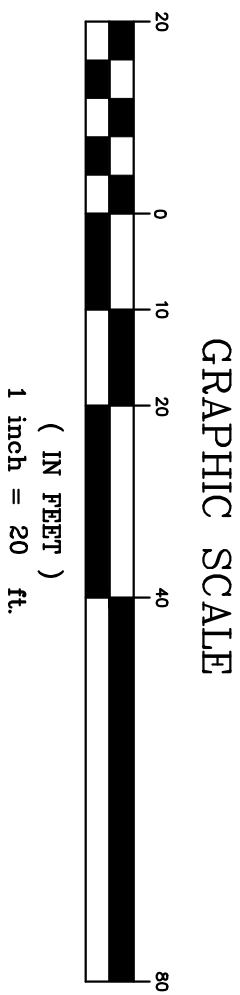
**C1.0**

DESIGN REVIEW

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**PLANTING PLAN**  
SCALE 1" = 20'



**PLANTING LEGEND**

**TREES**

- ACER ORCINUTATUM PACIFIC FIRE\* - VINE MAPLE  
8' B&B, WELL BRANCHED, 3 STEM MIN. AT BASE
- ACER RUBRUM BOWHALL - BOWHALL MAPLE  
2' CAL. B&B, WELL BRANCHED, LIMBED TO 6'
- ACER TRIANGULATUM WARRENED\* - PACIFIC SUNSET MAPLE  
2' CAL. B&B, WELL BRANCHED, LIMBED TO 6'
- CERODIPHYLLUM JAPONICUM - KATSURAI TREE  
3' CAL. B&B, WELL BRANCHED, LIMBED TO 6'
- TSUGA MERTENSIANA - MOUNTAIN HEMLOCK  
8' B&B, FULL TREES, BRANCHED TO GROUND
- EXISTING TREES TO REMAIN  
PROTECT DURING CONSTRUCTION
- EXISTING TREES TO BE REMOVED  
MITIGATE PER PLAN

**SHRUBS AND GROUNDCOVER**

- ARCTOSTAPHYLLUS UVA-URSI VANCOUVER JADE - KINNICKINICK  
4' POTS, FULL PLANTS, 18" O.C.
- CISTUS X CANESCENS - ROCK ROSE  
1' GAL. CONT., FULL PLANTS, 30" O.C.
- LIRIOPE GIGANTEA - GIANT LILYTURF  
1' GAL. CONT., FULL PLANTS, 24" O.C.
- NAHOVIA REPENS - CREEPING OREGON GRAPE  
1' GAL. CONT., FULL PLANTS, 24" O.C.
- MISCANTHUS SINENSIS PURPURASCENS - FLAME GRASS  
1' GAL. CONT., FULL PLANTS, SPACE AS SHOWN
- PRUNUS LAUROBRASIS OTTO LUYKEN\* - ENGLISH LAUREL  
3' GAL. CONT., FULL PLANTS, SPACE AS SHOWN
- RIBES SANGUINEUM KING EDWARD VII\* - RED CURRANT  
3' GAL. CONT., FULL PLANTS, SPACE AS SHOWN
- SARCOCOCCA RUSCIFOLIA - FRAGRANT SWEET BOX  
2' GAL. CONT., FULL PLANTS, SPACE AS SHOWN
- EXISTING LANDSCAPE TO REMAIN  
PROTECT DURING CONSTRUCTION

**NOTES**

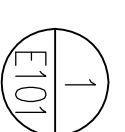
1. CONTRACTOR SHALL PROVIDE TOPSOIL, SOIL AMENDMENTS, AND EROSION CONTROL AS SPECIFIED.
2. ALL PLANTS SHALL BE INSTALLED IN ACCORDANCE WITH DETAILS AND SPECIFICATIONS AS PROVIDED AS PART OF THE CONSTRUCTION DOCUMENT PACKAGE. SEE SHEETS L2.1 & L2.2 FOR TYPICAL DETAILS.
3. ALL PLANTS SHALL BE IRRIGATED BY A FULLY AUTOMATIC, PERMANENT, UNDERGROUND IRRIGATION SYSTEM UNLESS OTHERWISE NOTED.

	<p><b>DESIGN REVIEW</b></p>	<p><b>REGISTRATION</b> 410 <b>PRELIMINARY</b> LANDSCAPE ARCHITECT</p>	<p><b>AAI</b> alghan associates, inc. <b>ENGINEERING</b></p> <p><small>4875 SW Griffin Drive   Suite 300   Beaverton, OR   97005 503.620.0020 ext. 1503.620.3639 fax www.aaieng.com Project No. A13015.12</small></p>	<p><b>ARGONAUT INVESTMENTS</b> CANBY SQUARE PAD BUILDING</p> <p>770 Tamalpais Dr., Suite 401-B Corte Madera, CA 94925 Phone : (415) 945-2473 Fax : (415) 226-8541</p>	<p>AG 14009</p> <p><b>BAYSINGER PARTNERS ARCHITECTURE</b></p> <p>1006 SE Grand Ave., Suite 300, Portland, OR 97214 Phone : 503-546-1600 Fax : 503-546-1601 PaulR @BaysingerPartners.com</p>
<p>ORIGINAL ISSUE DATE 10/29/14 DRAWN BY MEO CHECKED BY MEO</p>	<p><b>PLANTING PLAN</b></p>	<p>ISSUED / REVISED DATE</p>	<p><small>© 2014 Baysinger Partners Architecture This document, and the ideas and designs contained herein, are the property of Baysinger Partners Architecture. No part of this document may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, including electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the written authorization of Baysinger Partners Architecture.</small></p>		

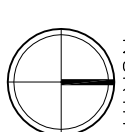




Symbol	Label	Qty	Catalog Number	Description	Lamp	File	Lumens	LF	Watts
○	EX	2	VAR-1941-FT-50	VAR SERIES 190W AH TYPE FEAT GLASS MIRROR COATED	150W METAL HALIDE	VAR-1941-FT-50	14000	1.00	208
□	A	17	OW190	FORMED WHITE ENK COATED IN FORMED FRAMEWORK, DIFFUSE WHITE PAINTED MIRROR BACK PANEL	TWO 13WATT FLUORESCENT EACH RATED 900 LUMENS	OW190-20F13 8s	1800	1.00	52
□	B	1	TMR1 LED 1 50K WALLPACK	2100lm TMR1 LED WALLPACK	LED	TMR1 LED 1 50K SRK_AVOLC18	Absolute 1100	34.4	



1 LIGHTING AND PHOTOMETRIC PLAN  
SCALE: 1"=10'-0"



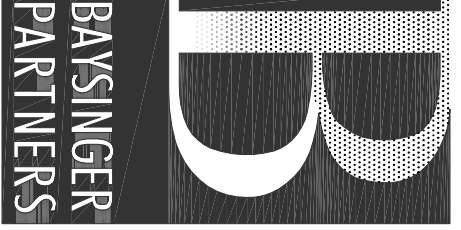
AG 14009

# ARGONAUT INVESTMENTS

CANBY SQUARE PAD BUILDING

770 Tamalpais Dr., Suite 401-B  
Corte Madera, CA 94925  
Phone : (415) 945-2473 Fax : (415) 226-8541

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Phone : 503-546-1600 Fax : 503-546-1601  
PaulR@BaysingerPartners.com



**PRELIMINARY  
NOT FOR  
CONSTRUCTION**

ISSUED / REVISED DATE

ORIGINAL ISSUE DATE 10/29/14  
DRAWN BY MAL CHECKED BY PAR

**PHOTOMETRIC  
SITE PLAN**

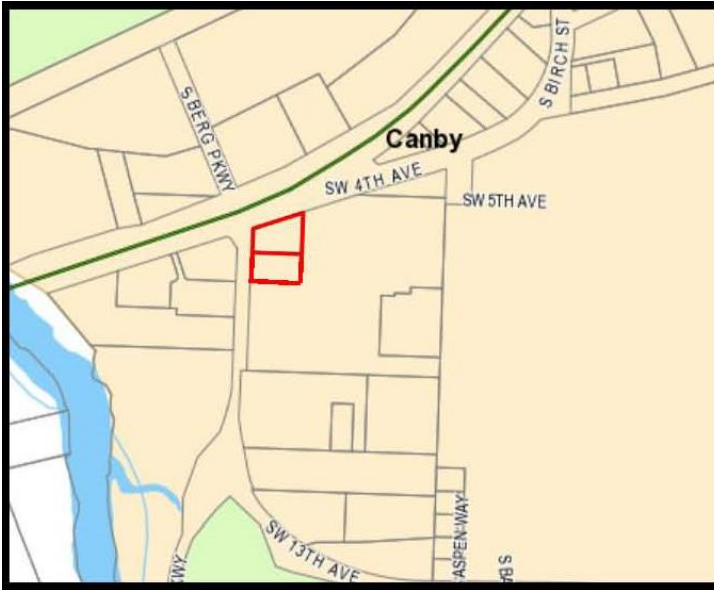
**E101**  
DESIGN REVIEW



# City of Canby

## NOTICE OF PUBLIC HEARING & REQUEST FOR COMMENTS

The purpose of this Notice is to invite you to a Public Hearing at a Planning Commission meeting on Monday, December 8, 2014 at 7 pm in the City Council Chambers, 155 NW 2<sup>nd</sup> Avenue to review a Site & Design Review application to construct a new 5,404 SF pad building with drive-through at 1075 SW 1<sup>st</sup> Ave.



**Comments due**– If you would like your comments to be incorporated into the City’s Staff Report, please return the Comment Form by Tuesday, November 25, 2014.

**Location:** 1075 SW 1st Ave.

**Tax Lot:** 41E05A00101 & 41E05A00102 (Both properties shown on map at the left, bordered in red.)

**Lot Size and Zoning:** .86 acres, Zoned C2 – Highway Commercial Zone

**Owner:** Argo Canby & Rancho Sonoma Partners, LLC

**Applicant:** Argonaut Investments

**Application Type:** Site & Design Review Type III

**City File Number:** DR 14-04

**Contact:** Bryan Brown, Planning Director, 503-266-0702

**What is the Decision Process?** The Planning Commission will make a decision after the Public Hearing. The Planning Commission’s decision may be appealed to the City Council.

**Where can I send my comments?** Written comments can be submitted up to the time of the Public Hearing and may also be delivered in person to the Planning Commission during the Public Hearing. (Please see *Comment Form*). Comments can be mailed to the Canby Planning Department, P O Box 930, Canby, OR 97013; dropped off at 111 NW Second Avenue; or emailed to [brownb@ci.canby.or.us](mailto:brownb@ci.canby.or.us).

**How can I review the documents and staff report?** Weekdays from 8 AM to 5 PM at the Canby Planning Department. The staff report to the Planning Commission will be available for inspection starting Wednesday, November 26, 2014 and can be viewed on the City’s website: <http://www.ci.canby.or.us> Copies are available at \$0.25 per page or can be emailed to you upon request.

**Applicable Criteria:** Canby Municipal Code Chapters:

- 16.08 General Provisions
- 16.10 Off-street Parking and Loading
- 16.28 C-2 Highway Commercial Zone
- 16.41 Downtown Canby Overlay (DZO Zone)
- 16.42 Signs
- 16.43 Outdoor Lighting Standards
- 16.46 Access Standards
- 16.49 Site and Design Review
- 16.89 Application & Review Procedures

*Note: Failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the board based on that issue.*

## **CITY OF CANBY –COMMENT FORM**

If you are unable to attend the Public Hearing, you may submit written comments on this form or in a letter addressing the Planning Commission. Please send comments to the City of Canby Planning Department:

**By mail:** Planning Department, PO Box 930, Canby, OR 97013  
**In person:** Planning Department at 111 NW Second Street  
**E-mail:** [brownb@ci.canby.or.us](mailto:brownb@ci.canby.or.us)

Written comments to be included in the Planning Commission’s meeting packet are due by Noon on Tuesday, November 25, 2014. Written comments can also be submitted up to the time of the Public Hearing on Monday, December 8, 2014 and may also be delivered in person to the Planning Commission during the Public Hearing at 7 pm in the City Council Chambers, 155 NW 2<sup>nd</sup> Avenue.

**Application: Site & Design Review – DR 14-04 Canby Square**

**COMMENTS:**

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**YOUR NAME:** \_\_\_\_\_  
**EMAIL:** \_\_\_\_\_  
**ORGANIZATION or BUSINESS (if any):** \_\_\_\_\_  
**ADDRESS:** \_\_\_\_\_  
**PHONE # (optional):** \_\_\_\_\_  
**DATE:** \_\_\_\_\_

**Thank you!**

## CITY OF CANBY –COMMENT FORM

If you are unable to attend the Public Hearing, you may submit written comments on this form or in a letter addressing the Planning Commission. Please send comments to the City of Canby Planning Department:

**By mail:** Planning Department, PO Box 930, Canby, OR 97013  
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***Application: Site & Design Review – DR 14-04 Canby Square***

**COMMENTS:**

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Canby Area Transit (CAT) operates a bus route along 99E and currently stops inside the Canby Square parking area. CAT also has an ODOT permit for for a new stop on 99E. The two stops are marked with an "X" on the attached drawing.

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It would be ideal to have a pullout large enough to accommodate a 40 foot bus with a bench and bus shelter at the location on 99E.

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We intend to put up a sign and start using the stop on 99E in the early Spring.

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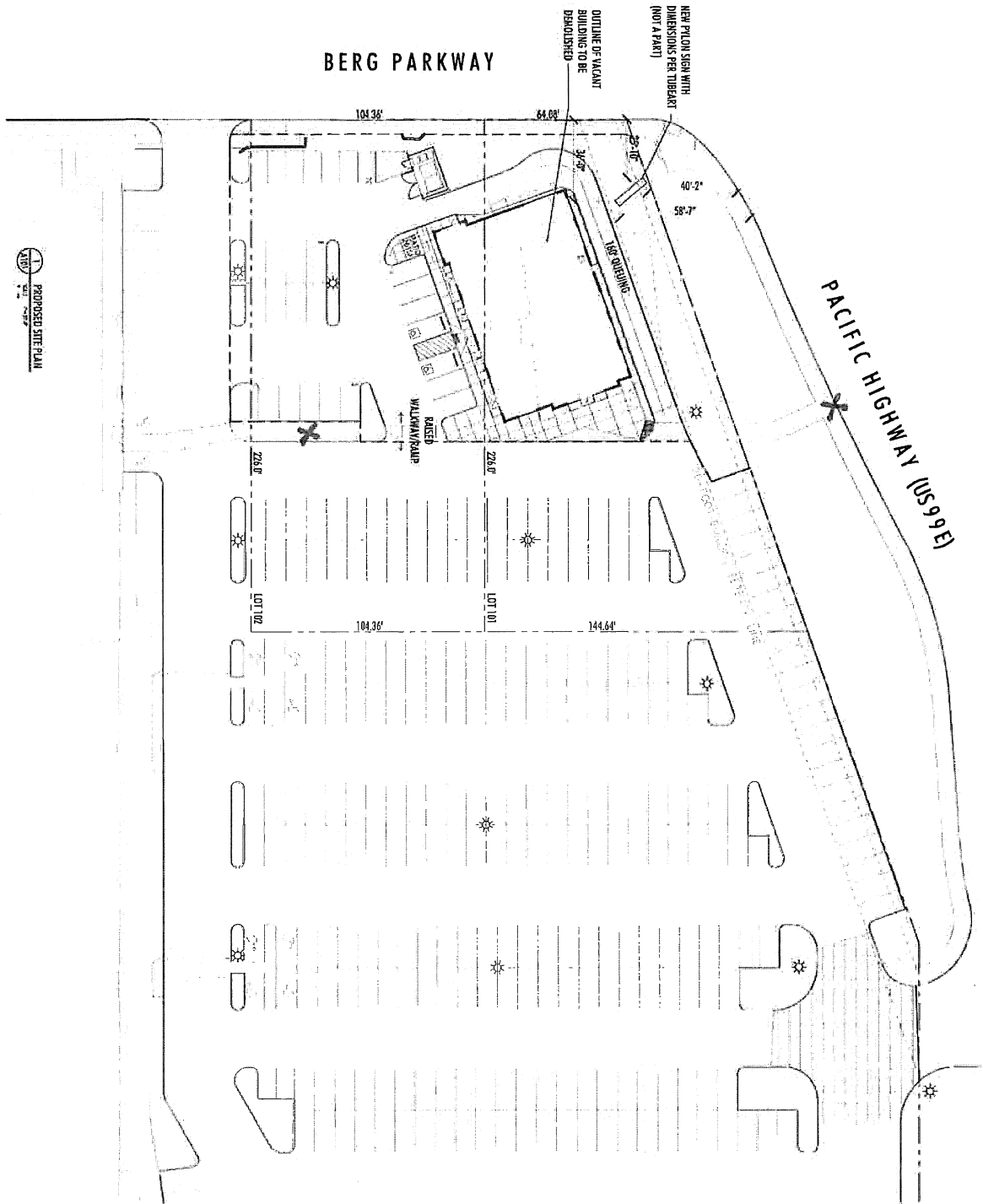
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**YOUR NAME:** Julie Wehling  
**EMAIL:** [wehlingj@ci.canby.or.us](mailto:wehlingj@ci.canby.or.us)  
**ORGANIZATION or BUSINESS (if any):** Canby Area Transit - City of Canby  
**ADDRESS:** PO Box 930, Canby, OR 97013  
**PHONE # (optional):** 503.266.0751  
**DATE:** 11/26/14

**Thank you!**



PROPOSED SITE PLAN

<p>ISSUED / REVISED DATE</p>	<p>ARGONAUT INVESTMENTS CANBY SQUARE PAD BUILDING</p>	<p>AG 14009</p>	<p><b>BAYSINGER PARTNERS ARCHITECTURE</b> 1000 SE Grand Ave., Suite 300, Portland, OR 97214 Phone : 503-546-1600 Fax : 503-546-1601 PaulR@BaysingerPartners.com</p>
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**CITY OF CANBY –COMMENT FORM**

If you are unable to attend the Public Hearing, you may submit written comments on this form or in a letter addressing the Planning Commission. Please send comments to the City of Canby Planning Department:

**By mail:** Planning Department, PO Box 930, Canby, OR 97013  
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**E-mail:** [brownb@ci.canby.or.us](mailto:brownb@ci.canby.or.us)

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***Application: Site & Design Review – DR 14-04 Canby Square***

**COMMENTS:**

1. All sanitary sewer trench restoration, curb and sidewalk replacement on S. Berg Parkway shall be in conformance with the current public works standards.

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**YOUR NAME:** Hassan Ibrahim \_\_\_\_\_  
**EMAIL:** \_\_\_\_\_  
**ORGANIZATION or BUSINESS (if any):** Curran-McLeod, Inc. - Contract City Engineering Firm \_\_\_\_\_  
**ADDRESS:** \_\_\_\_\_  
**PHONE # (optional):** \_\_\_\_\_  
**DATE:** 11.21.14 \_\_\_\_\_

**Thank you!**



# KITTELSON & ASSOCIATES, INC.

TRANSPORTATION ENGINEERING / PLANNING

610 SW Alder Street, Suite 700, Portland, OR 97205 P 503.228.5230 F 503.273.8169

November 13, 2014

Project #: 18324

Paul Reed  
Baysinger Partners Architecture  
1006 SE Grand Avenue, Suite 300  
Portland, OR 97214

***RE: Trip Generation and On-site Queuing Impacts for the Retail and Drive-Through Coffee Development - Canby, Oregon***

Dear Paul,

Pursuant to your request, we have prepared this letter to summarize the trip generation and on-site queue storage assessment for the proposed retail redevelopment located within the Safeway Shopping Center in Canby, Oregon. Based on the analysis provided herein, the net new peak hour trip generation of the proposed development remains below the City of Canby's threshold for triggering a traffic impact study, and the on-site queue storage is acceptable to accommodate the anticipated demand. As a result, no further analysis in support of the retail shops and drive-through coffee development is expected to be required.

Additional background information and details of the analysis are provided herein.

## BACKGROUND

Argonaut Investments is proposing to redevelop an existing 4,307 square foot vacant restaurant building located in the southeast quadrant of the Pacific Highway (OR 99E)/SW Berg Parkway intersection in Canby, Oregon. The building is located within the Safeway Shopping Center, which has access along SW Berg Parkway and SW 4<sup>th</sup> Avenue. Both of these are City streets and no direct access is provided from Pacific Highway to the shopping center site.

The redevelopment proposal consists of removal of the existing restaurant pad building and replacement with a new 5,400 square foot building to support various retail uses and a drive-through coffee shop. As part of the proposal, a drive-through aisle will be added and parking modifications made to the existing parking layout. No modifications are proposed to the existing access to the shopping center. The proposed site plan, provided by Baysinger Partners, is provided as Attachment "A" at the conclusion of this letter.

## TRIP GENERATION

Daily and weekday p.m. peak hour vehicle trip end estimates were calculated from empirical observations (at other similar developments) for the existing and proposed uses. These observations were obtained from the *Trip Generation Manual, 9<sup>th</sup> Edition*, published by the Institute of Transportation Engineers (ITE).

The proposed development includes approximately 941 square feet of office, 1,500 square feet of retail, 1,000 square-foot hair salon, and a 1,850 square-foot coffee shop with drive-through. Trips associated with the office, hair salon, and coffee shop uses were estimated based on corresponding ITE land uses while the remaining retail uses proposed were represented using the average trip rate of ITE’s Shopping Center land use (Code 820). Table 1 summarizes the trip generation estimates.

**Table 1 Trip Generation Comparison**

Land Use	ITE Code	Size (ft <sup>2</sup> )	Weekday AM Peak Hour			Weekday PM Peak Hour		
			Total	In	Out	Total	In	Out
<b>Existing Land Use</b>								
High Turnover Sit-Down Restaurant	932	4,307	46	25	21	42	25	17
Pass-by Trips (43%)			(20)	(11)	(9)	(18)	(11)	(7)
Existing Land Use Net New Trips			26	14	12	24	14	10
<b>Proposed Land Use</b>								
General Office Building	710	941	1	1	0	1	0	1
Shopping Center	826	1,500	1	1	0	6	3	3
Pass-by Trips (34%)			(0)	(0)	(0)	(2)	(1)	(1)
Hair Salon	918	1,000	1	1	0	1	0	1
Coffee/Donut Shop with Drive-through Window	937	1,850	186	95	91	80	40	40
Pass-by Trips (83%)			(154)	(79)	(75)	(66)	(33)	(33)
Proposed Land Uses Net New Trips			35	19	16	20	9	11
<b>Proposed Net New Trips – Existing Net New Trips</b>			<b>9</b>	<b>5</b>	<b>4</b>	<b>(4)</b>	<b>(5)</b>	<b>1</b>

As shown in Table 1, the proposed development is expected to generate approximately nine new weekday a.m. peak hour trips and four fewer trips during the weekday p.m. peak hour. Note that the estimate provided above does not take into account any internalization among the land uses on the overall Safeway site, which would further reduce the net new trips.

As described by the *Canby Square Shopping Center Pad Trip Generation Scope* (provided in Attachment “B”), the City of Canby defines the trip generation threshold for requiring study beyond a trip generation assessment. As stated in the scope, no operations analysis are required if the proposed development does not generate more than 50 peak hour trips or increase peak hour traffic by more than five percent. As shown in Table 1, the proposed development is estimated to generate fewer than 50 net new trips during both the weekday a.m. and p.m. peak hours and is not anticipated to increase the traffic on the adjacent street system by more than five percent<sup>1</sup>.

## ON-SITE QUEUING ASSESSMENT

The queue storage area for the drive through has been designed to provide 160 feet of on-site striped storage. Per Starbucks, this amount of storage is consistent with similar developments and is standard practice for their coffee shops located within larger shopping center developments. The storage provided will accommodate approximately eight vehicles (approximately 20 feet per vehicle, including space between vehicles). Note that additional storage is available within the shopping center parking fields leading to the drive through entry, assuring that on-site drive through queuing will not impact any adjacent public roadway facilities.

## SITE CIRCULATION

Pedestrian walkways are provided to the site via sidewalk connections to SW Berg Parkway and SW Highway 99E linking directly to the anchor building area, including a new raised walkway near the front of the new building. ADA accessible parking spaces are located directly in front of the new building entry, and two bicycle parking stalls will be provided along the building’s east façade.

## CONCLUSION

Based on the trip generation comparison, the proposed development would not meet the threshold for analysis at nearby off-site intersections. This conclusion is based on the threshold as documented by City staff in the letter dated October 10, 2014 (Attachment “B”). As such, no further analysis is expected. The provided vehicular queue storage is expected to accommodate vehicular demand while minimizing on-site circulation impacts; further, the site has been designed such that on-site queuing will not impact adjacent public roadway facilities. Pedestrian and bicycle facilities have also been provided to facilitate circulation of non-auto modes.


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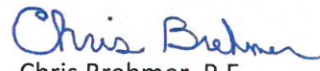
<sup>1</sup> Note: during the a.m. peak hour, the estimated increase in trips is approximately 9 vehicles (5 in, 4 out), which would require fewer than 180 vehicles along adjacent streets to trigger a five percent increase.

Based on the trip generation estimate, on-site queuing assessment, and site circulation review, the proposed redevelopment may be constructed while maintaining acceptable pedestrian, vehicular, and non-auto access and circulation.

Please call us at 503-228-5230 if you have any questions as you review this material.

Sincerely,  
KITTELSON & ASSOCIATES, INC.

  
Diego Argueda, P.E.  
Senior Engineer

  
Chris Brehmer, P.E.  
Principal Engineer

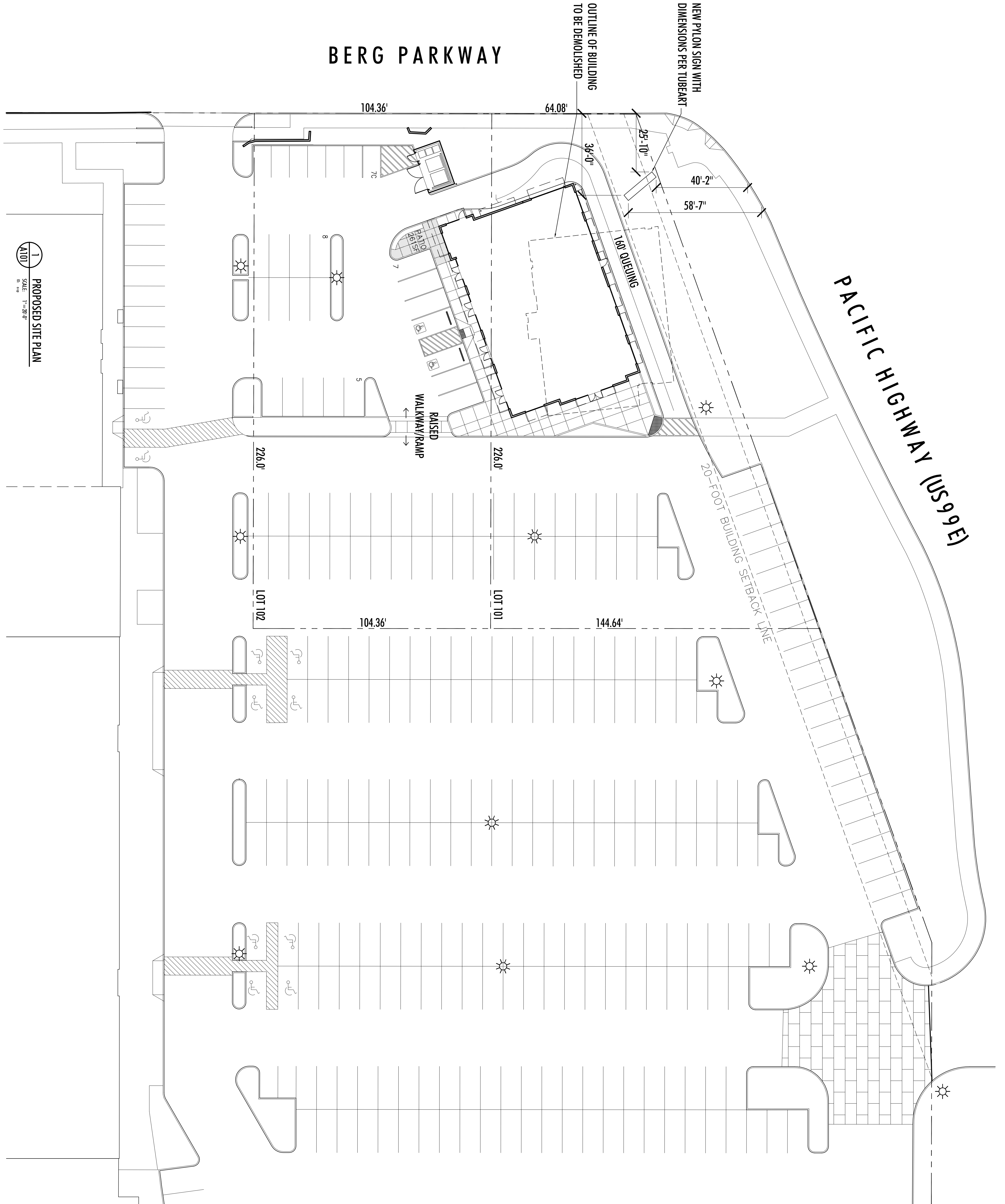
## ATTACHMENTS

- A. Proposed Site Plan
- B. City of Canby Scoping Memorandum



**Attachment A**  
Site Plan

# BERG PARKWAY



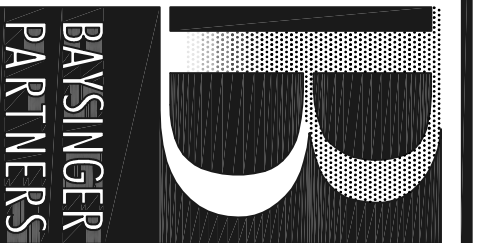
1  
A101  
PROPOSED SITE PLAN  
SCALE: 1"=20'  
08/14/14

## ARGONAUT INVESTMENTS CANBY SQUARE PAD BUILDING

AG 14009

STREET & SUITE  
TOWN, STATE, & ZIP  
Phone : 111-111-1111 Fax : 111-111-1111

**BAYSINGER PARTNERS ARCHITECTURE**  
1006 SE Grand Ave., Suite 300, Portland, OR 97214  
Phone : 503-546-1600 Fax : 503-546-1601  
PaulR@BaysingerPartners.com



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ISSUED / REVISED DATE  
ORIGINAL ISSUE DATE  
DRAWN BY CHECKED BY



720 SW Washington St.  
Suite 500  
Portland, OR 97205  
503.243.3500  
www.dksassociates.com

# MEMORANDUM

**DATE:** October 10, 2014

**TO:** Bryan Brown, City of Canby

**FROM:** Chris Maciejewski, PE, PTOE  
Steve Boice, PE, PTOE

**SUBJECT:** Canby Square Shopping Center Pad Trip Generation Scope

P#11010-038

This memorandum describes the scope of services to estimate vehicle trip generation associated with the proposed rebuild of an existing building pad located in the Canby Square Shopping Center. This scope of services has been prepared based on coordination with the City of Canby and Oregon Department of Transportation (ODOT).

The project site is located in the southeast quadrant of the Pacific Highway East (OR 99E)/SW Berg Parkway intersection. The existing building is approximately 4,500 square feet, has no drive-thru window, and has been vacant for several years. The proposed building pad would consist of a 5,400 square foot building and feature one drive-thru window/circulating aisle. The project would modify the existing parking along the building frontage in addition to minor shopping center parking revisions to provide access to the proposed circulating aisle.

The site will be served by the two existing primary accesses to the shopping center. One access is located along SW Berg Parkway while the other is located along SW 4<sup>th</sup> Avenue (via OR 99E). SW Berg Parkway is classified as a City arterial street. SW 4th Avenue is classified as a local City street and intersects the existing access just south of OR 99E which is a State facility and is classified as a regional highway and state truck route<sup>1</sup>.

There are anticipated to be multiple tenants of the building and the intended uses of retail, office, and restaurant are consistent with the land use zoning and comprehensive plan designations for the site (C-2 Highway Commercial).

## SCOPE OF SERVICES

### Task 1: Project Trip Generation

With the proposed change in site tenants, preliminary trip generation estimates indicate that trip levels would not trigger analysis to be conducted at any nearby intersections based on the City's and ODOT's intersection

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<sup>1</sup> 1999 Oregon Highway Plan, Appendix D: Highway Classification by Milepoint.





analysis evaluation guidelines<sup>2</sup>. To confirm this, the amount of new vehicle trips generated by the proposed rebuild of the existing shopping center pad will be estimated using trip generation estimates published in the Institute of Transportation Engineers (ITE) Trip Generation Manual for similar land use types<sup>3</sup>. The type of land use will be coordinated with the applicant to estimate a reasonable worst case scenario. At this time potential occupants may include:

- 1,850 SF Café w/drive-through
- 1,000 SF Hair Salon
- 941 SF General Office
- 1,500 SF Specialty Retail

Trip generation estimates for the proposed project will be provided for daily, morning, and the evening peak hour. These estimates will be summarized in a table, including pass-by and internal trip reductions associated with the type of land use. Although the building pad is currently vacant, trip generation estimates will account for trips generated to site by the previous tenant (sit down restaurant) to determine the net new vehicle trips added to transportation system by the proposed project.

## **Task 2: Site Circulation Review**

Vehicle access to the site will be provided via the existing accesses to the shopping center as shown in the attached site plan. Therefore site access for non-auto modes of travel (pedestrians and bicyclists) will be evaluated for connectivity to the surrounding transportation system and building entrances. Internal circulation and stacking will also be examined to ensure that adequate accessibility and storage is available for the proposed drive-up window. Any inadequacies discovered during the evaluation will be identified and improvement measures will be recommended as needed.

Overall, the shopping center is anticipated to provide 472 spaces for 116,613 square feet of leasable building space. This equates to a supply of approximately four spaces per 1,000 square feet of building area which would meet the City's code requirement<sup>4</sup>. Therefore, based on conversation with City staff, review of parking supply will not be included.

## **Task 3: Documentation**

The findings and recommendations of the trip generation and site circulation review will be presented in a Draft Memorandum that will be submitted to the City and ODOT (one electronic copy). After the City and ODOT have reviewed the Draft Memorandum, we will make appropriate edits and submit a Final Memorandum stamped by an Oregon registered professional Engineer (one electronic copy).

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<sup>2</sup> Project traffic is not anticipated to generate more than 50 peak hour trips through surrounding intersections or increase peak hour traffic by 5-percent or more.

<sup>3</sup> Trip Generation Manual, Institute of Transportation Engineers, 9th Edition.

<sup>4</sup> City of Canby Municipal Code, Table 16.10.050 Off-Street Parking Provisions



## **BUDGET**

In consideration of the performance of these services, DKS Associates will be compensated on a time and materials basis in accordance with the hourly billing rates set forth in the attached fee schedule, subject to revision January 1, 2014, for a maximum fee of \$2,500. This fee is based upon the scope of services and level of effort presented above.

If the applicant chooses to utilize another consultant to complete these tasks, our review and written response of the applicant's submittal would be approximately \$250.

If you have any questions, please feel free to call or email.



September 22, 2014

RE: Proposed Development at 1075 SW 1<sup>st</sup> Avenue

Dear Owner/Occupant:

I am writing this letter on behalf of Argonaut Investments, who is considering construction at the above location. The project would demolish the existing, vacant, former restaurant building and construct a new approximately 5,400 square foot pad building with drive-through. This site is currently zoned C-2 and in the OHC subarea of the Downtown Overlay Zone.

Prior to preparing specific engineering and site plans and making application to the City of Canby for the necessary reviews and approvals, we would like to discuss the proposal in more detail with interested surrounding property owners and residents. Therefore, you are cordially invited to attend a meeting on:

Thursday, October 9, 2014  
at the Clackamas County Fairgrounds  
in the Clackamas Hall Building  
located at 694 NE 4<sup>th</sup> Ave (Clackamas, OR 97013)  
at 6:00 p.m.

Please note that this will be an informational meeting on preliminary development plans with the developer and/or representative only and is not intended to take the place of a public hearing before the Planning Commission. You will have an opportunity to present testimony to this body when an application is submitted to the City for review.

I look forward to seeing you at the meeting and hearing your thoughts on the proposed project.

Sincerely,

  
Jennifer L. Rinkus  
Planner

Baysinger Partners Architecture

1006 SE Grand Ave., Suite 300  
Portland, OR 97214  
Phone 503-546-1600  
Fax 503-546-1601  
[www.BaysingerPartners.com](http://www.BaysingerPartners.com)

# Neighborhood Meeting Notes

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**Project:** Canby Square Pad Building (AG 14009)

**Date:** Thursday, October 9, 2014

**Attendance:**

- Paul Reed and Jennifer Rinkus – Baysinger Partners Architecture

**Meeting Summary:**

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- **Project Overview:**
  - Baysinger Partners had six, 24"x36" display boards depicting the site plan, landscaping plan, building elevations, existing building photo and various rendered shots of the proposed project on display as well as a movie of a rendered model playing.
    - **Brian Thomas**
      - Brian was interested in general project information such as whom the tenants might be and the proposed building design.
      - We informed him that at this time the western tenant, approximately 1,850 SF in area, is slated to be a coffee use with drive-through along with up to three retail or office uses.
    - **Don Jeskey**
      - Don's primary concern was when construction would begin and how it would impact traffic on SW Berg.
        - BPA informed him that we anticipated at late winter/early spring start to construction and that the project does not require right-of-way improvements so all construction would be located internal to the shopping center. As such, the project will have minimal impact on Berg as all work is located within the site. We also let him know that the Design Review process is requiring a traffic analysis as part of the submittal; however, due to prior use and the proposed uses the number of trips is decreasing and the city is confident enough with the reduced impact that they are not requiring analysis of the intersection of Berg and 99.
        - Don commented he hoped the drive-through would be a Starbucks.
    - **Mallory Gwynn**
      - Mallory, like Brian, was interested in general project info such as tenants and building design. He was very enthusiastic about the project, commenting that he was glad to finally see someone transforming the current eyesore. He said he thought it, along with the new Big 5 tenant, were great additions to the center as well as this part of town.

In summary, all three attendees were very excited about the idea of the existing vacant building being demo'd and a new building being constructed. No one had any issue with the proposed drive-through and in fact, Don was very excited that it would be a café use. All attendees thought the proposed project looked good and was a very welcome addition to this part of town and the center/intersection.

# NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project Name: CANBY SQUARE PAD BLDG Meeting Location: CLACKAMAS HALL CLACKAMAS COUNTY

Meeting Date & Time: THURS. OCT. 9, 2014 @ 6:00 PM FAIK GROUNDS

**PLEASE PRINT LEGIBLY!**

Name	Mailing Address & E-mail Address	City, State	Zip Code	Phone #
<u>BRIAN THOMAS</u>	<u>1501 SW Taylor Suite 100 Portland, OR 97013 bthomas@myse.com</u>	<u>Portland</u>	<u>OR 97013</u>	<u>503-588- 9085</u>
<u>Don Jeskey</u>	<u>1617 SW Berg Parkway Canby, OR 97013</u>	<u>Canby, OR</u>	<u>97013</u>	<u>503-266- 2231</u>
<u>MALLOREY BOWMAN</u>	<u>191 SE 2<sup>ND</sup> AVE CANBY, OR 97013</u>	<u>CANBY, OR</u>	<u>97013</u>	



## MEMORANDUM

**TO:** Agronaut Investments/Paul Reed  
**RE:** Pre-application #PRA 14-05  
**FROM:** Bryan Brown, Planning Director/Angie Lehnert, Associate Planner  
**DATE:** June 4, 2014

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**APPLICANT:** Agronaut Investments/Paul Reed  
**TAX LOTS:** 41E05A00103, 41E05A00100, 41E05A00102, 41E05A00101  
**LOCATION:** 1025 SW 1<sup>st</sup> Ave  
**ZONING:** C-2/OHC Subarea of the Downtown Overlay Zone  
**PROPOSAL:** New 5,400 sf pad drive-thru building and remodel of an existing building

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### **TO COMPLETE THIS PROPOSAL:**

Submit a Design Review III Application; requires approval by the Planning Commission

- Staff determined a Type III application with final approval by the Planning Commission is necessary in lieu of a Type II application with final approval by the Planning Director because this application appears to have significant discretionary aspects, including proposing to not make frontage improvements and to not apply design criteria to the remodel of the existing shops building.

### **ZONING STANDARDS APPLICABLE TO THIS APPLICATION**

Applications are reviewed on the basis of criteria in *Title 16: Land Development and Planning Ordinance* of the *Canby Municipal Code*. *Title 16* is available on the City's website or may be emailed upon request. The applicant must address compliance with this ordinance in order to be approved in the land use and planning process. Staff has determined that the following Chapters may apply to the proposed development. This is only a preliminary list; during a more extensive review, staff may encounter additional standards applicable to the proposal:

- **Chapter 16.08: General Provisions**
  - Contains standards for fences, sidewalks, etc.
  - Contains standards regarding Traffic Impact Study requirements.
- **Chapter 16.10: Off Street Parking**
  - Parking & loading standards
  - Parking lot and access standards
  - Bicycle parking standards
  - For this application, please demonstrate that parking standards are met for the proposed new building and that the building does not affect existing building parking requirements.
- **Chapter 16.28: C-2 Highway Commercial Zone**
  - Lists permitted and conditional uses.
  - Some development standards are overridden by the requirements in 16.41.
- **Chapter 16.41: Downtown Canby Overlay Zone**
  - In proposal is in the Outer Highway commercial (OHC) area of the Downtown Overlay Zone (DCO).
  - 16.41.050's setback, height, FAR, etc. standards supplement or override standards in 16.28

- Screening standards
- Design provisions
- **Chapter 16.42: Signs**
  - 16.42.040 Design standards for signs
  - 16.42.050 Table 3 applicable
  - 16.42.060 is applicable to automobile service stations.
  - 16.42.070 contains sign measurement specifications
- **Chapter 16.43: Outdoor Lighting Standards**
  - Lighting standards of this chapter are applicable
- **Chapter 16.46: Access Limitations**
  - Contains access standards if proposing new accesses.
  - Access to OR 99E is regulated by ODOT.
- **Chapter 16.49 Design Review**
  - Contains application procedures.
  - The Design Review Menu is applicable to this proposal.
  - Contains general conditions the Planning Commission can place on approvals.
  - Bike and pedestrian design standards
  - Landscaping standards
- **Chapter 16.89: Application and Review Procedures**
  - Procedural steps to process application
- **Chapter 16.120: Parks, Open Space, and Recreation Land**
  - Provisions regarding parkland dedication or Park SDC requirements

**QUESTIONS FROM THE APPLICANT**

1. Discuss any transportation requirements, including but not limited to confirming that there are no issues retaining existing turning movements as there are no proposed changes to existing site accesses.
  - The applicant will need to have a traffic scope done; the scope will determine if a traffic study is needed to evaluate turning movements and other traffic issues. The stacking capacity and impact on internal circulation of the drive-thru should be evaluated.
2. Confirm that no frontage improvements or dedications will be required.
  - The city evaluates right of way requirements based on the street cross sections (Figures 7-3 and 7-4) in the Transportation System Plan (TSP) and from the standards from the OR 99E Corridor and Gateway Design Plan.
  - The Planning Commission has the authority to require frontage improvements. But, customarily, if the existing infrastructure is functional, then no improvements have normally been required.
  - This proposal will also be routed to ODOT for comments; please contact ODOT now to confirm existing driveway permits meet ODOT requirements.
3. Discuss building design criteria that are applicable to the project.
  - Chapter 16.41 contains the majority of the applicable building design criteria.
  - Staff has interpreted that the code's design standards are not applicable to the remodel of the existing building; this interpretation will be communicated to the Planning Commission. Please submit all plans with the Design Review application for the Planning Commission's reference.
  - Staff has determined that the code's design standards are applicable to the proposed new building.

4. Discuss any nonconforming upgrades that will be required.
  - Staff has interpreted that upgrading facades are not subject to 16.41 design standards; this interpretation will be conveyed to the Planning Commission for their assessment.
  - See #2 and #9.
5. What, if any, are the stormwater management requirements for the site.
  - Stormwater must be retained onsite per the Canby Public Works Design Standards; Low Impact Development (LID) practices are encouraged.
6. Discuss required impact fees including available credits.
  - See the highlighted SDCs on the attached fee schedule; check with Canby Utility for water SDCs. Please also refer to the attached SDC estimates.
7. Discuss required Land Use approvals and Permits that are needed.
  - Type III Design Review
  - Site Plan Review
  - Sign Permits if proposed separately from the Design Review
  - Preconstruction conference
  - Clackamas County building permits
  - Check with ODOT for applicable permits
8. Discuss signage allowance and potential for adjustment to increase.
  - See Chapter 16.42 items above.
9. Discuss any landscaping requirements for the site.
  - Chapter 16.41 contains various landscaping and screening requirements.
  - The 16.49.040 Design Review Menu has various landscaping and screening requirements.
  - Sections 16.49.070-16.49.150 contain the majority of the code's landscaping requirements.
  - Please define a "site area" or "construction area" to base landscaping requirements on; staff has interpreted that the entire site is not subject to landscaping upgrades but the site abutting the proposed new building is subject to landscaping standards.
10. Discuss any regulations pertaining to the proposed drive-through.
 

The following sections contain drive-through requirements:

  - 16.41.050
  - 16.43.070(E)
  - 16.10.090

### **FEES**

The following is a list of possible fees that may be incurred for this project. See the attached fee schedule for fee amounts. The attached fee schedule goes into effect 7/1/14:

- Public Works Fees
  - Plan Review, Inspections, and Witnessing for Construction Projects
  - Street excavation fee
  - Street Tree Fees for New Development
  - Erosion Control
  - Sewer tap fee
  - Industrial Wastewater Permit and application review fee-ask Public Works if this is applicable to the proposal.
- System Development Charges (SDCs)
  - Stormwater



- Transportation
- Wastewater
- Parks
- Water: Inquire with CUB for rates
- Planning Fees
  - Site and Design Review Type III
  - Site and Design Engineering Plan Review fee
  - Traffic Impact Study (TIS):
    - Scoping: \$500-\$1,000 deposit (payment to the Planning & Building Department starts the scoping process)
    - Study: Varies generally from \$1,000 to 15,000; scoping indicates the extent of analysis required and cost of the study which is to be paid prior to study initiation
  - Building Permit Site Plan Review
  - Preconstruction conference
  - Sign Permit fee(s)
  - Private on site engineering plan review fee
  - Engineering public improvement plan review fee

\*Check with Clackamas County for building fees associated with structural, plumbing, electrical and mechanical reviews