

**PLANNING COMMISSION
Meeting Agenda
Monday – July 13, 2009
7:00 PM - Regular Meeting
City Council Chambers – 155 NW 2nd Avenue**

**Chair Dan Ewert – Vice Chair Janet Milne
Commissioners Ishah Ahumada, Sean Joyce, Charles Kocher, Jared Taylor and Misty Slagle**

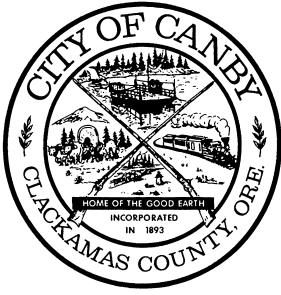
1. **CALL TO ORDER**
2. **CITIZEN INPUT ON NON-AGENDA ITEMS**
3. **PUBLIC HEARINGS**
 - a. **Nonconforming Structure or Use** to replace two legal nonconforming wall signs with one new nonconforming wall sign – Napa – 505 SE 1st Avenue - NCS 09-01/SN 09-01 – Staff: Melissa Hardy; Associate Planner **Page 2**
 - b. **Site and Design Review** to construct a single story 2,033 sq ft commercial building and accessory parking lot – Warren Medical Building – 1507 SE 3rd Court – DR 09-01 – Staff: Melissa Hardy; Associate Planner **Page 18**
 - c. **Municipal Code Title 16 Land Development and Planning Ordinance Text Amendment** for the purpose of regulating temporary vendor activity on private property – TA 09-02 – Staff: Melissa Hardy; Associate Planner **Page 83**
4. **NEW BUSINESS** None
5. **FINAL DECISIONS**

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

 - a. **NCS 09-01/SN 09-01** – Napa – 505 SE 1st Avenue **Page 90**
 - b. **DR 09-01** – Warren Medical Building – 1507 SE 3rd Court **Page 93**
6. **MINUTES**

June 8, 2009 **Page 98**
7. **ITEMS OF INTEREST FROM STAFF**
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 to Jill Thorn at 503-266-7001.
A copy of this agenda can be found on the City's web page at 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.*



STAFF REPORT

APPLICANT:

Eric Wilson
505 S.E. 1st Street
Canby, OR 97013

FILE NO.:

NCS 09-01

OWNER:

Jerome Witt
8601 S. Sconce
Canby, OR 97013

STAFF:

Melissa Hardy
Associate Planner

LEGAL DESCRIPTION:

Clackamas County Assessor Map
and Tax Lot Number 31E33DB-04600

DATE OF REPORT:

June 30, 2009

LOCATION:

505 S.E. 1st Avenue

DATE OF HEARING:

July 13, 2009

COMP. PLAN DESIGNATION:

Highway Commercial (HC)

ZONING DESIGNATION:

Highway Commercial (C-2), Outer
Highway Commercial Sub-Area of the
Downtown Canby Overlay Zone

I. APPLICANT'S REQUEST:

The applicant is requesting approval to replace two existing non-conforming wall signs with one new nonconforming wall sign.

II. APPLICABLE REGULATIONS:

Canby Municipal Code (CMC) Title 16:

- 16.42 Signs
- 16.52 Nonconforming Uses and Structures
- 16.89 Application and Review Procedures

III. SUMMARY OF PROPOSAL:

Development – The applicant is requesting approval to replace two existing nonconforming wall signs with one new nonconforming wall sign.

Location and Existing Conditions – The property on which the building and wall signs are located is at 505 S.E. 1st Avenue, east of S. Locust Street. The primary building frontage faces Hwy 99E

(see Exhibit A – Vicinity Map). The property is zoned Highway Commercial (C-2), and is inside the Outer Highway Commercial sub-area of the Downtown Canby Overlay Zone (see Exhibit B – Zoning). Commercial development is located on both the east and west sides of the subject building. There are currently three wall signs on the primary building frontage that faces Hwy 99E (see Exhibit C – Site Photos).

Land Use Permit Requirement – Relocation, replacement, structural alteration or expansion of a nonconforming sign is subject to the same limitations, application procedures, and requirements that are in place for other nonconforming structures, and is therefore subject to Planning Commission approval per CMC 16.52.025.B.

IV. NONCONFORMING STRUCTURE PERMIT ANALYSIS (FINDINGS):

CMC Section 16.52.050 sets forth the approval criteria which the Planning Commission must use to judge whether or not a Nonconforming Structure Permit application shall be approved or denied. The Planning Commission shall weigh the proposal’s positive and negative features and the public convenience or necessity to be served against any adverse condition that would result from authorizing the particular development at the location proposed and, to approve such expansion or change, shall find that the following criteria are either met, can be met by observation of conditions, or are not applicable:

A. The proposal will be consistent with the policies of the Comprehensive Plan and the requirements of the Land Development and Planning Ordinance, other than those specific zoning standards to which the use or structure is nonconforming. *Staff recommends Planning Commission find that the application is in compliance with Criteria A based on the following:*

Oregon Revised Statutes (ORS) Section 197.195(1) provides that consistency with the comprehensive plan shall be achieved by incorporating all plan standards into land use regulations. Therefore, the application is deemed consistent with the policies of the Comprehensive Plan because it meets all applicable requirements of Canby’s land use regulations (Title 16) as follows:

Signs (CMC Chapter 16.42) – For wall sign regulations applicable to the subject property, Table 3 in CMC 16.42.050 sets forth the standards for type, size, and location of permanent signs that are allowed in the particular zoning district. One wall sign per building frontage is allowed for each licensed business, and the maximum sign face area of all signage allowed on a primary building frontage is 8 percent of the building elevation area of the primary building frontage, up to a maximum of 120 square feet. There is one licensed business at this location; therefore, one wall sign is allowed per building frontage. There are currently 3 existing signs on the primary building frontage. The total area of all 3 existing signs is 169.75 square feet, which exceeds the maximum 120 square foot allowance, and is therefore legal nonconforming. And because only one wall sign is allowed, two of the existing wall signs are legal nonconforming. (“legal nonconforming” means the signs were legally constructed and met previous sign code regulations) If the applicant is permitted to remove the two signs on the western portion of the building frontage, and replace them with one new 49.5 square foot sign as proposed, the total area of the signage on the building frontage will be 163.5 square feet, and there will be two signs instead of three. The new signage will still be nonconforming, but the total square footage of the signage will be 6.25 square feet less

than what is there currently, and the total number of signs will be one less than what is there currently. Therefore, the proposed signage will be less nonconforming than what currently exists today.

Nonconforming Uses and Structures (CMC Chapter 16.52) – The proposed development requires Nonconforming Structure Permit approval prior to construction. Relocation, replacement, structural alteration or expansion of a nonconforming sign is subject to the same limitations, application procedures, and requirements that are in place for other nonconforming structures, and is therefore subject to Planning Commission approval per CMC 16.52.025.B. The applicant is therefore applying to the Planning Commission for approval.

Application and Review Procedures (CMC Chapter 16.89) –Chapter 16.89 sets forth the application process for Planning Commission review as a Type III process. The application was complete on June 09, 2009, and the 120-day decision deadline is October 07, 2009. Public notice in conformance with CMC 16.89.050 was provided for the public hearing for this application. Notice was posted on-site by the applicant. Notice was mailed on June 23, 2009, to all property owners and residents within 100 feet of the subject property. And notice of the public hearing was published in the Canby Herald on July 08, 2009.

B. The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features. *Staff recommends Planning Commission find that the application is in compliance with Criteria B based on the following:*

The building upon which the proposed signage will be located is approximately 141 feet in length. Therefore, having two signs on the primary building frontage is not anticipated to give the frontage an overly-crowded appearance. The characteristics of the building therefore appear suitable for the two proposed signs.

C. All required public facilities and services exist to adequately meet the needs of the proposed development. *Staff recommends Planning Commission find that this particular approval criteria is not applicable to this application, because this application is dealing with installation of a wall sign that does not create any need for additional public facilities or services.*

D. The proposed use will not alter the character of the surrounding areas in a manner which substantially limits or precludes the use of surrounding properties for the uses listed as permitted in the zone. *Staff recommends Planning Commission find that the application is in compliance with Criteria D based on the following:*

Neighboring properties that abut the project site to the east and to the west are also zoned C-2, and are also developed with commercial buildings and occupied by commercial tenants. There is no evidence that allowing the property owner to install the requested signage will alter the character of these surrounding properties in a manner which substantially limits or precludes the commercial use of these neighboring properties. There are properties to the south of the project site, that are located across the alley from the back of the building, that are zoned High Density Residential. The signage proposed is on the front of the building, and therefore is not visible at all from the High Density Residential area. Therefore, there is no evidence that allowing the

property owner to install the requested signage will alter the character of these neighboring residential properties in a manner which substantially limits or precludes their residential use.

E. In considering whether to approve a change in use, the city shall compare the following characteristics of the historical use of the property with that proposed by the applicant in order to assure that the change will not constitute an expansion or intensification of the nonconforming use:

- 1. Traffic, including both volume and type;**
- 2. Noise;**
- 3. Days and hours of operation;**
- 4. Physical appearance;**
- 5. Other environmental considerations;**
- 6. Type and size of equipment used.**

Staff recommends Planning Commission find that this particular approval criteria is not applicable to this application, because this application is dealing with installation of a wall sign, and does not involve any change in use of the property.

V. PUBLIC INPUT RECEIVED:

Neighborhood Meeting – The Planning Director determined that a neighborhood meeting would not be required, because the scope of the application is limited to replacement of non-conforming signs on a building surrounded by other commercial buildings, and the likelihood of receiving any public input is minimal.

Public Comments – Notice of the public hearing was mailed to all property owners and residents within 100 feet of the subject property. No public comments have been received as of the date this staff report was prepared.

VI. SERVICE PROVIDER COMMENTS:

Notice of this application was sent to service providers for review and comment. No issues or concerns were raised by any of the service providers who reviewed this application. Comments received were as follows (*see Exhibit F – Service Provider Comments*):

Canby Public Works Dept. – Adequate public services are available.

Canby Building Official – Adequate public services are available.

Canby Police Dept. – Adequate public services are available.

VII. CONCLUSION:

Staff concludes that the application meets all applicable approval criteria for Nonconforming Structure Permit approval. As detailed herein this staff report, including all attachments hereto, staff conclude the following:

- A. The proposal is consistent with the policies of the Comprehensive Plan and the requirements of the Land Development and Planning Ordinance, other than those specific zoning standards to which the structure is nonconforming.

- B. The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features.
- C. The proposed installation of a wall sign does not create any need for additional public facilities or services.
- D. The proposed use will not alter the character of the surrounding areas in a manner which substantially limits or precludes the use of surrounding properties for the uses listed as permitted in the zone.
- E. Comparison of the historical use of the property with the use that is proposed by the applicant is not applicable to this application, because this application is dealing with installation of a wall sign, and does not involve any change in use of the property.

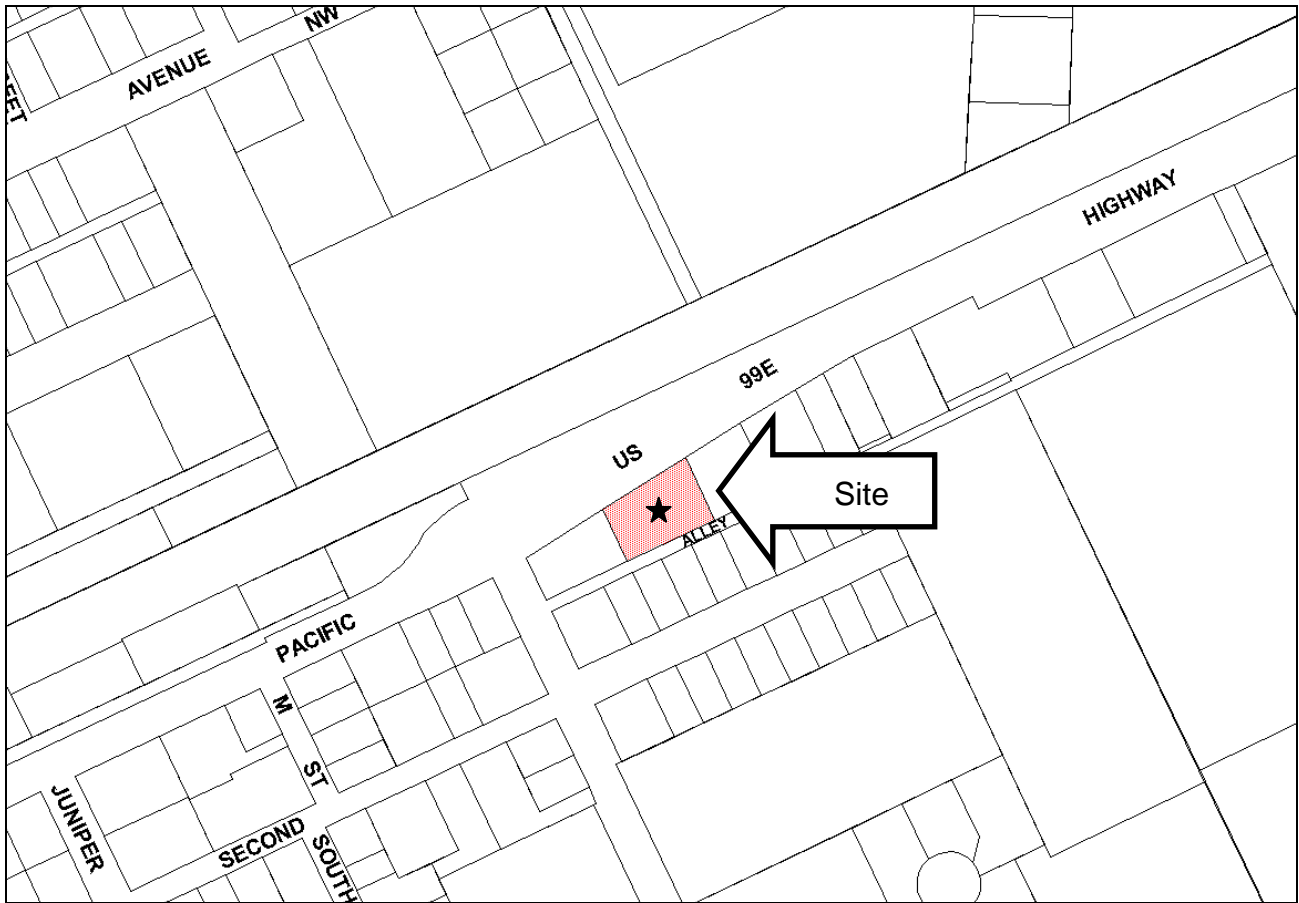
VII. RECOMMENDATION:

Based upon the application materials received by the City, the facts, findings and conclusions of this report, and without the benefit of a public hearing, staff recommends that the Planning Commission APPROVE NCS 09-01, and hereby allow the applicant to remove Sign #2 and Sign #3 from the west end of the primary building frontage, and replace those signs with one new 33'x1.5' sign, as detailed in the Applicant's Plans, Exhibit D to the staff report.

Exhibits:

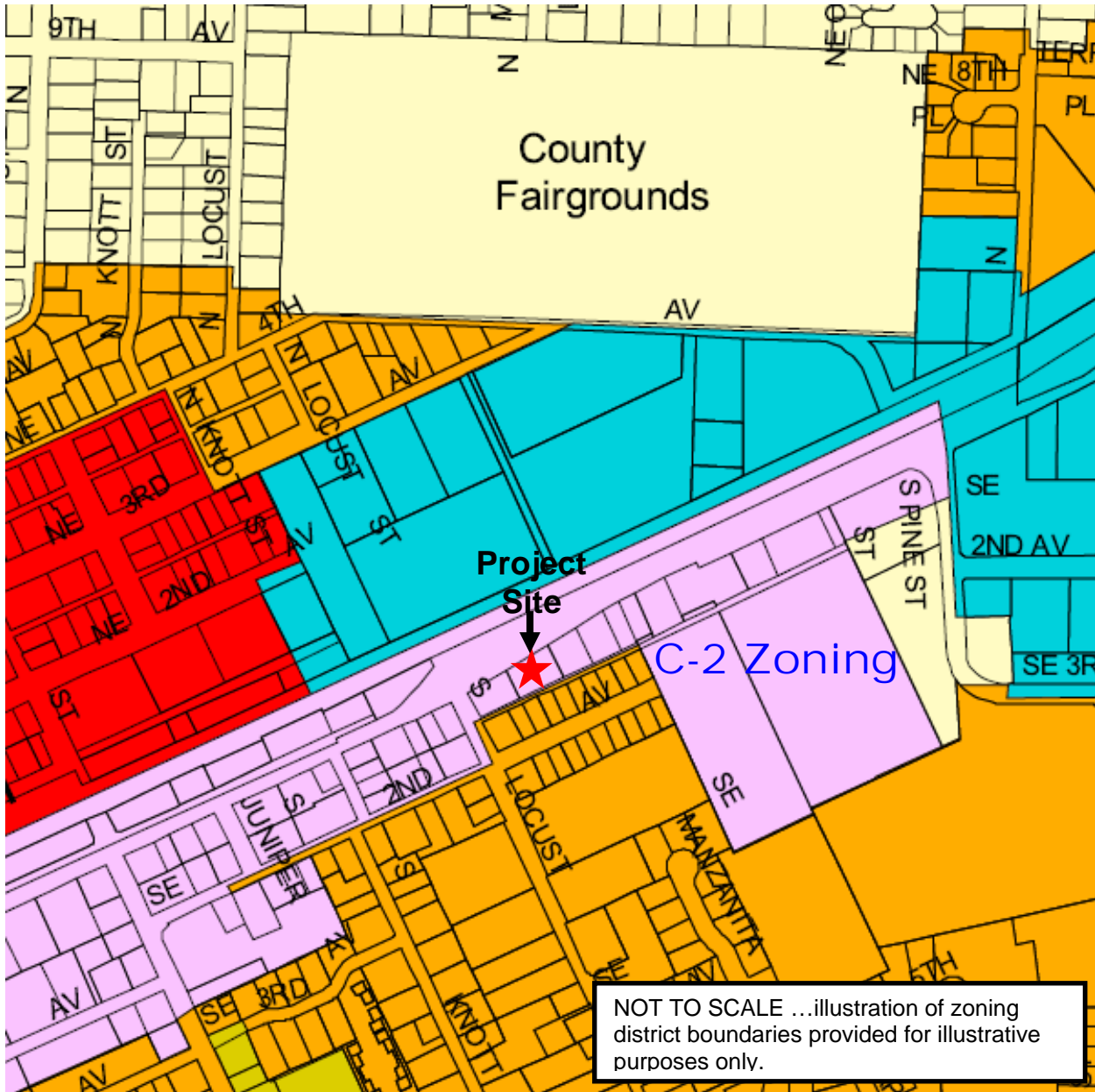
- A. Vicinity Map
- B. Zoning
- C. Site Photos
- D. Applicant's Plans
- E. Applicant's Written Statement
- F. Service Provider Comments

VICINITY MAP



Location: 505 S.E. 1st Avenue, east of S. Locust Street

ZONING



NOT TO SCALE ...illustration of zoning district boundaries provided for illustrative purposes only.

SITE PHOTOS

The following photographs were taken by City Staff on June 03, 2009



① One existing wall sign on east end of building frontage. This sign is approximately 114 square feet in size.



② Two additional wall signs on west end of building frontage – these are the 2 non-conforming signs that the applicant wishes to replace. The sign on the left is approximately 24.5 square feet in size, and the sign on the right is approximately 31.25 square feet in size.



③ Different angle showing same two wall signs that the applicant wants to replace.

APPLICANT'S PLANS

Applicant's submittals are inserted into the following 2 pages.

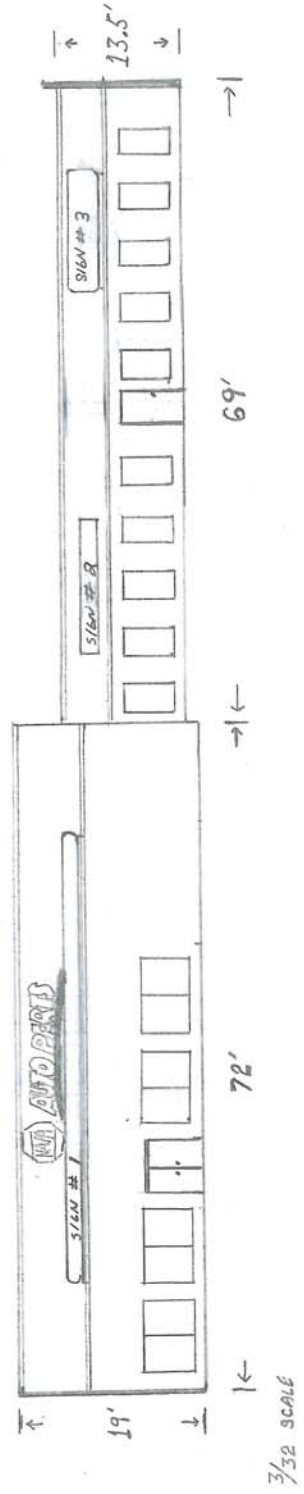
RECEIVED
 JUN 09 2009
 By _____

757

EXISTING SIGN DIMENSIONS #1
 48' x 1.5' } 114 SQFT
 3.75' x 3.75' }
 14' x 2' }

EXISTING SIGN DIMENSIONS #2 14' x 1.75' = 24.5' } 55.75 SQFT
 #3 12.5' x 2.5' = 31.25' }

REPLACEMENT SIGN DIMENSION 33' x 1.5' = 49.5 SQFT



CANBY AUTO PARTS 505 SE FIRST, CANBY OREGON 97013

757

Approximate to send
33' x 1.5'



APPLICANT'S WRITTEN STATEMENT

TWGW, INC. NAPA AUTO PARTS

NEWBERG- WILSONVILLE- CANBY-MOLALLA-SILVERTON-MT ANGEL-
ALBANY-CORYALLIS-SANDY-SHERWOOD

Corporate Office

29025 SW Town Center Loop W.

Wilsonville OR 97070

Phone - (503) 582-1515

Fax - (503) 582-9933

May 21, 2009

City of Canby

Attachment to permit request for

Canby NAPA Auto Parts

Criteria for Expansion of Nonconforming Structure or Change of Nonconforming Use

- A. The proposal will be consistent with the policies of the Comprehensive Plan. Our only request is to exchange two can signs for a single light bar. We will be reducing the existing total square footage of signage from 69.75 sq ft to 49.50 sq ft.
- B. The characteristics of the site are suitable, as the new light bar will aesthetically balance the view of the building from the highway, and significantly improve the exterior.
- C. All required public facilities exist for this improvement. Currently there are 2 can signs being serviced by power. We will only require one.
- D. The proposed signage will not alter the character of the surrounding area – the NAPA Store has been in this location for 30+ years, and the change will be consistent with our past practices of improving all buildings we occupy.
- E. As we are not changing the historical use of the property, there will be no intensification of traffic, noise, days and hours of operation, dust, glare, or type and size of equipment used. However, there will be a significant improvement to the physical appearance of the building.

SERVICE PROVIDER COMMENTS

Service provider comments are attached (see following 3 pages).

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

(503) 266-7001

FAX 266-1574

DATE: June 10, 2009

- TO:
- | | |
|--|--|
| <input type="checkbox"/> FIRE | <input type="checkbox"/> CANBY POST OFFICE |
| <input type="checkbox"/> POLICE | <input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR |
| <input type="checkbox"/> PUBLIC WORKS – Dwayne Barnes | <input type="checkbox"/> CLACKAMAS COUNTY 911 |
| <input checked="" type="checkbox"/> PUBLIC WORKS – Jeff Crowther | <input type="checkbox"/> CLACKAMAS COUNTY TRANSPORTATION |
| <input type="checkbox"/> CANBY ELECTRIC | <input type="checkbox"/> TRAFFIC SAFETY COMMITTEE |
| <input type="checkbox"/> CANBY WATER | <input type="checkbox"/> CLACKAMAS COUNTY |
| <input type="checkbox"/> CITY ENGINEER | <input type="checkbox"/> CANBY SCHOOL DISTRICT |
| <input type="checkbox"/> CANBY TELCOM | <input type="checkbox"/> OREGON DEPT. TRANSPORTATION |
| <input type="checkbox"/> NW NATURAL | <input type="checkbox"/> ODOT/REGION 1/DIST 2B |
| <input type="checkbox"/> WAVE | <input type="checkbox"/> STATE OF OREGON/REVENUE |
| <input type="checkbox"/> CANBY DISPOSAL | <input type="checkbox"/> ECONOMIC DEVELOPMENT DEPARTMENT |
| <input type="checkbox"/> CITY ATTORNEY | <input type="checkbox"/> PARKS AND RECREATION |
| <input type="checkbox"/> BIKE AND PEDESTRIAN COMM | <input type="checkbox"/> CITY TRANSPORTATION ENGINEER |
| <input type="checkbox"/> PGE | <input type="checkbox"/> BUILDING OFFICIAL |
| <input type="checkbox"/> CANBY AREA TRANSIT | <input type="checkbox"/> OTHER _____ |
| <input type="checkbox"/> OTHER _____ | <input type="checkbox"/> OTHER _____ |

The City has received NCS-09-01, a Non-Conforming Structure application from Eric Wilson, requesting approval to replace two existing non-conforming wall signs with one new non-conforming wall sign. The subject property is zoned C-2 (Highway Commercial), and is located in the OHC (Outer Highway Commercial) Sub-Area of the Downtown Canby Overlay Zone, at 505 S.E. 1st Avenue (identified by Clackamas County Assessor Map & Tax Lot No. 31E33DB-04600).

Please review the enclosed application and return comments to Melissa Hardy by **Wednesday, June 24, 2009**. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

Please check one box and sign below:

- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

Signature: *Jeff Crowther* Date: 6/10/09
 Title: P.W Supervisor Agency: City of Canby

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: June 10, 2009

- TO:**
- | | |
|---|--|
| <input type="checkbox"/> FIRE | <input type="checkbox"/> CANBY POST OFFICE |
| <input type="checkbox"/> POLICE | <input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR |
| <input type="checkbox"/> PUBLIC WORKS – Dwayne Barnes | <input type="checkbox"/> CLACKAMAS COUNTY 911 |
| <input type="checkbox"/> PUBLIC WORKS – Jeff Crowther | <input type="checkbox"/> CLACKAMAS COUNTY TRANSPORTATION |
| <input type="checkbox"/> CANBY ELECTRIC | <input type="checkbox"/> TRAFFIC SAFETY COMMITTEE |
| <input type="checkbox"/> CANBY WATER | <input type="checkbox"/> CLACKAMAS COUNTY |
| <input type="checkbox"/> CITY ENGINEER | <input type="checkbox"/> CANBY SCHOOL DISTRICT |
| <input type="checkbox"/> CANBY TELCOM | <input type="checkbox"/> OREGON DEPT. TRANSPORTATION |
| <input type="checkbox"/> NW NATURAL | <input type="checkbox"/> ODOT/REGION 1/DIST 2B |
| <input type="checkbox"/> WAVE | <input type="checkbox"/> STATE OF OREGON/REVENUE |
| <input type="checkbox"/> CANBY DISPOSAL | <input type="checkbox"/> ECONOMIC DEVELOPMENT DEPARTMENT |
| <input type="checkbox"/> CITY ATTORNEY | <input type="checkbox"/> PARKS AND RECREATION |
| <input type="checkbox"/> BIKE AND PEDESTRIAN COMM | <input type="checkbox"/> CITY TRANSPORTATION ENGINEER |
| <input type="checkbox"/> PGE | <input checked="" type="checkbox"/> BUILDING OFFICIAL |
| <input type="checkbox"/> CANBY AREA TRANSIT | <input type="checkbox"/> OTHER _____ |
| <input type="checkbox"/> OTHER _____ | <input type="checkbox"/> OTHER _____ |

The City has received NCS-09-01, a Non-Conforming Structure application from Eric Wilson, requesting approval to replace two existing non-conforming wall signs with one new non-conforming wall sign. The subject property is zoned C-2 (Highway Commercial), and is located in the OHC (Outer Highway Commercial) Sub-Area of the Downtown Canby Overlay Zone, at 505 S.E. 1st Avenue (identified by Clackamas County Assessor Map & Tax Lot No. 31E33DB-04600).

Please review the enclosed application and return comments to Melissa Hardy by **Wednesday, June 24, 2009**. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

Please check one box and sign below:

- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

Signature: RC Date: 6.11.09

Title: Bruce O'Hara Agency: _____

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: June 10, 2009

- TO:**
- | | |
|---|--|
| <input type="checkbox"/> FIRE | <input type="checkbox"/> CANBY POST OFFICE |
| <input checked="" type="checkbox"/> POLICE | <input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR |
| <input type="checkbox"/> PUBLIC WORKS – Dwayne Barnes | <input type="checkbox"/> CLACKAMAS COUNTY 911 |
| <input type="checkbox"/> PUBLIC WORKS – Jeff Crowther | <input type="checkbox"/> CLACKAMAS COUNTY TRANSPORTATION |
| <input type="checkbox"/> CANBY ELECTRIC | <input type="checkbox"/> TRAFFIC SAFETY COMMITTEE |
| <input type="checkbox"/> CANBY WATER | <input type="checkbox"/> CLACKAMAS COUNTY |
| <input type="checkbox"/> CITY ENGINEER | <input type="checkbox"/> CANBY SCHOOL DISTRICT |
| <input type="checkbox"/> CANBY TELCOM | <input type="checkbox"/> OREGON DEPT. TRANSPORTATION |
| <input type="checkbox"/> NW NATURAL | <input type="checkbox"/> ODOT/REGION 1/DIST 2B |
| <input type="checkbox"/> WAVE | <input type="checkbox"/> STATE OF OREGON/REVENUE |
| <input type="checkbox"/> CANBY DISPOSAL | <input type="checkbox"/> ECONOMIC DEVELOPMENT DEPARTMENT |
| <input type="checkbox"/> CITY ATTORNEY | <input type="checkbox"/> PARKS AND RECREATION |
| <input type="checkbox"/> BIKE AND PEDESTRIAN COMM | <input type="checkbox"/> CITY TRANSPORTATION ENGINEER |
| <input type="checkbox"/> PGE | <input type="checkbox"/> BUILDING OFFICIAL |
| <input type="checkbox"/> CANBY AREA TRANSIT | <input type="checkbox"/> OTHER _____ |
| <input type="checkbox"/> OTHER _____ | <input type="checkbox"/> OTHER _____ |

The City has received NCS-09-01, a Non-Conforming Structure application from Eric Wilson, requesting approval to replace two existing non-conforming wall signs with one new non-conforming wall sign. The subject property is zoned C-2 (Highway Commercial), and is located in the OHC (Outer Highway Commercial) Sub-Area of the Downtown Canby Overlay Zone, at 505 S.E. 1st Avenue (identified by Clackamas County Assessor Map & Tax Lot No. 31E33DB-04600).

Please review the enclosed application and return comments to Melissa Hardy by **Wednesday, June 24, 2009**. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

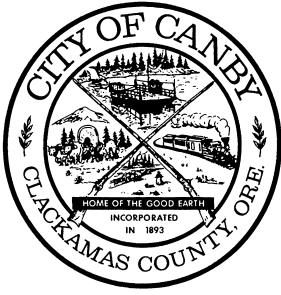
Comments or Proposed Conditions:

Please check one box and sign below:

- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

Signature:  **Date:** 6/11/09

Title: Lieutenant **Agency:** Police



STAFF REPORT

APPLICANT:

Michael Wellman
P.O. Box 1288
Silverton, OR 97381

FILE NO.:

DR 09-01

OWNER:

Trent Warren
117 N.E. Third Avenue
Canby, OR 97013

STAFF:

Melissa Hardy
Associate Planner

LEGAL DESCRIPTION:

Lot 1 of "Redwood Professional Village 2" Plat
No. 4151 (also identified by Clackamas County
Map and Tax Lot Number 31E34C-03300)

DATE OF REPORT:

July 01, 2009

LOCATION:

1507 S.E. Third Court

DATE OF HEARING:

July 13, 2009

COMP. PLAN DESIGNATION:

Commercial/Manufacturing (CM)

ZONING DESIGNATION:

Heavy Commercial Manufacturing (C-M)

I. APPLICANT'S REQUEST:

The applicant is proposing to construct a 2,033 square foot commercial building and an accessory parking lot on an 11,013 square foot lot.

II. APPLICABLE REGULATIONS:

Canby Municipal Code (CMC) Title 16:

- 16.08 General Provisions
- 16.10 Off-Street Parking and Loading
- 16.30 C-M Heavy Commercial Manufacturing Zone
- 16.42 Signs
- 16.46 Access Limitations on Project Density
- 16.49 Site and Design Review
- 16.86 Street Alignments
- 16.89 Application and Review Procedures
- 16.120 Parks, Open Space and Recreation Land

Applicable Condition of Comp Plan and Zoning Map Amendment (CPA-04-02/ZC-04-03):

- Future development for the area of the zone change is limited to that which generates no more than 1,020 vehicle trips per day.

Applicable Conditions of Development Agreement (2005-020680):

- As long as property retains C-M zoning, or another commercial zoning designation, development and use of the property shall be limited to business and professional offices, including medical, dental, and other similar healthcare uses. Use of the property shall be limited in this way unless and until the Planning Commission or City Council approves alternative uses or until the property's zoning is changed to a non-commercial use.
- As long as property retains C-M zoning, or another commercial zoning designation, property owners shall not complain to the City offices or to any other regulatory agency about noise, traffic or other aspects of a neighboring industrial and manufacturing operation so long as that operation is operating consistent with City regulation, agency rules and state law.

III. SUMMARY OF PROPOSAL:

Development – The applicant is requesting Site and Design Review approval to construct a 2,033 square foot commercial building and an accessory parking lot on an 11,013 square foot lot.

Location and Existing Conditions – The project site is located at 1507 S.E. Third Court, east of S. Redwood Street (*see Exhibit A – Vicinity Map*). The property is currently undeveloped and zoned Heavy Commercial Manufacturing (C-M), and is surrounded on the north, south, and east sides by properties that are also zoned C-M. Land west of the subject property, on the other side of S. Redwood Street, is zoned Light Industrial (M-1). (*see Exhibit B – Zoning*)

There do not appear to be any mapped flood hazard areas on the subject property according to Federal Emergency Management Agency (FEMA) flood insurance rate maps. The lot has frontage on S. Redwood Street, and takes access from S. Redwood Street via a shared 30-foot-wide driveway (S.E. 3rd Court). Vegetation on site consists of grasses. (*see Exhibit C – Site Photos*).

Land Use Permit Requirement – Site and Design Review approval is required prior to construction of the proposed development per CMC 16.49.030.

IV. SITE AND DESIGN REVIEW ANALYSIS (FINDINGS):

CMC Section 16.49.040 sets forth the approval criteria which the Planning Commission must use to determine whether or not a Site and Design Review application shall be approved or denied. The Planning Commission shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable:

1. The Board shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the following:

- A. The proposed site development, including the site plan, architecture, landscaping and graphic design, is in conformance with the standards of this and other applicable City ordinances insofar as the location, height and appearance of the proposed development are involved.** *Staff recommends Planning Commission find that the application, as*

proposed and with conditions of approval, is in compliance with Criteria 1.A based on the following:

General Provisions (CMC Chapter 16.08) – As proposed, the development meets CMC Chapter 16.08 standards as follows.

The proposal involves development on a lot which is considered a legal lot of record for development purposes, because it is a platted lot (Lot #1 of “Redwood Professional Village 2” plat no. 4151). The property is not considered substandard, as described in CMC 16.08.080.

Pursuant to CMC 16.08.090, the Planning Commission may impose appropriate sidewalk and curbing requirements as a condition of approving any discretionary application it reviews. S. Redwood Street abutting the property has an existing sidewalk and curb, and according to the City Engineer, the S. Redwood Street improvements meet the adequacy standard for a collector street. Therefore, no sidewalk or curb conditions are required.

Pursuant to CMC 16.08.110, the Planning Commission may require site-blocking or noise-mitigating fencing up to eight feet in height for any development it reviews. As a condition of the comprehensive plan amendment and zone change for the area in which the subject property is located, development and use of the property is limited to business and professional offices, including medical, dental, and other similar healthcare uses. The applicant’s plans do not include any outdoor storage areas. And there are no existing residential uses abutting the subject property. Therefore, because there are no noise issues or unsightly visual issues anticipated, site-blocking or noise-mitigating fencing is not warranted and not required.

Analysis – MEETS all requirements of CMC Chapter 16.08.

Off-Street Parking and Loading (CMC Chapter 16.10) – The applicant is proposing to construct 2,033 square feet of commercial office space, and indicates that the building will be occupied and used by a medical office tenant. For a 2,033 sq.ft. medical office use, Chapter 16.10 requires a minimum of 11 off-street vehicle parking spaces (5 spaces per 1,000 gross square feet). The applicant plans to construct 13 off-street vehicle parking spaces (*see sheet C4 of Applicant’s Plans – Exhibit D*), which meets the minimum number required for a medical office use. The parking spaces and maneuvering aisles on the applicant’s site plan all meet minimum code dimensions, including provision of one van-accessible ADA space. There are no off-street loading facility requirements for a 2,033 square foot building. And Chapter 16.10 requires that a minimum of three bicycle parking spaces be provided for a medical office use. The applicant did not include any information on their site plan (*see sheet C4 of Applicant’s Plans – Exhibit D*) or materials sheets (*see Exhibit E*) for bicycle parking facilities. Therefore, Site and Design Review approval shall be conditioned upon the applicant submitting revised plans at the time of building permit application that include bicycle parking in conformance with CMC Chapter 16.10 requirements, and that bicycle parking be installed prior to occupancy permit.

For access, the Canby code requires that vehicular access, a minimum of 20 feet wide, with curbs, and with a sidewalk along one side minimum, be provided. There is an existing 30-foot-wide shared driveway, already constructed with curbs, that provides

access to S. Redwood Street. The applicant is proposing to construct a secondary 20-foot-wide driveway to provide vehicle access between the subject lot and the shared driveway.

The applicant's proposed site plan (*see sheet C4 of the Applicant's Plans – Exhibit D*) also indicates that the applicant intends to construct a 5-foot-wide pedestrian walkway along the side of the lot abutting the shared driveway, which connects the public sidewalk on Redwood with the public entrance to the building. The applicant's access plans meet code requirements.

Analysis – MEETS WITH CONDITIONS all requirements of CMC Chapter 16.10.

Condition of Approval required to meet approval Criteria 1-A –

- At the time of application for building permits, the developer shall submit revised site plans that include bicycle parking for 3 bicycles in conformance with CMC Chapter 16.10 requirements. Required bicycle parking facilities shall be installed prior to the City issuing final occupancy permit. (*condition #4*)

C-M Heavy Commercial Manufacturing Zone (CMC Chapter 16.30) – As proposed, the development (*see Exhibit D*) meets CMC Chapter 16.30 standards as follows. The only required setback applicable to the subject lot is the 15-foot vision clearance triangle required at the corner where S.E. 3rd Court intersects with S. Redwood Street, and where the new secondary driveway intersects with S.E. 3rd Court. The applicant's development plans meet the vision clearance requirement. The proposed development does not exceed the maximum 60 percent lot coverage regulation, and at 13.25' in height, does not exceed the maximum building height limit of 45 feet. The property does not abut a residential zone; therefore no additional buffer limitations apply.

Analysis – MEETS all requirements of CMC Chapter 16.30.

Signs (CMC Chapter 16.42) – The applicant has indicated that their development proposal does not include construction of any outdoor signage (*see Applicant's Written Statements – Exhibit F*).

Analysis – SIGNAGE IS NOT BEING REVIEWED AT THIS TIME.

Access Limitations (CMC Chapter 16.46) – S. Redwood Street is designated as a collector street, and as such has a 150 foot access spacing limitation. However, the proposed development does not include any new vehicle access onto S. Redwood Street. The lot, and development thereon, will use the existing previously-approved shared driveway (S.E. Third Court) for vehicle access to S. Redwood Street. CMC 16.46.010.E requires that all private roadways and driveways be designed to provide safe intersections and travel surfaces that don't result in any hazards for motorists, bicyclists, or pedestrians. A Transportation Analysis was conducted for the site and the proposed development (*see Exhibit G*), and the study concluded that the proposed development does not create any operational or safety issues, provided that no parking is allowed along the shared driveway (S.E. Third Court) to interfere with sight distance. Therefore, approval of the Site and Design Review application shall be conditioned upon the applicant demarcating the length of S.E. Third Court abutting the subject lot as a 'no parking' area, either by painting the curb or posting 'no parking' signage, as approved by the Canby Fire Department.

Analysis – MEETS WITH CONDITIONS all requirements of CMC Chapter 16.46.

Condition of Approval required to meet approval Criteria 1-A –

- S.E. Third Court abutting the subject lot shall be demarcated as a ‘no parking’ area. At the time of application for building permits, the developer shall submit revised site plans that include either curb painting or ‘no parking’ signage for S.E. Third Court abutting the lot, whichever is approved by the Canby Fire Department. Required ‘no parking’ demarcation shall be installed prior to the City issuing a final occupancy permit. (*condition #5*)

Site and Design Review (CMC Chapter 16.49) – Conformance with the applicable design review matrix (Table 16.49.040) is detailed below in the discussions involving Criteria B, Criteria C, and Criteria D.

CMC 16.49.065 sets forth standards for on-site bicycle and pedestrian facilities and connectivity. The applicant’s site plan as proposed (see sheet C4 of Exhibit D) does not meet all of the code requirements. Therefore, Site and Design Review approval shall be conditioned upon the applicant meeting all of the requirements, including revising the site plan in order to provide walkway connectivity to the two abutting commercial lots, and in order to insure all pedestrian walkways are a minimum of 5 feet wide.

Landscaping requirements in CMC Chapter 16.49 require that a minimum 15 percent of the lot be landscaped, and also that a minimum 15 percent of the parking lot area be landscaped. According to the applicant’s landscaping calculation sheet (*see Applicant’s Written Statements – Exhibit F*), the proposal includes 3,323 square feet of landscaped area for the site (15 percent of the 11,013 square foot lot), and 1,297 square feet of landscaped area for the parking lot (22 percent of the 5,857 square foot parking area). These percentages are in conformance with code requirements. The code also requires a minimum of 1 tree be planted in the parking lot landscaping area for each 2,800 square feet of vehicular use area, for a total requirement of 3 trees for this development. The applicant’s landscape sheet (*see Applicant’s Plans – Exhibit D*) includes 4 trees in the parking lot landscaping area, and thus is in conformance with code. The applicant’s landscaping sheet also includes written notes concerning automatic irrigation, which is in conformance with code requirements. It should be noted here, however, that the proposed landscaping sheet is not drawn to a standard scale; and therefore confirming any measurements at this point would be difficult. Site and Design Review approval shall be conditioned upon the applicant providing a revised landscaping sheet at the time of building permit application that is drawn to a standard engineer’s scale no smaller than 1”=20’.

Analysis – MEETS WITH CONDITIONS all requirements of CMC Chapter 16.49.

Condition of Approval required to meet approval Criteria 1-A –

- At the time of building permit application, the developer shall submit a revised site plan, that is in substantial conformance with the site plan submitted with the Site and Design Review application (*Exhibit D of staff report*), but that also revises the width of all on-site pedestrian walkways to be a minimum 5 feet wide, and that provides walkway connectivity to the two abutting commercial lots. All required improvements shall be installed prior to issuance of a final occupancy permit. (*condition #6*)

- At the time of building permit application, the developer shall submit a revised landscaping plan, that is in substantial conformance with the landscaping sheet submitted with the Site and Design Review application (*Exhibit D of staff report*), and that meets all CMC Chapter 16.49 requirements, but that also incorporates all site plan changes required as a condition of this approval, and is drawn to a standard engineer's scale no smaller than 1"=20'. All required landscaping shall be installed prior to issuance of a final occupancy permit. (*condition #7*)

Application and Review Procedures (CMC Chapter 16.89) – The applicant's proposed development requires a Site and Design Review approval prior to construction. The applicant held a pre-application meeting with City staff in January of 2009. The applicant then held a neighborhood meeting in February of 2009 (see Exhibit I). The applicant indicates that no one attended the neighborhood meeting. Public notice of the public hearing for this application was mailed on June 23, 2009, to all property owners and residents within 500 feet of the subject property. Notice was posted on-site by the applicant. And notice of the public hearing was published in the Canby Herald on July 08, 2009.

Analysis – MEETS all requirements of CMC Chapter 16.89.

General Provision (CMC Chapter 16.120) – When residential, commercial, and industrial development occurs, the City requires land dedication or payment of a system development Charge (SDC) in lieu of land dedication in order to provide for park, open space and recreation sites to serve existing and future residents and employees. SDC's are charged at the time of building permit application.

Analysis – MEETS all requirements of CMC Chapter 16.120.

Condition of Comp Plan and Zoning Map Amendment (CPA-04-02/ZC-04-03) – This condition of a previous land use action affecting the subject property stipulates that future development for the area of the zone change is limited to that which generates no more than 1,020 vehicle trips per day. The proposed construction of a 2,033 square foot building for future occupancy by a medical office tenant has been found consistent with this condition of approval as follows: A Transportation Analysis was conducted for the proposed development (*see Exhibit G*), and according to the transportation engineer's findings, there are two other lots in the area of the zone change have already been developed and occupied with uses that generate a total of 202 daily vehicle trips. The proposed development of this third property with a 2,033 square foot building to be occupied by a medical office tenant is projected to generate an additional 84 daily vehicle trips, for a total of 286 daily vehicle trips for the area.

Analysis – MEETS all requirements of the trip cap condition.

Condition of Development Agreement (2005-020680) – This condition of a development agreement binding on the property stipulates that as long as the property retains C-M zoning, or another commercial zoning designation, development and use of the property shall be limited to business and professional offices, including medical, dental, and other similar healthcare uses, unless the Planning Commission or City Council approves alternative uses or until the property's zoning is changed to a non-commercial use. The proposed construction of a 2,033 square foot building for future occupancy by a medical office tenant is found to be consistent with this Development Agreement condition.

Analysis – MEETS all requirements of this Development Agreement condition.

Condition of Development Agreement (2005-020680) – This second condition of the development agreement binding on the property stipulates that as long as the property retains C-M zoning, or another commercial zoning designation, property owners shall not complain to the City offices or to any other regulatory agency about noise, traffic or other aspects of a neighboring industrial and manufacturing operation so long as that operation is operating consistent with City regulation, agency rules and state law. The proposed construction of a 2,033 square foot building for future occupancy by a medical office tenant is found to be consistent with this Development Agreement condition, because the owners of this property must abide by this development agreement condition.

Analysis – MEETS all requirements of this Development Agreement condition.

- B. The proposed design of the development is compatible with the design of other developments in the same general vicinity.** *Staff recommends Planning Commission find that the application, as proposed and with conditions of approval, is in compliance with Criteria 1.B based on the following:*

The proposed design of the development is considered to be compatible with the design of other developments in the same general vicinity because the application, as detailed below under Criteria 1D, has achieved a minimum acceptable score on the applicable Site and Design Review matrix.

- C. The location, design, size, color and materials of the exterior of all structures and signs are compatible with the proposed development and appropriate to the design character of other structures in the same vicinity.** *Staff recommends Planning Commission find that the application, as proposed and with conditions of approval, is in compliance with Criteria 1.C based on the following:*

The location, design, size, color and materials of the exterior of all structures and signs are considered compatible with the proposed development and appropriate to the design character of other structures in the same vicinity because the application, as detailed below under Criteria 1D, has achieved a minimum acceptable score on the applicable Site and Design Review matrix.

- D. The Board shall, in making its determination of compliance with subsections B and C above, use the following matrix to determine “compatibility”. An application is considered to be “compatible”, in regards to subsections B and C above, if a minimum of 65% of the total possible number of points (not including bonuses) are accumulated for the whole development.** *Staff recommends Planning Commission find that the application, as proposed and with conditions of approval, is in compliance with Criteria 1.D based on the following design matrix analysis:*

TABLE 16.49.040

CRITERIA	SCORE ACHIEVED
Parking	
Screening of loading facilities from public ROW: not screened = 0; partially screened = 1; full screening = 2.	
Analysis: No new loading facilities are proposed or required; therefore this benchmark is not applicable.	NA
Landscaping (breaking up of expanse of asphalt).	
Analysis: The parking area is broken up by a landscaped island that juts approximately 15 feet into the south side of the parking lot; therefore one point is awarded.	1 of 1
Parking lot lighting: No = 0; Yes = 1.	
Analysis: No parking lot lighting is proposed; therefore 0 points are awarded.	0 of 1
Location (behind the building is best): front = 0; side = 1; behind = 2.	
Analysis: Parking lot is located to the rear of the building; therefore 2 points are awarded.	2 of 2
Number of parking spaces (% of min) 0=120%; 1=100%-120%; 2=100%.	
Analysis: Eleven vehicle spaces is minimum required; thirteen are proposed, which is 118% of minimum; therefore 1 point is awarded.	1 of 2

4 points out of 6 possible

Traffic	
Distance of access to intersection: 0<70'; 1=70'-100'; 2>100'.	
Analysis: No new access to S. Redwood is proposed; applicant is going to use existing shared driveway; therefore this benchmark is not applicable.	NA
Access drive width (% of minimum): 0<120% or >150%; 1=120%-150%.	
Analysis: No new access proposed; therefore this benchmark is not applicable.	NA
Pedestrian access from public sidewalk to building: 1 entrance connected = 0; all entrances connected = 2.	
Analysis: All entrances are connected to public sidewalk via on-site pedestrian walkway system; therefore 2 points awarded.	2 of 2
Pedestrian access from parking lot to building: No walkways = 0; Walkway next to building = 1; no more than one undesignated crossing of access drive and no need to traverse length of access drive = 2.	
Analysis: There are no undesignated access drive crossings and no need to traverse length of access drive; therefore 2 points awarded.	2 of 2

4 points out of 4 possible

Tree Retention	
For trees outside of the building footprint and parking/access areas (3 or more trees): No arborist report = 0; follows <50% of arborist recommendation = 1; follows 50%-75% of arborist report = 3.	
Analysis: There are no existing trees on the subject lot; therefore this benchmark is not applicable.	NA
Replacement of trees removed that were recommended for retention: x<50% = 0; x>50% = 1.	
Analysis: There are no existing trees on the subject lot; therefore this benchmark is not applicable.	NA
	NA Points

Signs

Dimensional size of sign (% of maximum permitted): $x > 75\% = 0$; $x = 50\% - 75\% = 1$; $x < 50\% = 2$.	NA
Analysis: No signs are proposed; therefore this benchmark is not applicable.	
Similarity of sign color to building color: No=0; Some=1; Yes=2.	NA
Analysis: No signs are proposed; therefore this benchmark is not applicable.	
Pole sign: Yes=0; No=1.	NA
Analysis: No signs are proposed; therefore this benchmark is not applicable.	
Location of sign: $x > 25'$ from driveway entrance = 0; within 25' of entrance = 1.	NA
Analysis: No signs are proposed; therefore this benchmark is not applicable.	
NA points	

Building Appearance	
Style (architecture): not similar = 0; similar to surrounding = 1 or 2.	2 of 2
Analysis: The architecture of the building is similar to the existing medical office building located on the opposite side of the shared driveway; therefore 2 points are awarded.	
Color (subdued and similar is better): Neither = 0; similar or subdued = 1; similar and subdued = 2.	2 of 2
Analysis: Applicant has provided a material sheet for the brick veneer ("medium ironspot"), but has not provided a material sheet for the remainder of the building façade. Therefore, in order to meet this criteria, approval shall be conditioned upon the color of the fiber-cement lap siding (see sheet 1/3 of Applicant's Plans – Exhibit D) being a subdued beige or brown that is similar to the exterior siding color on the existing medical office building located on the opposite side of the shared driveway. Therefore 2 points are awarded.	
Material: concrete or wood or brick is better.	1 of 1
Analysis: The applicant is proposing masonry exterior finishes; therefore 1 point is awarded.	
Size (smaller is better): over 20,000 sq ft = 0; under 20,000 sq ft = 1.	1 of 1
Analysis: The footprint of the building is less than 20,000 square feet; therefore 1 point is awarded.	

6 points out of 6 possible

Types of Landscaping	
# of non-required trees: $x < 1$ per 500 sq ft of landscaping = 0; 10 or more per 500 sq ft of landscaping = 1.	0 of 1
Analysis: A minimum of 3 trees are required by code; the applicant is proposing to plant 7 trees in an area of landscaping that totals 3,323 square feet in size, which equals 1 tree per 500 square feet of landscaping; and therefore a score of 0 is awarded.	
Amount of grass: $< 25\% = 0$; $25\% - 50\% = 1$; $x > 50\% = 2$.	1 of 2
Analysis: There are some grasses identified on the landscaping sheet, but the applicant did not provide any calculations on the sheet as to the square footage of grass proposed. It appears that the total amount of grassy area may equal approximately 25% of the total landscaped area; therefore 1 point is awarded.	
Location of shrubs: foreground = 0; background = 1.	1 of 1
Analysis: There are shrubs proposed in front of the building, but behind a "lawn" area; therefore 1 point is awarded.	
Automatic irrigation: No = 0; Yes = 4.	4 of 4
Analysis: Automatic irrigation is proposed on the landscape plan, and therefore a score of 4 is awarded.	

6 points out of 8 possible

Bonus Points	
---------------------	--

2 or more trees at least 3" in caliper.	0
Analysis: Applicant has not provided any information on the size of tree specimens to be planted; therefore no bonus point is awarded.	
Park/open space retention for public use.	0
Analysis: No park/open space dedication is proposed; therefore no bonus point is awarded.	
Trash receptacle screening.	1
Analysis: Applicant indicated that the dumpster cage is to be finished with the same "medium ironspot" brick veneer as will be used on the building (<i>see Applicant's Written Statements – Exhibit F</i>); therefore 1 bonus point is awarded.	

TOTAL: 20 points out of 24 possible

As detailed in the above design matrix analysis, the "Tree Retention" and "Signs" categories are not deemed applicable to the proposed development. The remaining categories are applicable to this application. With the recommended condition of approval concerning the color of the lap siding, out of a total of 24 possible points, the application as proposed and conditioned achieves a total of 20 points (83%), which exceeds the minimum 65% required to meet the approval criteria. The following condition of approval is recommended concerning the color of the lap siding on the building:

Condition of Approval required to meet Criteria 1B, 1C, and 1D –

- The color of the fiber-cement lap siding on the exterior of the building (*see sheet 1/3 of Applicant's Plans – Exhibit D to staff report*), shall be a subdued beige or brown that is similar to the exterior siding color on the existing medical office building located on the opposite side of the shared driveway. Exterior of building shall meet this condition prior to the City issuing a final occupancy permit. (*condition #8*)

E. 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. Staff recommends Planning Commission find that the application, as proposed and with conditions of approval, is in compliance with Criteria 1.E based on the following:

The proposed development has been reviewed by City of Canby Public Works, Canby City Engineer, Canby Building Official, Canby Utility, Canby Disposal, N.W. Natural, Canby Police Department, Canby Fire, Canby Area Transit, Wave Broadband, Canby Telcom, and Canby Parks and Recreation. Service provider comments are attached (*see Exhibit H*) which indicate that all required public facilities and services exist, or exist with conditions of approval, to adequately meet the needs of the proposed development. Their comments are summarized as follows:

Canby Public Works:

- No comments submitted.

Canby City Engineer:

- A 5-foot wide concrete sidewalk must be constructed along the entire parcel frontage and connected to the existing sidewalk on S.E. Redwood Street.
 - *Planning Staff comments: The applicant's site plan already includes a 5-foot-wide pedestrian walkway proposed alongside the shared driveway, which*

connects with the public sidewalk on S.E. Redwood Street. Therefore no condition of approval is required.

- Driveway approach must meet ADA guidelines.
 - *Planning Staff comments: The applicant's plans include no information as to whether the proposed secondary driveway meets ADA guidelines or not. Therefore, Site and Design Review approval shall be conditioned upon the driveway being constructed to meet this requirement of the City Engineer.*

Canby Building Official:

- Adequate public services are available.

Canby Utility - Water:

- Adequate public services are available.

Canby Disposal:

- Adequate public services are available.

Northwest Natural:

- No conflict; 2" gas main inside property; see attached.
 - *Planning Staff comments: It appears from Northwest Natural's comments that there is gas service to the property.*

Canby Police:

- Adequate public services are available.

Canby Fire:

- No comments submitted.

Canby Area Transit:

- No comments submitted.

Wave Broadband:

- Adequate public services will become available through the development.

Canby Telcom:

- Adequate public services will become available through the development.

Condition of Approval required to meet approval criteria:

- The proposed secondary driveway, which provides access to the site from the primary shared driveway (S.E. 3rd Court), shall be constructed to meet ADA guidelines. Prior to issuance of a final occupancy permit, the applicant shall provide the Planning & Building Department with written documentation from the City Engineer that this condition has been met to the satisfaction of the City Engineer. (*condition #9*)

2. The Board shall, in making its determination of compliance with the above requirements, be guided by the objectives and standards set forth in this section. 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. Staff recommends Planning Commission find that the application, as proposed and with conditions of approval, is in compliance with Criteria 2 based on the following:

The application, as proposed and with conditions of approval, is in compliance with Criteria 2 based on the Criteria 1E findings detailed on pages 9, 10, and 11 of this staff report.

3. 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. Staff recommends Planning Commission find that the application, as proposed and with conditions of approval, is in compliance with Criteria 3 based on the following:

The application does not involve development of any dwelling units, and there is no evidence that approval of the proposed development will affect availability or cost of any needed housing.

4. As part of the site and design review, the property owner may apply for approval to cut trees in addition to those allowed in Section 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. Staff recommends Planning Commission find that the application, as proposed and with conditions of approval, is in compliance with Criteria 4 based on the following:

There are no existing street trees in the right-of-way abutting the subject property. Therefore this criteria concerning removal of street trees is not applicable to consideration of this application.

Additional Conditions to ensure that the public is protected from the potentially deleterious effects of the proposal, that the need for services created, increased or in part attributable to the proposal is fulfilled, and to further implementation of CMC requirements.

Staff recommends Planning Commission find that the following conditions protect the public from the potentially deleterious effects of the proposal, ensure that the need for services created, increased or in part attributable to the proposal is fulfilled, and further implementation of CMC requirements:

- Approval of this application is based on submitted application materials (a reduced copy of which are attached to the staff report as Exhibits D, E, and F) and other relevant application materials and submitted testimony. 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. DR 09-01, including all conditions of approval, shall first require an approved modification in conformance with the relevant sections of the Canby Municipal Code. *(condition #1)*
- At the time of building permit application, the applicant shall submit a full size revised set of all development plans (including site plan, landscape plan, elevations, etc.) that is consistent with the development approved herein, including all conditions of approval, to the satisfaction of the City's Planning & Building Department and Public Works Department.

All written conditions must be met prior to final occupancy of the building unless otherwise noted. (*condition #2*)

- Prior to the issuance of a building permit, installation of public utilities, or any other site work other than rough site grading, construction plans must be approved and signed by the appropriate City Departments and by all other utility/service providers. 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 provision is subject to approval by the appropriate utility/service provider. The City of Canby's preconstruction process procedures shall be followed. (*condition #3*)

- Prior to issuance of building permits, applicant shall meet all fire & life safety requirements of Canby Fire. (*condition #10*)

V. **PUBLIC INPUT RECEIVED:**

Neighborhood Meeting – The applicant held a neighborhood meeting in February of 2009, and provided a copy of the notes from the meeting. No one attended the meeting. (*see Exhibit I – Applicant's Neighborhood Meeting Notes*).

Public Comments – Notice of the public hearing was mailed to all property owners and residents within 500 feet of the subject property, and no public comments were received as of the date this staff report was prepared.

VI. **CONCLUSION:**

Staff concludes that, with recommended conditions of approval, the application meets all criteria for Site and Design Review approval. As detailed herein this staff report, including all attachments hereto, staff conclude the following:

- 1A. The proposed development of the site is consistent with the applicable standards and requirements of the Canby Municipal Code and other applicable City ordinances insofar as the location, height and appearance of the proposed development are involved; and
- 1B. The proposed design of the development is compatible with the design of other development in the vicinity; and
- 1C. The location, design, size, color, and materials of the exteriors of the structure is compatible with the proposed development and appropriate to the design character of other structures in the same vicinity; and
- 1D. The proposal is deemed compatible given that the application achieves scores equal to or greater than the minimum acceptable points in the Design Review matrix; and
- 1E. All required public facilities and services exist or can be made available to adequately meet the needs of the proposed development.
2. Public utility and service providers have indicated that the existing proposal can be made to comply with applicable standards.
3. The proposed development will have no impact on the availability or cost of housing.
4. No street trees are being removed.

VII. RECOMMENDATION:

Based upon the application materials received by the City, the facts, findings and conclusions of this report, and without the benefit of a public hearing, staff recommends that the Planning Commission APPROVE DR 09-01 with the following conditions:

1. Approval of this application is based on submitted application materials (a reduced copy of which are attached to the staff report as Exhibits D, E, and F) and other relevant application materials and submitted testimony. 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. DR 09-01, including all conditions of approval, shall first require an approved modification in conformance with the relevant sections of the Canby Municipal Code.
2. At the time of building permit application, the applicant shall submit a full size revised set of all development plans (including site plan, landscape plan, elevations, etc.) that is consistent with the development approved herein, including all conditions of approval, to the satisfaction of the City's Planning & Building Department and Public Works Department. All written conditions must be met prior to final occupancy of the building unless otherwise noted.
3. Prior to the issuance of a building permit, installation of public utilities, or any other site work other than rough site grading, construction plans must be approved and signed by the appropriate City Departments and by all other utility/service providers. 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 provision is subject to approval by the appropriate utility/service provider. The City of Canby's preconstruction process procedures shall be followed.
4. At the time of application for building permits, the developer shall submit revised site plans that include bicycle parking for 3 bicycles in conformance with CMC Chapter 16.10 requirements. Required bicycle parking facilities shall be installed prior to the City issuing final occupancy permit.
5. S.E. Third Court abutting the subject lot shall be demarcated as a 'no parking' area. At the time of application for building permits, the developer shall submit revised site plans that include either curb painting or 'no parking' signage for S.E. Third Court abutting the lot, whichever is approved by the Canby Fire Department. Required 'no parking' demarcation shall be installed prior to the City issuing a final occupancy permit.
6. At the time of building permit application, the developer shall submit a revised site plan, that is in substantial conformance with the site plan submitted with the Site and Design Review application (*Exhibit D of staff report*), but that also revises the width of all on-site pedestrian walkways to be a minimum 5 feet wide, and that provides walkway connectivity to the two abutting commercial lots. All required improvements shall be installed prior to issuance of a final occupancy permit.
7. At the time of building permit application, the developer shall submit a revised landscaping plan, that is in substantial conformance with the landscaping sheet submitted with the Site

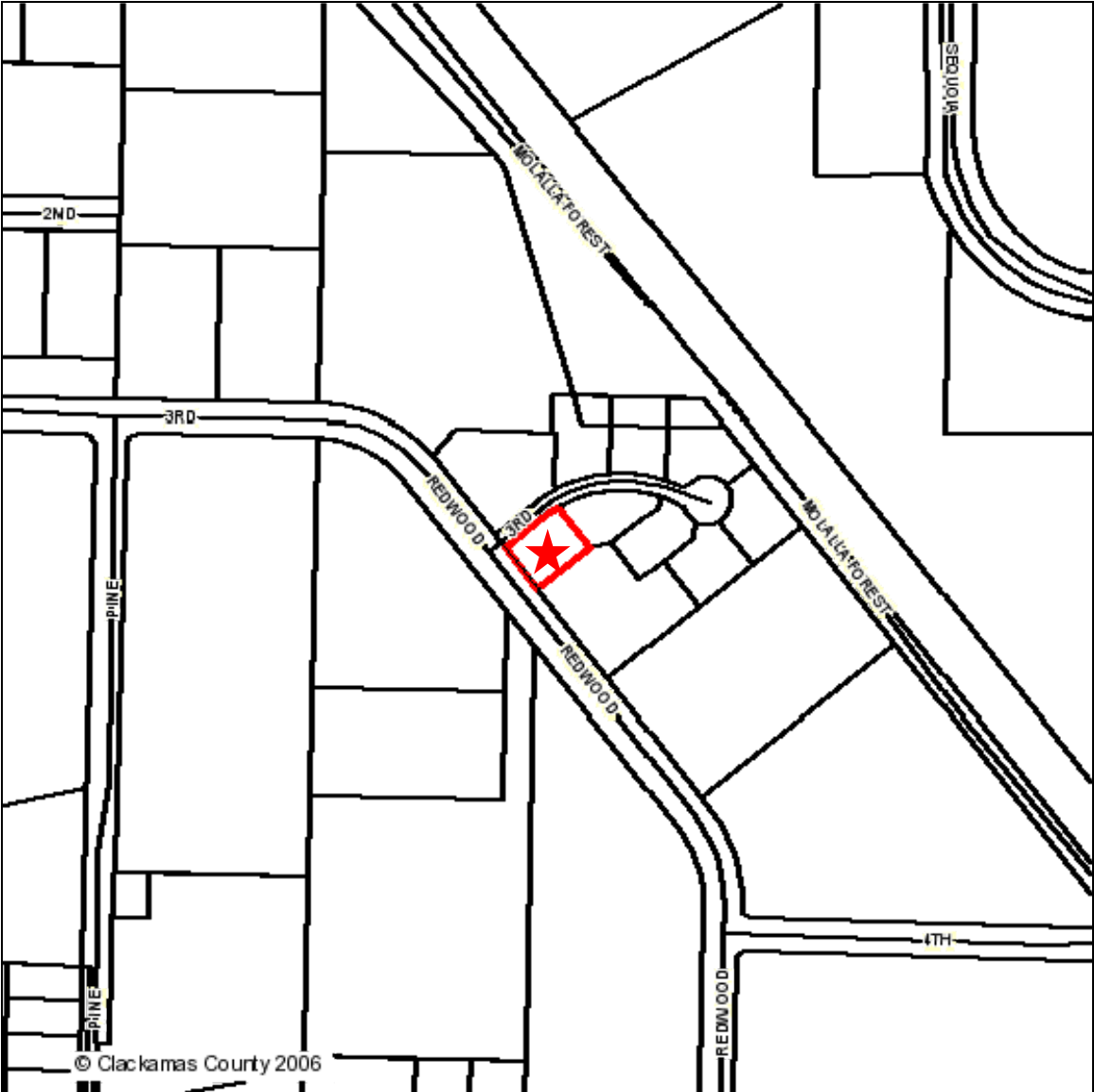
and Design Review application (*Exhibit D of staff report*), and that meets all CMC Chapter 16.49 requirements, but that also incorporates all site plan changes required as a condition of this approval, and is drawn to a standard engineer's scale no smaller than 1"=20'. All required landscaping shall be installed prior to issuance of a final occupancy permit.

8. The color of the fiber-cement lap siding on the exterior of the building (*see sheet 1/3 of Applicant's Plans – Exhibit D to staff report*), shall be a subdued beige or brown that is similar to the exterior siding color on the existing medical office building located on the opposite side of the shared driveway. Exterior of building shall meet this condition prior to the City issuing a final occupancy permit.
9. The proposed secondary driveway, which provides access to the site from the primary shared driveway (S.E. 3rd Court), shall be constructed to meet ADA guidelines. Prior to issuance of a final occupancy permit, the applicant shall provide the Planning & Building Department with written documentation from the City Engineer that this condition has been met to the satisfaction of the City Engineer.
10. Prior to issuance of building permits, applicant shall meet all fire & life safety requirements of Canby Fire.

Exhibits:

- A. Vicinity Map
- B. Zoning
- C. Site Photos
- D. Applicant's Plans
- E. Applicant's Materials Sheets
- F. Applicant's Written Statements
- G. Transportation Analysis
- H. Service Provider Comments
- I. Applicant's Neighborhood Meeting Notes

VICINITY MAP



Location: 1507 S.E. 3rd Court, east of S. Redwood Street

SITE PHOTOS

The following photographs were taken by City Staff on June 30, 2009



① View of west corner of property where shared driveway (S.E. Third Court) accesses onto S. Redwood Street, and an existing streetlight and fire hydrant at the corner of the lot.



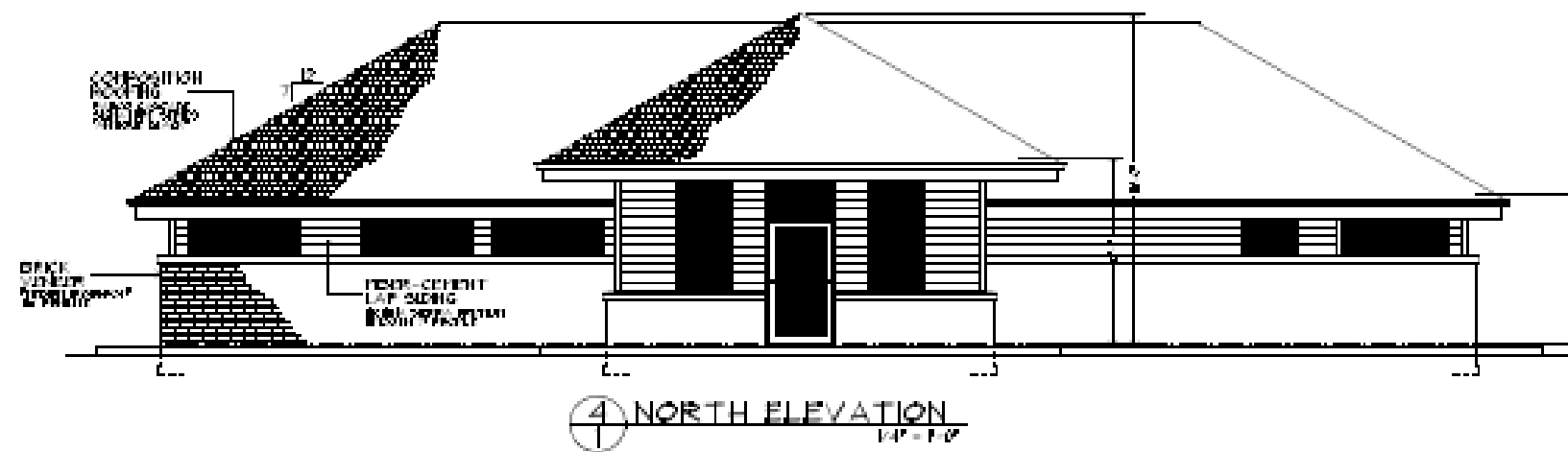
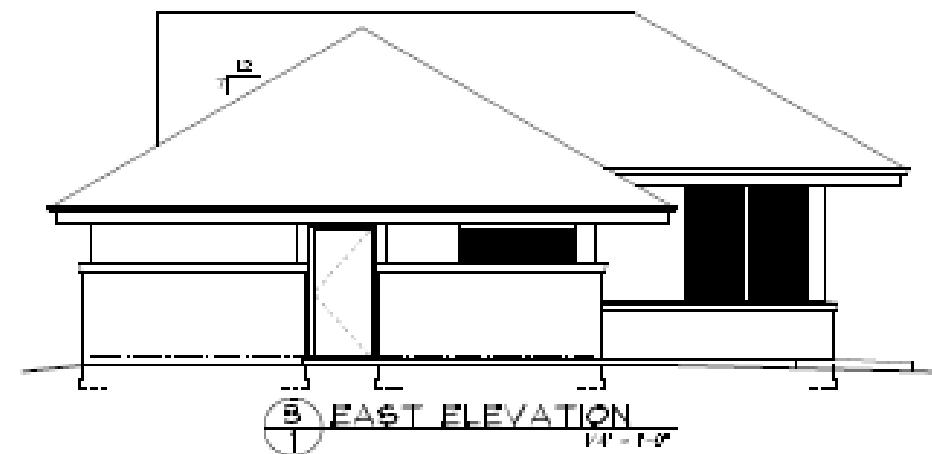
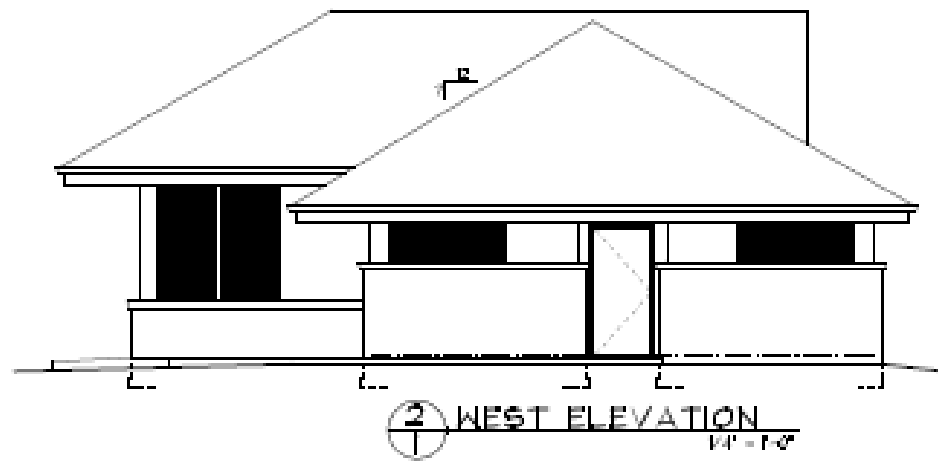
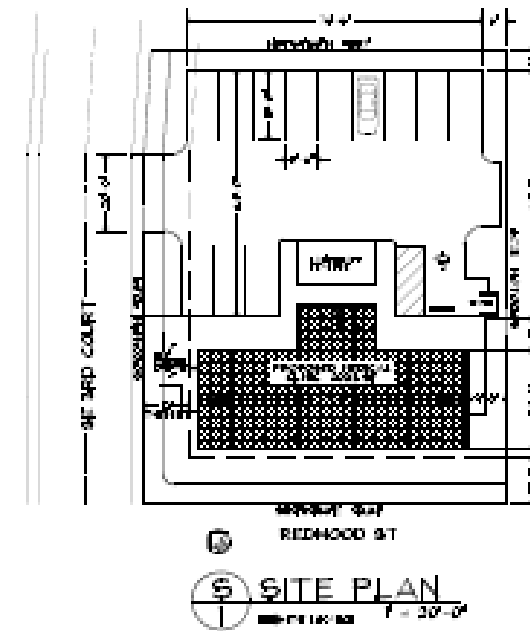
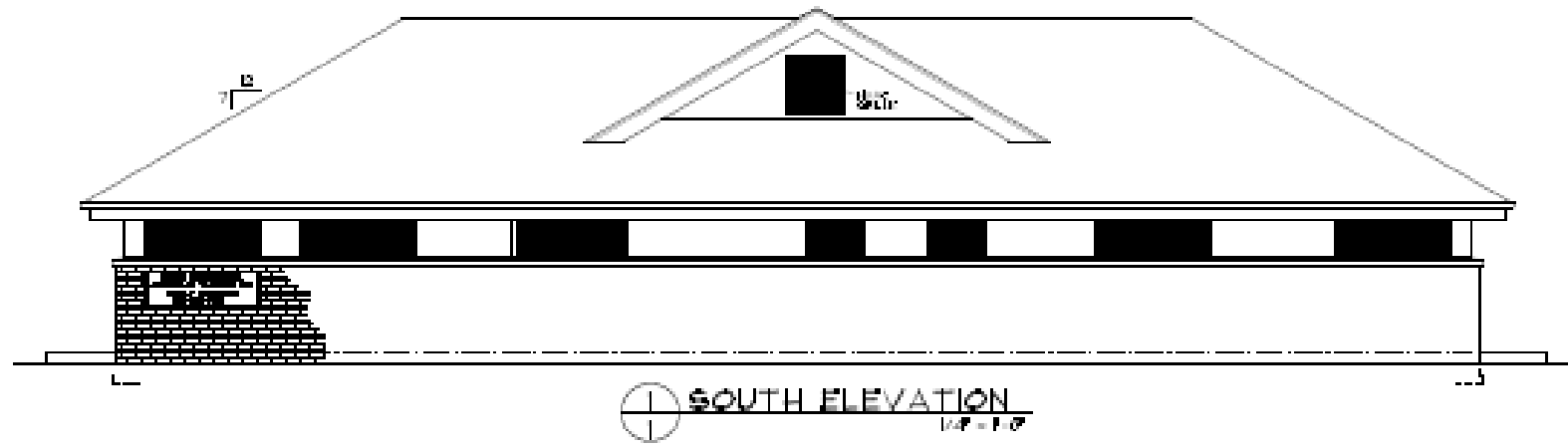
② View of the northwesterly property line, and an existing private lamp located along the shared driveway.



③ Photo shows the existing rolled curb that has already been constructed along the lot line abutting the shared driveway.

APPLICANT'S PLANS

Applicant's plans are inserted into the following 5 pages.



PROJECT DATA:
 LOCATION: 801 SE 9TH ST
 ZONING: COMMERCIAL MANUFACTURING ZONE
 SITE AREA: 1.06 AC
 CONSTRUCTION TYPE: V.H.
 FIRE PROTECTION: None provided
 BUILDING AREA: 2,000 SQ. FT.
 OCCUPANCY: MEDICAL SUPPLY PATIENT 2 OCCUPANTS
 OCCUPANT LOAD: 100 SF GROSS/ACC = 2 OCCUPANTS
 BILLS ROB: 13

CONSULTANTS:
 STRUCTURAL ENGINEER:
 DANA SMITH, P.E.
 503-673-1921

CIVIL ENGINEER:
 BLUE SKY ENGINEERING INC.
 GEORGE SNEGIREV, P.E.
 503-874-9222

LANDSCAPE DESIGN:
 STEVE STASH
 DOVE CRUTE NURSERY, LLC
 503-266-3677

REVISIONS

FAMILY MEDICAL PRACTICE CLINIC

MICHAEL J. MELLMAN
 ARCHITECT LLC
 P.O. BOX 1266
 SILVERTON, OREGON
 97131
 503-873-8111 (OFFICE/FAX)
 e-mail: mjm1206@coches.com

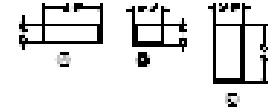
TRISH MARRIN
 MAY SE 9TH COURT
 CANYON, OREGON
 503-266-1421



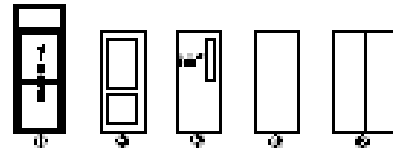
HAT 2004



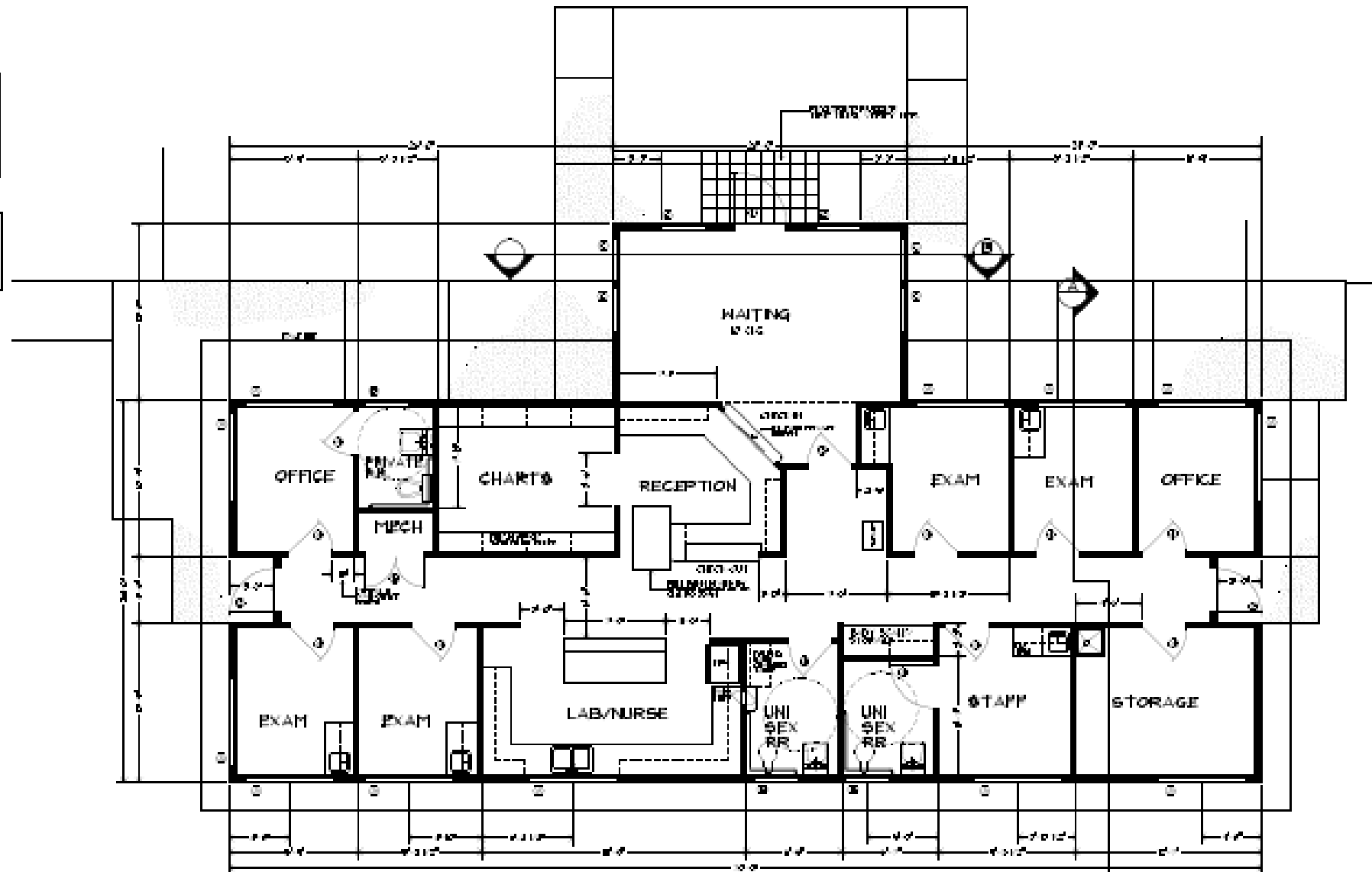
WINDOW SCHEDULE		
TYPE	SIZE	FINISH
1	3'-0" x 4'-0"	WOOD
2	3'-0" x 4'-0"	WOOD
3	3'-0" x 4'-0"	WOOD
4	3'-0" x 4'-0"	WOOD
5	3'-0" x 4'-0"	WOOD
6	3'-0" x 4'-0"	WOOD



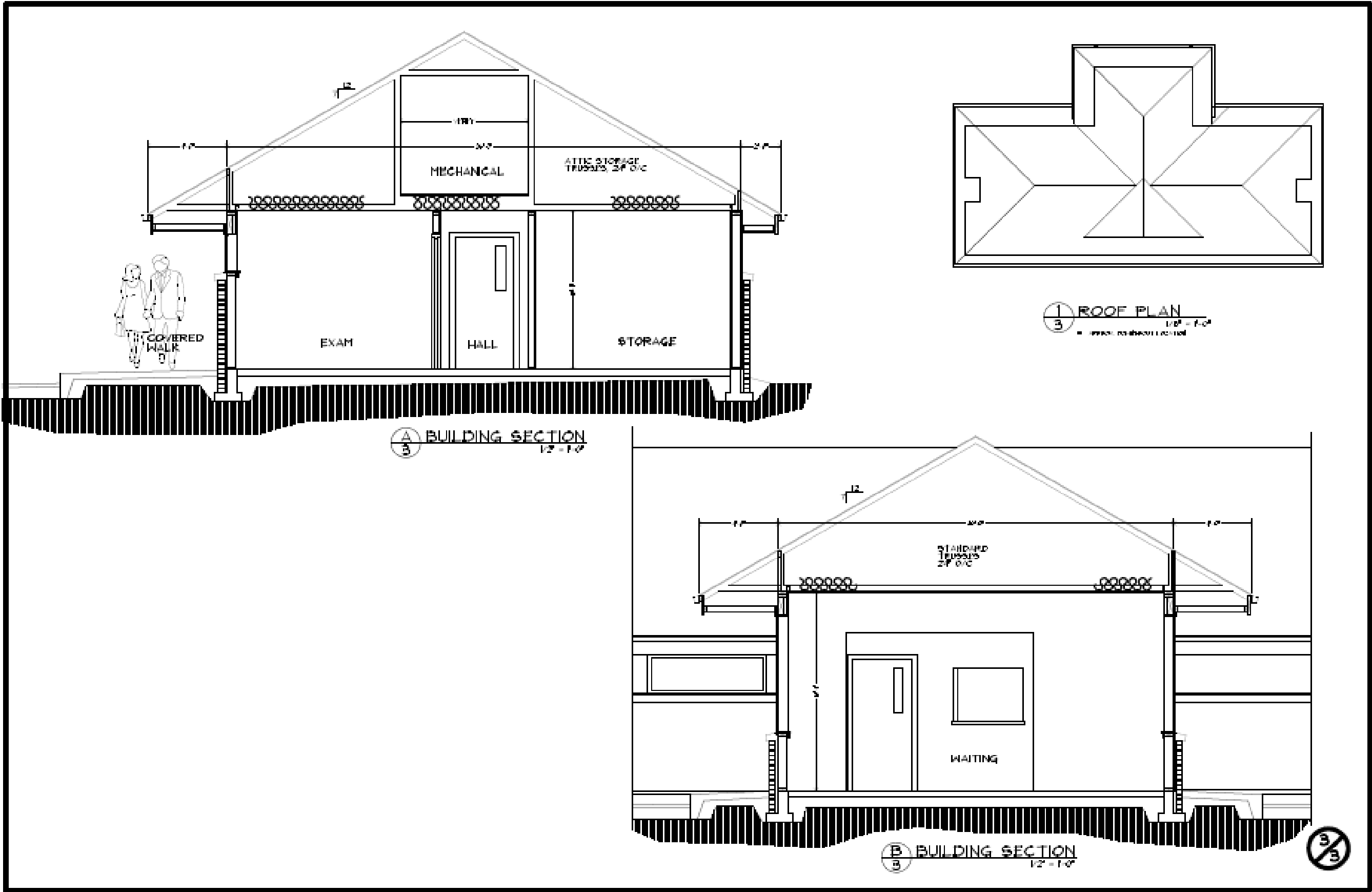
DOOR SCHEDULE		
TYPE	SIZE	FINISH
1	3'-0" x 7'-0"	WOOD
2	3'-0" x 7'-0"	WOOD
3	3'-0" x 7'-0"	WOOD
4	3'-0" x 7'-0"	WOOD
5	3'-0" x 7'-0"	WOOD
6	3'-0" x 7'-0"	WOOD

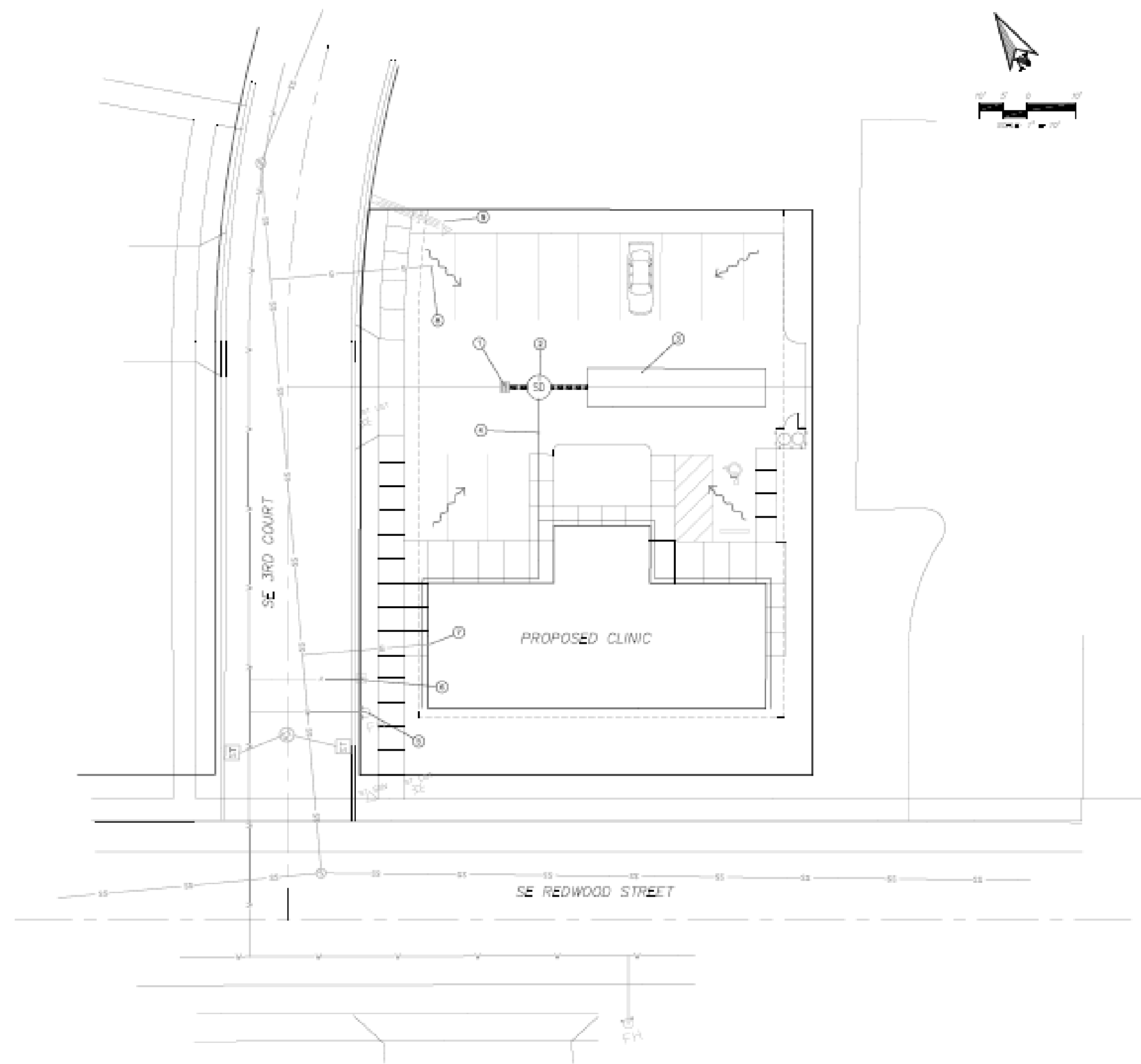


DOOR TYPES



1 FLOOR PLAN
2 2033 SF 1/4" = 1'-0"



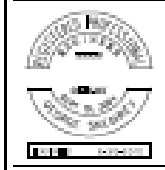


CONSTRUCTION NOTES

- 1. INSTALL CATCH TYPE CATCH BASIN PER DETAIL 1, SHEET 03
- 2. INSTALL SANDWICH PANEL MANHOLE PER DETAIL 2, SHEET 03
- 3. UNDERGROUND WELTREN DRAIN WITH PLASTIC DRAINAGE STORAGE SYSTEM PER DETAILS 3 AND 4, SHEET 03
- 4. ROOF DRAIN AROUND PERIMETER OF BUILDING TO PICK UP DOWN SPOTS AND DISCHARGE INTO UNDERGROUND MANHOLE
- 5. EXISTING FIRE HYDRANT
- 6. EXISTING WATER MAIN PER ALL UNDERFLOW LEVELS FOR IRRIGATION SYSTEM
- 7. EXISTING SANITARY SEWER LATERAL CONNECT 12" TO BUILDING
- 8. EXISTING SANITARY SEWER LATERAL
- 9. EXISTING POWER, TELEPHONE AND GAS CONNECT 12" TO BUILDING



100 S. 1ST STREET
SUITE 208
SILVERTON, OR 97131
(503) 874-8222



FAMILY MEDICAL PRACTICE CLINIC
CANEY, OREGON
STORM DRAINAGE AND UTILITY PLAN

REV.	DATE	BY

PROJECT NUMBER
WEL-001

DRAWN BY: **WEL/03/24**

SCALE: **AS SHOWN**

DRAWN BY: **CS**

CHECKED BY: **CS**

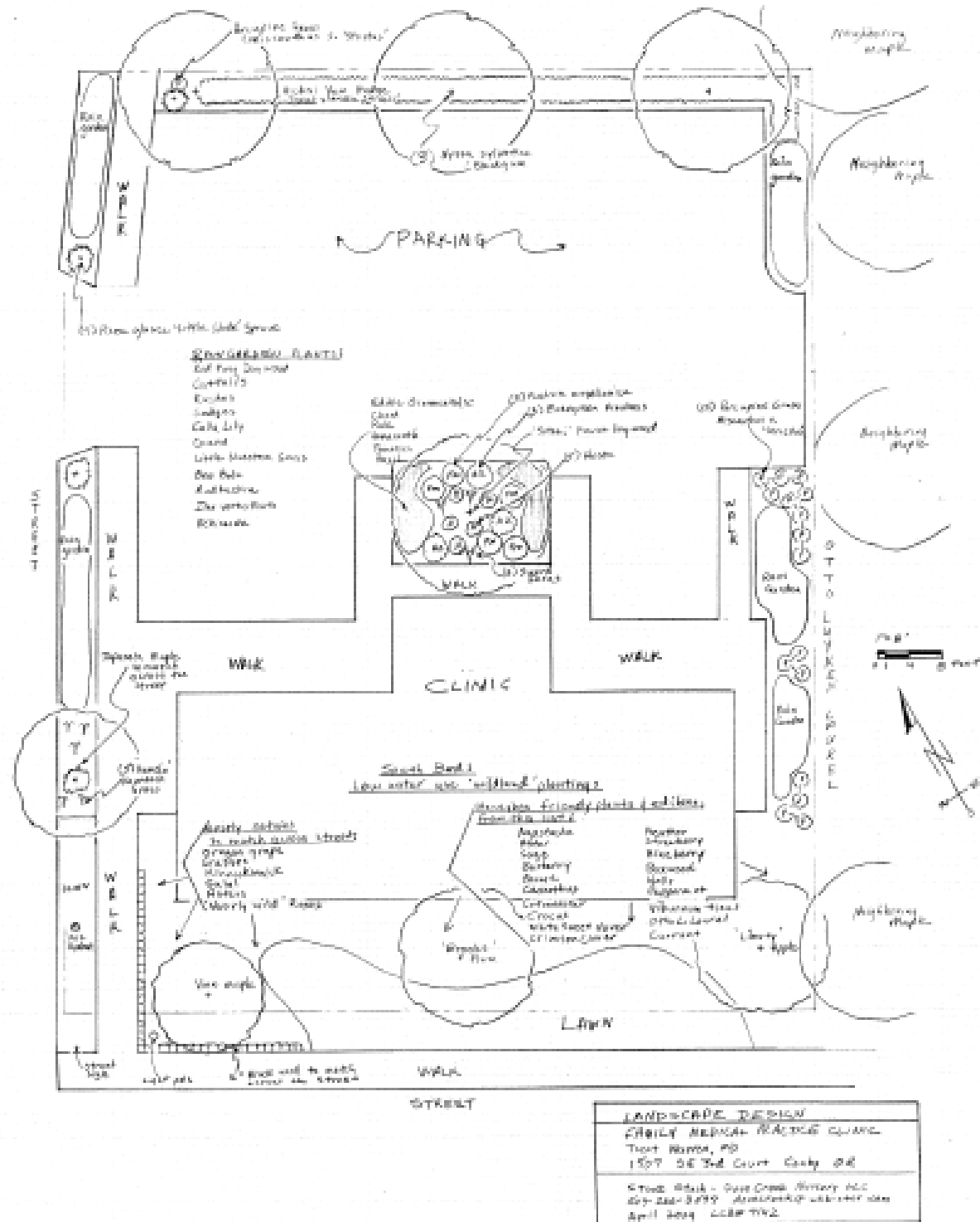
CHECKED BY: **CS**

FILE: **WEL001.dwg**

SHEET NUMBER
04

IRRIGATION

Deep irrigate the hedge & entry bed.
 Spray irrigate the rain garden & parking lot bed.
 After a year the established plants only irrigate about 4 times per summer.
 Spray irrigate the lawn 4 times per week in the dry season.



APPLICANT'S MATERIALS SHEETS

Applicant's materials sheets are inserted into the following 2 pages.

FOR: DESIGN PROS | HOMEOWNERS

- Masonry (Commercial)
 - CMU
 - Brick
 - Face Brick
 - Reds, Pinks & Oranges
 - Grays & Whites
 - Yellows & Buffs
 - Browns & Tans**
 - Dark Colors
 - Structural Brick
 - Thin Brick
 - Accent Brick
 - Cultured Stone
 - Mfg Stone Accessories
 - Natural Stone
 - Mortar, Grouts, Sands & Pigments
- Masonry (Residential)
- Hardscapes (Commercial)
- Hardscapes (Residential)

Masonry - Commercial | Brick | Face Brick | Browns & Tans



Medium Ironspot



MA
Pacil



ADDITIONAL INFORMATION

We recommend that the final brick color selections be made from actual brick samples.

COP
2-3/
2-1/
2-1/
2-1/
448
Ecor

[ABOUT US](#) | [DESIGN CENTERS](#) | [SUSTAINABILITY](#) | [MANUFACTURERS](#) | [MSDS](#) | [TECHNICAL](#) | [CONTACT US](#) | [HOME](#) | ©200

[Copyright Statement](#) [Privacy Policy](#) [Site Map](#)

http://www.pumilite.com/products/masonry/commercial/brick/face_brick/browns_and_tans/... 5/5/2009

PRODUCTS

Paramount Advantage®
Signature Cut Shingles

Paramount® Signature Cut
Shingles

Cascade™ Signature Cut
Shingles

- Colors
- Specifications
- Technical Data

Premier Advantage®
Laminated Shingles

Precise® Laminated Shingles

PABCO® Premier®
Laminated Shingles

SG-30® 3-Tab Shingles

ENVIRONMENTAL
PRACTICES

ACCESSORIES

OUR DISTRIBUTORS

CASCADE™ Patent Pending
SIGNATURE CUT SHINGLES
Classic style in a unique design.

Colors...
Roll over images below for a larger view.

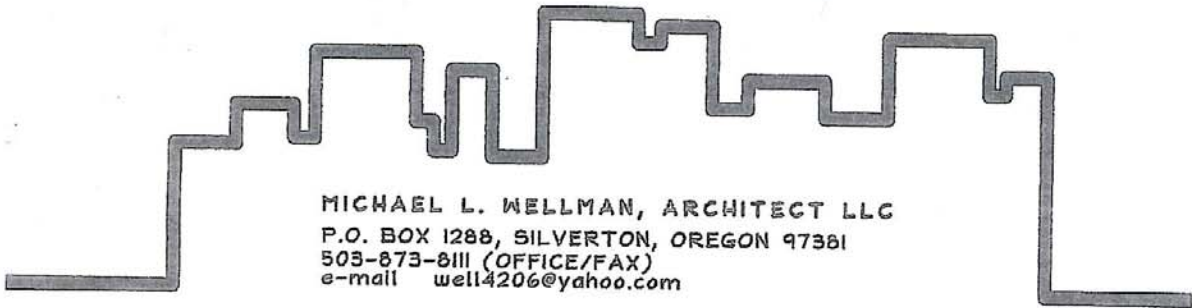
We have done our best to display as possible the colors of the products on this web site. However, because the colors depend on your monitor, we cannot guarantee your monitor's display of any color is accurate. We recommend color selection from actual shingle samples.

Color: Antique Black

Pewter Gray Black

COPYRIGHT | PRIVACY POLICY | PACIFIC COAST BUILDING PRODUCTS, INC. 2005
a division of PABCO® building products, LLC

APPLICANT'S WRITTEN STATEMENTS



June 3 ,2009

Melissa Hardy, Associate Planner
City of Canby

RE: SITE & DESIGN REVIEW APPLICATION NO. DR 09-01

Ms. Hardy,

The following response is in reference to your requested information letter date June 2nd, 2009:

- (1) Traffic study fee and form will be submitted by Dr. Warren.
- (2) Mailing labels will be submitted with this response.
- (3) Trash enclosure location is correct on the Civil engineers drawing. Canby Disposal has no issues with proposed location.
- (4) Trash enclosure will be veneered with the same brick used on the building. Gates have been omitted by the Doctor as they will have no "medical waste" in their trash containers.
- (5) The proposed siding is standard fiber-cement material. Color to be light tan/brown to coordinate with brick colors. Exact color to be determined at a later date.
- (6) All walkways including sidewalks will be poured in place concrete with a standard light broomed finish.
- (7) No fencing to be use on this project.
- (8) No parking lot lighting is proposed. Project will utilize existing street light at drive way and exterior lighting on the building.
- (9) Building sign to review at a later date.
- (10) Your matrix review is about right. Under "traffic" the drive way is greater than 70' from Redwood street. Building color while not finalized will be a subdued color. The trash receptacle will be screened from public (street) view.

Sincerely,

A handwritten signature in red ink, appearing to read "Michael L. Wellman". The signature is fluid and cursive, with a large initial "M".

Michael L. Wellman, Architect



NARRATIVE STATEMENT FOR SITE DESIGN REVIEW APPLICATION

Project Name: The Warren Clinic
Project location: 1507 SE Third Court, Canby, OR
Date: April 22, 2009
Jurisdiction: City of Canby, Oregon

General Statement:

This project is a single story 2033 SF Medical Office Building with off street parking, located in an established commercial subdivision in Canby. It will be wood frame construction, with masonry veneer and wood siding, wood trim and composition shingle roofing. (See attached Site Plan, Floor Plan & Exterior Elevations)

Comprehensive Plan Designation: C-M
Zoning Designation: C-M Heavy Commercial Manufacturing Zone

COMPREHENSIVE PLAN FINDINGS

1. CITIZEN INVOLVEMENT ELEMENT - GOAL: TO PROVIDE THE OPPORTUNITY FOR CITIZEN INVOLVEMENT THROUGHOUT THE PLANNING PROCESS. This project will have two separate opportunities to insure citizen involvement. The first was Neighborhood Meeting; for which notice was mailed out to all property owners within 500 feet of the proposed project site. The meeting took place at 117 NE Third Avenue on February 18, 2009. Minutes were taken at that meeting and are being submitted with the SDR application. The second opportunity for citizen involvement will be at the Planning Commission meeting. These meetings will satisfy this goal.
2. URBAN GROWTH ELEMENT - GOALS: 1) TO PRESERVE AND MAINTAIN DESIGNATED AGRICULTURAL AND FOREST LANDS BY PROTECTING THEM FROM URBANIZATION. 2) TO PROVIDE ADEQUATE URBANIZABLE AREA FOR THE GROWTH OF THE CITY, WITHIN THE FRAMEWORK OF AN EFFICIENT SYSTEM FOR THE TRANSITION FROM RURAL TO URBAN LAND USE. By locating this project within the city limits, this project falls within the framework of an efficient system for the transition from rural to urban land use, so therefore satisfies this goal.
3. LAND USE ELEMENT GOAL: TO GUIDE THE DEVELOPMENT AND USES OF LAND SO THAT THEY ARE ORDERLY, EFFICIENT, AESTHETICALLY PLEASING, AND SUITABLY RELATED TO ONE ANOTHER. This project is located within the proper zoning district for its intended use according to the Comprehensive Plan and therefore satisfies this goal.
4. ENVIRONMENTAL CONCERNS ELEMENT GOALS: 1) TO PROTECT IDENTIFIED NATURAL AND HISTORICAL RESOURCES. 2) TO PREVENT AIR, WATER, LAND, AND NOISE POLLUTION. 3) TO PROTECT LIVES AND PROPERTY FROM NATURAL HAZARDS. This project shall have no detrimental effect on identified natural or historic resources, and so meets goal 1 of this element. The project shall have an on-site storm water system that will prevent water pollution and shall not contribute to either air, land or noise pollution, so meets goal 2. This project poses no threat to lives or property due to any natural hazard, so meets goal 3 of this element.

5. TRANSPORTATION ELEMENT - GOAL: TO DEVELOP AND MAINTAIN A TRANSPORTATION SYSTEM WHICH IS SAFE, CONVENIENT AND ECONOMICAL. This project is connected to a logical framework of working streets and roads, with an efficient off-street parking lot that provides for safe, convenient and economic transportation to the site, so therefore meets the goal of this element.
6. PUBLIC FACILITIES AND SERVICES ELEMENT - This project utilizes available public services for water, sanitary sewer and public streets; and provides for on site storm water retention, so meets the goals of this element.
7. ECONOMIC ELEMENT – GOAL: TO DIVERSIFY AND IMPROVE THE ECONOMY OF THE CITY OF CANBY. This project provides a professional service of health care, which will provide employment income for the staff, and will purchase local goods and materials that will help improve the economy of the city, and therefore meets this goal.
8. HOUSING ELEMENT (not applicable)

MUNICIPAL CODE FINDINGS

SECTION 16.10 OFF STREET PARKING AND LOADING

TABLE 16.10.050 requires off street parking at a rate of 5 spaces per 1000 SF of floor area for medical offices, which would be $2.033 \times 5 = 11$ spaces required. *We are providing 14 spaces, so we meet this requirement.*

TABLE 16.10.060 does not require a loading space, *since we have less than 5000 SF of floor area, so we meet this requirement.*

Our parking spaces and aisle dimensions meet the standards for 90 degree parking spaces shown in TABLE 16.10.070, *so we meet this requirement.*

16.10.070(A)(8) Requires 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. *We provide wheel stops, so meet this requirement.*

16.10.070(B)(9) Requires one access, a minimum of 20 feet wide, with curbs, and a sidewalk on one side of parking lots with 5 to 99 spaces. *We are providing an access that is 24 feet wide, with curbs, and a sidewalk on one side, so we meet this requirement.*

16.10.070(B)(13) Requires that a driveway access shall be a minimum of 50 feet away from the intersection at SE Redwood Ave. *Our driveway location meets this requirement, see the Civil Site Plan..*

TABLE 16.10.100 Requires one bicycle space per 1000 SF of floor area. We are required 2.033 (or three) spaces, which we are providing, so we meet this requirement. 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. *We meet these requirements, see the Site Plan.* 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 closet automobile parking space, and in no case further than 50 feet from an entrance when several entrances are involved. *We meet these requirements, see the Site Plan..*

CHAPTER 16.30 HEAVY COMMERCIAL MANUFACTURING ZONE

Professional offices are a permitted use in this zone, *so we are in compliance.*

16.30.030 Development standards.

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

- A. Minimum lot area: none. *We meet this requirement.*
- B. Minimum width and frontage: none. *We meet this requirement.*
- C. Minimum yard requirements:
 - 1. Street yard: none. *We meet this requirement.*
 - 2. Interior yard: none. *We meet this requirement.*
- D. Maximum building height:
 - 1. Freestanding signs: thirty feet. *Not applicable.*
 - 2. All other structures: forty-five feet. *We meet this requirement.*
- E. Maximum lot coverage: sixty percent. *We meet this requirement. See Architectural Site Plan.*
- 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. *We meet these requirements. See the Civil Site Plan.*
 - 2. Not applicable
 - 3. All setbacks to be measured from the foundation line of the building. Overhangs shall not exceed two feet. *We meet the overhang requirement. See Exterior Elevations.*

TABLE 16.49.040

CRITERIA	POSSIBLE	ACTUAL
<u>Parking</u>		

Screening of loading facilities (NOT APPLICABLE)

Landscaping (breaking up of expanse of asphalt)	1	1
Parking lot lighting: No = 0, Yes = 1	1	1
Location of Parking (front=0 side=1 rear=2)	2	2
Number of parking spaces (% of min.) [x.120% / 100%-120% / x=100%]	2	0

Traffic

Distance of access to intersection [x<70 / 70'-100 / x>100']	2	1
Access drive width (% of minimum) [x<102% or x>150% / 120%-150%]	2	1
Pedestrian access from public sidewalk to building [1 entrance connected = 0; all entrances connected = 2]	2	2
Pedestrian access from parking lot to building: No walkways = 0; Walkway next to building = 1; no more than one undesignated crossing of access drive and no need to traverse length of access drive = 2.	2	2

Tree Retention (NOT APPLICABLE)

Signs

Dimensional size of sign (% of maximum permitted). X>75% = 0; 50%-75% = 1; x<50% = 2	2	?
Similarity of sign color to building color: No = 0; Some = 1; Yes = 2	2	2
Pole sign: Yes = 0; No = 1	1	1
Pole sign location (NOT APPLICABLE)		

Building Appearance

Style (architecture): not similar = 0; similar to surrounding = 1 or 2	2	1
Color (subdued and similar is better): Neither = 0;	2	2

similar or subdued = 1; similar and subdued = 2

Material: concrete or wood or brick is better	1	1
Size (smaller is better): over 20,000 sq ft = 0; under 20,000 sq ft = 1	1	1

Types of Landscaping

# of non-required trees: x<1 per 500 sq ft of landscaping = 0; 10 or more per 500 sq ft of landscaping = 1	1	?
Amount of grass: <25% = 0; 25%-50% = 1; x>50% = 2	2	?
Location of shrubs: foreground = 0; background = 1	1	?
<u>Automatic irrigation: No = 0; Yes = 4</u>	<u>4</u>	<u>4</u>
TOTALS	33	?
TOTAL REQUIRED BY CODE WITHOUT BONUS PTS.: 33 X 65% = 22 POINTS		
TOTAL ACTUAL:	?	

Bonus Points

2 or more trees at least 3" in caliper		?
Trash receptacle screening		1
GRAND TOTAL POINTS:	?	

16.49.080 (2)(A.) Requires 15 percent landscaped area for this project. *We have (?) percent, which is greater than 15 percent, so we meet this requirement. See the Landscape Plan.*

16.49.120 Parking lot landscaping standards.

1. 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 and to enhance the visual environment. 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.

2. 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. *We have more than 10 spaces, so this is applicable to our project.*

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

A. Area within a parking lot shall include the paved parking and maneuvering area, as well as any paved area within ten (10) feet of any exterior face of curb surrounding the paved parking and maneuvering area. *We include this paved area, see the Landscape Plan.*

B. Each interior landscaped area shall be a minimum of five feet wide, unless the area is added to the required perimeter landscaping. *We meet this minimum requirement, see the Landscape Plan.*

4. 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:

A. Fifteen (15) percent for all residential, industrial, and commercial zones (except as provided below in subsections B and C.) *We meet this minimum requirement, see the Landscape Plan.*

The area landscaped to meet minimum parking lot interior landscaping requirements shall be located within ten (10) feet of the parking lot area. *We meet this requirement, see the Landscape Plan.*

5. Trees Required Within Parking Lots. Deciduous, evergreen and/or shade trees shall be planted within all parking lots and shall be distributed on the basis of one (1) tree for each eight (8) parking spaces or 2,800 square feet of paved vehicular-use area, whichever is greater. The Site and Design Review Board explicitly encourages the use of planter islands with trees for landscaping parking lots. *We meet this requirement, see the Landscape Plan.*

7. Size of Landscape Planter Islands:

A. Landscape planter islands containing trees shall have a minimum planting area of twenty-five (25) square feet; shall have a minimum width of forty-eight (48) inches measured from back of curb; and shall be designed so as to prevent vehicular damage to trees. (Curb height to be six (6) inches minimum.) *Our landscape islands meet the minimum area, minimum width and required curb height, see the Landscape Plan.*

B. Sidewalks shall not encroach upon the minimum planting width. *We meet this restriction, see the Landscape Plan.*

8. Perimeter of Parking and Loading Areas:

A. 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. *We are providing screening for the parking, see the Landscape Plan.*

B. 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. *We are providing the required trees, see the Landscape Plan.*

9. Irrigation System or Available Water Supply Required. Landscaped areas shall be provided with automatic irrigation systems or a readily available water supply with at least one (1) outlet located within 150 feet of all plant materials to be maintained. *We have an automatic irrigation system, therefore we meet this requirement. See the Irrigation Plan.*

SITE AND DESIGN REVIEW APPLICATION: LANDSCAPING CALCULATIONS

<i>Site Areas</i>		
1. Building area	2033	7 Square footage of building footprint
2. Parking/hardscape	5652	7 Square footage of all sidewalks, parking, & maneuvering areas
3. Landscaped area	3323	7 Square footage of all landscaped area
4. Total developed area	11,005	7 Add lines 1, 2 and 3
5. Undeveloped area	0	7 Square footage of any part of the site to be left undeveloped.
6. Total site area	11,005	7 Total square footage of site

<i>Required Site Landscaping (Code 16.49.080)</i>		
7. Zone	CM	7 Fill in the Appropriate Zone and Percentages: R-1, R-1.5, R-2 Zones: 30% C-2, C-M, C-R, M-1, M-2 Zones: 15% C-1 Zone: 7.5%
8. Percent of required landscaping	15%	
9. Total developed area	11,005	7 Fill in value from line 4
10. Required square footage of landscaping	1651	7 Multiply developed area by % of required landscaping
11. Proposed square footage of landscaping	3323	7 Fill in value from line 3

Required Landscaping within a Parking Lot (Code 16.49.120(4))
 Note: this section and the next apply only to projects with more than 10 parking spaces or 3,500 square feet of parking area

12. Zone	CM	7 Fill in the Appropriate Zone and Percentages: R-1, R-1.5, R-2, C-2, C-M, C-R, M-1, M-2 Zones: 15% C-1 Zone: 5%
13. Percent of required landscaping	15%	
14. Area of parking lot & hardscape	5857	7 Fill in area of parking and maneuvering areas plus all paved surface within ten (10) feet of those areas.
15. Required square footage of landscaping within 10 feet of parking lot	878	7 Multiply area of parking lot (line 14) by percent of required landscaping (line 13)
16. Proposed square footage of Landscaping within 10 feet of parking lot	1297	7 Calculate the amount of landscaping proposed within 10 feet of all parking and maneuvering areas.

SITE AND DESIGN REVIEW APPLICATION: LANDSCAPING CALCULATIONS		
17. Number of parking spaces	13	7 Total number of parking spaces
18. Area of parking lot & hardscape	5857	7 Area from line 14
19. Number of parking spaces (line 17) divided by 8	2	7 Round up to the nearest whole number
20. Area of parking lot (line 18) divided by 2,800	3	7 Round up to the nearest whole number
21. Number of required trees in parking lot	3	7 Take the larger of the previous two rows
22. Number of trees provided within 10 feet of parking lot	3	7 Count the number of proposed trees within 10 feet of parking and maneuvering areas.

TRANSPORTATION ANALYSIS

Transportation Analysis is attached (see following 16 pages).

**REDWOOD MEDICAL CENTER
TRAFFIC IMPACT STUDY**

CANBY, OREGON

DATE:
June 22, 2009

PREPARED FOR:
Redwood Medical Center – City of Canby

PREPARED BY:
Lancaster Engineering



EXPIRES: 12/31/2010



321 SW 4th Ave., Suite 400 | Portland, OR 97204 | 503.248.0313 | lancasterengineering.com



TABLE OF CONTENTS

Executive Summary	3
Project Description	4
Trip Generation & Distribution	8
Safety Analysis	11
Operational Analysis	12
Appendix	17



EXECUTIVE SUMMARY

1. A 2,300-square-foot medical office building is proposed for development. The site is located in the eastern quadrant of the S Redwood Street/SE 3rd Court intersection. Access to the site will be via a driveway onto SE 3rd Court, which is a shared private access way providing access to nine lots.
2. The City of Canby requested an analysis of a potential worst-case development for the site. Since a previous condition of approval limits development to office uses, a medical office building represents the worst-case development potential.
3. The proposed medical office is expected to generate five trips during the morning peak hour, eight trips during the evening peak hour, and eighty-four trips during an average weekday.
4. All three developments in the area (two existing office buildings and the proposed medical office) generate 286 weekday trips.
5. Provided there is no parking allowed on SE 3rd Street to interfere with sight distance, sight distance at the proposed driveway is expected to be adequate for the actual travel speeds.
6. The intersection of S Redwood Street and SE 3rd Court currently operates with very low delays. Delays will continue to be very low with development of the site.
7. There were no operational or safety issues identified with the site development. No mitigation is necessary or recommended.



PROJECT DESCRIPTION

INTRODUCTION

A site at the intersection of S Redwood Street and SE 3rd Court is proposed for development with a medical office building. The building will be 2,300 square feet in size. The site is located in the eastern quadrant of the intersection. Access will be to SE 3rd Court.

The purpose of this study is to assess the traffic impact of the proposed development on the nearby street system and to recommend any required mitigative measures. The analysis will include level of service calculations and an evaluation of sight distance.

Detailed information on traffic counts, trip generation calculations, and level of service calculations is included in the appendix to this report.

LOCATION DESCRIPTION

A medical office has been proposed for development on a lot located at the intersection of S Redwood Street and SE 3rd Court. The lot is in the eastern quadrant of the intersection and is part of the Redwood Medical Center. The lot is proposed to be developed with a 2,300-square-foot medical office building.

Typically, the zoning designation on the property would allow for a higher-intensity use than a medical office. However, for the subject property, there was a condition of approval associated with a previous zone change of the property that restricted uses to business and professional offices, which included medical office as an allowed use for the site. Of the various office uses available for the site, a medical office will generate the highest number of trips. This represents the worst-case development scenario for the site.

Although the site fronts onto both S Redwood Street, access is proposed solely to SE 3rd Court. Proposed site access will be placed near the northeastern boundary and will be approximately 100 feet from S Redwood Street.

The intersection of S Redwood Street and SE 3rd Court was examined in this report.

S Redwood Street is under the jurisdiction of the City of Canby and is classified by the City as a Collector. It is a two-lane facility with a posted speed of 25 mph. Pavement width is generally 38 to 42 feet. There are typically curbs, sidewalks and bike lanes on the west side of the road. On the east side, there are curbs, sidewalks, and bike lanes along segments that have been recently developed.

SE 3rd Court is a recently-constructed private vehicle access that provides access to the future Redwood Medical Center. It is a two-lane driveway that terminates in a cul-de-sac. Pavement width is

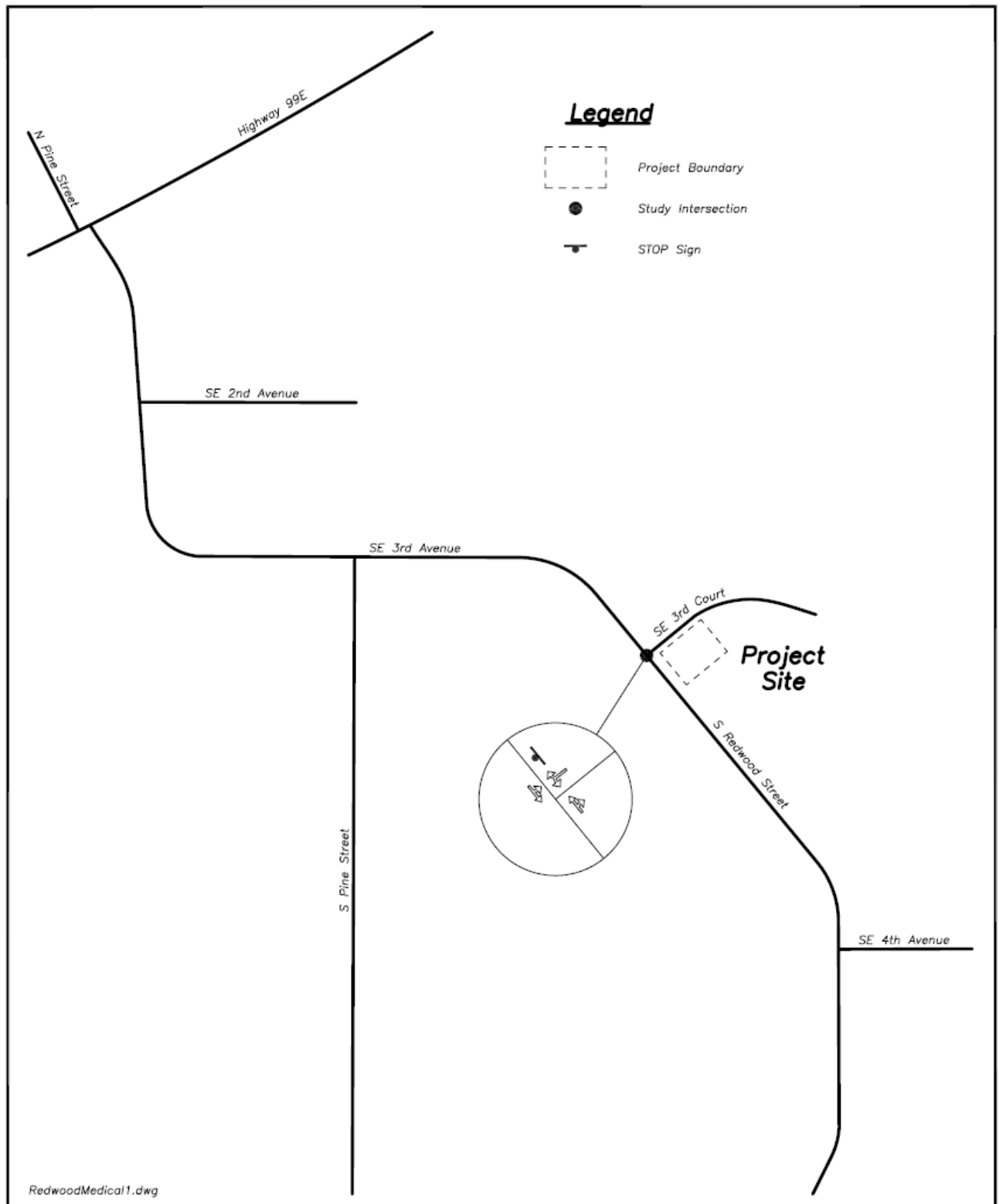
about 35 feet and there is no posted speed. There are curbs and sidewalks on both sides of the driveway.

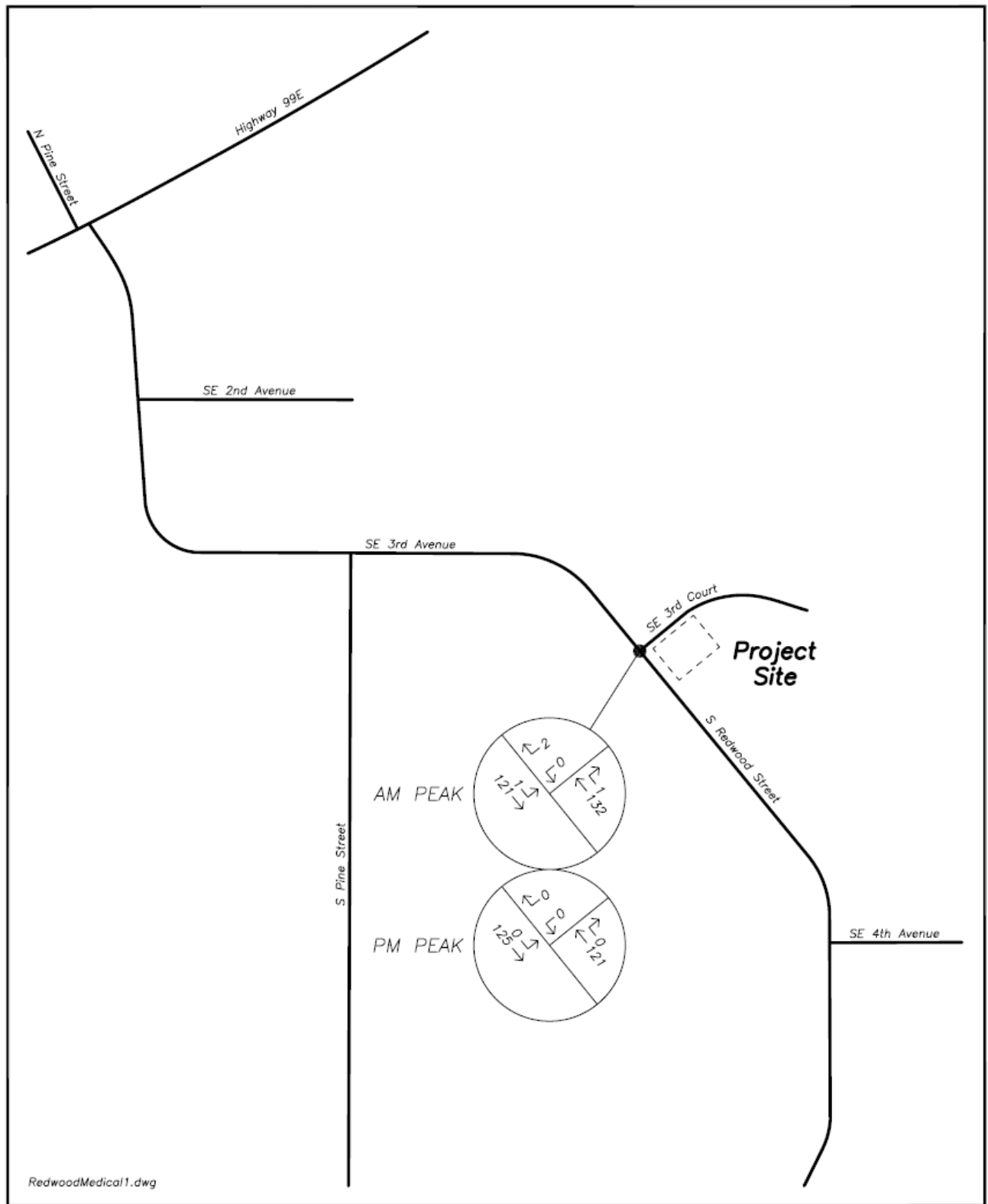
The intersection of S Redwood Street and SE 3rd Court is a standard three-legged intersection that is stop-controlled on the SE 3rd Court approach. All approaches are single-lane.

Canby Area Transit (CAT) has service in the vicinity of the site. CAT Blue Line travels between Canby Transit Center (at Thriftway) and Fred Meyer. Service is from about 7:00 a.m. to about 8:00 p.m. weekdays and from about 10:00 a.m. to about 6:00 p.m. on Saturdays with 60-minute bus headways. There is no Sunday service.

Manual turning movement counts were made at the intersection of S Redwood Street and SE 3rd Court during June 2009 from 7:00 to 9:00 a.m. and from 4:00 to 6:00 p.m. The peak hour occurred from 7:00 to 8:00 a.m. and from 4:30 to 5:30 p.m. Detailed traffic count data is included in the appendix to this report.

Figure 1 on page six shows the project study area and the location of the site. Figure 2 on page seven shows the existing traffic volumes at the study area intersection.





RedwoodMedical1.dwg



TRAFFIC VOLUMES
Existing Conditions
AM & PM Peak Hours



FIGURE
2
PAGE
7



TRIP GENERATION & DISTRIBUTION

TRIP GENERATION

To estimate the number of trips that will be generated by proposed development, trip rates from ITE *TRIP GENERATION* were used. Land-use code 720, *Medical Office*, was used for the medical building. The trip rates are based on the square footage and were calculated for a 2,300-square-foot building.

The results of the trip generation calculations show that the proposed development will generate five trips during the morning peak hour. Of these, four trips will be entering the site and one trip will be exiting the site. During the evening peak hour, a total of eight trips will be generated, with two trips entering the site and six trips exiting the site. During the weekday, a total of eighty-four trips are expected, with half entering and half exiting the site.

TRIP GENERATION SUMMARY											
LAND USE	SIZE	VAR	AM PEAK HOUR			PM PEAK HOUR			WEEKDAY		
			In	Out	Total	In	Out	Total	In	Out	Total
Med Office	2.3	ksf	4	1	5	2	6	8	42	42	84

Because an office is typically an origin or destination for trips, no reduction was taken for pass-by trips. Also, for a worst-case analysis, no reduction was made for transit use.

TOTAL TRIP VOLUME

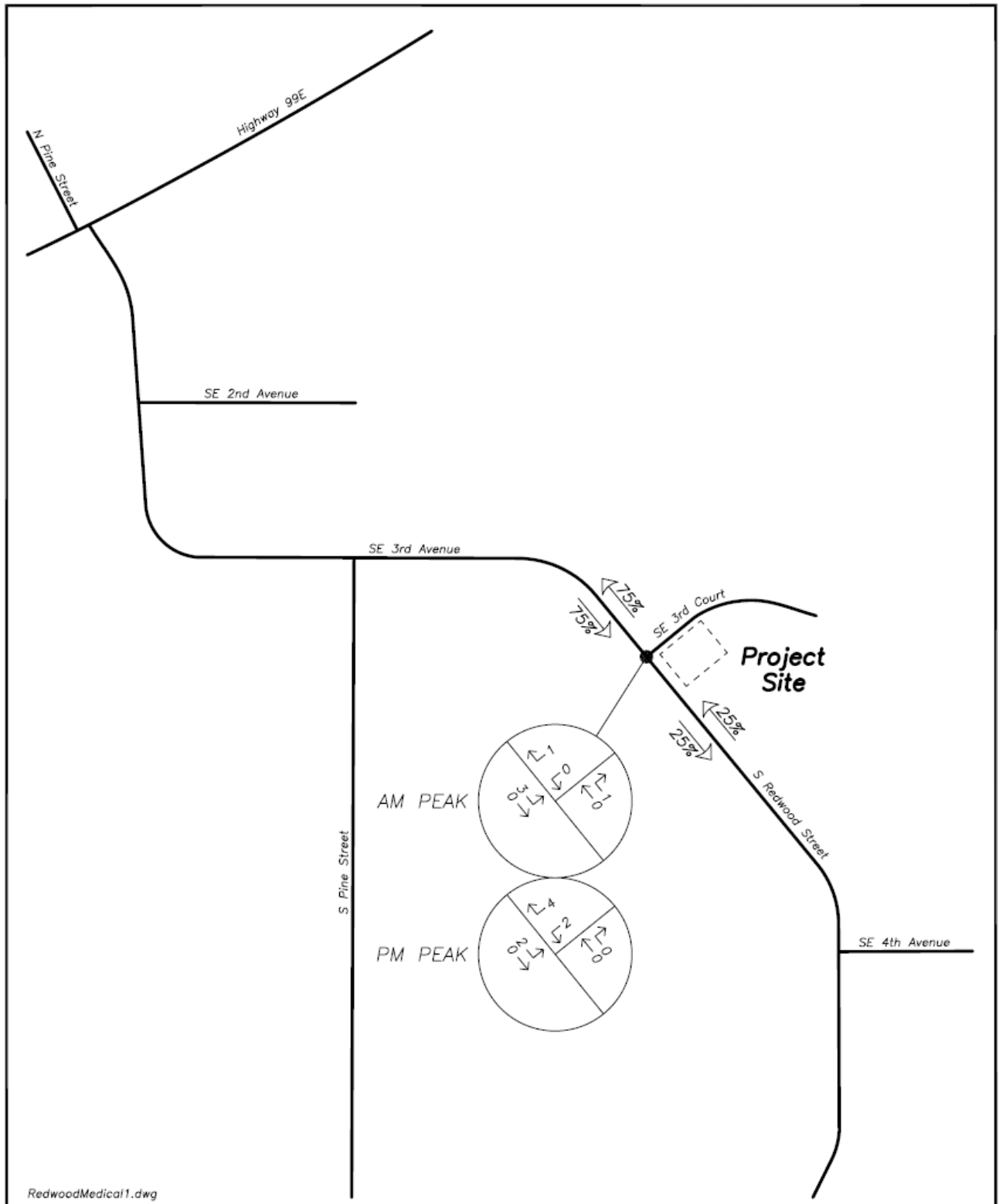
There is a condition of approval placed on the zone change that limits trips generated by the nine lots to a maximum of 1,020 trips per day. Two of the nine lots have been occupied with office uses. The total weekday trip generation of the proposed and existing uses is 286 trips per day. The proposed development does not exceed the maximum allowable trips for the area.

TRIP GENERATION SUMMARY											
LAND USE	SIZE	VAR	AM PEAK HOUR			PM PEAK HOUR			WEEKDAY		
			In	Out	Total	In	Out	Total	In	Out	Total
Gen Office	7.5	ksf	11	1	12	2	9	11	41	41	82
Med Office	3.34	ksf	6	2	8	3	9	12	60	60	120
Med Office	2.3	ksf	4	1	5	2	6	8	42	42	84
Total Trips			21	4	25	7	24	31	143	143	286

TRIP DISTRIBUTION

Since most of the trips to and from the site are expected to originate or terminate within the Canby area, the directional distribution of the site trips was based on the location and densities of the residential neighborhoods surrounding the site and convenient routes to and from those neighborhoods.

Figure 3 on page ten shows the trip distribution and assignment for the proposed medical office during the morning and evening peak hours.



RedwoodMedical1.dwg



SITE TRIP DISTRIBUTION & ASSIGNMENT
 Inbound and Outbound Percentages and Site Trips
 AM & PM Peak Hours



FIGURE
3
PAGE
10

SAFETY ANALYSIS

SIGHT DISTANCE

Intersection sight distance measurements were made at the subject driveway onto SE 3rd Court. Required intersection sight distance was calculated from the equations given in *A POLICY ON GEOMETRIC DESIGN OF HIGHWAYS AND STREETS*, published in 2004 by the American Association of State Highway and Transportation Officials (AASHTO). The measurements are based on a driver's eye height of 3.5 feet above the roadway and an oncoming driver's eye height of 3.5 feet, with the driver's eye 15 feet behind the edge of the near side travel lane.

Intersection sight distance was measured to be about 120 feet to the southwest. Sight distance can be viewed to the intersection of S Redwood Street and SE 3rd Court and is considered adequate in this direction.

Intersection sight distance was also measured to be about 160 feet to the northeast. It is assumed travel speeds on SE 3rd Court will be less than 25 mph due to the short length of the driveway. Based on this, sight distance requirements will be less than the AASHTO requirement of 280 feet.

In addition, intersection sight distance is provided to allow a driver to determine when to enter the intersection. There is an additional parameter, stopping sight distance, that is used to provide safe operation of the road. Stopping sight distance is the minimum distance for a driver already on the roadway to identify and stop for any obstructions in the roadway, such as a vehicle pulling out of a side street. Minimum stopping sight distance was calculated to be 155 feet based on the AASHTO stopping sight distance equations and a speed of 25 mph. Measured stopping sight distance was found to be about 185 feet. There is adequate stopping sight distance along SE 3rd Court.

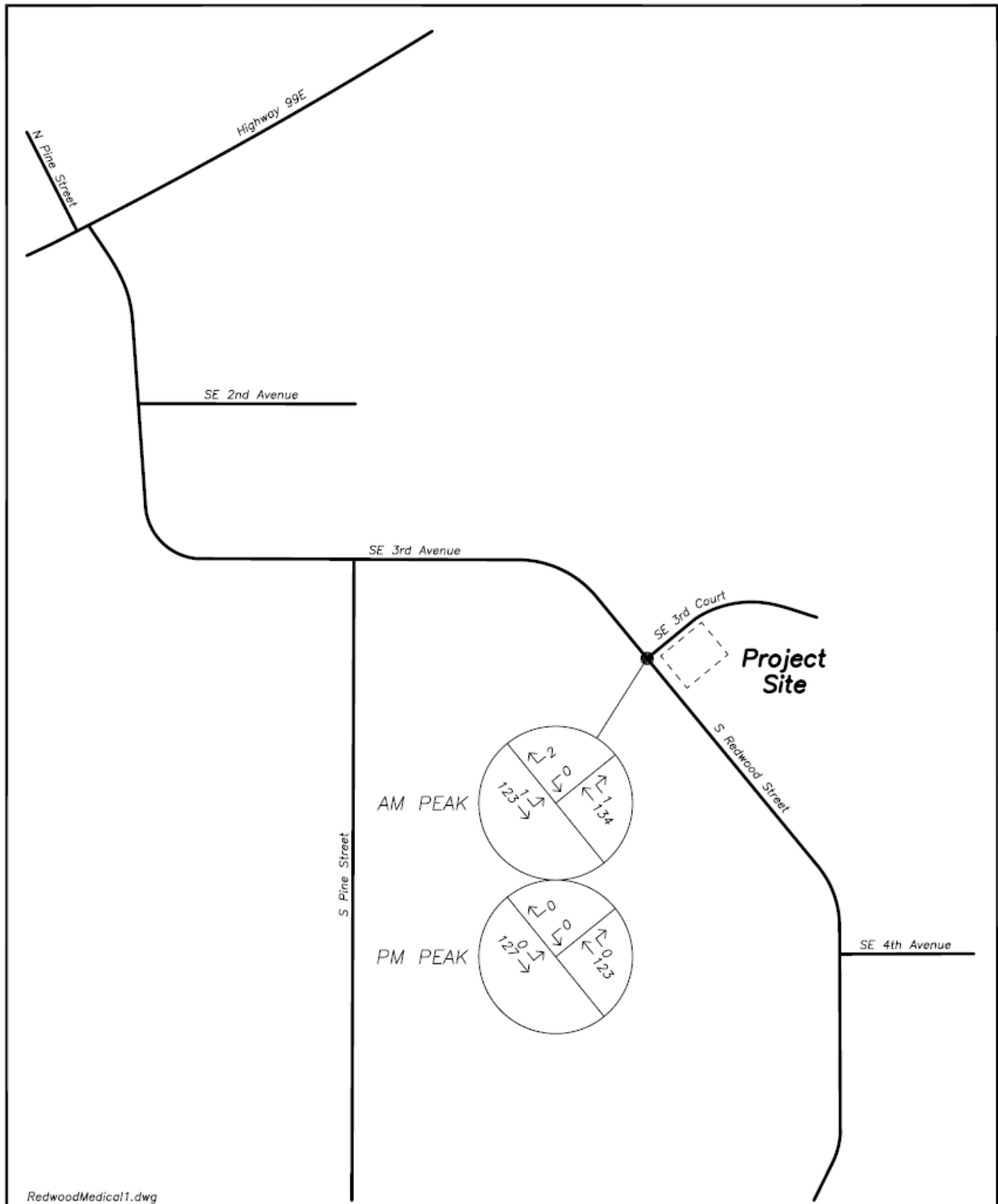
Provided there is no parking allowed on SE 3rd Court to limit sight distance, sight distance should be adequate for the actual travel speeds on SE 3rd Court.

OPERATIONAL ANALYSIS

BACKGROUND TRAFFIC

No specific developments have been identified near the site that will contribute to the traffic volumes at the study area intersection. A growth rate was applied to the traffic counts to project traffic to background conditions. A growth rate of 1.8-percent per year was calculated based on recent historical counts and populations estimates. Due to the small size of the development, it was assumed the office would be constructed and occupied by 2010 and the growth rate was applied over a period of one year.

Figure 4 on page 13 shows the background traffic conditions and Figure 5 on page 14 shows the background traffic with site trips added.



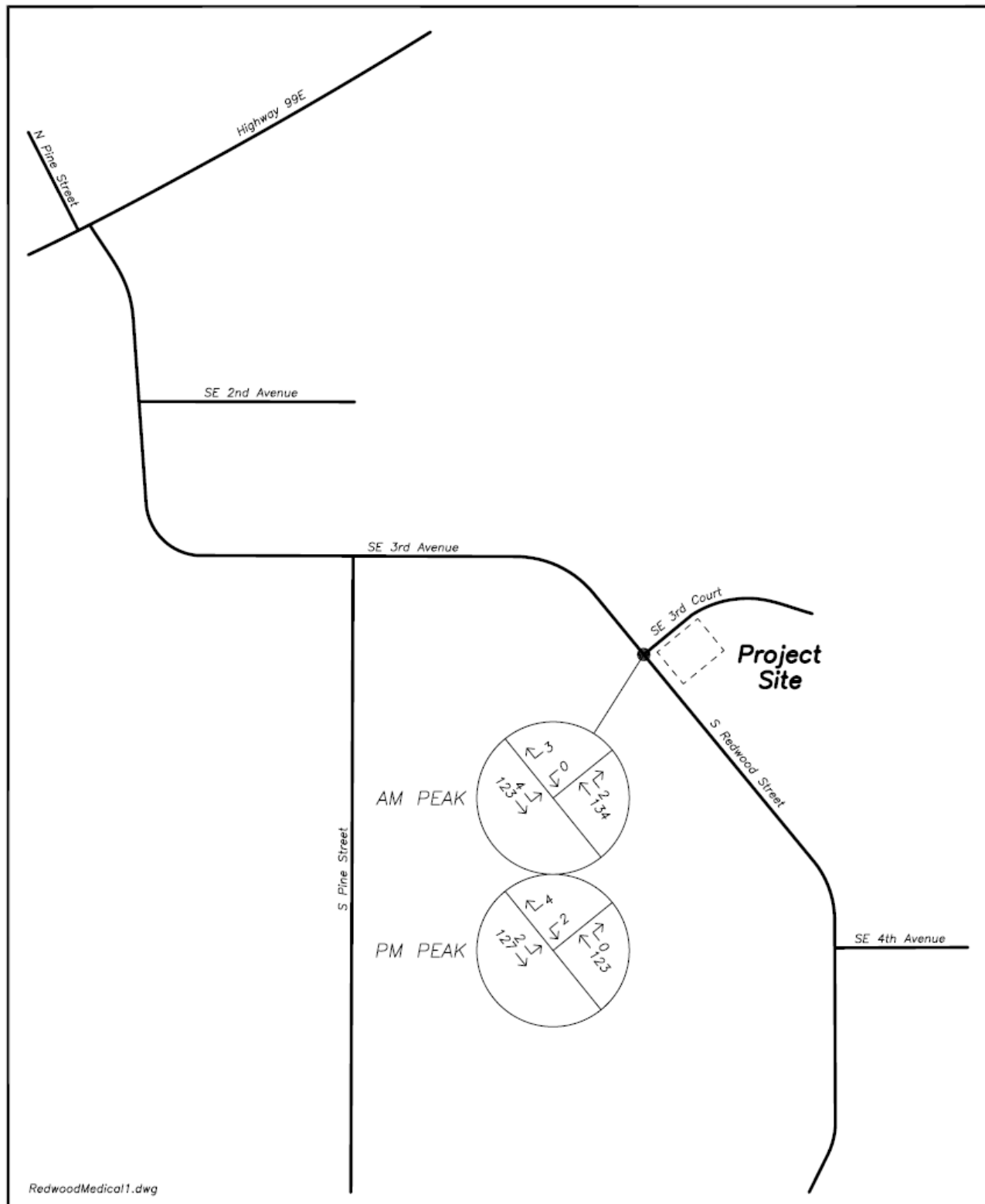
RedwoodMedical1.dwg



TRAFFIC VOLUMES
 Year 2010 Background Conditions
 AM & PM Peak Hours



FIGURE
 4
 PAGE
 13



RedwoodMedical1.dwg



TRAFFIC VOLUMES
 Year 2010 Background plus Site Trips
 AM & PM Peak Hours



FIGURE
5

PAGE
14

CAPACITY ANALYSIS

To determine the level of service at the study intersections, a capacity analysis was conducted. The analysis was conducted according to the unsignalized intersection analysis methodology in the *2000 HIGHWAY CAPACITY MANUAL* (HCM) published by the Transportation Research Board. Level of service can range from A, which indicates little or no delay, to F, which indicates a significant amount of congestion and delay. Detailed level of service descriptions are included in the appendix to this report. The City of Canby has no formal level of service standards, although level of service E or better is generally recognized as acceptable operation for an unsignalized intersection.

The unsignalized intersection of S Redwood Street and SE 3rd Court presently operates at level of service A during both the morning and evening peak hours. The level of service refers to the delay experienced by the westbound traffic on SE 3rd Court. The level of service remains the same with development of the medical office.

The results of the capacity analysis, along with the Levels of Service (LOS) and delay are shown in the following table. Detailed capacity analysis results are included in the appendix to this report.

	AM Peak Hour		PM Peak Hour	
	LOS	Delay	LOS	Delay
<i>S Redwood Street & SE 3rd Court</i>				
Existing Conditions	A	9	A	9
Background Conditions	A	9	A	9
Background + Site Trips	A	9	A	9

LOS = Level of Service
Delay = Average Delay per Vehicle in Seconds

As shown in the table above, the study intersection currently operates acceptably during the peak hours and will continue to operate acceptably with the proposed medical office building. No mitigations at the intersection are necessary or recommended.



CONCLUSIONS

There were no safety or capacity issues identified with the development of the site as a 2,300 medical office building. No mitigation is necessary or recommended.

SERVICE PROVIDER COMMENTS

Service provider comments are attached (see following 7 pages).

RECEIVED

MAY 20 2009

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97001
C. CURRAN - McLEOD

[503] 266-7001 FAX 266-1574

DATE: May 18, 2009

- | | | |
|-----|---|--|
| TO: | <input type="checkbox"/> FIRE | <input type="checkbox"/> CANBY POST OFFICE |
| | <input type="checkbox"/> POLICE | <input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR |
| | <input type="checkbox"/> PUBLIC WORKS – Dwayne Barnes | <input type="checkbox"/> CLACKAMAS COUNTY 911 |
| | <input type="checkbox"/> PUBLIC WORKS – Jeff Crowther | <input type="checkbox"/> CLACKAMAS COUNTY TRANSPORTATION |
| | <input type="checkbox"/> CANBY ELECTRIC | <input type="checkbox"/> TRAFFIC SAFETY COMMITTEE |
| | <input type="checkbox"/> CANBY WATER | <input type="checkbox"/> CLACKAMAS COUNTY |
| | <input checked="" type="checkbox"/> CITY ENGINEER | <input type="checkbox"/> CANBY SCHOOL DISTRICT |
| | <input type="checkbox"/> CANBY TELCOM | <input type="checkbox"/> OREGON DEPT. TRANSPORTATION |
| | <input type="checkbox"/> NW NATURAL | <input type="checkbox"/> ODOT/REGION 1/DIST 2B |
| | <input type="checkbox"/> WAVE | <input type="checkbox"/> STATE OF OREGON/REVENUE |
| | <input type="checkbox"/> CANBY DISPOSAL | <input type="checkbox"/> ECONOMIC DEVELOPMENT DEPARTMENT |
| | <input type="checkbox"/> CITY ATTORNEY | <input type="checkbox"/> PARKS AND RECREATION |
| | <input type="checkbox"/> BIKE AND PEDESTRIAN COMM | <input type="checkbox"/> CITY TRANSPORTATION ENGINEER |
| | <input type="checkbox"/> PGE | <input type="checkbox"/> BUILDING OFFICIAL |
| | <input type="checkbox"/> CANBY AREA TRANSIT | <input type="checkbox"/> OTHER _____ |
| | <input type="checkbox"/> OTHER _____ | <input type="checkbox"/> OTHER _____ |

The City has received DR-09-01, an application from Michael Wellman requesting Site and Design Review to build a 2,033 square foot commercial building on a 0.25 acre property located at 1507 S.E. Third Court. The 0.25 acre site is zoned C-M (Heavy Commercial Manufacturing), and is located at the intersection of S.E. Third Court and S. Redwood Street (identified by Clackamas County Assessor Map & Tax Lot No. 31E34C-03300).

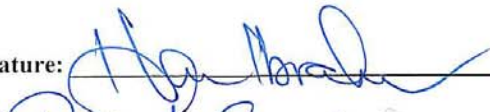
Please review the enclosed application and return comments to Melissa Hardy by **Monday, June 1, 2009**. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

- A 5-FOOT WIDE CONCRETE SIDEWALK MUST BE CONSTRUCTED ALONG THE ENTIRE PARCEL FRONTAGE AND CONNECTED TO THE EXISTING SIDEWALK ON SE REDWOOD STREET.
- DRIVEWAY APPROACH MUST MEET ADA GUIDELINES.

Please check one box and sign below:

- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

Signature:  Date: May 21, 2009

Title: Project Engineer Agency: Curran - Mcleod, Inc

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: May 18, 2009

- TO:
- | | |
|---|--|
| <input type="checkbox"/> FIRE | <input type="checkbox"/> CANBY POST OFFICE |
| <input type="checkbox"/> POLICE | <input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR |
| <input type="checkbox"/> PUBLIC WORKS – Dwayne Barnes | <input type="checkbox"/> CLACKAMAS COUNTY 911 |
| <input type="checkbox"/> PUBLIC WORKS – Jeff Crowther | <input type="checkbox"/> CLACKAMAS COUNTY TRANSPORTATION |
| <input type="checkbox"/> CANBY ELECTRIC | <input type="checkbox"/> TRAFFIC SAFETY COMMITTEE |
| <input type="checkbox"/> CANBY WATER | <input type="checkbox"/> CLACKAMAS COUNTY |
| <input type="checkbox"/> CITY ENGINEER | <input type="checkbox"/> CANBY SCHOOL DISTRICT |
| <input checked="" type="checkbox"/> CANBY TELCOM | <input type="checkbox"/> OREGON DEPT. TRANSPORTATION |
| <input type="checkbox"/> NW NATURAL | <input type="checkbox"/> ODOT/REGION 1/DIST 2B |
| <input type="checkbox"/> WAVE | <input type="checkbox"/> STATE OF OREGON/REVENUE |
| <input type="checkbox"/> CANBY DISPOSAL | <input type="checkbox"/> ECONOMIC DEVELOPMENT DEPARTMENT |
| <input type="checkbox"/> CITY ATTORNEY | <input type="checkbox"/> PARKS AND RECREATION |
| <input type="checkbox"/> BIKE AND PEDESTRIAN COMM | <input type="checkbox"/> CITY TRANSPORTATION ENGINEER |
| <input type="checkbox"/> PGE | <input type="checkbox"/> BUILDING OFFICIAL |
| <input type="checkbox"/> CANBY AREA TRANSIT | <input type="checkbox"/> OTHER _____ |
| <input type="checkbox"/> OTHER _____ | <input type="checkbox"/> OTHER _____ |

The City has received DR-09-01, an application from Michael Wellman requesting Site and Design Review to build a 2,033 square foot commercial building on a 0.25 acre property located at 1507 S.E. Third Court. The 0.25 acre site is zoned C-M (Heavy Commercial Manufacturing), and is located at the intersection of S.E. Third Court and S. Redwood Street (identified by Clackamas County Assessor Map & Tax Lot No. 31E34C-03300).

Please review the enclosed application and return comments to Melissa Hardy by **Monday, June 1, 2009**. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

NO COMMENT.

Please check one box and sign below:

- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

Signature:  Date: 6-1-2009

Title: ASSOCIATE ENGR. Agency: CANBY TEL

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: May 18, 2009

- TO:
- | | |
|---|--|
| <input type="checkbox"/> FIRE | <input type="checkbox"/> CANBY POST OFFICE |
| <input type="checkbox"/> POLICE | <input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR |
| <input type="checkbox"/> PUBLIC WORKS – Dwayne Barnes | <input type="checkbox"/> CLACKAMAS COUNTY 911 |
| <input type="checkbox"/> PUBLIC WORKS – Jeff Crowther | <input type="checkbox"/> CLACKAMAS COUNTY TRANSPORTATION |
| <input type="checkbox"/> CANBY ELECTRIC | <input type="checkbox"/> TRAFFIC SAFETY COMMITTEE |
| <input type="checkbox"/> CANBY WATER | <input type="checkbox"/> CLACKAMAS COUNTY |
| <input type="checkbox"/> CITY ENGINEER | <input type="checkbox"/> CANBY SCHOOL DISTRICT |
| <input type="checkbox"/> CANBY TELCOM | <input type="checkbox"/> OREGON DEPT. TRANSPORTATION |
| <input checked="" type="checkbox"/> NW NATURAL | <input type="checkbox"/> ODOT/REGION 1/DIST 2B |
| <input type="checkbox"/> WAVE | <input type="checkbox"/> STATE OF OREGON/REVENUE |
| <input type="checkbox"/> CANBY DISPOSAL | <input type="checkbox"/> ECONOMIC DEVELOPMENT DEPARTMENT |
| <input type="checkbox"/> CITY ATTORNEY | <input type="checkbox"/> PARKS AND RECREATION |
| <input type="checkbox"/> BIKE AND PEDESTRIAN COMM | <input type="checkbox"/> CITY TRANSPORTATION ENGINEER |
| <input type="checkbox"/> PGE | <input type="checkbox"/> BUILDING OFFICIAL |
| <input type="checkbox"/> CANBY AREA TRANSIT | <input type="checkbox"/> OTHER _____ |
| <input type="checkbox"/> OTHER _____ | <input type="checkbox"/> OTHER _____ |

The City has received DR-09-01, an application from Michael Wellman requesting Site and Design Review to build a 2,033 square foot commercial building on a 0.25 acre property located at 1507 S.E. Third Court. The 0.25 acre site is zoned C-M (Heavy Commercial Manufacturing), and is located at the intersection of S.E. Third Court and S. Redwood Street (identified by Clackamas County Assessor Map & Tax Lot No. 31E34C-03300).

Please review the enclosed application and return comments to Melissa Hardy by Monday, June 1, 2009. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

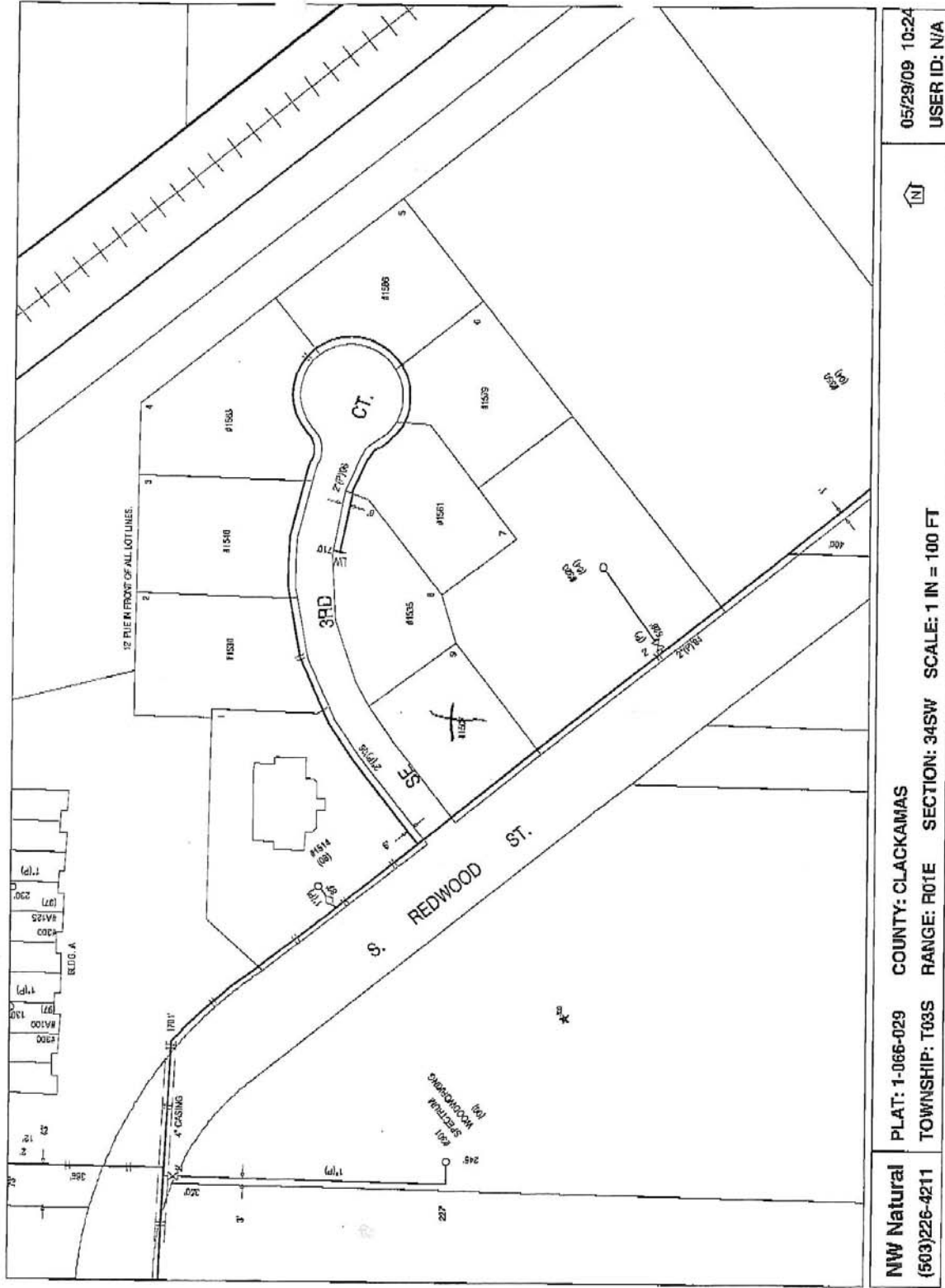
NO CONFLICT; 2" gas main inside property. See attached.

Please check one box and sign below:

- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

Signature: Allen M. O'Brien Date: 5/29/09

Title: ENGINEERING Agency: NW Natural



CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

(503) 266-7001

FAX 266-1574

DATE: May 18, 2009

- TO:
- | | |
|---|--|
| <input type="checkbox"/> FIRE | <input type="checkbox"/> CANBY POST OFFICE |
| <input type="checkbox"/> POLICE | <input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR |
| <input type="checkbox"/> PUBLIC WORKS - Dwayne Barnes | <input type="checkbox"/> CLACKAMAS COUNTY 911 |
| <input type="checkbox"/> PUBLIC WORKS - Jeff Crowther | <input type="checkbox"/> CLACKAMAS COUNTY TRANSPORTATION |
| <input type="checkbox"/> CANBY ELECTRIC | <input type="checkbox"/> TRAFFIC SAFETY COMMITTEE |
| <input checked="" type="checkbox"/> CANBY WATER | <input type="checkbox"/> CLACKAMAS COUNTY |
| <input type="checkbox"/> CITY ENGINEER | <input type="checkbox"/> CANBY SCHOOL DISTRICT |
| <input type="checkbox"/> CANBY TELCOM | <input type="checkbox"/> OREGON DEPT. TRANSPORTATION |
| <input type="checkbox"/> NW NATURAL | <input type="checkbox"/> ODOT/REGION 1/DIST 2B |
| <input type="checkbox"/> WAVE | <input type="checkbox"/> STATE OF OREGON/REVENUE |
| <input type="checkbox"/> CANBY DISPOSAL | <input type="checkbox"/> ECONOMIC DEVELOPMENT DEPARTMENT |
| <input type="checkbox"/> CITY ATTORNEY | <input type="checkbox"/> PARKS AND RECREATION |
| <input type="checkbox"/> BIKE AND PEDESTRIAN COMM | <input type="checkbox"/> CITY TRANSPORTATION ENGINEER |
| <input type="checkbox"/> PGE | <input type="checkbox"/> BUILDING OFFICIAL |
| <input type="checkbox"/> CANBY AREA TRANSIT | <input type="checkbox"/> OTHER _____ |
| <input type="checkbox"/> OTHER _____ | <input type="checkbox"/> OTHER _____ |

The City has received DR-09-01, an application from Michael Wellman requesting Site and Design Review to build a 2,033 square foot commercial building on a 0.25 acre property located at 1507 S.E. Third Court. The 0.25 acre site is zoned C-M (Heavy Commercial Manufacturing), and is located at the intersection of S.E. Third Court and S. Redwood Street (identified by Clackamas County Assessor Map & Tax Lot No. 31E34C-03300).

Please review the enclosed application and return comments to Melissa Hardy by **Monday, June 1, 2009**. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

Double Check for IRRIGATION is MANDATED

R.P. DEVICE for building is MANDATED.

TABLE 32 #9 OAR 333-061-0070(8) PREMISE ISOLATION REQ.

Please check one box and sign below:

- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

Signature: Patrick J. Phelan Date: 5/22/09

Title: WATER DEPT. FOREMAN Agency: CANBY UTILITY - WATER

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: May 18, 2009

- TO:
- | | |
|---|--|
| <input type="checkbox"/> FIRE | <input type="checkbox"/> CANBY POST OFFICE |
| <input type="checkbox"/> POLICE | <input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR |
| <input type="checkbox"/> PUBLIC WORKS – Dwayne Barnes | <input type="checkbox"/> CLACKAMAS COUNTY 911 |
| <input type="checkbox"/> PUBLIC WORKS – Jeff Crowther | <input type="checkbox"/> CLACKAMAS COUNTY TRANSPORTATION |
| <input type="checkbox"/> CANBY ELECTRIC | <input type="checkbox"/> TRAFFIC SAFETY COMMITTEE |
| <input type="checkbox"/> CANBY WATER | <input type="checkbox"/> CLACKAMAS COUNTY |
| <input type="checkbox"/> CITY ENGINEER | <input type="checkbox"/> CANBY SCHOOL DISTRICT |
| <input type="checkbox"/> CANBY TELCOM | <input type="checkbox"/> OREGON DEPT. TRANSPORTATION |
| <input type="checkbox"/> NW NATURAL | <input type="checkbox"/> ODOT/REGION 1/DIST 2B |
| <input checked="" type="checkbox"/> WAVE | <input type="checkbox"/> STATE OF OREGON/REVENUE |
| <input type="checkbox"/> CANBY DISPOSAL | <input type="checkbox"/> ECONOMIC DEVELOPMENT DEPARTMENT |
| <input type="checkbox"/> CITY ATTORNEY | <input type="checkbox"/> PARKS AND RECREATION |
| <input type="checkbox"/> BIKE AND PEDESTRIAN COMM | <input type="checkbox"/> CITY TRANSPORTATION ENGINEER |
| <input type="checkbox"/> PGE | <input type="checkbox"/> BUILDING OFFICIAL |
| <input type="checkbox"/> CANBY AREA TRANSIT | <input type="checkbox"/> OTHER _____ |
| <input type="checkbox"/> OTHER _____ | <input type="checkbox"/> OTHER _____ |

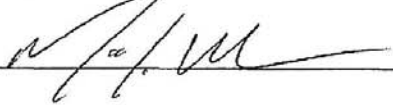
The City has received DR-09-01, an application from Michael Wellman requesting Site and Design Review to build a 2,033 square foot commercial building on a 0.25 acre property located at 1507 S.E. Third Court. The 0.25 acre site is zoned C-M (Heavy Commercial Manufacturing), and is located at the intersection of S.E. Third Court and S. Redwood Street (identified by Clackamas County Assessor Map & Tax Lot No. 31E34C-03300).

Please review the enclosed application and return comments to Melissa Hardy by **Monday, June 1, 2009**. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

Please check one box and sign below:

- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

Signature:  Date: 5/20/09

Title: _____ Agency: Wave

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: May 18, 2009

TO:

- | | |
|---|--|
| <input type="checkbox"/> FIRE | <input type="checkbox"/> CANBY POST OFFICE |
| <input type="checkbox"/> POLICE | <input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR |
| <input type="checkbox"/> PUBLIC WORKS – Dwayne Barnes | <input type="checkbox"/> CLACKAMAS COUNTY 911 |
| <input type="checkbox"/> PUBLIC WORKS – Jeff Crowther | <input type="checkbox"/> CLACKAMAS COUNTY TRANSPORTATION |
| <input type="checkbox"/> CANBY ELECTRIC | <input type="checkbox"/> TRAFFIC SAFETY COMMITTEE |
| <input type="checkbox"/> CANBY WATER | <input type="checkbox"/> CLACKAMAS COUNTY |
| <input type="checkbox"/> CITY ENGINEER | <input type="checkbox"/> CANBY SCHOOL DISTRICT |
| <input type="checkbox"/> CANBY TEL.COM | <input type="checkbox"/> OREGON DEPT. TRANSPORTATION |
| <input type="checkbox"/> NW NATURAL | <input type="checkbox"/> ODOT/REGION 1/DIST 2B |
| <input type="checkbox"/> WAVE | <input type="checkbox"/> STATE OF OREGON/REVENUE |
| <input checked="" type="checkbox"/> CANBY DISPOSAL | <input type="checkbox"/> ECONOMIC DEVELOPMENT DEPARTMENT |
| <input type="checkbox"/> CITY ATTORNEY | <input type="checkbox"/> PARKS AND RECREATION |
| <input type="checkbox"/> BIKE AND PEDESTRIAN COMM | <input type="checkbox"/> CITY TRANSPORTATION ENGINEER |
| <input type="checkbox"/> PGE | <input type="checkbox"/> BUILDING OFFICIAL |
| <input type="checkbox"/> CANBY AREA TRANSIT | <input type="checkbox"/> OTHER _____ |
| <input type="checkbox"/> OTHER _____ | <input type="checkbox"/> OTHER _____ |

The City has received DR-09-01, an application from Michael Wellman requesting Site and Design Review to build a 2,033 square foot commercial building on a 0.25 acre property located at 1507 S.E. Third Court. The 0.25 acre site is zoned C-M (Heavy Commercial Manufacturing), and is located at the intersection of S.E. Third Court and S. Redwood Street (identified by Clackamas County Assessor Map & Tax Lot No. 31E34C-03300).

Please review the enclosed application and return comments to Melissa Hardy by **Monday, June 1, 2009**. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

Please check one box and sign below:

- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

Signature: Fred Holst Date: 5-21-09

Title: President Agency: Canby Disposal

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: May 18, 2009

- TO:
- | | |
|---|--|
| <input type="checkbox"/> FIRE | <input type="checkbox"/> CANBY POST OFFICE |
| <input type="checkbox"/> POLICE | <input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR |
| <input type="checkbox"/> PUBLIC WORKS – Dwayne Barnes | <input type="checkbox"/> CLACKAMAS COUNTY 911 |
| <input type="checkbox"/> PUBLIC WORKS – Jeff Crowther | <input type="checkbox"/> CLACKAMAS COUNTY TRANSPORTATION |
| <input type="checkbox"/> CANBY ELECTRIC | <input type="checkbox"/> TRAFFIC SAFETY COMMITTEE |
| <input type="checkbox"/> CANBY WATER | <input type="checkbox"/> CLACKAMAS COUNTY |
| <input type="checkbox"/> CITY ENGINEER | <input type="checkbox"/> CANBY SCHOOL DISTRICT |
| <input type="checkbox"/> CANBY TELCOM | <input type="checkbox"/> OREGON DEPT. TRANSPORTATION |
| <input type="checkbox"/> NW NATURAL | <input type="checkbox"/> ODOT/REGION 1/DIST 2B |
| <input type="checkbox"/> WAVE | <input type="checkbox"/> STATE OF OREGON/REVENUE |
| <input type="checkbox"/> CANBY DISPOSAL | <input type="checkbox"/> ECONOMIC DEVELOPMENT DEPARTMENT |
| <input type="checkbox"/> CITY ATTORNEY | <input type="checkbox"/> PARKS AND RECREATION |
| <input type="checkbox"/> BIKE AND PEDESTRIAN COMM | <input type="checkbox"/> CITY TRANSPORTATION ENGINEER |
| <input type="checkbox"/> PGE | <input checked="" type="checkbox"/> BUILDING OFFICIAL |
| <input type="checkbox"/> CANBY AREA TRANSIT | <input type="checkbox"/> OTHER _____ |
| <input type="checkbox"/> OTHER _____ | <input type="checkbox"/> OTHER _____ |

The City has received DR-09-01, an application from Michael Wellman requesting Site and Design Review to build a 2,033 square foot commercial building on a 0.25 acre property located at 1507 S.E. Third Court. The 0.25 acre site is zoned C-M (Heavy Commercial Manufacturing), and is located at the intersection of S.E. Third Court and S. Redwood Street (identified by Clackamas County Assessor Map & Tax Lot No. 31E34C-03300).

Please review the enclosed application and return comments to Melissa Hardy by **Monday, June 1, 2009**. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

Please check one box and sign below:

- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

Signature: RC Date: 5.20.09

Title: Building Official Agency: City

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-7001 FAX 266-1574

DATE: May 18, 2009

- TO:
- | | |
|---|--|
| <input type="checkbox"/> FIRE | <input type="checkbox"/> CANBY POST OFFICE |
| <input checked="" type="checkbox"/> POLICE | <input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR |
| <input type="checkbox"/> PUBLIC WORKS – Dwayne Barnes | <input type="checkbox"/> CLACKAMAS COUNTY 911 |
| <input type="checkbox"/> PUBLIC WORKS – Jeff Crowther | <input type="checkbox"/> CLACKAMAS COUNTY TRANSPORTATION |
| <input type="checkbox"/> CANBY ELECTRIC | <input type="checkbox"/> TRAFFIC SAFETY COMMITTEE |
| <input type="checkbox"/> CANBY WATER | <input type="checkbox"/> CLACKAMAS COUNTY |
| <input type="checkbox"/> CITY ENGINEER | <input type="checkbox"/> CANBY SCHOOL DISTRICT |
| <input type="checkbox"/> CANBY TELCOM | <input type="checkbox"/> OREGON DEPT. TRANSPORTATION |
| <input type="checkbox"/> NW NATURAL | <input type="checkbox"/> ODOT/REGION 1/DIST 2B |
| <input type="checkbox"/> WAVE | <input type="checkbox"/> STATE OF OREGON/REVENUE |
| <input type="checkbox"/> CANBY DISPOSAL | <input type="checkbox"/> ECONOMIC DEVELOPMENT DEPARTMENT |
| <input type="checkbox"/> CITY ATTORNEY | <input type="checkbox"/> PARKS AND RECREATION |
| <input type="checkbox"/> BIKE AND PEDESTRIAN COMM | <input type="checkbox"/> CITY TRANSPORTATION ENGINEER |
| <input type="checkbox"/> PGE | <input type="checkbox"/> BUILDING OFFICIAL |
| <input type="checkbox"/> CANBY AREA TRANSIT | <input type="checkbox"/> OTHER _____ |
| <input type="checkbox"/> OTHER _____ | <input type="checkbox"/> OTHER _____ |

The City has received DR-09-01, an application from Michael Wellman requesting Site and Design Review to build a 2,033 square foot commercial building on a 0.25 acre property located at 1507 S.E. Third Court. The 0.25 acre site is zoned C-M (Heavy Commercial Manufacturing), and is located at the intersection of S.E. Third Court and S. Redwood Street (identified by Clackamas County Assessor Map & Tax Lot No. 31E34C-03300).

Please review the enclosed application and return comments to Melissa Hardy by **Monday, June 1, 2009**. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

Please check one box and sign below:

- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

Signature:  Date: 5/20/09

Title: Lieutenant Agency: Police

APPLICANT'S NEIGHBORHOOD MEETING NOTES



MICHAEL L. WELLMAN, ARCHITECT LLC
P.O. BOX 1288, SILVERTON, OREGON 97381
503-873-8111 (OFFICE/FAX)
e-mail well4206@yahoo.com

Michael L. Wellman, Architect LLC
PO Box 1288
Silverton, OR 97381
(503) 873-8111

Date: April 22, 2009

City Of Canby
Community Development & Planning Department
170 NW 2nd Avenue
PO Box 930
Canby, OR 97013
Attn: Melissa Hardy

Re: Medical Office Building at 1507 SE Third Court - Neighborhood Meeting

Dear Ms. Hardy,

We sent out invitations as prescribed by your Design Review regulations, and held our Neighborhood Meeting at the offices of Dr. Trent Warren at 117 NE Third Avenue at 5:00 PM on February 18, 2009. Attendees at that meeting were Dr. Warren, project architect Michael Wellman (me,) and assistant architect Victor Madge.

We waited for an hour, but nobody else showed up. Therefore, there are no meeting notes to report, except that the required Neighborhood Meeting did take place as advertised in the invitation. If you have any questions, please contact me.

Sincerely,



EXHIBIT I - DR 09-01

Michael L. Wellman, Architect LLC

PO Box 1288, Silverton, Oregon 97381

503-873-8111

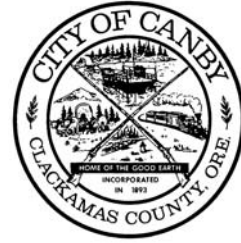
Email: well4206@yahoo.com

January 26, 2009

To All Affected Parties,

We would like to invite you to attend a Neighborhood Meeting to be held at the office of Dr. Trent Warren at 117 NE Third Avenue in Canby, Oregon on Wednesday, February 18, 2009 at 5:15 PM. The purpose of the meeting is to present the design for a proposed 2,000 SF one-story Medical Office Building to be located at 1507 SE Third Court in Canby, Oregon. The proposed site is at the northeast corner of SE Redwood and SE Third Court, across from Dr. Perman's Office.

This meeting is required by the City of Canby in order to inform neighboring property owners and residents of any proposed projects in their immediate area, so that they can have the opportunity for comment. There is no need to RSVP to attend. We hope to see you there, and welcome your input on our proposed design. If you cannot attend, we invite you to email any questions or comments you may have to our office.



MEMORANDUM

TITLE: A CANBY MUNICIPAL CODE AMENDMENT, specifically amending the Land Development & Planning Title (Title 16), for the purpose of regulating temporary vendor activity on private property.

APPLICANT: City of Canby

FILE #: TA 09-02

STAFF: Melissa Hardy, Associate Planner

REPORT DATE: June 30, 2009

HEARING DATE: July 13, 2009

I. APPLICATION SUMMARY

The Planning Commission initiated this code amendment application on April 27, 2009, for the purpose of amending the Land Development and Planning Ordinance (Title 16) concerning temporary vendor activity on private property. At that time, Planning Commission requested that City Staff return to the Commission with draft code language to address a number of issues. So at a May 26, 2009, work session, Staff provided the Planning Commission with draft code language. The Planning Commissioners who were able to attend the work session did not have any issues with the draft code. The issues the Planning Commission wanted the new code regulations to address are as follows:

1. Temporary vendor applications should be processed administratively, and should include a site plan review and safety review to ensure conformance with all zoning and safety codes;
Staff notes: The permit process is proposed as a Type I administrative permit.
2. Permit should be granted for 90 days, and then vendor should be allowed to apply for one 90 day renewal, for a total of two 90-day periods on a site per year;
Staff notes: The proposed code includes these provisions.
3. A temporary vendor who is on a site for not more than 2 hours in a 24-hour period should be exempt from the temporary vendor permit requirements;
Staff notes: The proposed code includes these provisions.
4. Cannot displace minimum required parking spaces, and if a site is already nonconforming in terms of required parking spaces, or if a site was granted a parking exception and currently has less than the minimum # of parking spaces required, then temporary vendor is not allowed there;
Staff notes: The proposed code includes these provisions.
5. Establish a set of approval criteria that includes screening of mechanical equipment and trash cans, prohibits renewal of a permit if there are previous police department complaints, and includes any applicable items that can be pulled and used from the Site and Design Review criteria;

Staff notes: The proposed code includes screening requirements, and prohibits renewal in the event that public safety issues occur. Staff reviewed the City's Site and Design Review criteria in Chapters 16.22, 16.35 and 16.49, and it does not appear that any of the criteria would be applicable to a temporary vendor activity.

6. Add a Temporary Vendor permit fee and a renewal fee to the Planning Dept fee schedule.

Staff notes: If this text amendment is approved, Staff will then propose a Planning Department Fee Schedule resolution to City Council, which will include creating a \$100 initial application fee, and an \$80 permit renewal fee. The \$100 fee amount is identical to the fee currently charged for other Type I Administrative permits, and because it is anticipated that a renewal request would take approximately the same amount, or perhaps slightly less, time to process, an \$80 renewal fee is suggested at this time.

II. APPLICABLE CRITERIA

A Title 16 text amendment is a legislative land use amendment. In judging whether or not Title 16 should be amended, the Planning Commission and City Council shall consider the following approval criteria:

1. The Comprehensive Plan of the city, and the plans and policies of the county, state, and local districts, in order to preserve functions and local aspects of land conservation and development;
2. A public need for the change;
3. Whether the proposed change will serve the public need better than any other change which might be expected to be made;
4. Whether the change will preserve and protect the health, safety and general welfare of the residents in the community; and
5. Statewide planning goals.

III. PUBLIC COMMENT

Notice of the July 13th public hearing was posted at City Hall and at the Canby Public Library on June 23, 2009. Notice of the public hearing was also published in the July 08, 2009, Canby Herald. No public comments were received yet as of the date this staff report was prepared.

IV. FINDINGS

Staff recommends that Planning Commission consider the following findings in it's review of this proposed Text Amendment:

1. The proposed amendment complies with the Comprehensive Plan of the city, and the plans and policies of the county, state, and local districts, and will preserve functions and local aspects of land conservation and development.

Citizen Involvement: The proposed text amendment establishes a Type I application review process for Temporary Vendor permits, and approval is based solely upon non-discretionary regulations. Because citizen involvement was provided for during the public hearing process when the regulations were created, and because there is no discretion involved in determining whether the regulations are met at the time of an application, it has been determined that direct citizen involvement is not necessary at the time that Temporary Vendor permit applications are processed.

This is in line with both the Canby Comprehensive Plan citizen involvement policy that “Canby shall strive to eliminate unnecessarily costly, confusing, and time consuming practices in the development review process.”

Land Use Planning: The proposed text amendment provides a means for the permitting of temporary vendor activities only if the use (e.g., flower sales, fireworks sales, restaurant, etc.) is allowed within the particular zoning district. This is in line with the Canby Comprehensive Plan land use policy that “Canby shall guide the course of growth and development so as to separate conflicting or incompatible uses while grouping compatible uses.”

Environmental Concerns: The proposed text amendment does not exempt temporary vendor activities from meeting applicable environmental regulations. They must meet all applicable regulations. This is in line with all of the Canby Comprehensive Plan land use policies regarding environmental concerns.

Transportation: The proposed text amendment requires that temporary vendor activities only be permitted on property that has adequate vehicular and pedestrian ingress/egress. This is in line with the Canby Comprehensive Plan transportation policies that “Canby shall work to provide an adequate sidewalk and pedestrian pathway system to serve all residents,” and “Canby shall continue in its efforts to assure that all new developments provide adequate access for emergency response vehicles and for the safety and convenience for the general public.”

Public Facilities and Services: This comprehensive plan element is not particularly applicable to the proposed text amendment, because the temporary vendor permit regulations are designed to insure that the activity is temporary in nature, and to insure that the activity does not impact water, wastewater, storm drainage, or transportation facilities and services.

Economic: The proposed text amendment provides a process for allowing temporary vendor activities, which is in line with the Canby Comprehensive Plan economic policy that “Canby shall encourage programs and projects which will lead to an increase in local employment opportunities.”

Housing: This comprehensive plan element is not particularly applicable to the proposed text amendment, because permitting temporary vendor activities in zoning districts in which the use is allowed will not displace nor affect housing in the City.

2. There is a public need for the change. The city currently does not have development standards specifically designed to regulate temporary vendor activities on private property. In order to ensure that temporary activities such as fireworks stands, holiday pumpkin lots or tree lots, food service, etcetera, are carried out in a manner that enhances the community and do not create negative impacts, the City finds that there is a public need to adopt and enforce standards for such activities.
3. The proposed change will serve the public need better than any other change which might be expected to be made. The permitting process and development standards proposed for temporary vendors are the best means of insuring that temporary vendor activities are carried out in a manner that enhances the community and do not create negative impacts. There is no other change which would better carry out these purposes.
4. The proposed change will preserve and protect the health, safety, and general welfare of the residents in the community, by having a permitting process and standards in place to regulate and control temporary vendor activities, so that they are carried out in a manner that enhances the community and do not create negative impacts.
5. The proposed amendment complies with applicable Statewide Planning Goals, which are Goal #1

(Citizen Involvement) and Goal #2 (Land Use Planning). The proposed text amendment establishes a Type I application review process for Temporary Vendor permits, and approval is based solely upon non-discretionary regulations. Because citizen involvement was provided for during the public hearing process when the regulations were created, and because there is no discretion involved in determining whether the regulations are met at the time of an application, it has been determined that direct citizen involvement is not necessary at the time that Temporary Vendor permit applications are processed. This complies with the Statewide Planning Goal concerning citizen involvement. The proposed text amendment provides a means for the permitting of temporary vendor activities only if the use (e.g., flower sales, fireworks sales, restaurant, etc.) is allowed within the particular zoning district and meets the standards set forth. This complies with the Statewide Planning Goal that the City should adopt implementation ordinances to control the use and development of land in order to implement the City's comprehensive plan goals. The remaining Statewide Planning Goals are found to be not particularly applicable to this proposed amendment.

V. PROPOSED AMENDMENT

The proposed code amendment language is detailed below (pgs. 4-7). Deleted text is illustrated in ~~strikeout font~~, while added text is illustrated in red underlined font.

Add the following section to CMC Chapter 16.08...

16.08.140 Temporary vendor.

Any person who exhibits goods or services for sale or for offer in a temporary manner on private property, from a vehicle, trailer, tent, canopy, shipping container, or other temporary structure, or from one's person or displayed on the ground or off the ground, shall first obtain permit approval in compliance with the following standards, and shall operate in compliance with this section and with all other applicable sections of the Canby Municipal Code.

A. Exemptions. The following temporary activities do not require a Temporary Vendor permit, and are exempt from the standards in this section:

1. Any person engaged in the mere delivery of any goods or services to a site, which were purchased from a regular place of business inside or outside the city;
2. Any person engaged in delivery, exhibition, sale or offering of food on a site for a period of time not to exceed 2 hours during any 24 hour period;
3. Any contractor who is engaged in constructing, maintaining, or repairing a structure, utility, equipment, or landscaping on a site; or
4. Any person conducting a garage sale per Section 5.04.020.

B. Permit process.

1. A request for a Temporary Vendor permit shall be processed as a Type I decision pursuant to the procedures set forth in Chapter 16.89. A Temporary Vendor permit applicant shall demonstrate that the proposed activity meets all fire and life safety codes,

and is in compliance with this section and with all other applicable sections of the Canby Municipal Code.

2. An application for a Temporary Vendor permit shall include a site plan drawn to scale, which includes all existing lot lines, setbacks, structures, landscaped areas, paved areas, and parking and loading spaces; and illustrates the proposed location and layout of all the Temporary Vendor's structures, equipment, furnishings, signage, and inventory.

3. The Temporary Vendor activity (e.g., retail, restaurant, etc) shall be an outright permitted use in the zoning district in which it is located; Or if the use is conditionally permitted in the zoning district, a Conditional Use Permit approval shall be required prior to issuance of a Temporary Vendor permit.

4. A "Site and Design Review" permit is not required for a permitted Temporary Vendor.

5. Any signage displayed by the Temporary Vendor must be in compliance with Chapter 16.42 sign standards, and all required Sign permits must be obtained.

6. A Temporary Vendor must obtain a City of Canby business license.

C. Duration. A Temporary Vendor permit may be granted for a site for up to 90 consecutive calendar days, and then may be renewed once upon request for an additional 90 days, provided that the temporary vendor activity has been conducted in compliance with all applicable codes, and no public safety incidents have occurred on the site related to the temporary vendor activity. In no case shall a site be permitted to host Temporary Vendor activity for more than 180 days in any 12 month period.

D. A Temporary Vendor shall be located on a paved surface with adequate vehicular and pedestrian ingress and egress, in compliance with Section 16.10.070. Inventory and equipment shall not be displayed or stored in any landscaped areas.

E. A Temporary Vendor shall comply with all required development standards, such as height limitations, setbacks, vision clearance areas, and applicable conditions of any previous land use decisions for the site.

F. Equipment such as trash cans, fuel tanks, or generators shall be screened such that it is not visible from any abutting public right-of-way.

G. A Temporary Vendor shall not displace any vehicle parking spaces that are required to meet the minimum off-street parking requirements of another use on site or on a nearby site. A Temporary Vendor shall not encroach into required loading space areas, driveways, or vehicle maneuvering areas.

H. A Temporary Vendor that displaces one or more vehicle parking spaces is prohibited for any site that:

1. Is non-conforming in terms of meeting minimum required vehicle parking or loading space requirements; or

2. Has been granted a vehicle parking exception, and currently has less than the required minimum number of off-street vehicle parking spaces.

1. The property owner and the temporary vendor permit holder shall be jointly and severably responsible for any violation of this section or other applicable sections of the Canby Municipal Code. Any such violation may result in the immediate revocation or non-renewal of a temporary vendor permit, and may result in the denial of any future temporary vendor permit for the site upon which the violation occurred.

Amend the following section in CMC Chapter 16.49...

16.49.030 Site and design review plan approval required.

1. The following projects require site and design review approval, except as exempted in (2) below:

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

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

2. The following are exempt from site and design review:

- a. Signs that are not a part of a reviewable development project. Signs that are a part of a reviewable development project, and that are proposed more than two (2) years beyond the final occupancy of the reviewed development.
- b. Alterations or remodeling that do not change the exterior of the building.
- c. Temporary public structures which will be removed within two (2) years of placement.
- d. Accessory structures under 500 square feet.
- e. Temporary commercial tent/canopy structures, which meet the Uniform building or Fire Code, and which will be removed within thirty (30) days of placement.

f. Temporary Vendor activity permitted pursuant to Section 16.08.140.

f.g. Parking lot or paving projects. If no buildings or structures are involved, paving or parking lot development in excess of 2,500 square feet of impervious surface is exempted

from site and design review, except in the C-1 zone. In the C-1 zone, all new parking lots that do not involve buildings or structures are subject to site plan review as required in Section 16.49. All new paved areas and parking lots in excess of 2,500 square feet must meet the requirements of Section 16.49.150.

gh. Single family or two-family dwellings, and any alterations or remodeling thereof.

hi. Minor public facilities.

3. 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.

4. 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.

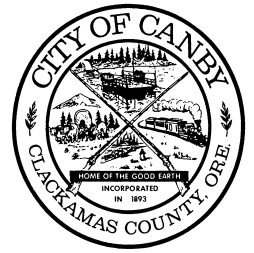
VI. RECOMMENDATION

Based upon the findings stated in this staff report, and without benefit of a public hearing on the matter, staff recommends that the Planning Commission recommend approval of **TA 09-02** to the City Council. **Recommended Motion:** *I move that the Planning Commission recommend that City Council approve TA 09-02, based on the record of the July 13th Planning Commission public hearing and findings in the June 30th Planning Commission staff report.*

VII. NEXT STEPS

1. Following close of public hearing, Planning Commission will make a recommendation to the City Council concerning adoption of the proposed text amendment, including recommended findings;
2. The City Council will make their decision based on the record of the Planning Commission's hearing and deliberations, but does not usually hold a new public hearing (though the Council may hold such a hearing if it so chooses).

**BEFORE THE PLANNING COMMISSION
OF THE
CITY OF CANBY**



**A REQUEST FOR NONCONFORMING) FINDINGS, CONCLUSION & FINAL ORDER
STRUCTURE APPROVAL TO REPLACE) NCS 09-01
TWO NONCONFORMING WALL SIGNS) Eric Wilson
WITH ONE NEW NONCONFORMING)
WALL SIGN)**

NATURE OF APPLICATION

The City has received NCS 09-01, a Nonconforming Structure application, for replacement of two existing nonconforming wall signs with one new nonconforming wall sign. The site is located at 505 S.E. 1st Avenue, and is zoned C-2 (Highway Commercial) and located within the Outer Highway Commercial Sub-Area of the Downtown Canby Overlay Zone.

CRITERIA AND STANDARDS

In judging whether or not a Nonconforming Structure application shall be approved, the Planning Commission shall weigh the proposal's positive and negative features and the public convenience or necessity to be served against any adverse condition that would result from authorizing the particular development at the location proposed and, to approve such expansion or change, shall find that the following criteria are either met, can be met by observation of conditions, or are not applicable:

- A. The proposal will be consistent with the policies of the Comprehensive Plan and the requirements of the Land Development and Planning Ordinance, other than those specific zoning standards to which the use or structure is nonconforming.
- B. The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features.
- C. All required public facilities and services exist to adequately meet the needs of the proposed development.
- D. The proposed use will not alter the character of the surrounding areas in a manner which substantially limits or precludes the use of surrounding properties for the uses listed as permitted in the zone.
- E. In considering whether to approve a change in use, the city shall compare the following characteristics of the historical use of the property with that proposed by the applicant in order to assure that the change will not constitute an expansion or intensification of the

**Findings, Conclusion and Final Order
NCS 09-01
Page 1 of 3**

nonconforming use:

1. Traffic, including both volume and type;
2. Noise;
3. Days and hours of operation;
4. Physical appearance;
5. Other environmental considerations;
6. Type and size of equipment used.

FINDINGS AND REASONS

The Planning Commission, after holding a public hearing on July 13, 2009, and considering the June 30, 2009, staff report, deliberated and reached a decision to approve the applicant's request for Nonconforming Structure approval. The Commission adopted the findings and conclusions contained in the June 30, 2009, staff report, as summarized in the written Order below.

CONCLUSION

The Planning Commission concludes that:

- A. The proposal will be consistent with the policies of the Comprehensive Plan and the requirements of the Land Development and Planning Ordinance, other than those specific zoning standards to which the use or structure is nonconforming; and
- B. The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features; and
- C. The approval criteria requiring that all public facilities and services exist to adequately meet the needs of the proposed development is not applicable to this application, because this application is dealing with installation of a wall sign that does not create any need for additional public facilities or services; and
- D. The proposed use will not alter the character of the surrounding areas in a manner which substantially limits or precludes the use of surrounding properties for the uses listed as permitted in the zone; and
- E. The approval criteria that compares the characteristics of the historical use of the property with that proposed by the applicant, in order to assure that the change will not constitute an expansion or intensification of the nonconforming use, is not applicable to this application, because this application is dealing with installation of a wall sign, and does not involve any change in use of the property.

ORDER

IT IS ORDERED BY THE PLANNING COMMISSION of the City of Canby that **NCS 09-01** is approved, and the applicant is hereby allowed to remove Sign #2 and Sign #3 from the west end of the primary building frontage, and replace those signs with one new 33'x1.5' sign, as detailed in the Applicant's Plans, Exhibit D to the staff report.

Findings, Conclusion and Final Order
NCS 09-01
Page 2 of 3

I CERTIFY THAT THIS ORDER approving **NCS 09-01** was presented to and **APPROVED** by the Planning Commission of the City of Canby.

DATED this 13th day of July 2009.

Daniel K. Ewert, Chair
Canby Planning Commission

Melissa Hardy
Associate Planner

ATTEST:

ORAL DECISION – July 13, 2009

AYES: Ewert, Joyce, Milne, Slagle

NOES: Taylor

ABSTAIN: None

ABSENT: Ahumada, Kocher

WRITTEN DECISION – July 13, 2009

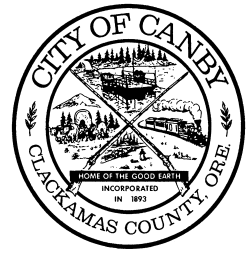
AYES: Ewert, Joyce, Milne, Slagle, Taylor

NOES: None

ABSTAIN: None

ABSENT: Ahumada, Kocher

**BEFORE THE PLANNING COMMISSION
OF THE
CITY OF CANBY**



**A REQUEST FOR SITE AND DESIGN) FINDINGS, CONCLUSION & FINAL ORDER
REVIEW APPROVAL TO CONSTRUCT) DR 09-01
A 2,033 SQUARE FOOT COMMERCIAL) Michael Wellman
BUILDING AND AN ACCESSORY)
PARKING LOT)**

NATURE OF APPLICATION

The City has received DR 09-01, a Site and Design Review application, for construction of a 2,033 square foot commercial building and an accessory parking lot on an 11,013 square foot lot located at 1507 S.E. 3rd Court. The property is zoned C-M (Heavy Commercial Manufacturing).

CRITERIA AND STANDARDS

In judging whether or not a Site and Design Review application shall be approved, the Planning Commission shall determine whether the following criteria are met, or can be met by observance of conditions:

1. The Board shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the following:
 - A. The proposed site development, including the site plan, architecture, landscaping and graphic design, is in conformance with the standards of this and other applicable City ordinances insofar as the location, height and appearance of the proposed development are involved; and
 - B. The proposed design of the development is compatible with the design of other developments in the same general vicinity; and
 - C. The location, design, size, color and materials of the exterior of all structures and signs are compatible with the proposed development and appropriate to the design character of other structures in the same vicinity; and
 - D. The Board shall, in making its determination of compliance with subsections B and C above, use the following matrix to determine “compatibility.” An application is considered to be “compatible”, in regards to subsections B and C above, if a minimum of 65 percent of the total possible number of points (not including bonuses) are accumulated for the whole development; and

- E. 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.
2. The Board shall, in making its determination of compliance with the above requirements, be guided by the objectives and standards set forth in this section. If the site and design review plan includes utility facilities or public utility facility, then the City Planner shall determine whether those aspects of the proposed plan comply with applicable standards.
3. The 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.
4. As part of the Site and Design Review, the property owner may apply for approval to cut trees in addition to those allowed in Section 12.20.080 of the City Tree Ordinance. The granting or denial of said application will be based on the criteria in Chapter 12.20 of the City Tree Ordinance. 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.

FINDINGS AND REASONS

The Planning Commission, after holding a public hearing on July 13, 2009, and considering the July 01, 2009, staff report, deliberated and reached a decision approving with conditions the applicant's request for Site and Design Review approval. The Commission adopted the findings and conclusions contained in the July 01, 2009, staff report, as reflected in the written Order below.

CONCLUSION

The Planning Commission concludes that, with the application of certain conditions:

- 1A. The proposed development of the site is in conformance with the applicable standards of the Canby Municipal Code and other applicable City ordinances insofar as the location, height and appearance of the proposed development are involved; and
- 1B. The proposed design of the development is compatible with the design of other development in the same general vicinity; and
- 1C. The location, design, size, color and materials of the exterior of structures are compatible with the proposed development and appropriate to the design character of other structures in the same vicinity. There is no signage proposed; and
- 1D. The proposal is deemed compatible with the design review matrix because the development achieves a minimum of 65 percent of the total points possible (20 out of 24) in all applicable categories in the matrix; and

- 1E. All required public facilities and services exist or will become available through the development, to adequately meet the needs of the proposed development.
2. Public utility and service providers have indicated that the existing proposal can be made to comply with applicable standards.
3. The Board has considered the effect of its action on the availability and cost of needed housing, and has determined that the application does not involve development of any dwelling units, and there is no evidence that approval of the proposed development will affect availability or cost of any needed housing.
4. The property owner has not applied for approval to cut any street trees.

ORDER

IT IS ORDERED BY THE PLANNING COMMISSION of the City of Canby that **DR 09-01** is approved, subject to the following conditions:

1. Approval of this application is based on submitted application materials (a reduced copy of which are attached to the staff report as Exhibits D, E, and F) and other relevant application materials and submitted testimony. 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. DR 09-01, including all conditions of approval, shall first require an approved modification in conformance with the relevant sections of the Canby Municipal Code.
2. At the time of building permit application, the applicant shall submit a full size revised set of all development plans (including site plan, landscape plan, elevations, etc.) that is consistent with the development approved herein, including all conditions of approval, to the satisfaction of the City's Planning & Building Department and Public Works Department. All written conditions must be met prior to final occupancy of the building unless otherwise noted.
3. Prior to the issuance of a building permit, installation of public utilities, or any other site work other than rough site grading, construction plans must be approved and signed by the appropriate City Departments and by all other utility/service providers. 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 provision is subject to approval by the appropriate utility/service provider. The City of Canby's preconstruction process procedures shall be followed.
4. At the time of application for building permits, the developer shall submit revised site plans that include bicycle parking for 3 bicycles in conformance with CMC Chapter 16.10 requirements. Required bicycle parking facilities shall be installed prior to the City issuing final occupancy permit.
5. S.E. Third Court abutting the subject lot shall be demarcated as a 'no parking' area. At the time of application for building permits, the developer shall submit revised site plans that include either curb painting or 'no parking' signage for S.E. Third Court abutting the lot, whichever is approved by the Canby Fire Department. Required 'no parking' demarcation shall be installed prior to the City issuing a final occupancy permit.

6. At the time of building permit application, the developer shall submit a revised site plan, that is in substantial conformance with the site plan submitted with the Site and Design Review application (*Exhibit D of staff report*), but that also revises the width of all on-site pedestrian walkways to be a minimum 5 feet wide, and that provides walkway connectivity to the two abutting commercial lots. All required improvements shall be installed prior to issuance of a final occupancy permit.
7. At the time of building permit application, the developer shall submit a revised landscaping plan, that is in substantial conformance with the landscaping sheet submitted with the Site and Design Review application (*Exhibit D of staff report*), and that meets all CMC Chapter 16.49 requirements, but that also incorporates all site plan changes required as a condition of this approval, and is drawn to a standard engineer's scale no smaller than 1"=20'. All required landscaping shall be installed prior to issuance of a final occupancy permit.
8. The color of the fiber-cement lap siding on the exterior of the building (*see sheet 1/3 of Applicant's Plans – Exhibit D to staff report*), shall be a subdued beige or brown that is similar to the exterior siding color on the existing medical office building located on the opposite side of the shared driveway. Exterior of building shall meet this condition prior to the City issuing a final occupancy permit.
9. The proposed secondary driveway, which provides access to the site from the primary shared driveway (S.E. 3rd Court), shall be constructed to meet ADA guidelines. Prior to issuance of a final occupancy permit, the applicant shall provide the Planning & Building Department with written documentation from the City Engineer that this condition has been met to the satisfaction of the City Engineer.
10. Prior to issuance of building permits, applicant shall meet all fire & life safety requirements of Canby Fire.

Proposed

I CERTIFY THAT THIS ORDER approving **DR 09-01** was presented to and **APPROVED** by the Planning Commission of the City of Canby.

DATED this 13th day of July 2009.

Daniel K. Ewert, Chairman
Canby Planning Commission

Melissa Hardy
Associate Planner

ATTEST:

ORAL DECISION – July 13, 2009

AYES:

NOES:

ABSTAIN:

ABSENT:

WRITTEN DECISION – July 13, 2009

AYES:

NOES:

ABSTAIN:

ABSENT:

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – June 8, 2009
City Council Chambers – 155 NW 2nd Avenue

PRESENT: Chair Dan Ewert, Vice Chair Jan Milne, Commissioners Ishah Ahumada, Sean Joyce, Chuck Kocher, Misty Slagle and Jared Taylor

ABSENT: None

STAFF: Bryan Brown, Planning Director; Catherine Comer, Economic Development Manager and Jill Thorn, Planning Staff

OTHERS PRESENT: Brooks Cutsforth, Frank Cutsforth and Pat Sisul

I. CITIZEN INPUT None

II. PUBLIC HEARINGS CUP 09-01/PLP 09-02 – Cutsforth-Wells Fargo - The applicant is requesting a Conditional Use Permit to construct a parking lot. The proposal is to construct a new 14 stall parking lot that will replace the existing parking lot that Wells Fargo Bank currently owns on Tax Lot 5100 south of the site. The site is zoned C-1 (Downtown Commercial). After this new facility is finished, the applicant and Wells Fargo will swap ownership of Tax Lots 5000 and 5100.

Chair Ewert read the public hearing format. When asked if any Commissioner had a conflict of interest, none was expressed. When asked if any Commissioner had ex-parte contact, none was stated. No questions were asked of the Commissioners.

Bryan Brown, Planning Director, presented the May 29, 2009 staff report for the record.

Commissioner Milne asked if there were any restrictions on the driveway exit. Mr. Brown responded that the application met code and turning movements in both directions were allowed to his knowledge.

Commissioner Milne said she was not certain the landscaping was an issue.

Commissioner Joyce asked for further clarification on the 80 foot right-of-way. Mr. Brown stated it would be highly difficult to imagine the street would be widened to utilize 80 feet and that was a 20 year projection.

Commissioner Taylor asked if the two arms would be controlled by a key card. Mr. Brown suggested that would best be answered by the applicant.

Commissioner Taylor asked about maintenance and upkeep on the pervious surface. Mr. Brown said the applicant's engineer would be able to respond to the question. Also, a condition could be added to handle any concerns about future maintenance.

Commissioner Kocher said he liked the idea of a gate and it will keep other people from using the parking lot. He had no need to screen the headlights as the bank was across the street. He felt that the narrow street would help with traffic calming.

Commissioner Ewert mentioned that the current hedge was on the other property and would go away when that property develops. He felt that the code needed to be reviewed for future pervious paving maintenance issues. He asked if handicap parking was required. Mr. Brown responded that the handicap parking was appropriately being handled in the other bank parking lot closer to the entrance to the bank making it unnecessary for this auxiliary lot to need a handicap parking space.

Applicant: **Brooks Cutsforth** – Mr. Cutsforth said this was the last piece of the puzzle for The Village project and once the parking lot was completed there would be a property swap to allow the corner of Second and Ivy to be a focal point for the development. Wells Fargo was agreeable if the new lot was as good as or better than the existing. He said he was comfortable with the conditions of approval.

Commissioner Taylor asked if the key pad was for the security of the bank employees. Mr. Cutsforth responded that Wells Fargo wanted to protect their employees.

Commissioner Taylor asked if the Fire Department was okay with the plan. Mr. Cutsforth responded they were.

Commissioner Milne commended the applicant for going green on the project. She had no concern about the right-of-way waiver and felt there would be no problem with headlights and felt Condition 5 could be eliminated.

Commissioner Ewert said he was good with the application but wondered if as a community service the bank would put the gates up in off business hours for the public to have access to the parking lot. He felt the alley should be looked at in regard to potential improvements.

Pat Sisul of Sisul Engineering – Mr. Sisul stated the use of a pervious surface was a way of dealing with the storm water runoff in a green manner. He stated there are three types of pervious surfaces: paving stones; pervious concrete and pervious asphalt. He stated that he was in agreement with the conditions of approval.

Commissioner Taylor asked about maintenance. Mr. Sisul responded that the best was dry sweeping of the parking lot on a regular basis and he had no problem if that became an additional condition of approval.

Commissioner Ahumada felt that an annual inspection should be a condition.

Proponents: **None**

Opponents: **None**

Neutral: **Catherine Comer, Economic Development Manager for the City of Canby** – Ms Comer stated this project fit with the design standard and goals of the area. The project had been identified in 2006. She said the pervious paving was what the City was using in the public parking lot being constructed currently.

Rebuttal: **None**

Chair Ewert closed the public hearing.

Commissioner Milne stated that it was great seeing the project come to completion. She had no problems with the conditions of approval and would suggest deleting Condition 5. She felt annual inspections were too onerous.

Commissioner Ahumada agreed the project was a great idea.

Commissioner Kocher stated he was fine with the application.

Commissioner Taylor agreed that Condition 5 should be deleted, did not agree with annual inspections and felt it was okay to waive the requirement for the right-of-way. He felt there could be a condition that would require the applicant to pay for their share of any improvements in the future to the alley.

Commissioner Joyce agreed the annual inspection should not be required. He was okay with the waiver for the right-of-way and deleting Condition 5 for the landscaping. He had concerns about the future of the alley.

Commissioner Slagle agreed it was a good application and felt that Condition 5 dealing with the landscaping should be deleted and she was not in favor of an annual inspection.

Commissioner Taylor felt Condition 5 should be deleted he was okay with the waiver on the right-of-way. He stated that the other applications in the past that an annual inspection had not been required and should not be required on this application. He proposed a condition that if future improvements on the alley be required the applicant would have to pay their fair share.

Commissioner Joyce agreed that the annual inspection should not be required, had not problem with the right-of-way waiver and Condition 5 should be deleted. He did have concerns about the future of the alley.

Commissioner Ewert stated it was a good application. He did have several suggestions for future code changes: maintenance on pervious surfaces; review of the 80 foot right-of-way on Ivy Street; and review of the policy/codes in regard to all the City's alleys. He did feel there might be a safety issue of people attempting to pull into the parking lot; finding the gate and backing back out into Ivy Street and wondered if signage would be necessary. None of the other Commissioners agreed on the signage requirement.

Commissioner Milne suggested one solution on the future alley improvements could be a condition requiring a non-remonstrance agreement.

Commissioner Milne moved to approve Conditional Use and Parking Lot Paving application CUP 09-01/PLP 09-02 with the following changes from the staff report for Condition 3 to read "approves pervious surfacing" instead of "approves impervious concrete"; and delete Condition 5 in regard to landscaping. It was seconded by Commissioner Taylor. The motion passed 7-0.

III. FINDINGS

CUP 09-01/PLP 09-02 – Cutsforth-Wells Fargo - It was moved by Commissioner Slagle to approve the written findings for CUP 09-01/PLP09-02 – Cutsforth-Wells Fargo with the following changes from the staff report for Condition 3 to read "approves pervious surfacing" instead of

“approves impervious concrete”; and delete Condition 5 in regard to landscaping. It was seconded by Commissioner Joyce. The motion passed 7-0.

IV. MINUTES

April 13 2009 - Commissioner Taylor moved to approve minutes of April 13, 2009 as presented. Motion seconded by Commissioner Kocher and passed 7-0.

V. DIRECTOR’S REPORT

Bryan Brown reported that a work session had been held with the City Council and Planning Commission on traffic calming. It was the consensus of the group to go to the neighborhood associations and seek their input. The final draft will come to the Planning Commission and City Council.

The staff is moving forward on the Beck annexation using the new code for development agreements. Staff has concluded that the development agreement process can run concurrently with the annexation process.

There are approximately six applications in some form of completion by the Planning Department.

VI. ADJOURNMENT