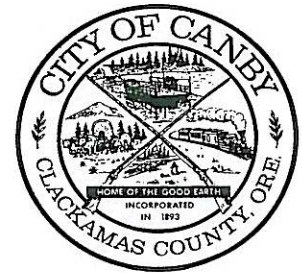


PLANNING COMMISSION AGENDA

Monday – June 11, 2007

7:00 PM - Regular Meeting

City Council Chambers - 155 NW 2nd Avenue



Chairman Jim Brown, Vice Chair Dan Ewert

Commissioners John Molamphy, Janet Milne, Bruce Holte, and Jared Taylor

I. CITIZEN INPUT ON NON-AGENDA ITEMS

II. PUBLIC HEARINGS

MLP 07-05 – 441 S Knott Street – Williford/Schellenberg - Minor land partition to divide Tax Lot 8800 of Map 31E33DC into 2 new tax lots – Continued from May 29, 2007 **Page 2**

DR 07-03 - 1101 SW 1st Avenue - Site and design review to build a Kentucky Fried Chicken and A&W restaurant **Page 31**

III. NEW BUSINESS

MOD 07-11 of DR 00-09/CUP 00-06 - 390 NW 2nd Avenue – Country Side Living - Site and design review and expansion of a non-conforming use review to build a guest house. – **Moved to the June 25, 2007 Planning Commission Agenda at the Applicant's request**

Canby High School Expansion – Discussion regarding left-turn-lane on SW 2nd Ave, DEQ stormwater approval, emergency vehicle access to proposed school bus lane, and timing of site work.

IV. FINDINGS Note: these are the final, written versions of previous oral decisions. No public testimony.

MLP 07-03 - 371 SE 13th Place - Kimco Properties – Minor land partition to divide Tax Lot 4100 of Map 4 1E 04DA into 3 new tax lots **Page 60**

DR 07-01/CUP 07-01 - 721 SW 4th Ave - Canby School District - Requesting a conditional use permit and site and design review for new building(s). **Page 65**

MLP 07-05 - 441 S Knott Street – Williford/Schellenberg - Minor land partition to divide Tax Lot 8800 of Map 31E33DC into 2 new tax lots **Page 73**

V. MINUTES

May 14, 2007

Page 78

VI. DIRECTOR'S REPORT

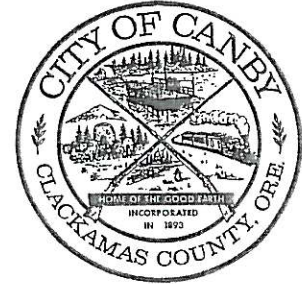
VII. ADJOURNMENT

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:

Bob Williford and Blake Schellenberg
23795 S. Barlow Rd
Canby, OR 97013

Owner:

Same

LEGAL DESCRIPTION:

Tax Map 3-1E-33DC, Tax Lot 8800

LOCATION AND LOT SIZE:

441 S. Knott St.
West of Knott St, North of S Township Rd.

COMPREHENSIVE PLAN DESIGNATION:

High Density Residential (R-2)

I. APPLICANT'S REQUEST:

The applicant is requesting approval to partition one 9,975 square foot parcel, zoned R-2 into two separate parcels. Parcel one would consist of 6,300 square feet and would retain the existing house. Parcel two would become a 3,675 square foot buildable lot.

The property is zoned R-2 (High Density Residential) with a Comprehensive Designation of R-2 also. All surrounding property contains the same R-2 designation both on the Current Zoning Map and the Comprehensive Plan Map.

Currently there is an existing flag lot located directly to the south of this proposed development. The applicant has provided a letter from the owner of that flag lot stating their intention of granting a reciprocal access easement to be recorded with the deed.

FILE NUMBER:

MLP 07-05

STAFF:

Carla Ahl
Planning Technician

DATE OF REPORT:

May 18, 2007

DATE OF HEARING:

May 29, 2007

CURRENT ZONING:

High Density Residential (R-2)

II. **APPLICABLE CRITERIA:**

1. In judging whether a Minor Partition should be approved, the Planning Commission must consider the following standards and criteria (Ord. 16.60.030):
 - A. Conformance with the text and the applicable maps of the Comprehensive Plan;
 - B. Conformance with all other applicable requirements of the Land Development and Planning Ordinance;
 - C. The overall design and arrangement of parcels shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of adjacent properties;
 - D. No minor partitioning shall be allowed where the sole means of access is by private road, unless it is found that adequate assurance has been provided for year-round maintenance sufficient to allow for unhindered use by emergency vehicles, and unless it is found that the construction of a street to city standards is not necessary to insure safe and efficient access to the parcels;
 - 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 land division.
2. Other Applicable Criteria:
 - A. 16.10 Off-Street Parking and Loading
 - B. 16.16 R-1 Low Density Residential Zone
 - C. 16.56 General Provisions (Land Division Regulations)
 - D. 16.60 Major or Minor Partitions

III. **FINDINGS:**

1. **Location and Background**

The subject property is located at 441 S. Knott St. The parcel is zoned R-2 (High Density Residential) with a Comprehensive Plan designation of R-2 High Density Residential. Surrounding properties are zoned R-2 (High Density Residential) with a Comprehensive Plan designation of High Density Residential.
2. **Comprehensive Plan Consistency Analysis**

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.

Applicable Policies:

Policy #1: Canby shall guide the course of growth and development so as to separate conflicting or incompatible uses, while grouping compatible uses.

Analysis: *The proposed development of residential housing on the subject parcel is an approved use of the property and is compatible with surrounding uses.*

Policy #2: Canby shall encourage a general increase in the intensity and density of permitted development as a means of minimizing urban sprawl.

Analysis: *This application will permit additional development of the subject parcel. The R-2 zoning district requires a minimum of 14 units per acre. At .23 of an acre it would be possible to build 3 units on the parent parcel. But meeting setback requirements for the existing house, and infill standards having to be met on the newly created lot, the addition of one unit seems appropriate.*

Policy #3: Canby shall discourage any development which will result in overburdening any of the community's public facilities or services.

Analysis: *"Request for Comments" sheets have been sent to all public facility providers. Public Facilities are available from S. Knott St. and providers responded that either adequate public services are available or would become available through development. (Please see discussion under Public Services Element).*

ENVIRONMENTAL CONCERNS ELEMENT

GOALS: TO PROTECT IDENTIFIED NATURAL AND HISTORICAL RESOURCES.

TO PREVENT AIR, WATER, LAND, AND NOISE POLLUTION.

TO PROTECT LIVES AND PROPERTY FROM NATURAL

HAZARDS.

The subject property is considered to be urbanized and has no known steep slopes, historic resources, expansive soils, or wetlands, and is not located in a flood plain. The proposed partition will not, in itself, generate pollution or affect scenic or aesthetic resources.

Policy #3-R: Canby shall require that all existing and future development activities meet the prescribed standards for air, water and land pollution.

Analysis: The proposed partition must meet storm water management approval from DEQ (if required), and Canby Public Works prior to issuance of building permits. (see Condition #13).

TRANSPORTATION ELEMENT

GOAL: TO DEVELOP AND MAINTAIN A TRANSPORTATION SYSTEM WHICH IS SAFE, CONVENIENT AND ECONOMICAL.

Applicable Policies:

Policy #1: Canby shall provide the necessary improvements to city streets...in an effort to keep pace with growth.

Analysis: Curb and sidewalks will be required along the entire site frontage. (4' 6" sidewalk and a 6" curb for a total width of 5')

Policy #4: Canby shall work to provide an adequate sidewalk and pedestrian pathway system to serve all residents.

Analysis: Sidewalks shall be constructed along S. Knott St. as required by the Public Works Department. (See condition #8)

Policy #6: 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 of the general public.

Analysis: The Canby Police Department had no comments.

The Canby Fire Department responded that this is a one lot division they don't have a lot of concerns

with until they start the building process, then they will have to create a turnaround on the second lot.

PUBLIC FACILITIES AND SERVICES ELEMENT

GOAL: TO ASSURE THE PROVISION OF A FULL RANGE OF PUBLIC FACILITIES AND SERVICES TO MEET THE NEEDS OF THE RESIDENTS AND PROPERTY OWNERS OF CANBY.

Applicable Policies:

Policy #1: Canby shall work closely and cooperate with all entities and agencies providing public facilities and services.

1. Analysis: *All returned requests for comments indicated services are readily available, or would become available through the development.*

PUBLIC WORKS

1. *Frontage improvements will be needed (4 1/2" sidewalk with a 6" curb for a total width of 5')*

2. *There is an apartment complex on the north side of the property with a large difference in elevation. The developer will have to supply some type of retaining wall, unless they do a lot of grade work to bring down the elevation. Water run off is not allowed to go onto other property.*

3. *The sewer line will go under the existing hedge that will be removed.*

4. *A sewer cleanout will be needed at the property line (approximately 6' into the property) past the utilities so the next connection will not disturb the sewer (this can be located in the sidewalk).*

5. *Any and all ditch lines in the street will need to be paved within 48 hours and can either be done with cold mix or asphalt. (See Condition #13)*

CITY ENGINEER

1. *Sidewalks should be constructed along the entire site frontage with Knott St. (See Condition #8)*

CANBY UTILITY, ELECTRIC DEPARTMENT

1. *Existing overhead Electrical service will need to be converted to underground at developers expense.*

2. *Existing splice box in proposed driveway will be*

*replaced with traffic rated enclosure at developers expense.
(See Condition #11)*

CANBY UTILITY, WATER DEPARTMENT

1. Water service will be located at the north end of the lot. (See Condition #11)

NORTHWEST NATURAL GAS

*1. Easement must state it is a PUE.
(See Condition #7)*

NEIGHBORHOOD WRITTEN COMMENTS:

One comment was received in favor of the application citing that redevelopment and renovations are making the neighborhood more desirable.

CONCLUSION REGARDING CONSISTENCY WITH THE POLICIES OF THE CANBY COMPREHENSIVE PLAN:

Review of the goals, policies, and implementation measures of the Comprehensive Plan indicates that the proposed partition, with recommended conditions of approval, is consistent with Canby's Comprehensive Plan. Development of the parcels shall comply with applicable provisions of the City of Canby Land Development and Planning Ordinance, Building Codes, and other County and State regulations.

3. Evaluation Regarding Minor Land Partition Approval Criteria

A. Conformance with the text and with the applicable maps of the Comprehensive Plan.
See discussion in part III.2, above.

B. Conformance with all other requirements of the Land Development and Planning Ordinance.
With recommended conditions, the partition will comply with the requirements of the Land Development and Planning Ordinance, including lot sizes, frontage, access, and coverage requirements.

C. The overall design and arrangement of parcels shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of adjacent properties.

With recommended conditions, the proposed partition will be functional and will provide building sites, necessary utility easements, and access facilities. Proposed parcels meet lot size and coverage requirements of the R-2 zone.

- D. No minor partitioning shall be allowed where the sole means of access is by private road, unless it is found that adequate assurance has been provided for year-round maintenance sufficient to allow for unhindered use by emergency vehicles, and unless it is found that the construction of a street to city standards is not necessary to insure safe and efficient access to the parcels.

No private roads will be created by this partition.

- 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 land division.

Public services and facilities are available to adequately meet the needs of this land division. See discussion in part III.2 above.

IV. CONCLUSION

1. Staff concludes that the partition request, with appropriate conditions, is considered to be in conformance with the Comprehensive Plan and the Municipal Code.
2. Staff concludes that, with appropriate conditions, the overall design and arrangement of the proposed parcels are functional; utility easements and access facilities necessary for development of the subject property can be provided without unduly hindering the use or development of adjacent properties.
3. No private roads will be created.
4. Staff concludes that all necessary public services will become available through the development of the property to adequately meet the needs of the proposed partition.

V. RECOMMENDATION

Based on the application and drawings submitted and based on the facts, findings and conclusions of this report, and without benefit of a public hearing, staff recommends that the Planning Commission approve MLP 07-05 with the following conditions:

1. A final partition plat illustrating the conditions of approval shall be submitted to the City Planner for review and approval. The final partition plat shall reference this land use application: **City of Canby File Number MLP 07-05**
2. The final partition plat shall be a surveyed plat map meeting all of the specifications required by the Clackamas County Surveyor. The final partition map shall be recorded with the Clackamas County Surveyor and with the

Clackamas County Clerk; a final copy of the signed and recorded map shall be provided to the Canby Planning Department upon completion.

3. A new deed and legal description for the proposed parcels shall be prepared and recorded with the Clackamas County Clerk.
4. For any portion of the sidewalk that is located on private property, a public sidewalk easement must be recorded on the deed.
5. Prior to signing of the final plat a reciprocal access easement and maintenance agreement shall be recorded with the deed to provide access to parcel #2.
6. A copy of the new deeds shall be provided to the Canby Planning Department.
7. On the final plat, 12' (twelve foot) public utility easements shall be provided along the full frontage of S. Knott St. This easement shall state it is a PUE (Public Utility Easement).
8. Prior to the signing of the final plat a five (5) foot sidewalk inclusive of curb shall be constructed for the full frontage of the parent parcel along S. Knott St. Where mailboxes, fire hydrants or other obstructions are located at the curb, sidewalks shall swing away from the curb in order to remain unobstructed for a full five-foot width. Construction of the sidewalk shall be reviewed and approved by the Canby Public Works Department.
9. All monumentation and recording fees shall be borne by the applicant.
10. The final plat must be recorded with the Clackamas Surveyor within one (1) year of the preliminary plat approval in accordance with Canby Ordinance 16.60.060. Mylar copies of the final plat must be signed by the City Planning Department prior to recording the plat with Clackamas County.
11. Construction plans must be approved and signed by the City and all other utility/service providers prior to the issuance of a building or grading permit, installation of public utilities or any other site work. The design, location, and planned installation of all utilities, including but not limited to water, electric, sanitary sewer, natural gas, telephone, and cable television is subject to approval by the appropriate utility/service provider. The City of Canby's reconstruction process procedures shall be followed.
12. The applicant is responsible for all costs associated with the relocation of utilities.
13. Prior to issuance of a building permit a stormwater permit shall be obtained from the State of Oregon, if required, by the Department of Environmental Quality (DEQ) or a letter stating no permit is necessary. An acceptable stormwater system plan shall be submitted to and approved by the Public Works Department.

14. Prior to the issuance of a building permit and/or site work, a pre-construction meeting may be required by the Planning Department.
15. All public improvements shall be completed or bonded for prior to signing of the final plat. Land divider shall follow the provisions of Section 16.60.020, which requires the improvements be guaranteed in a manner approved by the City Attorney for any improvement not completed prior to the signing of the final plat. A bond shall provide for the City to complete the required improvements and recover the full cost of the improvements.
16. Where applicable, newly constructed residences shall comply with Infill Home Standards through the building permit approval process. On lots bordering existing homes the building permit application shall include the distances from lot lines to neighboring residences as well as existing heights of the neighboring buildings.
17. Prior to the issuance of the Certificate of Occupancy the applicant is responsible for meeting all requirements imposed by the Canby Fire District.
18. A minimum of one street tree shall be required on the frontage of S. Knott St. If the location allows, the existing street tree could remain as the required street tree, if the installation of the half street improvements require the tree to be removed, one street tree (selected from the City approved tree list) will be required. Street trees shall be placed 11 feet behind the sidewalk.
19. The site approval as acted upon by the Commission shall be binding upon the developer and variations from the plan shall be subject to approval by the City.
20. An erosion control permit is required. All City erosion control regulations shall be followed during construction as specified by the Canby Municipal Code.
21. The developer must meet all requirements of the Fire Department regarding creating a turnaround on lot #2.

Exhibits:

1. Applicant's Packet
2. Vicinity Map
3. Responses to the Request for Comments.

CITY OF CANBY
MINOR LAND PARTITION APPLICATION

Fee: \$1,280.00

OWNERS

APPLICANT**

Name Bob Williford/Blake Schellenberg

Name Same

Address 23795 S. Barlow Rd.

Address _____

City Canby State OR Zip 97013

City _____ State _____ Zip _____

Phone 503-312-7502 Fax 503-651-4041

Phone _____ Fax _____

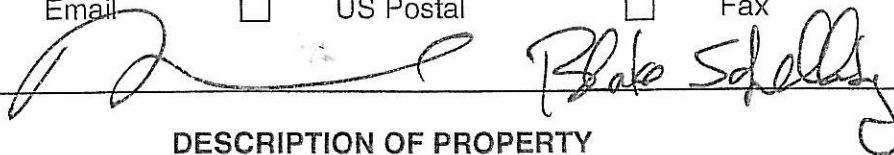
E-mail bob@canby.com

E-mail _____

Please indicate who is to receive correspondence (i.e. staff reports etc) and what format they are to be sent

Owner Email US Postal Fax
 Applicant Email US Postal Fax

OWNER'S SIGNATURE



DESCRIPTION OF PROPERTY

Address 441 S. Knott St.

Tax Map 31E33DC

Tax Lot(s) 8800

Lot Size .23 acres
(Acres/Sq. Ft.)

Existing Use Single family home

Proposed Use Split lot with single family home

Existing Structures On front of lot

ZONING R2

COMPREHENSIVE PLAN DESIGNATION _____

PREVIOUS ACTION (If Any) _____

FOR CITY USE ONLY	
File #	<u>MLP 09-05</u>
Date Received	<u>4/16/07</u> By <u>ST</u>
Completeness	_____
Pre-App Meeting	_____
Hearing Date	_____

*If the applicant is not the property owner, they must attach documentary evidence of their authority to act as agent in making application.



MINOR LAND PARTITION: INSTRUCTIONS TO APPLICANTS

All materials must be submitted in .pdf format on CD

1. The applicant may request a pre-application conference, or the City Planner may determine that a pre-application conference is necessary after the application has been discussed, or upon receipt of the application by the City. If a pre-application conference is necessary, the applicant completes and returns a completed pre-application form to the City and a conference is scheduled.
2. Any application for a land partition, on forms prescribed for the purpose, shall be filed with the City Planner, typed or printed, and accompanied by the following:

Applicant
Check City
 Check

- | | | |
|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | ⇒ One (1) copy of pages 1, 2, and 3 of this application. The checklist on pages 2 and 3 should be included in the application with all relevant items checked by the applicant in the "applicant" column. If any items are considered to be not applicable, the omissions should be explained in the narrative. The City may request further information at any time before deeming the application complete. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | ⇒ Payment of \$1,280, cash or checks only. Checks should be made out to the City of Canby. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | ⇒ A list of property owners within 200 feet of the subject property, on mailing labels (1" x 2-5/8") and in electronic form. If the address of a property owner is different from the address of a site, a label for each unit on the site must also be prepared and addressed to "occupant." A list of property owners may be obtained from a title insurance company or from the County Assessor. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | ⇒ Twenty (20) copies of a written statement, on 8-1/2" x 11" paper and in MS Word format, describing the proposed partition and explaining how the proposal meets the approval criteria (page 4) and is compatible with surrounding land use patterns. |
| <input type="checkbox"/> | <input type="checkbox"/> | ⇒ Ten (10) copies of a traffic impact analysis and a copy in .pdf or MS Word format, conducted or reviewed by a traffic engineer that is contracted by the City and paid for by the applicant (<u>payment must be received by the City before the application is considered complete</u>), including an accident report for the adjacent roads and nearby intersections, for any project that results in any one of the following: <ul style="list-style-type: none"> A. More than one access onto any collector or arterial street (such streets being designated by the City of Canby Transportation System Plan); B. More than six (6) residential units that enter onto any collector or arterial street; C. Any multiple family dwellings (apartments, condominiums, townhouses, etc.) with more than six (6) units; or D. Industrial or commercial enterprises which generate more than one hundred (100) vehicles per day. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | ⇒ Twenty (20) copies of the tentative partition map, drawn to scale (not greater than 1"=50') on paper no less than 8.5" x 11" and no larger than 18" x 24" and .pdf format. The map shall include the following information: |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | ⇒ A. Vicinity map of the property; |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | ⇒ B. The date, north point, scale, and sufficient description to define the location and boundaries of the tract to be partitioned; |

- ⇨ C. Name and address of the owner and the person who prepared the tentative map;
- ⇨ D. Size of each parcel involved in the partitioning;
- ⇨ E. Outline, location, and description of all existing buildings, showing those to remain in place and setbacks to proposed property lines;
- ⇨ F. For land adjacent to and within the tract to be partitioned, the location, names, and existing structures, right-of-way and pavement widths of streets, location, width, and purpose of any existing easements; and location and size of all utilities, including sewer, water, electric, telephone, and natural gas lines and power poles;
- ⇨ G. Proposed parcel layout, showing sizes, dimensions, and relationships to existing or proposed streets and utility easements;
- ⇨ H. Location of any forested areas, wetlands as delineated by the Division of State Lands, or other significant natural features;
- ⇨ I. If the applicant is a corporation, a certificate of good standing from the State Corporation Commission shall be filed. The name of the individual authorized to act as the registered agent of the corporation shall also be provided; and
- ⇨ J. If the development is located in an area designed by the Hazard ("H") Overlay Zone, one (1) copy of an affidavit signed by a licensed professional engineer that the development will not result in any undue hazard for the occupants or users of the development, nor in any unusual public expense in the event of flooding, landslide, or other natural disaster.

4. Staff will check the application, making sure that it is complete and all fees are paid. Copies of the application materials are routed to various City/State/County departments, as applicable, for their comments. Along with the comments received from others, the application is reviewed for completeness. The City Planner will accept or return the application with a written list of omissions within thirty (30) calendar days of the submittal.
5. Staff investigates the request, writes a staff report, places a public notice in the newspaper, notifies surrounding property owners, and makes all facts relating to the request available to the Planning Commission and all interested parties.
6. The staff report will be available seven (7) days prior to the hearing.
7. The Planning Commission then issues findings of fact which support approval, modification or denial of the application. A decision may be appealed to the City Council.
8. If an approval or a denial has been appealed, City Council holds a public hearing. The staff report is presented and testimony taken, as at the original hearing(s). However, only testimony regarding items already in the record is permitted, and no new information may be entered. In the case of an appeal, the Council may affirm, revise or reverse the action of the Planning Commission in all or in part. The Council may also remand the matter back to the hearing body for further consideration.

NOTICE

ORS 92.04(4d) requires that the City shall provide for "notifying a person proposing a subdivision or partition of the requirement to file a statement of water right." The applicant is hereby notified of the requirement to file such "Statement of Water Right." The final plat or partition shall show, on its face, whether a "water right permit" or a "water right certificate" has been issued for the property. Furthermore, ORS 92.120(5) provides that if the approved plat or subdivision or partition has "water right," a copy of such plat or partition shall be submitted by the applicant to the Oregon Water Resources Department.

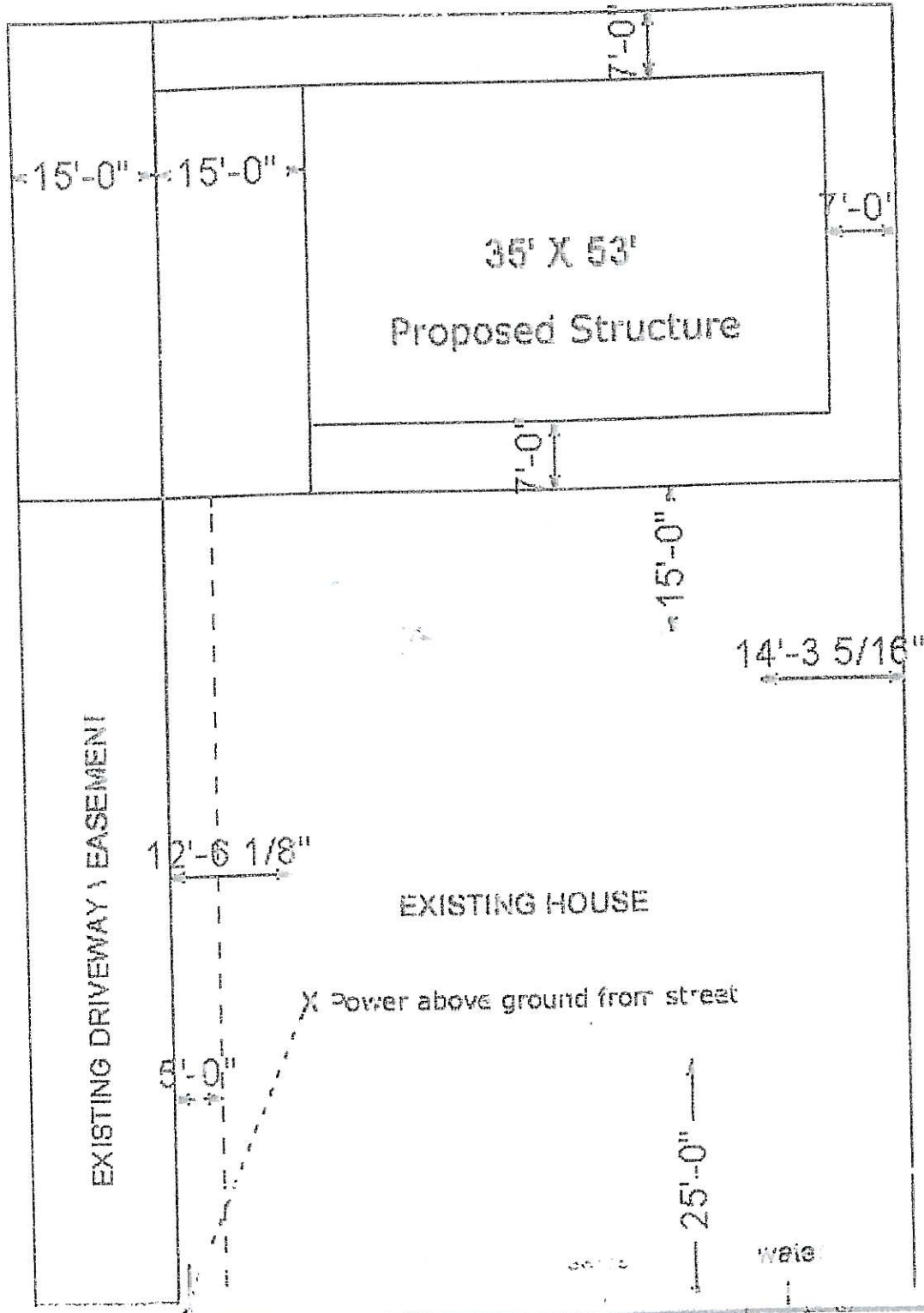
To: Canby Planning Department
From: Bob Williford
Re: Partition of 441 S. Knott St.

We are proposing to divide 441 S. Knott St. into two lots. The original lot is .23 acres and it will be split into one lot (with the existing house) of 6300 sq ft (84'x75') and the new lot will be 3675 sq ft (75'x49') exact sizes to be determined at time of surveying. Our intention is that the back lot will be as large as possible while maintaining all required setbacks determined by front dwelling. The zoning on the property is R-2 and the specific development of the property will be left to future owner but will meet all in-fill requirements. Access to the property will be through an easement granted from sharing the driveway to the south of the property (see initial easement letter).

Phil Wilmes will handle the required connection to sewer and trenching for electrical as detailed by the pre-app meeting with public works (sidewalk poured, sewer stubbed past sidewalk with cleanout in sidewalk, existing electrical vault converted to drive over box). Public works will handle bringing water to new meter on north side of property. Electrical on the front house will be converted from above ground to below ground by Canby Electric. Also, a fire hydrant is located roughly 75' on each side of the house across the street and the pavement width is 40'.

Bob Williford
Cell: 503-312-7502
Fax: 503-651-4041

41 S Knott ST
Job W/lford
3400 S Barlow RD
1-22-2007



KNOTT STREET

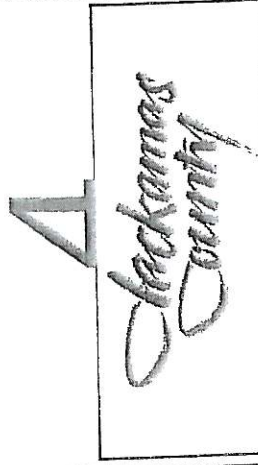
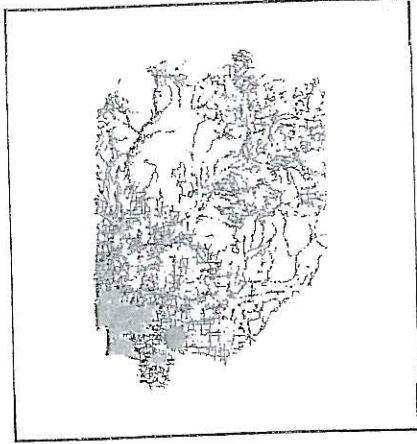
3286

PLANNING DEPT - 151

15

8" D.P.

441 S Knott Street



Geographic Information Systems
121 Library Court
Oregon City, OR 97045

This map and all other information have been compiled for preliminary and/or general purposes only. This information is not intended to be complete for purposes of determining land use restrictions, zoning, title, parcel size, or suitability of any property for a specific use. Users are cautioned to field verify all information before making decisions.

April 24, 2007 03:36 PM



EXHIBIT # 2 16

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: April XX, 2007

- 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 | <input type="checkbox"/> CLACKAMAS COUNTY 911 |
| <input type="checkbox"/> CANBY ELECTRIC | <input type="checkbox"/> CLACKAMAS COUNTY TRANSPORTATION |
| <input type="checkbox"/> CANBY WATER | <input type="checkbox"/> TRAFFIC SAFETY COMMITTEE |
| <input type="checkbox"/> Darwin Tramel - WTTP | <input type="checkbox"/> CLACKAMAS COUNTY |
| <input type="checkbox"/> Jeff Crowther - WTTP | <input type="checkbox"/> CANBY SCHOOL DISTRICT |
| <input checked="" type="checkbox"/> CITY ENGINEER | <input type="checkbox"/> OREGON DEPT. TRANSPORTATION |
| <input type="checkbox"/> CTA | <input type="checkbox"/> ODOT/REGION 1/DIST 2B |
| <input type="checkbox"/> NW NATURAL | <input type="checkbox"/> STATE OF OREGON/REVENUE |
| <input type="checkbox"/> WILLAMETTE BROADBAND | <input type="checkbox"/> CANBY BUSINESS REVITALIZATION |
| <input type="checkbox"/> CANBY DISPOSAL | <input type="checkbox"/> PARKS AND RECREATION |
| <input type="checkbox"/> CITY ATTORNEY | <input type="checkbox"/> CITY TRANSPORTATION ENGINEER |
| <input type="checkbox"/> BIKE AND PEDESTRIAN COMM | <input type="checkbox"/> BUILDING OFFICIAL |
| <input type="checkbox"/> PGE | <input type="checkbox"/> OTHER _____ |

The City has received MLP 07-05 (441 S Knott St), an application from Bob Williford/Blake Schellenberg requesting a minor land partition to divide Tax Lot 8800 of Map 31E33DC into 2 new tax lots. The property is zoned R2 (High Density Residential). The property is located at 441 S Knott Street.

Please review the enclosed application and return comments to Carla Ahl by Thursday, 26, 2007. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

1. Sidewalks should be constructed along the entire site frontage with Knott Street.

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: [Handwritten Signature] Date: April 24, 2007

Title: Project Engineer Agency: Curran-McLeod, Inc

EXHIBIT

tabbles

#3 17

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

(503) 266-7001

FAX 266-1574

DATE: April XX, 2007

- | | | |
|-----|---|--|
| 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 | <input type="checkbox"/> CLACKAMAS COUNTY 911 |
| | <input checked="" type="checkbox"/> CANBY ELECTRIC, | <input type="checkbox"/> CLACKAMAS COUNTY TRANSPORTATION |
| | <input type="checkbox"/> CANBY WATER | <input type="checkbox"/> TRAFFIC SAFETY COMMITTEE |
| | <input type="checkbox"/> Darwin Tramel - WTP | <input type="checkbox"/> CLACKAMAS COUNTY |
| | <input type="checkbox"/> Jeff Crowther - WTP | <input type="checkbox"/> CANBY SCHOOL DISTRICT |
| | <input type="checkbox"/> CITY ENGINEER | <input type="checkbox"/> OREGON DEPT. TRANSPORTATION |
| | <input type="checkbox"/> CTA | <input type="checkbox"/> ODOT/REGION 1/DIST 2B |
| | <input type="checkbox"/> NW NATURAL | <input type="checkbox"/> STATE OF OREGON/REVENUE |
| | <input type="checkbox"/> WILLAMETTE BROADBAND | <input type="checkbox"/> CANBY BUSINESS REVITALIZATION |
| | <input type="checkbox"/> CANBY DISPOSAL | <input type="checkbox"/> PARKS AND RECREATION |
| | <input type="checkbox"/> CITY ATTORNEY | <input type="checkbox"/> CITY TRANSPORTATION ENGINEER |
| | <input type="checkbox"/> BIKE AND PEDESTRIAN COMM. | <input type="checkbox"/> BUILDING OFFICIAL |
| | <input type="checkbox"/> PGE | <input type="checkbox"/> OTHER _____ |

The City has received MLP 07-05 (441 S Knott St), an application from Bob Williford/Blake Schellenberg requesting a minor land partition to divide Tax Lot 8800 of Map 31E33DC into 2 new tax lots. The property is zoned R2 (High Density Residential). The property is located at 441 S Knott Street.

Please review the enclosed application and return comments to Carla Ahl by Thursday, 26, 2007. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

Existing overhead Elect. Service will need to be converted to underground @ developer's expense

Existing splice box in proposed driveway will be replaced with traffic rated enclosure @ developer's expense

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: [Signature] Date: 4-25-07

Title: Line Foreman Agency: Canby Utility Elect.

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

(503) 266-7001

FAX 266-1574

DATE: April XX, 2007

- TO:
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| <input type="checkbox"/> POLICE | <input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR |
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Comments or Proposed Conditions:

AS PER PREVIOUS MEETINGS THE WATER SVC WILL BE LOCATED @ N. END OF LOT.

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 [Signature] Date: 4/23/07

Title: FOREMAN Agency: CANBY Utility Water

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

[503] 266-7001

FAX 266-1574

P.O. Box 930, Canby, OR 97013

DATE: April XX, 2007

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Comments or Proposed Conditions:

Easement must state that it is a PUE

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: Bob Williford Date: 4-20-07

Title: Engineering Supervisor Agency: NW Natural

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: April XX, 2007

- TO:
- FIRE
 - POLICE
 - PUBLIC WORKS
 - CANBY ELECTRIC
 - CANBY WATER
 - Darwin Tramel - WTTP
 - Jeff Crowther - WTTP
 - CITY ENGINEER
 - CTA
 - NW NATURAL
 - ~~WILLAMETTE BROADBAND~~
 - CANBY DISPOSAL
 - CITY ATTORNEY
 - BIKE AND PEDESTRIAN COMM
 - PGE
 - CANBY POST OFFICE
 - CLACKAMAS COUNTY ASSESSOR
 - CLACKAMAS COUNTY 911
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 - CANBY SCHOOL DISTRICT
 - OREGON DEPT. TRANSPORTATION
 - ODOT/REGION 1/DIST 2B
 - STATE OF OREGON/REVENUE
 - CANBY BUSINESS REVITALIZATION
 - PARKS AND RECREATION
 - CITY TRANSPORTATION ENGINEER
 - BUILDING OFFICIAL
 - OTHER _____

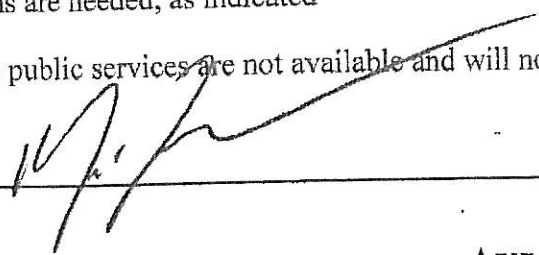
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- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

Signature:  Date: 4/24/07

Title: _____ Agency: Willamette Broadband

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: April XX, 2007

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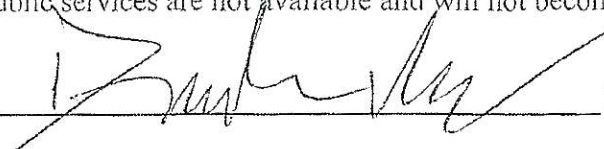
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Signature:  Date: 4-26-07

Title: ASSOCIATE ENGR. Agency: CANBY TELCOM

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: April XX, 2007

- TO:
- | | |
|---|--|
| <input type="checkbox"/> FIRE | <input type="checkbox"/> CANBY POST OFFICE |
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Signature: _____

Date: _____

Title: _____

Agency: _____

CAROL KROEPIEN

COMMENTS FROM
PUBLIC WORKS DEPARTMENT

- * You need to do the full frontage improvements, curb and sidewalks (4-1/2' sidewalk with a 6" curb for a total of 5'
- * On the north property line, there is an apartment complex and a large elevation difference. You will have to supply some type of retaining wall, unless you do a lot of grade work to bring down the elevation. Your run off will go into these peoples yard and we don't want that at all.
- * Your sewer line will go under the existing hedge that will be torn down.
- * You will need a sewer cleanout at the property line; it can be in the sidewalk. I want you to stub out the sewer line (approximately 6' into the property) out past the telephone, power, etc. and when the next person comes along to connect to the sewer he will not disrupt the sewer.
- * Any and all ditch lines in the street will need to be paved with in 48 hours and can either be done with cold mix or asphalt patch.



CITY OF CANBY COMMENT FORM

If you are not able to attend the Planning Commission hearing of this application, you may submit written comments on this form or in a letter to the Planning Commission.
Please send comments to the City of Canby Planning Department.

By mail: Planning Department, PO Box 930, Canby, OR 97013
In person: Planning Department at 170 NW Second Street
E-mail: ahlc@ci.canby.or.us

Written comments must be received prior to the hearing at 7:00 PM May 29, 2007.

APPLICATION: Minor Land Partition
APPLICANT: Bob Williford and Blake Schellenberg
CITY FILE #: MLP 07-05

COMMENTS:

THIS AREA OF CANBY IS TRANSFORMING INTO A MORE DESIREABLE NEIGHBORHOOD. RENOVATIONS, REDEVELOPMENT, AND NEW CONSTRUCTION ARE TAKING PLACE. I SUPPORT THIS PROJECT AS IT UPHOLDS CONTINUED PRIVATE INVESTMENT IN THE TRANSFORMATION.

YOUR NAME: BRYAN HURD

ORGANIZATION or BUSINESS (if any): _____

ADDRESS: 7895 SW FANNO CREEK DR, TIGARD 97224

PHONE # (optional): _____

DATE: 5/10/07

Thank you!

Written Testimony
Dropped off by a citizen
Prior to the meeting on
May 29, 2007

PUBLIC HEARINGS: KNOTT STREET
May 29, 2007

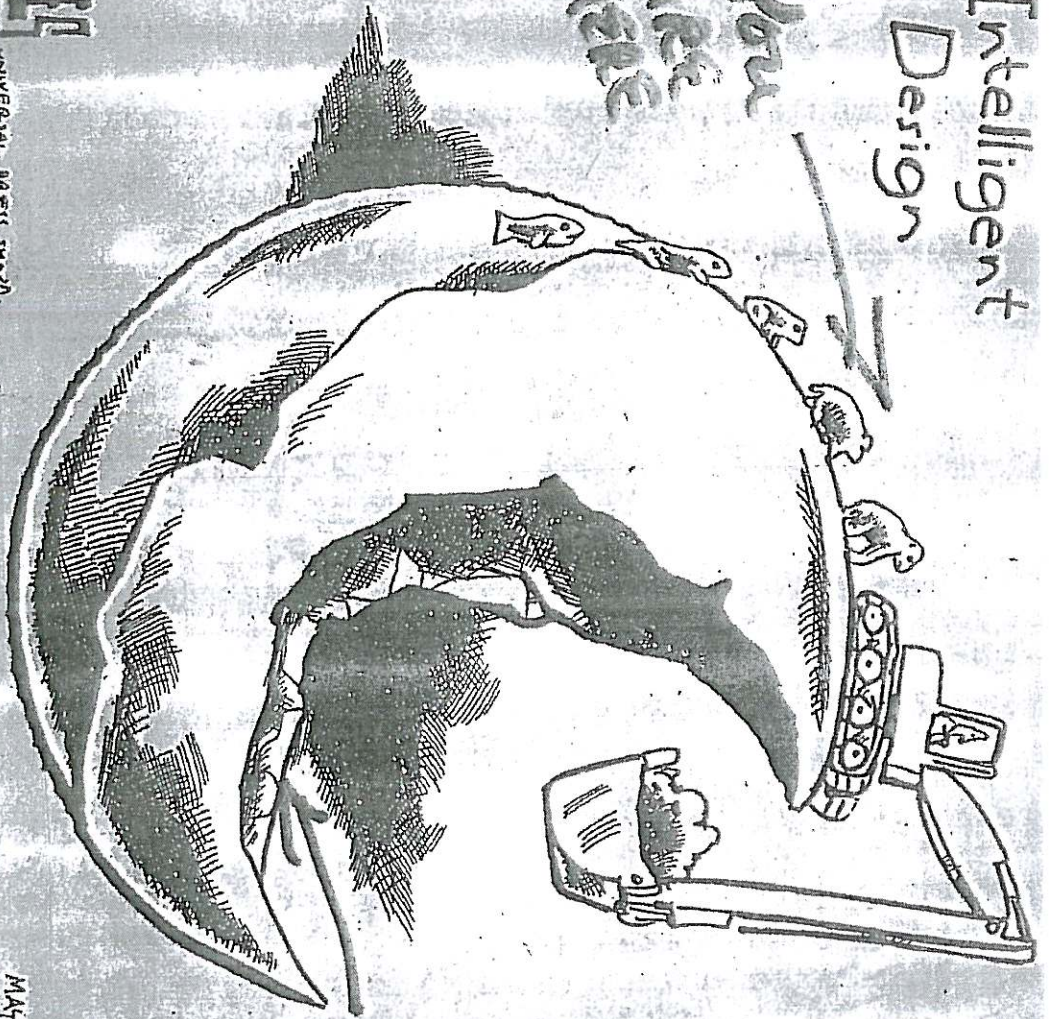
I have a prior
appointment at this time.

Please read the two
pages and pass it along.

Thank you

Intelligent Design

You ARE HERE



WE ARE HERE

MAYBE IT'S JUST A STAGE —

UNIVERSITY PRESS SYDNEY
© 2007 THE WASHINGTON POST

THE

MAY 29, 2007

PUBLIC HEARING

AREN'T WE IN THE KNOTT STREET AREA BEING SUBJECT TO ENOUGH RIGHT NOW? WE ARE ALREADY GOING TO HAVE 10-20 MORE CARS ROARING UP AND DOWN THIS ROAD FROM THE ONGOING DEVELOPMENT ON KNOTT. OVER THERE, YOU COULD HAVE EXTENDED THE PARK ON THROUGH - BUT NO - THE KIDS HAVE TO PLAY IN THE ROAD INSTEAD

ON WHAT IS BEING CONSIDERED HERE TODAY, THERE IS A SMALL GREEN SPACE WITH MAJESTIC, TOWERING TREES, AS OPPOSED TO NEWLY PLANTED TWIGS THAT WILL NOT BECOME TREES IN OUR LIFETIME. AROUND IT ARE RETIRED PEOPLE, STAY-AT-HOME MOMS, AND OTHERS FOR WHOM THE VIEW FROM THEIR WINDOW CONSTITUTES A QUALITY OF LIFE ISSUE.

ARE WE TO HAVE NO BIRDS, NO GOLDEN CASCADES IN AUTUMN, NO DARK-LIMBED GIANTS ETCHED IN SNOW IN WINTER? ARE WE TO HAVE NO SHADE IN SUMMER, NO COOLNESS, NO BREEZE THAT WE CAN SEE? DO ANY OF YOU LIVE LIKE THAT?

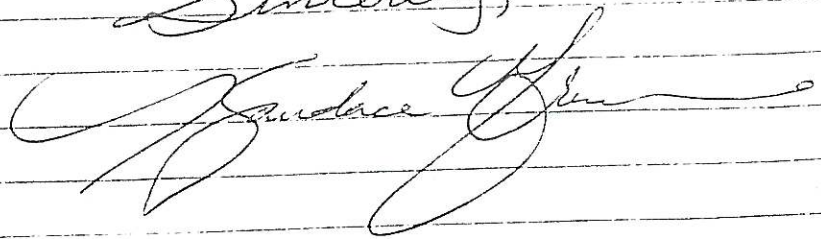
TO THE LANDOWNER: I THOUGHT YOU WERE A PASTOR. GARDENS... THE FIRST GARDEN. IT SAYS THAT WE SHOULD BE STEWARDS OF THE EARTH IN THE GOOD BOOK. VOLTAIRE SAYS WE SHOULD TEND THE GARDEN - NOT DESTROY IT.

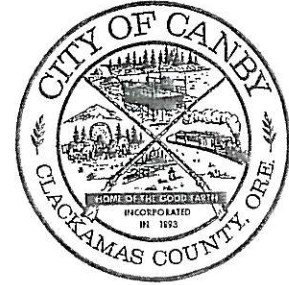
YOU HARM THE HUMAN SPIRIT BY DESTROYING WHAT FEEDS IT. WE WILL STILL BE IN SHOCK WHEN YOU HAVE SPENT THE PROFIT FROM THE PROPOSED DEVELOPMENT. LONG AFTER THE SHOCK WEARS OFF, WE WILL HAVE TO LIVE WITH THE VIEW FROM THE WINDOW.

THERE WAS A PARCEL OF LAND NEEDED FOR THE ROAD THROUGH, AND I'VE BEEN TOLD THAT THIS LAND WAS NOT GIVEN. IF LAWS ARE SIMPLY PLACES TO PAUSE TO FIND A WAY AROUND THEM - DOESN'T THAT MAKE OUR LEGAL SYSTEM A FARCE? IF SO, THEN THAT FARCE OF LEGALITY IS AVAILABLE TO EVERYONE. THEN, WOULD THERE BE ANY LOWER BOUND BEYOND WHICH PEOPLE WOULD NOT DESCEND?

TO GO THROUGH WITH THE DESTRUCTION OF THAT GARDEN WOULD BE THE MOST UNKINDEST CUT OF ALL. THE WOUND IS TOO DEEP.

Sincerely,





- STAFF REPORT -

APPLICANT:

Northwest Restaurants, Inc.
17331 135th Ave NE – Suite B
Woodinville, WA 98072

FILE NO.:

DR 07-03
(KFC/A&W)

OWNER:

Sterling Development Corp.
3252 Holiday Ct., Suite 224
LaJolla, CA 92037

STAFF:

Kevin C. Cook
Associate Planner

LEGAL DESCRIPTION:

Tax Lot 602
03-1E-05A

DATE OF REPORT:

June 4, 2007

LOCATION:

Pad A of the Canby Place retail center
At the southwest corner of
Highway 99E & Berg Parkway

DATE OF HEARING:

June 11, 2007

COMP. PLAN DESIGNATION:

Heavy Commercial/Manufacturing (C-M)

ZONING DESIGNATION:

Heavy Commercial/Manufacturing (CM)

I. APPLICANT'S REQUEST:

The City has received DR 07-03, an application by Northwest Restaurants, Inc. to construct a 3,283 sq. ft. KFC/A&W drive-through restaurant. The site is located on Pad A of the Canby Place retail center that was previously approved by the Planning Commission in 2005 (file DR 05-05). Most aspects of the site have already been determined through the original Design Review; which had assumed that the site would be utilized as a drive-through restaurant. Access to the site will be from within the existing development which has access from Highway 99E and Berg Parkway.

II. *APPLICABLE REGULATIONS*

City of Canby General Ordinances:

- 16.10 Off-Street Parking and Loading
- 16.30 C-M Heavy Commercial/Manufacturing
- 16.42 Signs
- 16.49 Site and Design Review

III. *MAJOR APPROVAL CRITERIA*

16.49.040 Site and Design Review Criteria and standards.

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.
- 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.
- 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.

DESIGN REVIEW MATRIX

Parking			
Screening of loading facilities from public ROW [not screened /partially screened / full screening]	0	1	2
Landscaping (breaking up of expanse of asphalt)	0	1	
Parking lot lighting [no / yes]	0	1	
Location (behind the building is best)[front / side / behind]	0	1	2
Number of parking spaces (% of min.) [x>120% / 100%-120% / x=100%]	0	1	2

Signs			
Dimensional size of sign (% of maximum permitted) [x>75% / 50% - 75% / x<50%]	0	1	2
Similarity of sign color to building color [no / some / yes]	0	1	2
Pole sign [yes / no]	0	1	
Location of sign [x>25' from driveway entrance / within 25' of entrance]	0	1	

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

Building Appearance			
Style (architecture) [not similar - similar to surrounding]	0	1	2
Color (subdued and similar is better) [neither/similar or subdued/similar & subdued]	0	1	2
Material [concrete or wood or brick is better]	0	1	
Size (smaller is better) [over 20,000 s.f. / under 20,000 s.f.]	0	1	

Tree Retention				
	0	1	2	3
For trees outside of the building footprint and parking/access areas (3 or more trees) [No arborist report / follows <50% of arborist recommendation / follows 50%-75% of arborist rec. / follows 75% of arborist rec.]				
Replacement of trees removed that were recommended for retention [x<50% / x>50%]	0	1		

Types of Landscaping			
	0	1	
# of non-required trees [x<1 per 500 sf of landscaping / 1 or more per 500 sf of landscaping]			
Amount of Grass [<25% / 25% - 50% / x>50%]	0	1	2
Location of shrubs [foreground / background]	0	1	
Automatic Irrigation) [no / yes]	0		4

Bonus Points		
2 or more trees at least 3" in caliper	1	2
Park/open space retention for public use	1	2
Trash receptacle screening	1	

IV. FINDINGS:

A. Background and Relationships:

The property is part of the previously approved Canby Place complex. The entire complex is zoned CM (Heavy Commercial / Manufacturing). The site is currently being developed with an 11,570 sq. ft, multi-tenant retail building (Bldg. C). Pad B is being developed with a Burger King drive-through restaurant which was approved in January 2007 (file DR 06-12); Pad A is the subject of the current application.

B. Evaluation Regarding Site and Design Review Approval Criteria

Design Review Matrix Analysis

1. Parking

Parking was previously reviewed and approved through file MOD 07-05, which approved a total of 104 parking stalls over the entire retail center. The site will require the installation of bicycle parking capable of accommodating at least 4 bicycles (Condition 16).

2. Traffic/Access

The traffic study originally conducted for the site assumed that up to a 3,280 sq. ft. drive-through restaurant would be placed on the site. While there are now two drive-through restaurants proposed on the site, the City Traffic Engineer and ODOT indicate that an update to the original traffic study is not warranted. Canby place is

expected to include a higher than average pedestrian presence due to the proximity to Canby High School. The City has allowed an overall reduction in parking based in part on the fact that the site will attract pedestrian traffic; due to this fact, staff believes that it is appropriate to require a direct pedestrian connection to the public sidewalk system. Staff recommends a paved, ADA compliant, 5-foot wide pedestrian connector to the sidewalk on Berg Parkway. The connection should also include a raised crosswalk across the drive-through lane (see Condition 19).

3. Signs

Canby Place is allowed a total of 764 sq. ft. of signage. Signage will be reviewed under a separate sign permit.

4. Lot Landscaping standards and Tree Retention

Exhibit 1 shows the landscaping for this site. All required landscaping standards are met.

5. Building Appearance

The building will use stucco, glass, metal and rock. Materials and colors are shown on the elevations. The design and colors are minimally compatible with the other two approved buildings on the site. Staff recommends that at a minimum, the stone accents should continue around the entire building not including the trash enclosure area (see Condition 20), as was required by the Planning Commission for Burger King.

Compatibility Matrix

A minimum of 65% of the total number of points available to be considered compatible. The proposed application receives, in staff's determination, a total of 15 points out of a total possible of 21 points, or 71% percent. The applicant achieves a score of 76% when the earned bonus point is included in the calculation. The minimum percentage required to be considered "compatible" is 65 percent, so this proposal is considered to be compatible. The following represents the total number of points staff has assigned to the project:

<u>CRITERIA</u>	<u>PTS/ POSS</u>	<u>NOTES</u>
Parking		
Screening of loading facilities	1/2	
Parking lot landscaping	1/1	
Parking lot lighting	1/1	Additional provided.
Location of parking	1/2	
Number of parking spaces	N/A	Previously reviewed
Traffic		
Distance of access to intersection	2/2	Greater than 100 ft. to intersection.
Access drive width	N/A	Previously reviewed
Pedestrian access from public sidewalk	2/2	Entrances are connected (see Cond. 20)
Pedestrian access from parking lot to building	1/2	
Signs	N/A	Previously reviewed
Tree Retention	N/A	Previously reviewed
Building Appearance		
Style	0/2	Not similar to nearby development.
Color	0/1	Similar, but not subdued.
Material	1/1	Stucco and Stone.
Size	1/1	Building is under 20,000 square feet.
Types of Landscaping		
# of non-required trees	N/A	Previously Reviewed
Amount of grass	N/A	Previously Reviewed
Location of Shrubs	N/A	Previously Reviewed
Automatic Irrigation	4/4	Automatic irrigation provided
Bonus Points		
2 or more trees 3" or more	0/2	None
Trash Receptacle Screening	1/1	The trash receptacle is screened.
Park/Open Space	0/2	No open space provided.

6. Availability of Adequate Public Facilities and Services

Service provider comments are shown in exhibit 2. Service providers indicate that services are available.

7. Development Standards

There is no lot size minimum, minimum width, or frontage requirements in the C-M zone. The 20 foot setback on Highway 99E has been met, and is the only setback requirement on this lot. Maximum lot coverage, building height, and vision clearance requirements have been met.

V. CONCLUSION

Staff concludes that, with conditions, the application will meet the requirements for site and design review approval. In direct response to the criteria for site and design review, staff has concluded 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 structures and signs are 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 minimum number of points in the design review matrix has been received. The project is considered compatible; 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 not increase the cost of housing in Canby.
4. The property owner is not applying to remove street trees.

VI. RECOMMENDATION:

Based upon the application, elevations, the site plan 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 07-03 with the following conditions:

1. The design, location, and planned installation of all utilities, including but not limited to water, electric, sanitary sewer, natural gas, telephone, and cable television shall be approved by the appropriate utility provider.
2. Prior to the issuance of a building permit, a pre-construction conference unless otherwise waived by the Planning Department shall be held prior to construction and issuance of any building permit. Twelve copies of the pre-construction plans shall be given to the City for review and approval by Canby Utility, Canby

Telephone, Willamette Broadband, the City, and other required utility providers prior to the pre-construction conference. The construction plans shall include, as appropriate, the plans for street design, storm water, sewer, water, fire hydrants, electric, cable, telephone, natural gas, street lights, and mail boxes.

3. A revised set of all full size development plans (including site plan, landscape plan, elevation, etc.) shall be submitted which depicts each of the written conditions to the satisfaction of the City Planning Department.
4. A detailed landscape construction plan shall be submitted with the building permit application. The detailed landscape plan shall show: the number of plants, plant spacing/location of planting, the type of plants, the size of plants, the schedule of planting, and irrigation plans. The landscape plan shall reflect the approved landscape plan submitted with the Design Review application.
5. The landscaping shall be planted at such a density so as to provide a minimum of 95% coverage of the landscape areas with vegetation, within a 3-year time period. Bark mulch and similar material shall consist of not more than 5% of the total landscape area after the 3-year period. Trees are to be a minimum of 2" caliper.
6. All interior sidewalks and access-ways shall be a minimum of five (5) feet in width.
7. Wheel stops shall not be required in areas where sidewalks are at least 8 feet in width and in areas where landscaping within 2 feet of the curb is limited to ground cover and will not be damaged by vehicle overhangs. Wheel stops shall be provided for all parking spaces located adjacent to landscaping or walkways that do not meet the above criteria. The wheel stops shall be placed 2 feet in front of the end space.
8. The required accessible parking spaces shall be designed to the standards and specifications of the ADA in terms of size, striping, location, and associated access-way.
9. Details of sign dimensions and mounting techniques shall be shown on the building permit submittal or on a subsequent sign permit application.
10. An erosion control permit is required. All City erosion control regulations shall be followed during construction as specified by the Canby Municipal Code.
11. All grading and fill conducted on the site shall comply with City and County regulations.
12. Any relocation of existing utilities required due to construction of the development shall be done at the expense of the applicant.

13. All storm water shall be disposed of on-site. The design of storm water facilities shall be approved by the City Engineer and Public Works Supervisor. The applicant is responsible for obtaining approval from DEQ, if necessary, for private drywells.
14. ADA Ramps shall be provided as required by the Public Works Supervisor.
15. Site lighting shall be "hooded" to project light downward.
16. A minimum of four "Staple" type bicycle racks shall be provided as shown on the submitted site plan as provided per the requirements of CMC 16.10.100.
17. If required by the Wastewater Treatment Plant Supervisor, the applicant will obtain an Industrial Wastewater Discharge Permit prior to any discharge to the City of Canby wastewater system. A grease interceptor shall be installed to Clackamas County standards.
18. All conditions of approval from DR 05-05 (Canby Place) apply to this approval And remain in effect.
19. A five-foot wide, ADA compliant, pedestrian path connection shall be installed between the proposed sidewalk immediately adjacent to the building and the public sidewalk along Berg Parkway. The path shall take the form of a raised, striped crosswalk were it crosses the drive-through lane.
20. Wainscoting on the building shall continue around the entire perimeter of the building with the exception of the trash enclosure. Wainscoting shall be of similar material and color as the other approved buildings on the site.

Exhibits:

1. Applicant's packet
2. Responses to request for comments
3. Pre-Application Meeting

LEAGJELD CONSTRUCTION CO.

18085 SW LOWER BOONES FERRY RD. • PORTLAND, OREGON 97224 • 503 / 620-7990 • FAX 503 / 620-0518

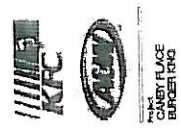
City of Canby
Planning Department

Site and Design Review Application
For: KFC/A&W
1101 SW 1st Ave.
Canby, OR

The location of this proposed project is the Southeast corner of Hwy 99E (SW 1st Ave.) and Berg Parkway. The property has been developed into a small strip mall with vacant pads for future development. Northwest Restaurants, Inc. is proposing to construct a 3290 sq.ft. restaurant at 1101 SW 1st Ave. which is the vacant pad closest to the intersection. This restaurant will be a combined KFC and A&W. The restaurant will have seating for approximately 76 people as well as drive thru service. It will be a single story building with a maximum high point of 22'-2 1/2". The exterior is a combination of stucco, glass, metal and rock. These are the same materials used on the main building in this development. The stucco has many reveals and offsets as well as color variations to create interest. The rock wainscot is the same material used by the rest of the mall to create continuity. The trash enclosure will be covered with this same stone giving it an attractive appearance and allowing it to blend with the buildings. Parking as well as driveway entrances are shared with the rest of the mall and have been previously approved and installed. Parking lot lighting as well as pedestrian walkways have been previously approved and installed. The only additional sidewalk to be installed will be adjacent to the building. The landscaping that will be installed with this portion of the development will use the same plant types, spacing and sizes as the rest of the mall allowing it to blend in.

Public sidewalks, curbs, streets, and traffic controls have been approved with the previous development and have or will be completed soon. The utilities and services required by this building are all available to this site. The developer of the mall has provided stubs for most of the utilities to the area of the vacant pad. Water service from a public system is available and two fire hydrants have been installed within 120 feet of the building. Sanitary sewer is available at the site and a grease interceptor will be installed to remove any grease or oil from the sewage. The development has installed a storm water system and provided a stub to this pad for connection of roof drains and catch basins. Telephone, electric, and gas services are also available at this site.

We believe this project fits in well with the surrounding properties and meets zoning requirements.

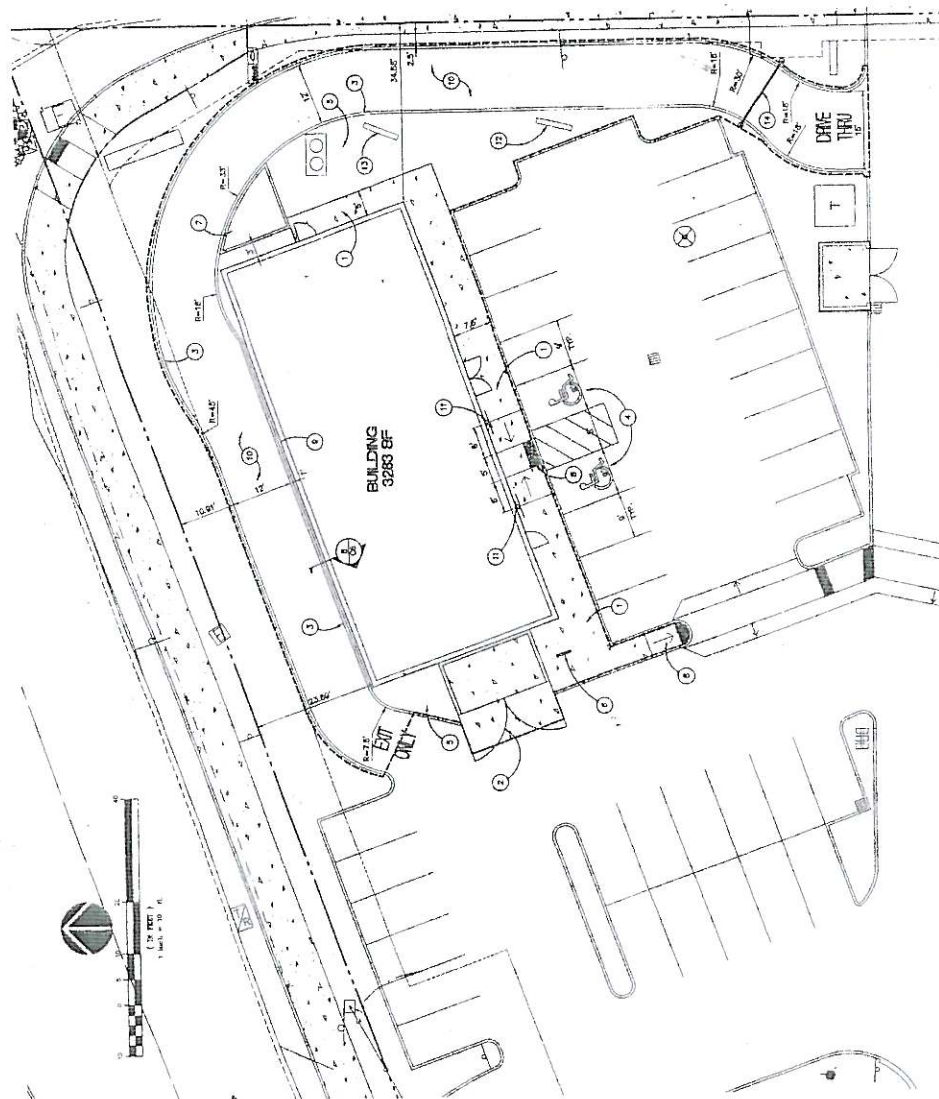


SHEET TITLE: **SITE PLAN**
 SHEET NO.: **C2**
 PROJECT NO.: **20-003010**
 DATE: **2007-01-18**

- GENERAL NOTES**
1. ALL WORK SHALL CONFORM TO THE STANDARD SPECIFICATIONS AND THE REGULATIONS OF THE PROVINCE OF ONTARIO AND THE MUNICIPALITY OF BRANTFORD. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE MUNICIPALITY OF BRANTFORD AND THE PROVINCE OF ONTARIO.
 2. THE WORKING DRAWINGS ARE GENERALLY DIAGNOSTIC. THEY DO NOT SHOW EXACT LOCATIONS OF UTILITIES UNLESS SPECIFICALLY NOTED THEREON. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE MUNICIPALITY OF BRANTFORD AND THE PROVINCE OF ONTARIO.
 3. EXISTING DIMENSIONS SHALL BE USED UNLESS OTHERWISE NOTED. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
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 9. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
 10. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.

- KEYNOTES**
1. SEE DETAIL 1/2X.
 2. TRASH ENCLOSURE. SEE ARCHITECTURAL PLANS.
 3. VERTICAL CURB. SEE DETAIL 2/2X.
 4. HANDICAP PARKING SPALL. (IF OTHERS)
 5. LANDSCAPING.
 6. BIKER RACK FOR 3 BICYCLES. SEE DETAIL 3/2X.
 7. INFILTRATION PLANTER. SEE DETAIL 4/2X.
 8. HANDICAP RAMP. SEE DETAIL 4/2X.
 9. DRIVE THRU WINDOW.
 10. ASPHALT DRIVE THRU. SEE DETAIL 7/2X.
 11. INSTALL HANDICAP SIGN. SEE DETAIL 2/2X.
 12. FINISH BENCH COORDINATE WITH ARCHITECTURAL AND ELECTRICAL PLANS.
 13. MOW BENCH COORDINATE WITH ARCHITECTURAL AND ELECTRICAL PLANS.
 14. CLEARANCE DIM. COORDINATE WITH ARCHITECTURAL PLANS.

- LEGEND**
- VERTICAL CURB
 - DRIVE THRU WINDOW
 - GRASS INFILTRATION
 - DRIVE THRU WINDOW
 - LIMIT OF WORK AREA (LIMIT OF WORK IS SHOWN BY DASHED)



SITE DATA (WITHIN LIMIT OF WORK)
 SITE AREA: 6,520 SF
 LANDSCAPE AREA: 1,054 SF
 BUILDING FOOTPRINT: 3,283 SF

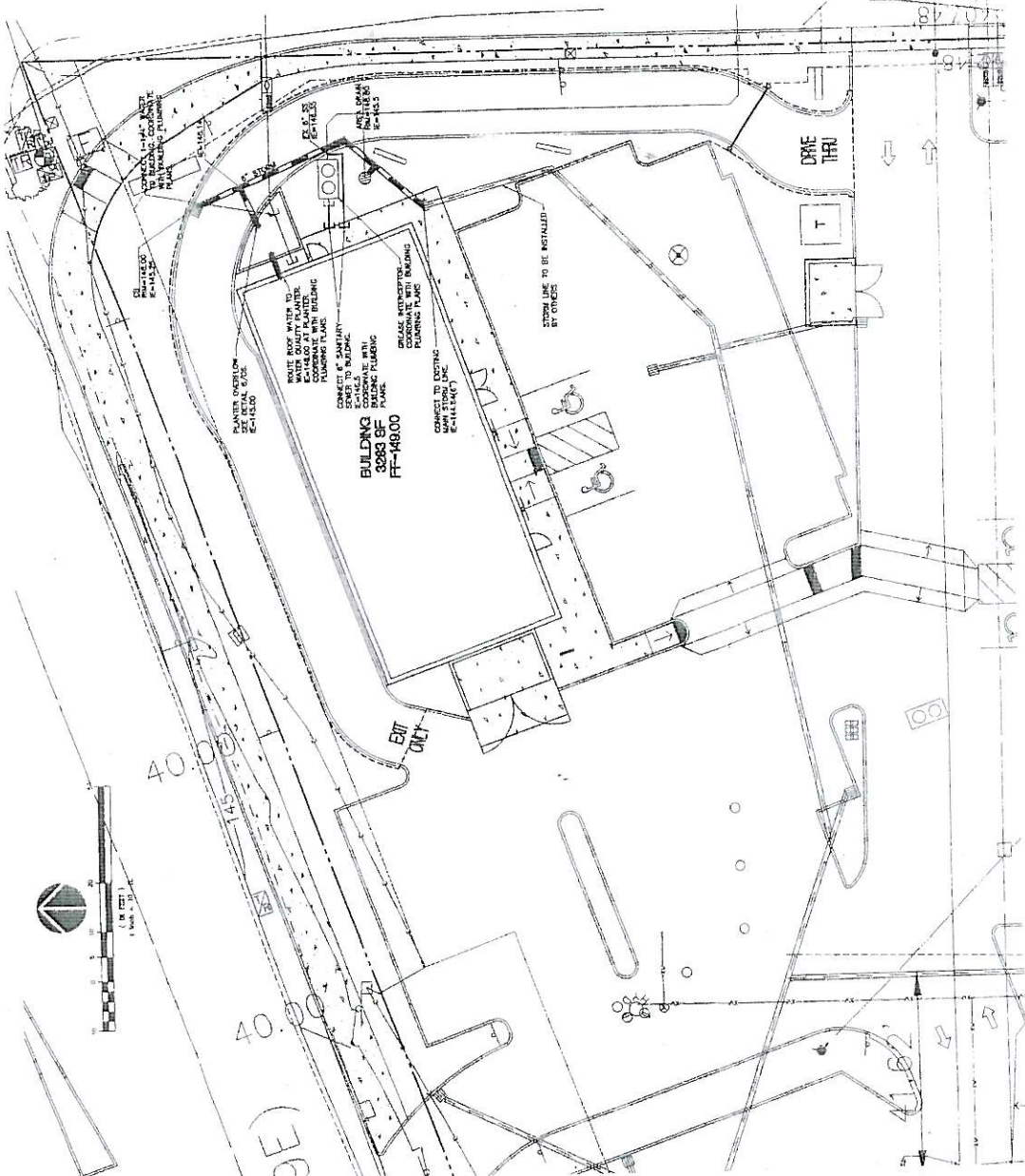


UTILITY NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF ANCHORAGE, ALASKA, AND THE CURRENT EDITION OF THE INTERNATIONAL PLUMBING AND MECHANICAL CODE (IMC) AND THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) CODE.
2. THE WORKING DRAWINGS AND SPECIFICATIONS SHALL BE KEPT ON SITE AT ALL TIMES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF ANCHORAGE, ALASKA, AND THE STATE OF ALASKA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF ANCHORAGE, ALASKA, AND THE STATE OF ALASKA.
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13. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF ANCHORAGE, ALASKA, AND THE CURRENT EDITION OF THE INTERNATIONAL PLUMBING AND MECHANICAL CODE (IMC) AND THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) CODE.

LEGEND

	VERTICAL CASS
	EXISTING SEWER
	PROPOSED SEWER
	DOMESTIC WATER LINE
	SANITARY SEWER LINE
	STORM LINE
	PROPOSED CATCH BASIN
	PROPOSED AREA DRAIN



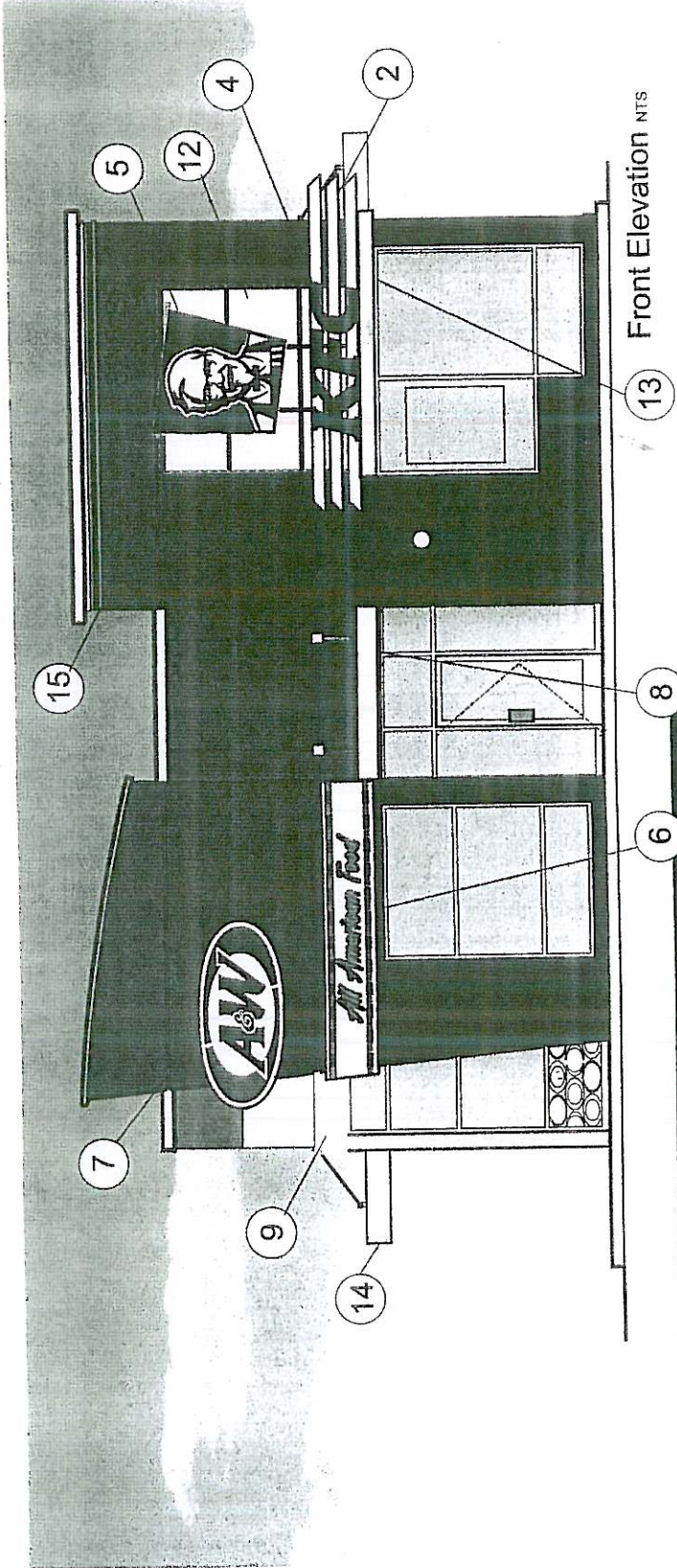
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REVISIONS

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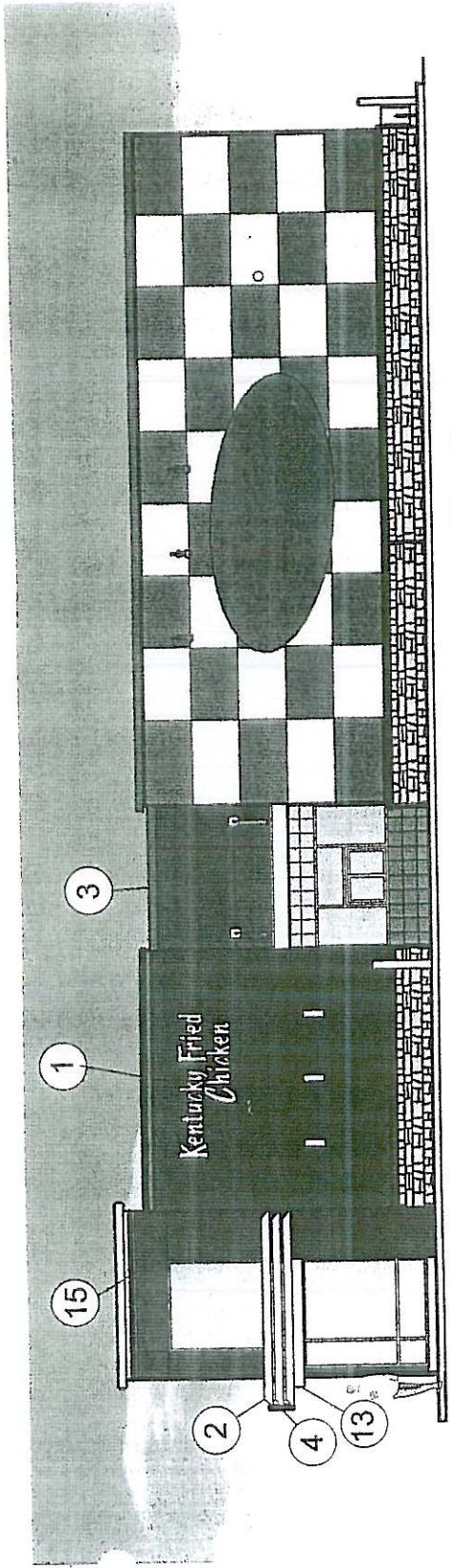
Date: Feb 21, 07
No.
Sales Person: Kevin
Designer: JG
Customer Approval:
Date:



Front Elevation NTS

Part #	Description	SO. FT.	Size	Quantity
1	Kentucky Fried Chicken channel letters	36.5 SF	3' 10" x 9' 4"	1
2	White louvers - 2 sections		14'2" and 13'5" sections	1
3	Drive Thru Metal Canopy		9' 10" x 4'	1
4	KFC Channel letter Sign	7 SF	24" x 6' 4.3/8"	1
5	KFC Bucket Sign - right leaning	32 SF	5' 5" x 5' 11 1/8"	1
6	All American Food face sign	23 SF	2' 2" x 12' 6"	1
7	A&W oval sign	27 SF	8' 0" x 3' 8"	1
8	Entrance Metal Canopy		7' 4" x 4' 0"	1
9	A&W Metal Canopy with LED strips		26' and 7' 7"	1
10	Entry Metal Canopy		9' 10" x 4' 0"	1
11	Kentucky Fried Chicken channel letters	36.5 SF	2' 0" x 16' 6"	1
12	Lexan Background Panel		11' 0"	1
13	Transom Light Box		8' 11", 11' 0"	2
14	Expression Ledge		22' 0"	1
15	LED Strip			2

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Right Side Elevation NTS

REVISIONS

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- 6.

Date: Feb 21, 07

No.

Sales Person: Kevin

Designer: JG

Customer Approval:

Date:

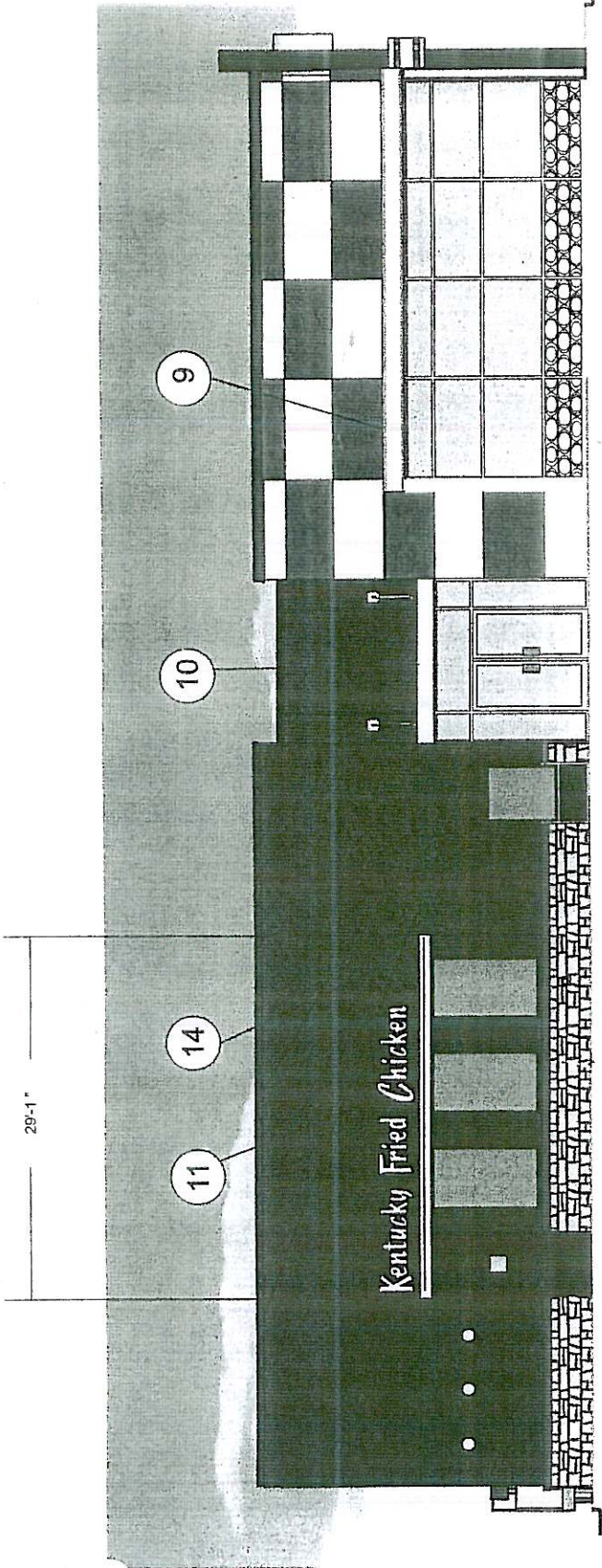
Page 2 of 16

Part #	Description	SQ. FT.	Size	Quantity
1	Kentucky Fried Chicken channel letters	36.5 SF	3' 10" x 9' 4"	1
2	White louvers - 2 sections		14'2" and 13'5" sections	1
3	Drive Thru Metal Canopy		9' 10" x 4'	1
4	KFC Channel Letter Sign	7 SF	24" x 6' 4 3/8"	1
5	KFC Bucket Sign - right leaning	32 SF	5' 5" x 5' 11 1/8"	1
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7	A&W oval sign	27 SF	8' 0" x 3' 8"	1
8	Entrance Metal Canopy		7' 4" x 4' 0"	1
9	A&W Metal Canopy with LED strips		26' and 7' 7"	1
10	Entry Metal Canopy		9' 10" x 4' 0"	1
11	Kentucky Fried Chicken channel letters	36.5 SF	2' 0" x 16' 6"	1
12	Lexan Background Panel		11' 0"	1
13	Transom Light Box		8' 11" x 11' 0"	2
14	Expression Ledge		22' 0"	1
15	LED Strip			2

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REVISIONS

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.



Left Side Elevation NTS

Part #	Description	SQ. FT.	Size	Quantity
1	Kentucky Fried Chicken channel letters	36.5 SF	3' 10" x 9' 4"	1
2	White louvers - 2 sections		14'2" and 13'5" sections	1
3	Drive Thru Metal Canopy		9' 10" x 4'	1
4	KFC Channel letter Sign	7 SF	24" x 6' 4 3/8"	1
5	KFC Bucket Sign - right leaning	32 SF	5' 5" x 5' 11 1/8"	1
6	All American Food face sign	23 SF	2' 2" x 12' 6"	1
7	A&W oval sign	27 SF	6' 0" x 3' 8"	1
8	Entrance Metal Canopy		7' 4" x 4' 0"	1
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12	Lexan Background Panel		11' 0"	1
13	Transom Light Box		8' 11" x 11' 0"	2
14	Expression Ledge		22' 0"	1
15	LED Strip			2

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Picture 1



Picture 2



Picture 3



CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

ATE: April 30, 2007

- TO:
- FIRE
 - POLICE
 - PUBLIC WORKS
 - CANBY ELECTRIC
 - CANBY WATER
 - WWTP - Darvin Trammel
 - WWTP - Jeff Crowther
 - CITY ENGINEER
 - CTA
 - NW NATURAL
 - WILLAMETTE BROADBAND
 - CANBY DISPOSAL
 - CITY ATTORNEY
 - BIKE AND PEDESTRIAN COMM
 - PGE
 - CANBY POST OFFICE
 - CLACKAMAS COUNTY ASSESSOR
 - CLACKAMAS COUNTY 911
 - CLACKAMAS COUNTY TRANSPORTATION
 - TRAFFIC SAFETY COMMITTEE
 - CLACKAMAS COUNTY
 - CANBY SCHOOL DISTRICT
 - OREGON DEPT. TRANSPORTATION
 - ODOT/REGION 1/DIST 2B
 - STATE OF OREGON/REVENUE
 - CANBY BUSINESS REVITALIZATION
 - PARKS AND RECREATION
 - CITY TRANSPORTATION ENGINEER
 - BUILDING OFFICIAL
 - OTHER _____

The City has received DR 07-03, an application from Northwest Restaurants, Inc. requesting a site and design review to build a Kentucky Fried Chicken and A&W restaurant. The property is zoned C-M (Heavy Commercial/Manufacturing). The property is located at 1101 SW 1st Avenue.

Please review the enclosed application and return comments to Kevin Cook by Friday, May 11, 2007. 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: Brian Va Swardley Date: 5-08-07

Title: Engineering Supervisor Agency: NW Natural



CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: April 30, 2007

- 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 | <input type="checkbox"/> CLACKAMAS COUNTY 911 |
| <input type="checkbox"/> CANBY ELECTRIC | <input type="checkbox"/> CLACKAMAS COUNTY TRANSPORTATION |
| <input type="checkbox"/> CANBY WATER | <input type="checkbox"/> TRAFFIC SAFETY COMMITTEE |
| <input type="checkbox"/> WWTP - Darwin Trammel | <input type="checkbox"/> CLACKAMAS COUNTY |
| <input type="checkbox"/> WWTP - Jeff Crowther | <input type="checkbox"/> CANBY SCHOOL DISTRICT |
| <input type="checkbox"/> CITY ENGINEER | <input type="checkbox"/> OREGON DEPT. TRANSPORTATION |
| <input type="checkbox"/> CTA | <input type="checkbox"/> ODOT/REGION 1/DIST 2B |
| <input type="checkbox"/> NW NATURAL | <input type="checkbox"/> STATE OF OREGON/REVENUE |
| <input type="checkbox"/> WILLAMETTE BROADBAND | <input type="checkbox"/> CANBY BUSINESS REVITALIZATION |
| <input type="checkbox"/> CANBY DISPOSAL | <input type="checkbox"/> PARKS AND RECREATION |
| <input type="checkbox"/> CITY ATTORNEY | <input type="checkbox"/> CITY TRANSPORTATION ENGINEER |
| <input type="checkbox"/> BIKE AND PEDESTRIAN COMM | <input type="checkbox"/> BUILDING OFFICIAL |
| <input type="checkbox"/> PGE | <input type="checkbox"/> OTHER _____ |

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Please review the enclosed application and return comments to Kevin Cook by Friday, May 11, 2007. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

No problems noted @ this time

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: *Patricia [unclear]* Date: 5/2/07

Title: Water Dept. Foreman Agency: Canby City Utilities

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

ATE: April 30, 2007

- TO:
- FIRE
 - POLICE
 - PUBLIC WORKS
 - CANBY ELECTRIC
 - CANBY WATER
 - WWTP - Darwin Trammel
 - WWTP - Jeff Crowther
 - CITY ENGINEER
 - CTA
 - NW NATURAL
 - WILLAMETTE BROADBAND
 - CANBY DISPOSAL
 - CITY ATTORNEY
 - BIKE AND PEDESTRIAN COMM
 - PGE
 - CANBY POST OFFICE
 - CLACKAMAS COUNTY ASSESSOR
 - CLACKAMAS COUNTY 911
 - CLACKAMAS COUNTY TRANSPORTATION
 - TRAFFIC SAFETY COMMITTEE
 - CLACKAMAS COUNTY
 - CANBY SCHOOL DISTRICT
 - OREGON DEPT. TRANSPORTATION
 - ODOT/REGION 1/DIST 2B
 - STATE OF OREGON/REVENUE
 - CANBY BUSINESS REVITALIZATION
 - PARKS AND RECREATION
 - CITY TRANSPORTATION ENGINEER
 - BUILDING OFFICIAL
 - OTHER _____

MAY 02 2007

The City has received DR 07-03, an application from Northwest Restaurants, Inc. requesting a site and design review to build a Kentucky Fried Chicken and A&W restaurant. The property is zoned C-M (Heavy Commercial/Manufacturing). The property is located at 1101 SW 1st Avenue.

Please review the enclosed application and return comments to Kevin Cook by Friday, May 11, 2007. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

APPROVAL OF THIS APPLICATION SHOULD BE CONTINGENT TO THE APPROVED PLANS FOR CANBY PLACE DEVELOPMENT TO INCLUDE

COMPLETION OF THE OFF-SITE IMPROVEMENTS ON HWY 99E AND S. BERG PARKWAY.

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: [Handwritten Signature] Date: MAY 3, 2007

Title: PROJECT ENGINEER Agency: CURRAN-MCLEOD, INC

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

[503] 266-7001

FAX 266-1574

P.O. Box 930, Canby, OR 97013

DATE: April 30, 2007

- TO:
- FIRE
 - POLICE
 - PUBLIC WORKS
 - CANBY ELECTRIC
 - CANBY WATER
 - WWTP - Darvin Trammel
 - WWTP - Jeff Crowther
 - CITY ENGINEER
 - CTA
 - NW NATURAL
 - WILLAMETTE BROADBAND
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 - OTHER _____

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Please review the enclosed application and return comments to Kevin Cook by Friday, May 11, 2007. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

Limited electrical information has been provided, however
we have extended infrastructure to serve this project

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: [Signature] Date: 5-2-07

Title: Line Foreman Agency: Canby Utility Elect.

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: April 30, 2007

- 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 | <input type="checkbox"/> CLACKAMAS COUNTY 911 |
| <input type="checkbox"/> CANBY ELECTRIC | <input type="checkbox"/> CLACKAMAS COUNTY TRANSPORTATION |
| <input type="checkbox"/> CANBY WATER | <input type="checkbox"/> TRAFFIC SAFETY COMMITTEE |
| <input type="checkbox"/> WWTP - Darvin Trammel | <input type="checkbox"/> CLACKAMAS COUNTY |
| <input type="checkbox"/> WWTP - Jeff Crowther | <input type="checkbox"/> CANBY SCHOOL DISTRICT |
| <input type="checkbox"/> CITY ENGINEER | <input type="checkbox"/> OREGON DEPT. TRANSPORTATION |
| <input type="checkbox"/> CTA | <input type="checkbox"/> ODOT/REGION 1/DIST 2B |
| <input type="checkbox"/> NW NATURAL | <input type="checkbox"/> STATE OF OREGON/REVENUE |
| <input type="checkbox"/> WILLAMETTE BROADBAND | <input type="checkbox"/> CANBY BUSINESS REVITALIZATION |
| <input type="checkbox"/> CANBY DISPOSAL | <input type="checkbox"/> PARKS AND RECREATION |
| <input type="checkbox"/> CITY ATTORNEY | <input type="checkbox"/> CITY TRANSPORTATION ENGINEER |
| <input type="checkbox"/> BIKE AND PEDESTRIAN COMM | <input type="checkbox"/> BUILDING OFFICIAL |
| <input type="checkbox"/> PGE | <input type="checkbox"/> OTHER _____ |

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Please review the enclosed application and return comments to Kevin Cook by Friday, May 11, 2007. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

SEE ATTACHED COMMENTS

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: 10 MAY '07

Title: ENGINEERING ANALYST

Agency: LANCASTER ENGINEERING



FAX COVER PAGE

To: Kevin Cook

Phone: 503.266.7001
Fax: 503.266.1574

From: Catriona Sumrain *CS*

Date: May 10, 2007

Number of Pages (including this cover): 2

Subject: Request for Comments – DR 07-03 (Northwest Restaurants)

Kevin:

We have reviewed the site plan for the proposed KFC/A & W restaurant in Canby Place and have the following comments.

The site plan provides adequate circulation throughout the site.

Although the traffic study underestimated the impact of the developments in Canby Place, the study did show that there were no safety issues identified at the site driveways. In addition, the study showed the site driveways and the Berg Parkway/Highway 99E intersection had more than sufficient capacity to accommodate site trips.

We do not recommend mitigation or conditions for the proposed development.

CS

From: "KAZEN Sonya B" <Sonya.B.KAZEN@odot.state.or.us>
To: "Kevin Cook" <CookK@ci.canby.or.us>
Date: 1/11/07 2:07PM
Subject: RE: Burger King/A&W-KFC and Canby Place

Hi Kevin - Thanks for looking this up, it is consistent with our review of Canby Place. Since ODOT only allowed a right in driveway from OR 99E and Canby Place constructed an eastbound right turn lane, I don't think ODOT would require a traffic study as the future KFC wouldn't be a "change of use" of the permit. However, City might want to have them provide a revised study for KFC is there are any questions about the operation of the approaches on Berg Parkway.

(Did A&W and KFC merge or something? I guess I'm not up on fast food corporate goin's on.)

Regards,

Sonya Kazen, Senior Planner
 ODOT Region 1
 123 NW Flanders Street
 Portland, Oregon 97209
 503.731.8282
 503.731.8259 (fax)

-----Original Message-----

From: Kevin Cook [mailto:CookK@ci.canby.or.us]
 Sent: Thursday, January 11, 2007 1:25 PM
 To: KAZEN Sonya B
 Subject: Burger King

Hi Sonya,

Here's the scoop on Canby Place / Burger King. Canby Place will consist of 3 buildings. Building C is approved as a 11,570 sq. ft. multi-tenant retail building and construction is underway.

Buildings A and B have approvals for their building pads only and need to go through the City's Design Review process prior to any permits.

Burger King has applied for Design Review approval for Building B. The original traffic study assumed up to a 3280 sq. ft. drive up restaurant. BK is proposing under 3000 sq. ft.

Building A has not yet applied for Design Review approval. Building A is intended to be an A&W/KFC drive-through restaurant and the pad can accommodate building with a building footprint slightly over 3000 sq. ft.

Based on our conversation yesterday, it seems reasonable to not require a study for BK since a fast-food drive-through was covered in the original study. But you would like to see a study for the A&W/KFC when they apply for their Design Review. Please confirm.

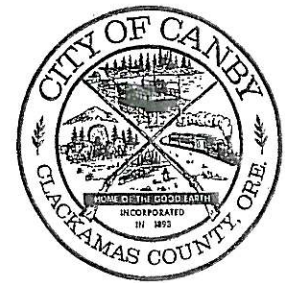


I have also attached a portion of the traffic study that was completed by Group Mackenzie for the original Canby Place application in case you don't have easy access to ODOT's copy...

Take care.

Kevin Cook, Associate Planner
City of Canby, Community Development
170 NW 2nd Ave
PO Box 930
Canby, OR 97013
Phone: 503-266-9404
Fax: 503-266-1574
www.ci.canby.or.us

CC: "GRASSMAN Jason M" <Jason.M.GRASSMAN@odot.state.or.us>, "JENSVOLD Martin R" <Martin.R.JENSVOLD@odot.state.or.us>



Pre-Application Meeting

KENTUCKY FRIED CHICKEN AND A/W RESTAURANTS

March 27, 2007

10:30 am

Attended by:

Terry Smith, NW Natural Gas, 503-585-6611
Dick Leagjeld, Leagjeld Construction, 503-620-7990
Gary Stockwell, CU Electric Dept, 503-263-4307
Darvin Tramel, Waste Water Treatment Plant, 503-266-4021
Kevin Cook, Planning Department, 503-266-7001

Adam Sibert, NW Restaurants, 206-851-5095
Todd Gary, Canby Fire District, 503-266-5851
Pat Thurston, CU Water Distribution Dept, 503-263-4309
Roy Hester, Public Works Dept, 503-266-4021

This document is for preliminary use only and is not a contractual document.

NW RESTAURANTS, Adam Sibert

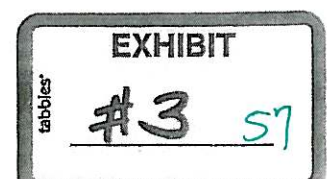
- This will be a quick service restaurant with a drive through. This will represent KFC (Kentucky Fried Chicken) and A/W All American Food. The building will seat 60 people and is located in the Canby Place Commercial Complex.

CITY OF CANBY, PUBLIC WORKS DEPARTMENT, Roy Hester

- The sewers as you know have already been ran into the site, so all you have to do is hook up to the grease interceptor and keep everything open before you backfill because we need to inspect it. Darvin will inspect the interceptor and we will inspect all the lines. Make sure you have the interceptor filled and the lines when we come out to inspect.
- Make sure all your contractors and sub-contractors have City business licenses.
- You will need to apply for an Erosion Control Application for this building and the landscape around your building.
- We would like you to provide us with a schedule when you are going to pump the interceptor and send it to Darvin at the sewer plant. This will help Darvin make sure you stay on schedule.
- On your plans you have a Maple tree by the grease interceptor and this will not be allowed. No trees will be planted within 10' of any sewer line. You can have low shrubs, but no trees because the sewer line is shallow in this area.
- Just for your information, the Berg Parkway Extension is going out for bids on Friday, March 30th. Hopefully you can get this done before we start our project.

CITY OF CANBY, WASTE WATER TREATMENT PLANT, Darvin Tramel

- Darvin told the representative for the restaurant that they will need to fill out the Waste Water Treatment Discharge Packet. You will need to have this filled out prior to getting a business license. The faster you get this to us the less hang up you will have getting your business license.
- Darvin asked the representative how many meals you will serve in a day. They said they would get back to him with the information.



NW NATURAL GAS, Terry Smith

- We have a 2" gas main on the 99E side of this project in the easement. We will service you off the 2" main.
- You will need to apply for a gas service (Terry handed out a business card to Adam for him to call for a gas service); we do require that you have the address for the building, a list of all the equipment that will be using gas and btu's for each one. Once I get the paperwork I will coordinate with you on getting a service to your building. You provide the trenching.

CANBY UTILITY, ELECTRIC DEPARTMENT, Gary Stockwell

- We have conduits stubbed to the site to the existing transformer. What I am going to need from you is a site plan showing me where your proposed meter location will be. I will need a load summary from you and included with that a demand history from a like restaurant in the area. This will help in my calculations.
- The contractor you hire will be responsible for a trench, we will install the conduit and pull the wire up to within 5 feet of the building and he will give me the connecting ducts out of the CT cans. Dick stated to Gary that he will set the CT cans, roll the elbows out and take it from there and you will pull the wire back into the CT can. Gary stated that is correct.
- When you have chosen your electrician he can call me and we can discuss the service requirements. When you give me your information your electrician is going to need to know the AIC fault current and I will calculate that and give them to him. I will also be able to figure out what your fee for service will be.

CANBY UTILITY, WATER DISTRIBUTION DEPARTMENT, Pat Thurston

- The infrastructure for Canby Place was completed by Yorke and Curtis, and I assume you will want a 1-1/2" water meter. The system development charge (SDC) is \$10,731.00 and for the meter to be set in, it will cost you \$275.00 drop in fee.
- The water is stubbed in at a meter box next to a light pole. The box still has to be set appropriately, because the sidewalk had not been designated at the time.

CANBY FIRE DISTRICT, DEPUTY FIRE MARSHALL, Todd Gary

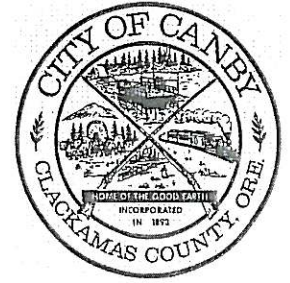
- The Fire, Life and Safety was completed by Clackamas County. We will do the trip tests on the hoods after they have been installed.
- One of the challenges to this site is keeping the entry ways open because we have the gate in the back that goes to SR Smith and this is an emergency access to their office. That doesn't mean you cannot use that spot for a short period, but we don't want the cement or dump truck drivers park there and go to lunch or something to that effect. We need to make sure that stays open.

CITY OF CANBY, PLANNING DEPARTMENT, Kevin Cook

- Basically this will be a simple Site & Design Review because Canby Place has already been approved previously by the Planning Commission with a modification allowing for rearranged parking. What you have on your plans matches what was approved. You will need to submit your Site and Design Review application, we will review it and it should go pretty quick because of the completeness. We have a Design Review Matrix which you should look it over and score yourself. Essentially what we are really looking at is the

elevations of the exterior of the building because your landscaping has already been approved.

- The Planning Commission meets the 2nd and 4th Monday's of each month. We should be able to get you on the agenda fairly quickly barring anything unforeseen. Once you are through the Planning Commission's initial meeting the following meeting they have will be to approve your written findings. After that we you will need to have a pre-construction meeting much like this meeting.
- We have the developers bring in a final set of construction plans with a signature block we will furnish you and have all the utility providers sign. Once it is signed you will need to make the appropriate copies from the signature block and distribute the copied plans. This will ensure all the entities are working off the same set of construction plans. This is a requirement before we issue building permits.
- You will need to do all the labels for the neighboring companies. Kevin stated that they do not have to do a neighborhood meeting per John Williams; the Planning Director that is was not needed for this area.
- The minutes from this meeting will be forwarded to you.
- You will need to have a traffic study completed. I understand you are working with Group Mackenzie to get that done. The answer was yes. Lancaster Engineering and ODOT have will provide the scope. This report will go along with our staff report. We also need to have ODOT response to this traffic study.



BEFORE THE PLANNING COMMISSION
OF THE
CITY OF CANBY

AN APPLICATION TO PARTITION) FINDINGS, CONCLUSIONS & FINAL ORDER
ONE 27,131 SQUARE FOOT) MLP 07-03
RESIDENTIAL PARCEL INTO) (Kimco – 371 SE 13th Place)
THREE PARCELS)

NATURE OF APPLICATION

The applicant is proposing to partition one 27,131 square foot lot into three (3) Parcels. Parcel one (northwest) would be 9,721 square feet, Parcel two (southwest) would be 7,740 square feet. Parcel 3 (east) would be 9,668 square feet. There is an existing residence that would remain on proposed Lot 1. There is a detached garage with driveway currently located on proposed Lot 2; the applicant proposes to remove the garage and relocate the driveway farther south.

HEARINGS

The Planning Commission held a public hearing to consider this application on May 15, 2007.

CRITERIA AND STANDARDS

This is a quasi-judicial land use application. In judging whether a Minor Land Partition should be approved, the Planning Commission must consider the following standards:

- A. Conformance with the text and the applicable maps of the Comprehensive Plan;
- B. Conformance with all other requirements of the Land Development and Planning Ordinance;
- C. The overall design and arrangement of parcels shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of the adjacent properties;
- D. In no case shall the use of a private road be approved for the partitioning unless it is found that adequate assurance has been provided for year-round maintenance sufficient to allow for unhindered use by emergency vehicles, and unless it is found that the construction of a street to City standards is not necessary to insure safe and efficient access to the parcels; 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 land division.

FINDINGS AND REASONS

The Planning Commission deliberated on all testimony presented at the May 15, 2007 public hearing, including the May 2, 2007 staff report. The Planning Commission hereby accepts and incorporates the findings in the May 2, 2007 staff report.

CONCLUSION

Based on the Staff Report and Commission deliberation, the Planning Commission concludes that:

1. The partition request, with appropriate conditions, is considered to be in conformance with the Comprehensive Plan and the Municipal Code.
2. The partition request, with appropriate conditions, the overall design and arrangement of the proposed parcels are functional; utility easements and access facilities necessary for development of the subject property can be provided without unduly hindering the use or development of adjacent properties.
3. No private roads will be created.
4. Necessary public services will become available through the development of the property to adequately meet the needs of the proposed partition.

ORDER

IT IS ORDERED by the Planning Commission of the City of Canby that MLP 07-03 is APPROVED subject to the following conditions:

For the Final Plat:

1. The final plat shall reference the following land use application: City of Canby, File No. MLP 07-03 and shall be registered with the Clackamas County Surveyor's Office and recorded with the Clackamas County Clerk's Office. Evidence of this shall be provided to the City of Canby Planning Department prior to the issuance of building permits.
2. Twelve (12) foot utility easements shall be provided along street lot lines or as otherwise required by the Canby Utility Board and the Canby Public Works Department.
3. Prior to the signing of the final plat, the land divider shall follow the provisions of Section 16.64.070 Improvements in particular, but not limited to, subparagraph (O) Bonds, which requires a surety bond, personal bond, or cash bond for any required improvement not completed prior to the signing of the final plat. The bond shall provide for the City to complete the required improvements and recover the full cost of the improvements.
4. Prior to occupancy of any new dwelling, there shall be a minimum of one street tree per street frontage on each new lot including Lot 1.
5. Prior to the issuance of building permits for new dwellings, a pre-construction meeting shall be held prior to any site work and/or construction. Twelve copies of the construction plans shall be given to the City for review and approval by Canby Utility, Canby Telephone, Willamette Broadband, the City, and other required utility providers prior to the pre-construction meeting. The construction plans shall reflect all conditions of approval and shall include, as appropriate, the plans for street design, storm water, sewer, water, fire hydrants, electric, cable, telephone, natural gas, street lights, and mail boxes.
6. After completion of a pre-construction meeting, the applicant shall provide a revised set of construction plans to be signed by all affected agencies and City departments as determined by the Planning Dept. No building permits shall be issued until the required signed construction set is submitted to and accepted by the Planning Department.
7. Newly constructed residences shall comply with Infill Home Standards through the building permit approval process. The building permit application shall include the distances from lot lines to neighboring residences as well as existing heights of the neighboring buildings.

8. As part of construction, an erosion control permit is required. All City erosion control regulations shall be followed during construction as specified by the Canby Municipal Code.
9. As part of construction, the applicant shall construct an approved curb cut and approach apron at the drive entrance to each parcel. Driveways shall be installed at the locations shown on the approved site plan. Driveway widths shall be as shown on the approved site plan. Approach aprons, curb-cuts, and sidewalk work shall be inspected and improved by the Canby Public Works Department.
10. The final plat must be submitted to the City within one (1) year of the approval of the preliminary in accordance with Section 16.68.020.
11. Approval of this partition will be null and void if the final plat is not submitted to the County within six (6) months after signing of the plat by the City (Section 16.68.070).
12. Any relocation of existing utilities required due to construction of the development shall be done at the expense of the applicant.
13. A new deed and legal description for the proposed parcels shall be prepared and recorded with the Clackamas County Clerk. A copy of the new deeds shall be provided to the Canby Planning Department.
14. An acceptable storm water plan shall be approved by the Canby Public Works Department and if required, the Oregon Department of Environmental Quality.
15. The site approval as acted upon by the Commission shall be binding upon the developer and variations from the plan shall be subject to approval by the Commission.

I CERTIFY THAT THIS ORDER approving MLP 07-03 was presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 11th day of June, 2007.

James R. Brown, Chairman
Canby Planning Commission

Kevin C. Cook
Associate Planner

ATTEST:

ORAL DECISION – May 14, 2007

AYES: Brown, Ewert, Holte, Milne, Molamphy, Taylor

NOES: None

ABSTAIN: None

ABSENT: None

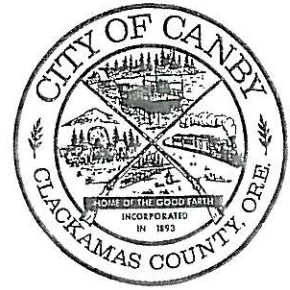
WRITTEN DECISION – June 11, 2007

AYES:

NOES:

ABSTAIN:

ABSENT:



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

**A REQUEST FOR SITE AND DESIGN) FINDINGS, CONCLUSION & FINAL ORDER
REVIEW AND CONDITIONAL USE)
APPROVAL FOR EXPANSION TO) DR 07-01/CUP 07-01
CANBY HIGH SCHOOL) (CANBY HIGH SCHOOL)**

NATURE OF APPLICATION

The Canby School District has proposed a 17,500 sq. ft. expansion to Canby High School. The School District plans the expansion on 2.1 acres of land formerly occupied by the First Student bus yard. The property is located directly across 4th Avenue from Canby High School's main entrance. The proposal includes vacating the western 650 feet of SW 4th Avenue. The plans call for a new 10,000 sq. ft. building, parking area and student plaza area. The new building is proposed to house additional instructional space, counseling, and administrative offices. The proposed design separates buses and cars and creates new visitor parking to the west. The plan includes a canopy over a portion of the plaza area; the canopy may be added at a later date depending on project costs.

CRITERIA AND STANDARDS FOR SITE AND DESIGN REVIEW

In judging whether or not a Site and Design Review application shall be approved, the Planning Commission shall weigh the proposal's positive and negative features that would result from authorizing the particular development at the proposed location and, to approve such use, shall find that the following criteria are either met, can be met by the application 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; and

**Conclusion and Final Order
DR 07-01
CUP 07-01
Page 1 of 8**

- 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.
 - D. The Board shall, in making its determination of compliance with subsections B and C above, use the Design Review matrix outlined in Section 16.35 to determine "compatibility". An application is considered to be "compatible", regarding subsections B and C above, if the minimum score in each category is met for the entire development.
 - 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.

CRITERIA AND STANDARDS FOR CONDITIONAL USE

In judging whether or not a conditional use permit shall be approved, the Planning Commission shall weigh the proposal's positive and negative features that would result from authorizing the particular development at the proposed location and, to approve such use, shall find that the following criteria are either met, can be met by the application of conditions, or are not applicable.

- A. The proposal will be consistent with the policies of the Comprehensive Plan and the requirements of this title and other applicable policies of the City.
- 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.

FINDINGS AND REASONS

The Planning Commission, after holding a public hearing on May 14, 2007 and considering the May 3, 2007 staff report deliberated and reached a decision approving the applicant's request for site and design review and conditional use. The Commission discussed the layout and design of the site and adopted the findings and conclusions contained in the May 3, 2007 staff report, with conditions modified as written in the Order below and the following supplemental findings:

- The Commission finds that the design of the proposed double-stacked bus loading area could make emergency service response to this area difficult. Condition #25 requires the development of an emergency plan and is necessary in order to ensure that all required public facilities and services become available to the development.
- The Commission finds that additional review of the design and impacts of a potential westbound turn lane is required. Condition #21 has been modified from staff's original proposal to require additional review by staff and the Planning Commission. This is necessary in order to ensure that all required public facilities and service become available to the development.

CONCLUSION REGARDING SITE AND DESIGN REVIEW

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

- 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 structures and signs are 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 staff allocated a minimum or higher number of points per category on the design review matrix; and
- 1E. All required public facilities and services exist or can be made available to adequately meet the

67

- 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 not increase the cost of housing in Canby.
 4. The property owner is not applying to remove street trees.

CONCLUSION REGARDING CONDITIONAL USE

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

- A. The proposal will be consistent with the policies of the Comprehensive Plan and the requirements of this title and other applicable policies of the City.
- 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.

ORDER

IT IS ORDERED BY THE PLANNING COMMISSION of the City of Canby that **DR 07-01/CUP 07-01** is approved, subject to the following conditions:

1. Approval of this plan is contingent upon approval of the proposed right-of-way vacation of SW 4th Avenue. No building permits and/or utility work shall be permitted prior to the approval of the proposed right-of-way vacation (final recordation of Ordinance 1239 vacating right-of-way). If the proposed right-of-way vacation is not approved, this Site and Design Review approval shall be null and void.
2. Prior to the issuance of a building permit and/or any site work other than rough site grading, the design, location, and planned installation of all utilities, including but not limited to water, electric, sanitary sewer, natural gas, telephone, and cable television shall be approved by the appropriate utility provider.
3. Prior to the issuance of a building permit and/or any site work other than rough site grading, a pre-construction meeting shall be held. Twelve copies of the construction plans shall be given to the City for review and approval by Canby Utility, Canby Telephone, Willamette Broadband, the

Conclusion and Final Order
DR 07-01
CUP 07-01
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City, and other required utility providers prior to the pre-construction meeting. The construction plans shall reflect all conditions of approval and shall include, as appropriate, the plans for street design, storm water, sewer, water, fire hydrants, electric, cable, telephone, natural gas, street lights, and mail boxes.

4. After completion of the pre-construction meeting, the applicant shall provide a revised set of construction plans to be signed by all affected agencies and City departments as determined by the Planning Dept. No building permits nor any site work other than rough site grading shall be allowed until the required signed construction set is submitted to and accepted by the Planning Department.
5. A sign permit application shall be submitted for all proposed signs.
6. Exterior lighting is required to provide a minimum of 0.5 footcandles with a 4:1 uniformity ratio over the entire site. All site lighting shall be "hooded" or "cutoff" so as not to direct light skyward or towards any public road.
7. A detailed landscape construction plan shall be submitted with the building permit application. The detailed landscape plan shall show: the number of plants, plant spacing/location of planting, the type of plants, the size of plants, the schedule of planting, and irrigation plans. The landscape plan shall reflect the approved landscape plan submitted with the Design Review application.
8. The landscaping shall be planted at such a density so as to provide a minimum of 95% coverage of the landscape areas with vegetation within a 3-year time period. Bark mulch and similar material shall consist of not more than 5% of the total landscape area after the 3-year period. Trees are to be a minimum of 3-inch caliper.
9. Wheel stops shall not be required in areas where sidewalks are at least 8 feet in width and in areas where landscaping within 2 feet of the curb is limited to ground cover and will not be damaged by vehicle overhangs. Wheel stops shall be provided for all parking spaces located adjacent to landscaping or walkways that do not meet the above criteria. The wheel stops shall be placed 2 feet in front of the end space.
10. All sidewalks and access-ways shall be a minimum of five (5) feet in width.
11. Bicycle parking shall be located in a well-lit, secure location within 50 feet of the primary building entrance per CMC 16.10.100. Bicycle parking shall meet all other applicable criteria.
12. All stormwater shall be disposed of on site. Prior to the issuance of a building permit, the design of storm water facilities shall be approved by the City Engineer, the Public Works Department, and the Oregon Department of Environmental Quality. No building permits shall be issued prior to obtaining necessary approvals from DEQ for proposed stormwater facilities and/or discharges.

13. Prior to the issuance of a building permit, an erosion control permit is required. All City erosion control regulations shall be followed during construction as specified by the Canby Municipal Code.
14. Any relocation of existing utilities required due to construction of the development shall be done at the expense of the applicant.
15. ADA Ramps shall be provided as necessary as determined by the Public Works and Building Departments.
16. This approval is based upon the submitted site plan. Changes to this plan are subject to review and approval by the City through the City's approval modification process or through a new Design Review application.
17. Half-street improvements for the parcels full frontage along S. Birch St. and SE 2nd Ave. Full width improvements shall be made to portions of SW 4th Avenue that will remain within City right-of-way. Street improvements shall be completed to the satisfaction of the City Engineer and Public Works. Five-foot wide sidewalks shall be completed along all street frontages adjacent to the site.
18. The proposed future building addition will require separate review and approval by the Planning Commission.
19. Appropriate signage shall be installed at all private accesses. Directional signs indicating "bus only", "one way", "do not enter" and "end of publicly maintained street" shall be installed to the satisfaction of the Public Works Department. Additional, signage may be required by emergency service providers.
20. All public utilities and public sanitary sewer lines shall be placed within a utility easement. Additional utility easements shall be recorded for easements that would otherwise be located outside of an existing easement. Easement width and configuration is subject to approval by Canby Utility and the Canby Public Works Department.
21. A westbound left-turn lane shall be installed on SW 2nd Avenue at the bus-only entrance if required by the city. Left turn lane design is subject to the approval of the City Engineer, Public Works Department, and the Planning Department. The SW 2nd Avenue design plan shall be submitted to the Canby Planning Commission for review and approval prior to installation.
22. The new bus pick-up/drop-off area shall be designed to accommodate a minimum of sixteen buses in order to minimize the chance of a queue forming on SW 2nd Ave.
23. The applicant shall submit a landscape maintenance plan that provides for the regular pruning of low growing branches on trees; particularly those trees that could potentially conflict with the maneuverability of emergency service vehicles.

24. School busses shall not turn onto S Birch Street directly from Highway 99E; alternative routes shall be employed instead.
25. An emergency plan shall be submitted to the Planning Commission for review and approval; the plan shall indicate access to the school bus loading area and shall meet with the approval of the Canby Fire District.

I CERTIFY THAT THIS ORDER approving DR 07-01/CUP 07-01 was presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 11th day of June, 2007.

James R. Brown
Chairman, Canby Planning Commission

Kevin C. Cook
Associate Planner

ATTEST:

ORAL DECISION – May 14, 2007

AYES: Brown, Holte, Milne, Molamphy, Taylor

NOES: Ewert

ABSTAIN: None

ABSENT:

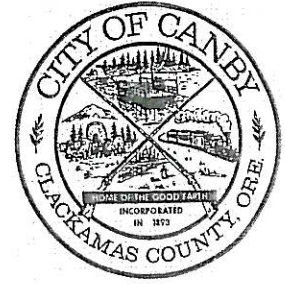
WRITTEN DECISION – June 11, 2007

AYES:

NOES:

ABSTAIN:

ABSENT:



BEFORE THE PLANNING COMMISSION
OF THE
CITY OF CANBY

AN APPLICATION TO PARTITION) FINDINGS, CONCLUSIONS & FINAL ORDER
ONE 9,975 SQUARE FOOT) MLP 07-05
RESIDENTIAL PARCEL INTO) (Williford/Schellenberg – 441 S Knott St.)
TWO PARCELS)

NATURE OF APPLICATION

The applicant is requesting approval to partition one 9,975 square foot parcel, zoned R-2 into two separate parcels. Parcel one would consist of 6,300 square feet and would retain the existing house. Parcel two would become a 3,675 square foot buildable lot.

The property is zoned R-2 (High Density Residential) with a Comprehensive Designation of R-2 also. All surrounding property contains the same R-2 designation both on the Current Zoning Map and the Comprehensive Plan Map.

Currently there is an existing flag lot located directly to the south of this proposed development. The applicant has provided a letter from the owner of that flag lot stating their intention of granting a reciprocal access easement to be recorded with the deed.

HEARINGS

The Planning Commission held a public hearing to consider this application on June 11, 2007.

CRITERIA AND STANDARDS

This is a quasi-judicial land use application. In judging whether a Minor Land Partition should be approved, the Planning Commission must consider the following standards:

- A. Conformance with the text and the applicable maps of the Comprehensive Plan;
- B. Conformance with all other requirements of the Land Development and Planning Ordinance;
- C. The overall design and arrangement of parcels shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of the adjacent properties;
- D. In no case shall the use of a private road be approved for the partitioning unless it is

found that adequate assurance has been provided for year-round maintenance sufficient to allow for unhindered use by emergency vehicles, and unless it is found that the construction of a street to City standards is not necessary to insure safe and efficient access to the parcels; 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 land division.

FINDINGS AND REASONS

The Planning Commission deliberated on all testimony presented at the June 11, 2007 public hearing, including the May 18, 2007 staff report. The Planning Commission hereby accepts and incorporates the findings in the May 18, 2007 staff report.

CONCLUSION

Based on the Staff Report and Commission deliberation, the Planning Commission concludes that:

1. The partition request, with appropriate conditions, is considered to be in conformance with the Comprehensive Plan and the Municipal Code.
2. The partition request, with appropriate conditions, the overall design and arrangement of the proposed parcels are functional; utility easements and access facilities necessary for development of the subject property can be provided without unduly hindering the use or development of adjacent properties.
3. No private roads will be created.
4. Necessary public services will become available through the development of the property to adequately meet the needs of the proposed partition.

ORDER

IT IS ORDERED by the Planning Commission of the City of Canby that **MLP 07-05** is APPROVED subject to the following conditions:

For the Final Plat:

1. A final partition plat illustrating the conditions of approval shall be submitted to the City Planner for review and approval. The final partition plat shall reference this land use application: **City of Canby File Number MLP 07-05**
2. The final partition plat shall be a surveyed plat map meeting all of the specifications required by the Clackamas County Surveyor. The final partition map shall be recorded with the Clackamas County Surveyor and with the Clackamas County Clerk; a final copy of the signed and recorded map shall be provided to the Canby Planning Department upon completion.
3. A new deed and legal description for the proposed parcels shall be prepared and recorded with the Clackamas County Clerk.
4. For any portion of the sidewalk that is located on private property, a public sidewalk easement must be recorded on the deed.
5. Prior to signing of the final plat a reciprocal access easement and maintenance agreement shall be recorded with the deed to provide access to parcel #2.
6. A copy of the new deeds shall be provided to the Canby Planning Department.
7. On the final plat, 12' (twelve foot) public utility easements shall be provided along the full frontage of S. Knott St. This easement shall state it is a PUE (Public Utility Easement).
8. Prior to the signing of the final plat a five (5) foot sidewalk inclusive of curb shall be constructed for the full frontage of the parent parcel along S. Knott St. Where mailboxes, fire hydrants or other obstructions are located at the curb, sidewalks shall swing away from the curb in order to remain unobstructed for a full five-foot width. Construction of the sidewalk shall be reviewed and approved by the Canby Public Works Department.
9. All monumentation and recording fees shall be borne by the applicant.
10. The final plat must be recorded with the Clackamas Surveyor within one (1) year of the preliminary plat approval in accordance with Canby Ordinance 16.60.060. Mylar copies of the final plat must be signed by the City Planning Department prior to recording the plat with Clackamas County.
11. Construction plans must be approved and signed by the City and all other utility/service providers prior to the issuance of a building or grading permit, installation of

public utilities or any other site work. The design, location, and planned installation of all utilities, including but not limited to water, electric, sanitary sewer, natural gas, telephone, and cable television is subject to approval by the appropriate utility/service provider. The City of Canby's reconstruction process procedures shall be followed.

12. The applicant is responsible for all costs associated with the relocation of utilities.
13. Prior to issuance of a building permit a stormwater permit shall be obtained from the State of Oregon, if required, by the Department of Environmental Quality (DEQ) or a letter stating no permit is necessary. An acceptable stormwater system plan shall be submitted to and approved by the Public Works Department.
14. Prior to the issuance of a building permit and/or site work, a pre-construction meeting may be required by the Planning Department.
15. All public improvements shall be completed or bonded for prior to signing of the final plat. Land divider shall follow the provisions of Section 16.60.020, which requires the improvements be guaranteed in a manner approved by the City Attorney for any improvement not completed prior to the signing of the final plat. A bond shall provide for the City to complete the required improvements and recover the full cost of the improvements.
16. Where applicable, newly constructed residences shall comply with Infill Home Standards through the building permit approval process. On lots bordering existing homes the building permit application shall include the distances from lot lines to neighboring residences as well as existing heights of the neighboring buildings.
17. Prior to the issuance of the Certificate of Occupancy the applicant is responsible for meeting all requirements imposed by the Canby Fire District.
18. A minimum of one street tree shall be required on the frontage of S. Knott St. If the location allows, the existing street tree could remain as the required street tree, if the installation of the half street improvements require the tree to be removed, one street tree (selected from the City approved tree list) will be required. Street trees shall be placed 11 feet behind the sidewalk.
19. The site approval as acted upon by the Commission shall be binding upon the developer and variations from the plan shall be subject to approval by the City.
20. An erosion control permit is required. All City erosion control regulations shall be followed during construction as specified by the Canby Municipal Code.
21. The developer must meet all requirements of the Fire Department regarding creating a turnaround on lot #2.

I CERTIFY THAT THIS ORDER approving MLP 07-04 was presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 11th day of June, 2007.

James R. Brown, Chairman
Canby Planning Commission

Carla Ahl
Planning Technician

ATTEST:

ORAL DECISION – June 11, 2007

AYES:

NOES: None

ABSTAIN: None

ABSENT: None

WRITTEN DECISION – June 11, 2007

AYES:

NOES: None

ABSTAIN: None

ABSENT: None

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – May 14, 2007
City Council Chambers – 155 NW 2nd Avenue

PRESENT: Chair Jim Brown, Vice Chair Dan Ewert, Commissioners John Molamphy, Janet Milne, Bruce Holte, and Jared Taylor

ABSENT: None

STAFF: John Williams, Community Development and Planning Director; Kevin Cook, Associate Planner; and Jill Thorn, Planning Staff

OTHERS PRESENT: Catriona Sumrain of Lancaster Engineering; Todd Mobley of Lancaster Engineering; Heinz Rudolf, Andy Rivinus, Cornell Anderson, Pat Johnson, Don Jeskey, Marty McCullough, Todd Anacher, Jeff Rasak, Debra Pearson, Deborah Sommer, Jack Gallagher, Sabino Arrendondo, Neil Thogerson and Mark Dane

I. CITIZEN INPUT None

II. PUBLIC HEARINGS

MLP 07-03 - 371 SE 13th Place - Kimco Properties – Minor land partition to divide Tax Lot 4100 of Map 4 1E 04DA into 3 new tax lots

Chair Brown 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, Commissioner Holte said he had talked with a realtor many months ago about the project; and none was stated by the remaining commissioners. No questions were asked of the Commissioners.

Kevin Cook presented the staff report. The applicant is proposing to partition one 27,131 square foot lot into three (3) Parcels. Parcel one (northwest) would be 9,721 square feet, Parcel two (southwest) would be 7,740 square feet. Parcel 3 (east) would be 9,668 square feet. There is an existing residence that would remain on proposed Lot 1. There is a detached garage with driveway currently located on proposed Lot 2; the applicant proposes to remove the garage and relocate the driveway farther south.

Applicant: Mark Dane of Blue Sky Planning represented the applicant. Mr. Dean stated that the applicant had no objections to the conditions as written.

Commissioner Holte said the site was not part of the homeowners association and future owners of the lots would not be able to use the pool unless they became members of the association.

Mr. Dane stated it was not the intent of the applicant to remove the large trees, especially the one on the property line but did not want a condition because the health of the tree was unknown at this time.

Commissioner Milne asked about two points in the information submitted by Susan Myers on behalf of Tofte Farms Home Owner Association regarding safety at the corner of 13th Place and Maple; and the buffering of the garage.

Mr. Dane responded that site does comply with vision clearance and felt that buffering was unnecessary.

John Williams stated that the driveway could be dealt with at the time the building permit is issued.

Proponents: None

Opponents: None

Rebuttal: None

Chair Brown closed the public hearing.

Commissioner Taylor expressed concern about the tree on the property line.

Mr. Williams stated the City had no regulations in regard to trees except for street trees.

Commissioner Molamphy felt the application was straight forward and meet the criteria.

Commissioner Holte liked the layout of the plan.

Chair Brown said he had no problems with the application.

It was moved by Commissioner Ewert moved to approve MLP 07-03 as presented. It was seconded by Commissioner Milne. Motion carried 6-0.

DR 07-01/CUP 07-01 - 721 SW 4th Ave - An application from Canby School District requesting a conditional use permit and site and design review for building

Chair Brown 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.

Kevin Cook presented the staff report. The Canby School District has proposed a 17,500 sq. ft. expansion to Canby High School. The School District plans the expansion on 2.1 acres of land formerly occupied by the First Student bus yard. The property is located directly across 4th Avenue from Canby High School's main entrance. The proposal includes vacating the western 650 feet of SW 4th Avenue. The plans call for a new 10,000 sq. ft. building, parking area and student plaza area. The new building is proposed to house additional instructional space, counseling, and administrative offices. The proposed design separates buses and cars and creates new visitor parking to the west. The plan includes a canopy over a portion of the plaza area; the canopy may be added at a later date depending on project costs.

Commissioner Molamphy asked where the letter from ODOT was addressed in the conditions.

Mr. Cook replied it was in Condition 24.

Commissioner Ewert said the buses were double stacked and had concerns about how police, fire or emergency services would get to the middle of the line if there was a situations that needed fast attention.

Chair Brown asked how many parking spaces were lost because of the proposed street vacation.

Mr. Cook said that overall there was an actual gain in parking spaces.

Chair Brown asked how the street is terminated.

Mr. Williams stated that 4th Avenue would dead end just before the entrance and there would be a way for cars to turn around using the school's parking lot.

Commissioner Milne asked if there was adequate turn radius off of Elm for buses.

Catriona Sumrain of Lancaster Engineering stated that ODOT was comfortable with the radius.

Commissioner Ewert asked how far towards Pacific Pride the turn lane would be.

Applicant: Heinz Rudolf of Boora Architects represented the applicant. He presented a PowerPoint presentation on the scope of the project. He stated this plan was for classrooms and counseling facilities and doesn't increase student population. The project would create an entrance for the school as well as flexible spaces for community use.

Proponents: Andy Rivinus of 9292 S Centennial Lane, a school board member and a member of the Bond Oversight Committee, stated that the plan met the needs of the District and would add value for the district and City.

Chair Brown asked if the base bid plus alternates one and two would be built. Mr. Rivinus stated that it would all be part of one project.

Marty McCullough of 32405 SW Armitage Road, a school board member, stated her support for the project and felt that several traffic problems were being corrected with this plan.

Pat Johnson of 721 SW 4th Avenue, principal of the high school stated that there would be a separate drop off for parents from the area for the buses and the plan improves safety for the students.

Commissioner Ewert asked if the school had a solution if there was an emergency in the middle of the bus line.

Mr. Johnson said it had never been a problem in the past but that an emergency plan could be put together.

Debra Pearson, project manager for the school district, stated the fire district had given their approval for the current plan. She also said that the bollards were removable.

Opponents: None

Rebuttal: None

Chair Brown closed the public hearing.

Commissioner Taylor felt the bus plan was better than when he was a student at the high school.

Commissioner Ewert stated that the stacking of buses on 2nd Avenue would impact the business of Pacific Pride.

Catriona Sumrain stated that after observing traffic in the area as part of the traffic study, the busy time for Pacific Pride and the school were at two different times of the day.

Commissioner Ewert felt that the plan was over burdening 2nd Avenue.

Mr. Cook stated that 2nd Avenue was considered a collector in the Transportation Plan.

Commissioner Taylor felt the time of one minute for a bus and 16 buses was not an issue and he had no problem with the application.

Commissioner Milne stated that she felt Boora Architects and the Bond Over Sight Committee had done an excellent job addressing the community issues.

Chair Brown felt it was a good project and was satisfied with all of the conditions.

Commissioner Ewert had concerns about the emergency issue and felt the center lane on 2nd Avenue was a problem.

Mr. Williams suggested that the turn land on 2nd Avenue could be reviewed separately and that Condition 21 could be reworded accordingly.

It was moved by Commissioner Milne moved to approve DR 07-01/CUP 07-01 as amended to reword Condition 21 and add a condition that the school district develop an emergency plan addressing the bus stacking area. It was seconded by Commissioner Holte. Motion carried 5-1-0 with Commissioner Ewert voting No.

III. NEW BUSINESS

MOD 07-05 of DR 05-05 – Canby Place Retail Development – Parking Modification

Kevin Cook presented the staff report. Sterling Development, owners of the Canby Place retail center, have submitted a modification application and request to reduce the overall parking requirement for the retail center in order to allow for a restaurant in the multi-tenant retail building located along the south side of the property. Based on the parking study, the current site is 2 parking spaces short of the bare minimum needed.

Mr. Williams stated that the Planning Commission can make a finding to reduce the number of spaces required, but that staff had to adhere to the code and the staff does not enjoy being bureaucratic in situations like this.

Jeff Rasak of Sterling Development stated that he felt 104 spaces were adequate for this center. He said that based on his experience in the shopping center business, no center was ever full all the time. He stated that Burger King felt that 60% of their business was drive thru and KFC felt that 55% of the business was drive thru.

Mr. Rasak said that in the original development of the site the fire district had requested a fire lane to get to SR Smith Company and they had allowed such a fire lane which took up 3.5 parking places. He said that SR Smith supports the request for the restaurant. Mr. Rasak stated that two of the tenants in Building C would be Verizon and UPS, both of which generally had customers who only stayed less than 10 minutes.

Chair Brown asked what the blended parking rate was for the site.

Mr. Rasak said it was 5.8 per 1000. Chair Brown noted that many shopping centers, albeit larger one, go as low as 4.5 per 1000.

Jack Gallagher of Norris Beggs and Simpson said he had worked with SR Smith to find a buyer for the site and that staff had done a good job of working with the developer on the project. He felt that a large portion of the business for the restaurant would be from the high school and thus would be foot traffic.

Catriona Sumrain of Lancaster Engineering stated that her study was based on national standards as well as a study of a comparable retail center. She stated that the peak time would be on Saturday. And both sit down and fast-food restaurants peak at noon.

Commissioner Milne asked if employee parking could be off site.

Mr. Williams stated that the code does allow for parking agreements.

Commissioner Holte liked the idea of a local owner for the restaurant and felt that he was willing to give back 2 spaces since the developer had given up 3 for the fire lane.

Commissioner Molamphy asked how many spaces were needed.

Mr. Cook said that the applicant was short two spaces.

Commissioner Milne stated that it was exciting to have a local owner and was willing to give back 2 spaces.

Commissioner Taylor had no problem with the 2 space difference.

It was moved by Commissioner Ewert to approve MOD 07-05 of DR 05-05 to reduce the parking requirements to a total of 104 spaces for Building C for the addition of one restaurant only. It was seconded by Commissioner Holte. Motion carried 6-0.

IV. FINDINGS

MLP 07-04 - 655 NW Territorial Road - Commissioner Ewert moved to approve the findings for MLP 07-04 as presented. Motion seconded by Commissioner Milne and passed 5-0 with Chair Brown abstaining.

V. MINUTES

April 23, 2007 - Commissioner Holte moved to approve minutes of April 23, 2007 as presented. Motion seconded by Commissioner Taylor and passed 5-0 with Chair Brown abstaining.

VI. DIRECTOR'S REPORT

John Williams announced that the Highway 99E Design group would present the first draft of the report at 5:30 PM on May 31, 2007 at the Adult Community Center and urged the members of the Commission to attend.

Mr. Williams said that Rick Gamble had submitted his resignation from the Planning Commission.

Mr. Williams said that the City Council had approved the first reading of the ordinance that awarded the bid for the Berg Parkway project.

VII. ADJOURNMENT