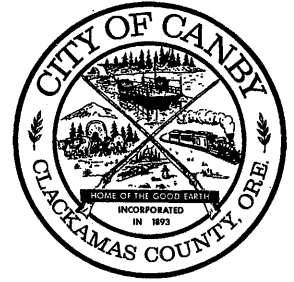


PLANNING COMMISSION AGENDA



March 28, 2005
7:00 PM - Regular Meeting
City Council Chambers
155 NW 2nd Avenue

I. ROLL CALL

II. CITIZEN INPUT ON NON-AGENDA ITEMS

III. PUBLIC HEARINGS

DR 05-01 The applicant is seeking approval to construct a 5,040 square foot, two story office building at 541 NW 2nd Ave. The subject parcel previously housed an older residential structure which has been removed. The site is now vacant and the applicant proposes to provide access to the building and to on-site parking from an existing alley way at the rear of the subject parcel. Additional public parking is provided on NW 2nd Ave. and on other surrounding public streets.

MLP 05-01 The applicant is seeking approval to partition one 2.2 acre industrial parcel located on the North side of SE 3rd, East of Pine St. into two 1.1 acre parcels. The applicant is proposing a single shared access on SE 3rd.

IV. NEW BUSINESS

MOD 05-02 (Modification to Site & Design Review 04-04) A request to add a covered parking structure to the Canby RV & Boat Storage facility currently under construction at 373 S. Redwood Street.

V. FINDINGS

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

DR 04-09 / CUP 05-01 Canby Middle School

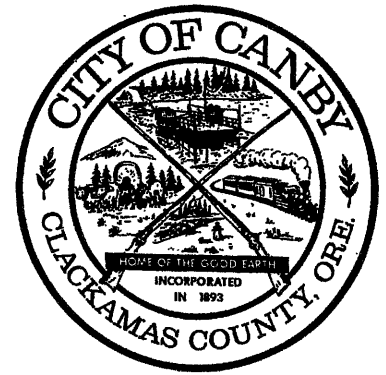
VI. MINUTES

February 28, 2005
March 14, 2005
(to be mailed later)

VII. DIRECTORS REPORT

VIII. ADJOURNMENT

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Carla Ahl at 503-266-9404



- STAFF REPORT -

APPLICANT:

Heidi Yorkshire/Duplex Properties
2801 NE 17th Avenue
Portland, OR 97212

FILE NUMBER:

MLP 05-01
(Yorkshire)

OWNER:

Same

STAFF:

John R. Williams
Community Dev. & Planning Director

LEGAL DESCRIPTION:

Tax Map 3-1E-34C, Tax Lot 00302

DATE OF REPORT:

March 18, 2005

LOCATION:

N. side of SE Third Avenue, N. of S. Pine Street

DATE OF HEARING:

March 28, 2005

COMPREHENSIVE PLAN DESIGNATION:

C-M Heavy Commercial/Manufacturing Zone

CURRENT ZONING DESIGNATION:

same

I. APPLICANT'S REQUEST:

The applicant is seeking approval to partition one 2.2 acre industrial parcel into two 1.1 acre parcels. The applicant is proposing a single shared access on SE 3rd Avenue.

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. 16.30 C-M Heavy Commercial/Manufacturing Zone
- C. 16.56 General Provisions (Land Division Regulations)
- D. 16.60 Major or Minor Partitions
- E. 16.64 Subdivisions - Design Standards

III. FINDINGS:

1. Location and Background

The subject property is located between S. Pine Street and S. Redwood Street on SE 3rd

Avenue. It was previously the subject of a conditional use permit application to allow a cheese manufacturing facility (which was granted). At this time, the applicant is intending to pursue this use on half of the property and sell the other half for another user.

Surrounding properties are zoned C-M with the exception of properties to the south, which are zoned M-1, Light Industrial.

The property is flat and contains no buildings or significant natural features.

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 partition will not create a conflict between uses. No specific uses are proposed as part of this application and the zoning is not proposed to change.*

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 would permit additional development of the property.*

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

Analysis: *A "Request for Comments" has been sent to all public facility and service providers (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: Subsequent development of the proposed partition must meet stormwater management approval from DEQ and Canby Public Works prior to issuance of building permits.

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: Existing street and utility improvements are sufficient to support development of the proposed partition.

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

Analysis: SE 3rd Avenue already contains full-street improvements, bicycle lanes, and sidewalks along the full frontage of the subject property.

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 and Canby Fire District received notice of the proposed partition. Neither agency expressed concern with access to the site.

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.

Analysis: All public facility and service providers were sent a "Request for Comments." The Police Department, City Engineer, Canby Telephone Association and Willamette Broadband responded positively, indicating that services will become available through development. No other responses have been received to date.

The City Engineer recommends construction of a commercial driveway approach at the access location, this will be accommodated through condition 12. The applicant will be required to provide shared access as proposed

(condition 6).

Neighborhood Comments:

No neighborhood meeting was required and no comments have been received.

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 size, frontage, access, parking 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. The proposed parcel meets lot size requirements of the C-M 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

Staff concludes that:

1. The partition request, with appropriate conditions, is considered to be in conformance with the Comprehensive Plan and the Municipal Code.
2. With appropriate conditions, the overall design and arrangement of the proposed parcel is functional and will adequately provide building site, utility easements and access facilities necessary for development of the property 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 05-01 with the following conditions:

For the Final Plat:

1. A final partition plat modified to illustrate 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 05-01.*
2. The final partition plat shall be a surveyed plat map meeting all of the specifications required by the Clackamas County Surveyor. The 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. A copy of the new deeds shall be provided to the Canby Planning Department.
4. All monumentation and recording fees shall be borne by the applicant.
5. Twelve (12) foot utility easements shall be provided along street lot lines. Ten (10) foot utility easements shall be provided along non-street exterior lot lines unless adjacent lots have recorded utility easements of four (4) or more feet, in which case the non-street exterior lot lines shall have six (6) foot utility easements. All interior lot lines shall have six (6) foot utility easements.
6. Street access from the proposed lots shall be limited to a single shared access in the center of the parent parcel, as proposed by the applicant. The plat shall note the size and location of this access and mutual cross-access and maintenance easements shall be provided to the City prior to signing of the final plat.

Notes:

7. A final plat must be recorded with the Clackamas County 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 Director prior to recording the plat with Clackamas County.

Prior to issuance of building permits:

8. Applicable stormwater permits shall be obtained from Clackamas County and/or the State of Oregon (DEQ) prior to issuance of building permits on the lots. An acceptable stormwater system plan and Erosion control shall be approved by the County, the State - DEQ and the Canby Public Works Department.

During Construction:

9. A five (5) foot sidewalk inclusive of curb shall be provided for the full SE 3rd Avenue frontage of the newly created parcels. Where mailboxes, paper boxes, fire hydrants, or other obstructions are located at the curb, sidewalks shall swing away from the curb such that the walkway remains unobstructed for a full five-foot width.
10. The applicant is responsible for all costs associated with the relocation of utilities.

11. A new sewer main and/or new laterals may be required prior to building construction. Location and construction of the sewer main and/or laterals shall be approved by the Public Works Supervisor *prior to excavation*.
12. The applicant shall construct an approved commercial curb cut, approach apron and sidewalk ramps at the shared drive entrance. Access improvements and sidewalks shall be inspected and approved by Canby Public Works prior to installation.
13. The applicant shall plant a minimum of one street tree along the street frontage of each lot as part of construction. Street trees shall be placed a minimum of 10 feet from any sewer lateral.

Exhibits:

1. Applicant's Packet (narrative and proposed partition plan)
2. Responses to the Request for Comments

MINOR LAND PARTITION APPLICATION

FEE \$1,280.00
PROCESS TYPE III

OWNERS

APPLICANT*

Heidi Yorkshire, Member

Name: Duplex Properties LLC

Name: Heidi Yorkshire/Duplex Properties LLC

Address: 2801 NE 17th Ave.

Address: 2801 NE 17th Ave.

City: Portland State: OR Zip: 97212

City: Portland State: OR Zip: 97212

Owners Signature:

Phone: 503/335-3155

DESCRIPTION OF PROPERTY: Vacant industrial land

Tax Map: 31E34C00302 Tax Lot(s): PARCEL 4 PARTITION PLAT 1997-77 Lot Size: 2.2 (Acres/Sq.Ft.)

PROPERTY OWNERS LIST

Attach a list of the names and addresses of the owners of properties located within 200 feet of the subject property (if the address of the property owner is different from the situs, a label for the situs must also be prepared and addressed to "Occupant"). Lists of property owners may be obtained from any title insurance company or from the County Assessor. If the property ownership list is incomplete, this may be cause for postponing the hearing. The names and addresses are to be typed onto an 8-1/2" x 11" sheet of labels, just as you would address an envelope.

USE OF PROPERTY

Existing Use: Vacant industrial land

Proposed Use: office / cheese factory

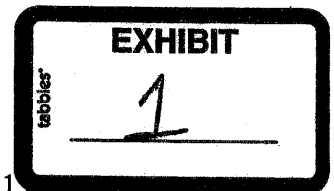
Existing Structures: none

Zoning: Comprehensive Plan Designation:

Previous Land Use Action (if any):

FOR CITY USE ONLY	
File #:	MLP 05-01
Date Received:	2/17/05 By: cja
Completeness:	
Pre-App Meeting:	
Hearing Date:	

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



Duplex Properties LLC

Heidi Yorkshire
2801 NE 17th Avenue
Portland OR 97212
phone & fax 503-335-3155
hyorkshire@aol.com

February 28, 2005

Mr. John Williams
City of Canby
182 N. Holly St.
Canby OR 97013

RE: MINOR LAND PARTITION APPLICATION
2.2 ACRES ON NORTH SIDE OF SE THIRD AVE., BETWEEN PINE AND
REDWOOD (TAX MAP: 31E34C00302, Parcel 4 Partition Plat 1997-77)

We would like to request to partition the above-referenced property into two approximately equal parts as shown on the plan submitted with our application.

The land is currently vacant. We understand that the zoning is appropriate for such a partition.

Both parts will have street frontage. On future development, there will be one 24-foot-wide driveway in the center of the entire property, 12 feet on each side of the property line. We are currently having a cross-access easement and mutual maintenance agreement to run with the property written will submit it to the city when complete.

I am the only member of Duplex Properties I.I.C., which is the owner of the property.

Respectfully submitted,



Heidi Yorkshire

RECEIVED

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

MAR 14 2005

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: March 10, 2005

- TO:
- FIRE
 - POLICE
 - PUBLIC WORKS
 - CANBY ELECTRIC
 - CANBY WATER
 - WWTP
 - CITY ENGINEER
 - CTA
 - NW NATURAL
 - WILLAMETTE BROADBAND
 - CANBY DISPOSAL
 - 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

The City has received **MLP 05-01**, an application by **Heidi Yorkshire, Duplex Properties LLC** to partition one 2.2 acre, 96,136 square foot parcel into two lots. The newly created lots would be 1.1 acre each and contain 48,142 square feet and 47,994 square feet. The site is located at the corner of SE Pine Street and SE 3rd Avenue. (Tax Map 3-1E-33C, Tax Lot 0302).

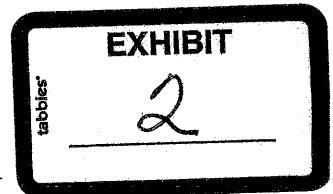
Please review the application and return comments to **John Williams** by **Thursday March 17, 2005**. Please indicate any conditions of approval you wish the Commission to consider in hearing the application. Thank you.

Comments or Proposed Conditions:

① WE RECOMMEND COMMERCIAL DRIVEWAY APPROACH AT ACCESS LOCATION.

Please check one box:

- 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: _____

3/15/05

Title: _____

Project Engineer

Agency: _____

Curran-McLeod, Inc

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: March 10, 2005

- 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 | <input type="checkbox"/> CLACKAMAS COUNTY |
| <input type="checkbox"/> CITY ENGINEER | <input type="checkbox"/> CANBY SCHOOL DISTRICT |
| <input checked="" type="checkbox"/> CTA | <input type="checkbox"/> OREGON DEPT. TRANSPORTATION |
| <input type="checkbox"/> NW NATURAL | <input type="checkbox"/> ODOT/REGION 1/DIST 2B |
| <input type="checkbox"/> WILLAMETTE BROADBAND | <input type="checkbox"/> STATE OF OREGON/REVENUE |
| <input type="checkbox"/> CANBY DISPOSAL | <input type="checkbox"/> CANBY BUSINESS REVITALIZATION |

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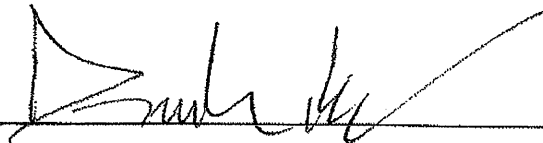
Comments or Proposed Conditions:

NONE.

Please check one box:

- 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: 3-15-2005

Title: ASSOCIATE ENG.

Agency: CTA

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

15031 266-9404

FAX 266-1574

DATE: March 10, 2005

- TO:**
- | | |
|--|--|
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| <input type="checkbox"/> CTA | <input type="checkbox"/> OREGON DEPT. TRANSPORTATION |
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Please review the application and return comments to **John Williams** by **Thursday March 17, 2005**. Please indicate any conditions of approval you wish the Commission to consider in hearing the application. Thank you.

Comments or Proposed Conditions:

Please check one box:

- 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: 3-14-05

Title: CONSTRUCTION MANAGER Agency: WILLAMETTE BROADBAND

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: March 10, 2005

- TO:**
- | | |
|---|--|
| <input type="checkbox"/> FIRE | <input type="checkbox"/> CANBY POST OFFICE |
| <input checked="" type="checkbox"/> POLICE | <input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR |
| <input type="checkbox"/> PUBLIC WORKS | <input type="checkbox"/> CLACKAMAS COUNTY 911 |
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Please review the application and return comments to **John Williams** by **Thursday March 17, 2005**. Please indicate any conditions of approval you wish the Commission to consider in hearing the application. Thank you.

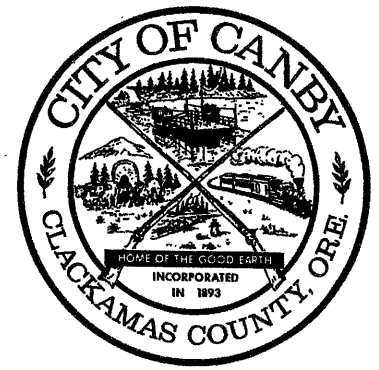
Comments or Proposed Conditions:

Please check one box:

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- 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: Chay Pagano **Date:** 3-10-05

Title: Chay **Agency:** Police



- STAFF REPORT -

APPLICANT:

Scott Gustafson
Mike Clancy
24574 S Skylane Drive
Canby, OR 97013

FILE NO.:

DR 05-01
(Gustafson – 2nd Street LLC)

OWNER:

Scott Gustafson
Mike Clancy
24574 S Skylane Drive
Canby, OR 97013

STAFF:

Darren Nichols
Associate Planner

LEGAL DESCRIPTION:

Tax Lot 4700 of Tax Map 3-1E-33 CC

DATE OF REPORT:

March 18, 2005

LOCATION:

West of the downtown core
South side of 2nd Avenue and west
of N Elm Street

DATE OF HEARING:

March 28, 2005

COMP. PLAN DESIGNATION:

C-2 (Highway Commercial)

ZONING DESIGNATION:

C-1 (Downtown Commercial)

I. APPLICANT'S REQUEST:

The applicant is seeking approval to construct a 5,040 square foot, two-story professional office at 541 NW 2nd Avenue. The parcel previously contained one single-family residence which has been removed and the site remains vacant. The applicants propose to provide access to the building and to on-site parking from an existing public alley at the rear of the parcel. Additional parking is provided near the building frontage on NW 2nd Avenue and on surrounding public streets.

II. APPLICABLE REGULATIONS

City of Canby General Ordinances:

- 16.10 Off-street Parking and Loading
- 16.22 C-1 Downtown Commercial Zone
- 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.

*** For additional information, please refer to the C-1 Design Review matrix on the following page of this report (CMC 16.22.040).**

Table 16.22.040**C-1 Downtown Commercial - Design Review matrix.**

(See Canby Downtown Plan for illustrations of design elements)

Criteria	Possible Scores
Building Location and Orientation	
Building located at front property line: Parking in front=0; 50% of building front at property line=1; 100% of building front at property line=2.	0 1 2
Building oriented to street: no=0; yes=2.	0 2
Entrances	
Major retail entrance on street: no=0; yes=2.	0 2
Corner building entrances on corner lots: no=0; yes=1.	0 1
Entrance inset (not more than 3 feet behind front glass line except at corner entries): no=0; yes=2.	0 2
Windows	
Regularly spaced and similar-shaped windows - around 70% of storefront area is glass (includes doors). (No mirrored glass): <50%=0; 50% to 70%=1; >70%=2.	0 1 2
Second story windows (where applicable): no=0; yes=2.	0 2
Architectural Details	
Blade sign or painted wall sign (no internally illuminated box signs): no=0; yes=2.	0 2
Brick, stucco, and horizontal lap or ship lap painted wood siding: concrete, wood, or wood siding=0; concrete masonry, stucco, or similar material=1; brick or similar appearance=2.	0 1 2
Colors from recommended color palettes (on file with the City of Canby), or as otherwise approved: no=0; yes=2.	0 2
Cornice treatments to emphasize building tops at parapet-type buildings: flat roofs behind parapets acceptable, otherwise visible roofs should be pitched: no treatment=0; pitched roof=1; parapet roof=2.	0 1 2
All walls have doors, windows, or display windows (no blank walls). Murals, art niches, benches, or light sconces at blank walls where windows are not feasible: no treatment=0; mural or other treatment=1; windows or display windows=2.	0 1 2
Awnings and rain protection of durable canvas, vinyl, glass or acrylic. No awning slope over 45 degrees, with flat or semi-flat awnings along First Ave. and at buildings with windows above entries. Awnings are discontinuous, with lengths generally under 30 linear feet for longer buildings: no awnings=0; awnings meet criteria=2.	0 2
Parking	
Off-street parking (if required) located behind or to side of building: no=0; side=1; behind=2.	0 1 2
BONUS POINTS	
Provide usable pedestrian space such as plaza, outdoor seating, or extra-wide pathway/sidewalk near one or more building entrances: no=0; yes=1.	0 1
Planters and window boxes: no=0; yes=1.	0 1
Public art (e.g., fountain, sculpture, etc.): no=0; yes=1.	0 1
Second story residential or office: no=0; yes=1.	0 1

NO.	BY	REVISIONS	DATE

ABBREVIATIONS:

AC	ASPHALT CONCRETE
AP	ANGLE POINT
BEG	BEGIN
BLDG	BUILDING
CB	CATCH BASIN
CC	CURB CUT
CLFL	CHAINLINK FENCE LINE
CONC	CONCRETE
COR	CORNER
DBYL	DOUBLE YELLOW TRAFFIC LANE LINE
DEC	DECIDUOUS
DL	DITCH LINE
EC	EDGE OF CONCRETE
EP	EDGE OF PAVEMENT
FC	FACE OF CURB
FCB	FACE OF CURB WITH 6" EXPOSURE
FND	FOUND
GB	GRADE BREAK
GL	GAS LINE
GR	GUARD RAIL
GRVL	GRAVEL
IE	INVERT ELEVATION
IR	IRON ROD
LP	LIGHT POLE
LS	LANDSCAPED AREA
MB	MAIL BOX
MH	MANHOLE
MW	MONITORING WELL
NG	NATURAL GROUND
OP	OVERHEAD POWER
PP	POWER POLE
RP	REFERENCE POINT
SMH	SANITARY SEWER MANHOLE
SW	CONCRETE SIDEWALK
SWL	SINGLE WHITE TRAFFIC LANE
TOE	TOE OF SLOPE
TOP	TOP OF SLOPE
TP	TELEPHONE PEDESTAL
UP	UNDERGROUND POWER
UT	UNDERGROUND TELEPHONE
WL	WATER LINE
VL	VAULT
WM	WATER METER
WFL	WIRE FENCE LINE
WV	WATER VALVE
YPC	YELLOW PLASTIC CAP

LEGEND:

---	BOUNDARY OF SITE
---	ADJOINING OR INTERIOR PROPERTY LINE
⊙	FOUND MONUMENT AS DESCRIBED
△	CONTROL POINT
---	RIGHT-OF-WAY CENTERLINE
W	WATER LINE
G	GAS LINE
S	SANITARY SEWER LINE
T	UNDERGROUND TELEPHONE LINE (GTE)
D	STORM DRAINAGE LINE
P	UNDERGROUND POWER LINE
OP	OVERHEAD POWER LINE
⊙	FIRE HYDRANT
⊙	WATER VALVE
⊙	WATER METER
→	TRAFFIC FLOW DIRECTION
⊙	CATCH BASIN
⊙	STORM MANHOLE
---	CURB LINE
---	EDGE OF PAVEMENT
---	EDGE OF GRAVEL
---	STREET SIGN
---	SINGLE WHITE TRAFFIC LANE LINE
---	DOUBLE YELLOW TRAFFIC LANE LINE
---	CHAIN LINK FENCE LINE
⊙	SANITARY SEWER MANHOLE
⊙	LIGHT POLE
⊙	TELEPHONE PEDESTAL
---	PROPOSED NEW PROPERTY LINE
---	PROPOSED SHARED ACCESS EASEMENT



RENEWAL DATE: 06/30/05
DATE OF SIGNATURE: 07/08/04

SURVEYOR'S NOTES:

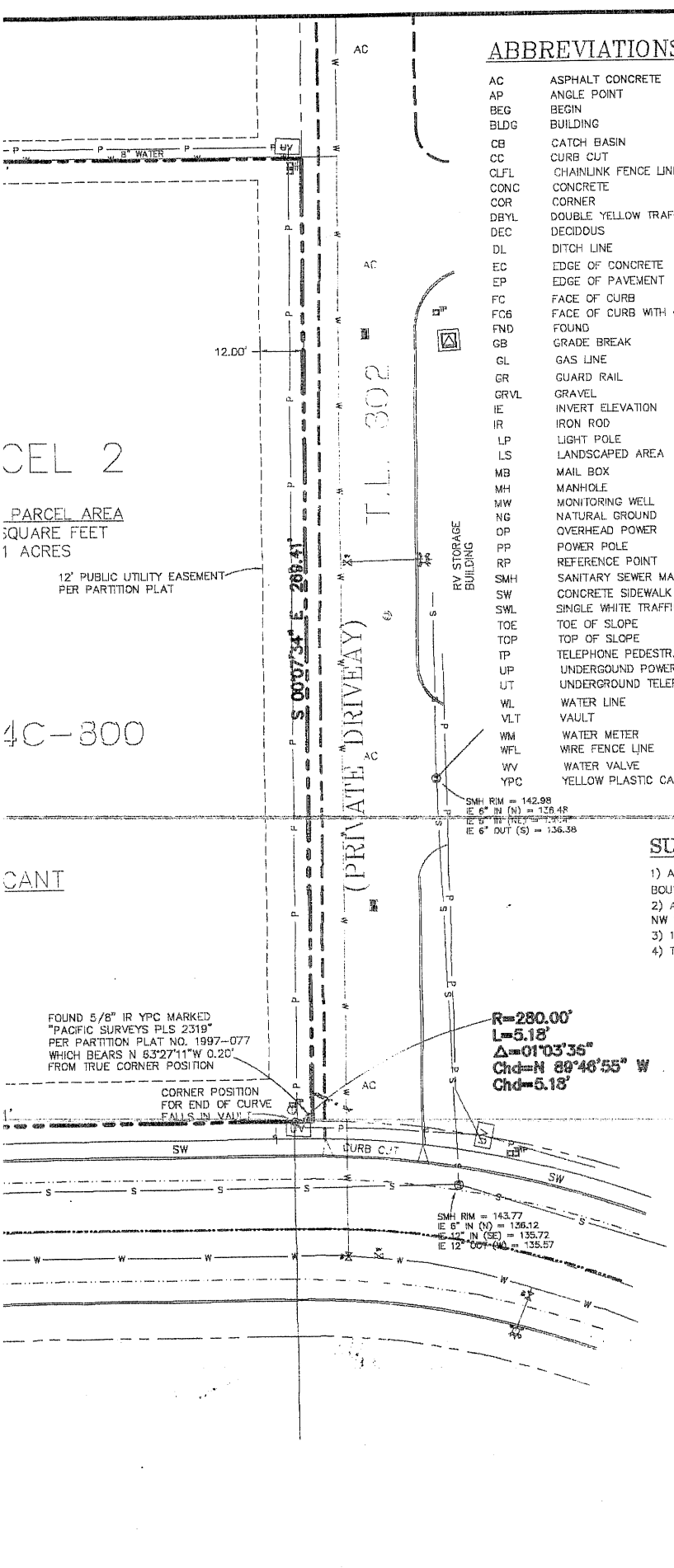
- 1) ALL BEARINGS FOR THIS SURVEY ARE BASED UPON N 00°30'00" W ALONG THE WEST BOUNDARY OF PARCEL 4 OF PARTITION PLAT NO. 1997-077.
- 2) ALL ELEVATIONS FOR THIS SURVEY ARE BASED USGS BENCH MARK "1920 A14" AT THE NW CORNER OF GRANT AND 1st. ELEVATION OF BENCH MARK IS 152.674.
- 3) 1' CONTOURS WITH EVERY CONTOUR INDEXED.
- 4) THE BOUNDARY FOR THE SITE WAS ESTABLISHED BY PARTITION PLAT NO. 1997-077.

**PRELIMINARY PARTITION PLAT
TAX LOT 31E34C-0302**

LOCATED IN SW 1/4 OF SECTION 34, T35, R1W, W.M.
CITY OF CANBY, CLACKAMAS COUNTY, OREGON

PREPARED BY: GARY HICKMAN, PLS
HICKMAN & ASSOCIATES, INC.
1705 LEE STREET
LAKE OSWEGO, OR 97034
503 697-6869
503 697-6960 FAX

OWNER & APPLICANT: HEIDI YORKSHIRE
2801 NE 17th AVENUE
PORTLAND, OR 97212
503 335-3155 VOICE & FAX



FOUND 5/8" IR YPC MARKED
"PACIFIC SURVEYS PLS 2319"
PER PARTITION PLAT NO. 1997-077
WHICH BEARS N 83°27'11" W 0.20'
FROM TRUE CORNER POSITION

CORNER POSITION
FOR END OF CURVE
FALLS IN VAULT

R=280.00'
L=5.18'
Δ=01°03'35"
Chd=N 89°46'55" W
Chd=5.18'

SMH RIM = 143.77
IE 6" IN (N) = 126.12
IE 12" IN (SE) = 135.72
IE 12" OUT (NW) = 135.57

CEL 2

PARCEL AREA
SQUARE FEET
1 ACRES

4C-300

CANT

IV. FINDINGS:

A. Background and Relationships:

The applicants, 2nd Street LLC, intend to construct one two-story professional office building to accommodate the existing local business operations of a law office and an insurance agent. The subject parcel is located between a newer office complex and an older home. All three properties currently use 2nd Avenue for pedestrian and vehicle access. The applicant's proposal is to construct a traditional street front office building at the back of an existing sidewalk and provide vehicle access from an existing rear alleyway.

The subject parcel previously contained one single-family residence. That home was recently removed and the site remains vacant. Surrounding properties include a mix of uses ranging from residential to commercial/retail and all adjacent parcels are zoned C-1 Downtown Commercial or C-2 Highway Commercial. Neighboring parcels contain Jarboe's restaurant to the south, Wilcox/Arredondo professional offices to the west and an older single-family home to the east. To the north, across NW 2nd are several other residences on properties zoned for eventual C-1 Downtown Commercial development.

Additional properties to the west include the Canby Post Office, Cedar Place professional center and the Apollo Homes high density residential subdivision. The surrounding area of Canby's downtown is an area in transition. Over the past several years, properties on the west end of downtown have slowly been redeveloped to accommodate more retail/commercial in accordance with the City's Comprehensive Plan.

B. Evaluation Regarding Site and Design Review Approval Criteria

1. Parking Lot Landscaping Standards

The site has no existing landscape. The site plan does not propose landscaping in the rear parking area and additional site landscaping is not required in the C-1 zone. Proposed landscaping is sufficient to meet site and design review requirements in that the building provides a small amount of planter space at the building entrance and a small parking area cannot be viewed from the street frontage. Because of the small site size and the configuration of surrounding parcels, the applicant proposes to provide as much parking as possible on site and not to use parking area for landscape that would provide an insignificant benefit.

2. Parking

The application proposes to provide 16 parking spaces – 9 full size

spaces and 7 compact. The minimum parking required for the site is 17.7 spaces, leaving the site short of Canby's Code requirements by approximately 2 stalls. The application provides calculations, however, to demonstrate that proposed parking is sufficient. The application also includes an agreement between neighboring business owners (Jarboe's & Wilcox/Arredondo) stating the intent to share parking space between the three sites.

Among the full size spaces is a single ADA accessible space adjacent to the rear of the office at the staff entry. It is anticipated that minimal drop in customers of the law office and the insurance company will use front door parking on NW 2nd, leaving the rear parking area for staff parking only.

3. Access

Vehicle parking is proposed to access the development from NW 2nd Avenue and from an existing public alley at the rear of the property. Pedestrian access is proposed from an existing public sidewalk along the parcel's street frontage. Bicycle parking is also proposed at the front entry to meet requirements of the Land Development and Planning Ordinance. Vehicle and pedestrian accesses are adequate to provide safe and functional access to the site.

4. Architecture and Signs

The applicant proposes a single sign on the façade of the building (see elevation drawings provided with application). The proposed design and placement of signage meet minimum requirements of the C-1 zone.

5. Availability of Adequate Public Facilities and Services

All utility providers were sent a Request for Comments. The Police Department, City Engineer, Waste Water Treatment Plant, Canby Utility Water Department, Traffic Safety Committee and Bicycle and Pedestrian Committee all stated that adequate public facilities are available or will become available through the development.

The City Engineer notes the existing driveway shall be improved to meet ADA standards for access. The design will be subject to the City of Canby's pre-construction process in which the design of access points will be reviewed and approved by both the City Engineer and Public Works.

6. Compatibility

Staff discussed the design of the proposed development with respect to the intent of the downtown plan. Although the building meets the intent of the C-1 guidelines, the site does not contain

sufficient square footage to provide office space and parking. The application proposes a 10% reduction in the required number of spaces, citing section 16.10.030 (H)(2) "Off Street Parking and Loading - General requirements".

Chapter 16.10.030 (H)(2) allows the Planning Commission to accept up to 10% fewer spaces if the application demonstrates that "the proposed development is pedestrian oriented by virtue of a location which is within walking distance of existing or planned neighborhood activities...and the development provides additional pedestrian amenities not required by the code..."

The application is located within one block of publicly owned parking (between the railroad and NW 1st Avenue). The site is also within two blocks of the Canby Downtown core (to the east) and a large, high density residential project (to the west) recently approved by the Planning Commission. The application also proposes to place benches behind the sidewalk at the street entrance of the building and proposes shared parking alternatives in order to meet the requirements of the zone.

The design provides an attractive commercial street presence and provides an inviting façade appropriate for a downtown office.

In order to be considered "compatible", an application must meet at least 65% of the total number of points possible (not including bonus points). See C-1 Design Review Matrix above and matrix scoring below.

CRITERIA	PTS/ POSS	NOTE
Building Location/Orientation		
Building located at front property line	2 / 2	
Building oriented toward street	2 / 2	
Entrances		
Major retail entrance	2 / 2	
Corner entrances on corners	N/A	
Entrance inset (not more than 3')	0 / 2	
Windows		
Regularly spaced windows approx 70% glass	0 / 2	
Second story windows	2 / 2	
Architectural Details		
Blade sign or painted wall signs only	2 / 2	

Exterior materials: wood, masonry	1 / 2
Colors from recommended palette	2 / 2
Roof style: none, pitched, parapet	1 / 2
Walls: blank, murals, windows	2 / 2
Awnings: none/not approved, approved	0 / 2

Parking

Off street parking: none, sided, behind	2 / 2
---	-------

Bonus Points

Plazas, outdoor seating or extra wide access	1
Planters and window boxes	1
Public art, sculpture, fountains, etc.	-
Second story offices or residential	1

Proposed Score with Bonus Points: 21/26 = 81%

7. Development Standards

The C-1 zone allows professional office buildings as an outright permitted use. There are no setbacks in the C-1 zone and the maximum allowable building height is 45 feet. The proposed structure meets all height and setback requirements. The building does not infringe on any vision clearance areas.

V. CONCLUSION

Staff concludes that the application can be made to meet the requirements for site and design review approval with the additional recommended conditions. In direct response to the criteria for site and design review, staff concludes 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;*

The proposal meets the minimum development requirements for the C-1 zone pertaining to location, height, and building appearance.

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.*

See comments under section IV(B) above.

- 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.*

Refer to the analysis of the design review matrix above.

- 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.*

All public facilities and services are available or will become available to service the development.

- F. *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.*

All utilities exist or can be modified to adequately serve the site.

- G. *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.*

This proposal will not impact needed housing cost or availability.

- H. *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.*

Not applicable.

VI. RECOMMENDATION:

Based upon the application, visual inspection, 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 application DR 05-01 with the following conditions:

Prior to construction:

1. A pre-construction conference shall be held prior to final placement of the structure. Fifteen copies of pre-construction plans and/or an electronic file of the plans shall be submitted to the City Planner's Office to be reviewed and approved by local utility providers no less than two weeks prior to the pre-construction conference.
2. A revised set of **all** submitted full size development plans (including site plan, utility plan, grading plan, stormwater management plan, etc.) shall be submitted, depicting each of the written conditions included in the Findings, Conclusion and Final Order to the satisfaction of the City Planning Department.
3. The design, location, and planned installation of all utilities, including but not limited to water, electric, sanitary sewer, natural gas, and telephone and cable communications shall be approved by all appropriate utility providers. Any relocation of existing utilities required due to construction of the development shall be completed at the expense of the applicant.

For the Building Permit Application:

4. A detailed site construction plan shall be submitted with the building permit application. The detailed site plan shall show: The nature and extent of all grading activity to be performed on site, proposed areas and methods for material storage, debris containment, construction access, concrete washout and soil containment. The detailed site plan shall accompany a completed City of Canby Erosion Control permit application.
5. Landscape materials shall be planted 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 said 3-year period. Trees are to be a minimum of 2" caliper.
6. The development shall provide a minimum of 16 parking spaces; on site parking shall include a minimum of 9 full size spaces, 7 compact spaces and one ADA accessible space with an 8' striped access aisle. Wheel stops are required for all parking spaces; stops shall be placed two (2) feet from the front end of each space.

7. Any interior sidewalks and access ways shall be a minimum of five feet in width.
8. Bicycle parking shall be provided as per requirements of CMC 16.10.100.
9. Details of sign dimensions and mounting techniques shall be shown on the building permit submittal or on a subsequent sign permit application. The office is permitted a maximum of 80 square feet of signage to be shared between all tenants.

Prior to Issuance of a Building Permit

10. All storm water shall be disposed on-site. The applicant is responsible for obtaining approval from DEQ, if necessary, for private drywells and infiltration systems. The design of stormwater facilities shall also be approved by the City Engineer and Public Works Supervisor.
11. An Erosion Control permit is required. Approved erosion control measures shall be in place during construction and shall conform to the City of Canby's Erosion Control Ordinance.

During Construction

12. Any grading and fill conducted on the site shall comply with State, City and County regulations.
13. Any relocation of existing utilities required due to construction of the development shall be done at the expense of the applicant.
14. ADA Ramps shall be provided as required by the Public Works Supervisor.
15. All site lighting shall be hooded to project light downward.
16. Frontage improvements shall be constructed as required by the Public Works Supervisor. Eight foot sidewalks, inclusive of curbs, are required on NW 2nd Avenue as per CMC 16.08.090. For this project, the development shall match existing sidewalks to the east and shall construct matching sidewalks for the full street frontage of the development.

Exhibits:

1. Applicant's narrative
2. Response to Request for Comments
3. Project plan

SITE AND DESIGN REVIEW APPLICATION

FEE *See Fee Schedule Below

Process Type III

Second Street LLC

OWNER
Name Scott Gustafson, member
Mike Clancy, member

APPLICANT**
Name Scott Gustafson
Mike Clancy

Address 24574 S Skyline Dr.

Address Same

City Canby State Or. Zip 97013

City _____ State _____ Zip _____

Phone 503-266-2216 Fax 266-7510

Phone Same Fax _____

OWNERS SIGNATURE [Signature]

DESCRIPTION OF PROPERTY:

Address 541 NW 2nd Ave Canby

Tax Map 31E33CC04700 Tax Lot(s) 4700 00793387 Lot Size 6,900
(Acres/Sq/Ft.)

Existing Use bare ground

Proposed Use office building

Existing Structures none

ZONING C1 COMPREHENSIVE PLAN DESIGNATION ~~C1~~ C2

PREVIOUS LAND USE ACTION (if any) None

Total Fee = Size Component (based on acreage)
+ Public Improvement Component

Size Component
\$1,500 first 0.5 acres
\$100 for each additional 0.1 acres
from 0.5 acres up to 2.5 acres
\$100 for each additional 0.5 acres
from 2.5 acres up to 8.0 acres
\$100 for each additional 1.0 acres
from 8.0 acres up to 13 acres
\$5,000 Maximum for 13 acres and above

Public Improvements Component
0.3% of total estimated public improvement
cost (to be submitted with design review)

FOR CITY USE ONLY

File # DR 05-01

Receipt # _____

Date Received 2-8-05 By CJA

Completeness Date _____

Pre-Ap 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 this application.

EXHIBIT
1
tabbies

December 9, 2004

To: Whom It May Concern

Re: Second Street LLC, 541 NW 2nd Ave, Canby, OR 97013

Re: Parking Requirement/Shared Parking Agreement

The Canby Planning Department has asked me to query our neighbors of the planned office development of Second Street LLC.

Our office square footage exceeds the code parking requirement by two spaces. To receive consideration from the Canby Planning Commission for a hoped for waiver of these two spaces, I have outlined our employee parking use for our development on a daily basis.

The lower offices will be occupied by Gustafson Insurance Agency. They will have daily use of 5 parking places for employees. the upper offices will be occupied by Clancy and Slininger Attorneys and will use 6 spaces for employees. This total of 11 spaces for employee use leaves 5 spaces for customer parking. Second Street LLC does not intend to install signage limiting parking to its customers.

Additionally, 99% of customers/clients of Gustafson/Clancy will park in front of the building on 2nd Avenue while conducting business. The 2nd Avenue side has been designed as the customer entrance for both businesses.

AREA PARKING/SHARED PARKING

In addition to the five parking spaces left vacant in our parking lot. The adjoining business, Jarboe's Restaurant has busy times opposite the businesses located in the Second Street LLC office building. Jarboe's parking lot has 33 parking spots that are relatively empty most of the day other than the noon hour. Jarboe's is busy from 12:00-1:00 and 5:00 p.m. on. Hank Jarboe has indicated he will not install signage limiting parking to his customers. To the East beyond Jarboe's parking lot is the railroad easement parking which provides approximately 20 parking spots which again could be used in a pinch.

The other neighbor to our office development is the Wilcox/Arredondo building. They are an office building currently using 7 parking spaces for employee parking with 20 spaces left open daily and will not install signage limiting parking to their customers.

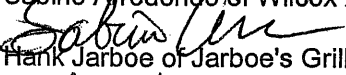
It is the general concensus among the three buildings owners the parking lots can be open to shared parking as long as there is no abuse of the privilege.

Mike Clancy of Second Street LLC


Scott Gustafson of Second Street LLC


Dan Wilcox of Wilcox Arredondo & Co CPA


Sabino Arredondo of Wilcox Arredondo & Co. CPA


Hank Jarboe of Jarboe's Grill



**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: February 28, 2005

- 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 | <input type="checkbox"/> CLACKAMAS COUNTY |
| <input type="checkbox"/> CITY ENGINEER | <input type="checkbox"/> CANBY SCHOOL DISTRICT |
| <input type="checkbox"/> CTA | <input type="checkbox"/> TRANSPORTATION ENGINEER |
| <input checked="" type="checkbox"/> NW NATURAL | <input type="checkbox"/> ODOT/REGION 1/DIST 2B |
| <input type="checkbox"/> WILLAMETTE BROADBAND | <input type="checkbox"/> STATE OF OREGON/REVENUE |
| <input type="checkbox"/> CANBY DISPOSAL | <input type="checkbox"/> CANBY BUSINESS REVITALIZATION |
| <input type="checkbox"/> CITY ATTORNEY | <input type="checkbox"/> BIKE AND PEDESTRIAN COMMITTEE |

The City has received **DR 05-01 (Gustafson)**, an application by **Scott Gustafson** to construct a new office building on one 6900 SF parcel on the south side NW 2nd Avenue. The site is located between N Douglas and N Elm Streets, adjacent to the east of Wilcox Arredondo and north of Jarboe's Restaurant. (Tax Map 3-1E 03CC, Tax Lot 4700)

Please review the enclosed application and return comments to **Darren Nichols** by **Wednesday, March 14, 2005**. 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 Van Swearingen **Date:** 3-10-05

Title: _____ **Agency:** NW NATURAL

EXHIBIT
<u>2</u>

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: February 28, 2005

- TO:**
- | | |
|---|--|
| <input type="checkbox"/> FIRE | <input type="checkbox"/> CANBY POST OFFICE |
| <input checked="" type="checkbox"/> POLICE | <input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR |
| <input type="checkbox"/> PUBLIC WORKS | <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 | <input type="checkbox"/> CLACKAMAS COUNTY |
| <input type="checkbox"/> CITY ENGINEER | <input type="checkbox"/> CANBY SCHOOL DISTRICT |
| <input type="checkbox"/> CTA | <input type="checkbox"/> TRANSPORTATION ENGINEER |
| <input type="checkbox"/> NW NATURAL | <input type="checkbox"/> ODOT/REGION 1/DIST 2B |
| <input type="checkbox"/> WILLAMETTE BROADBAND | <input type="checkbox"/> STATE OF OREGON/REVENUE |
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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: Cheryl Pagano **Date:** 3-8-05

Title: Chief **Agency:** Police

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: February 28, 2005

- TO:**
- | | |
|---|--|
| <input type="checkbox"/> FIRE | <input type="checkbox"/> CANBY POST OFFICE |
| <input type="checkbox"/> POLICE | <input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR |
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| <input type="checkbox"/> WWTP | <input type="checkbox"/> CLACKAMAS COUNTY |
| <input checked="" type="checkbox"/> CITY ENGINEER | <input type="checkbox"/> CANBY SCHOOL DISTRICT |
| <input type="checkbox"/> CTA | <input type="checkbox"/> TRANSPORTATION ENGINEER |
| <input type="checkbox"/> NW NATURAL | <input type="checkbox"/> ODOT/REGION 1/DIST 2B |
| <input type="checkbox"/> WILLAMETTE BROADBAND | <input type="checkbox"/> STATE OF OREGON/REVENUE |
| <input type="checkbox"/> CANBY DISPOSAL | <input type="checkbox"/> CANBY BUSINESS REVITALIZATION |
| <input type="checkbox"/> CITY ATTORNEY | <input type="checkbox"/> BIKE AND PEDESTRIAN COMMITTEE |

The City has received **DR 05-01 (Gustafson)**, an application by **Scott Gustafson** to construct a new office building on one 6900 SF parcel on the south side NW 2nd Avenue. The site is located between N Douglas and N Elm Streets, adjacent to the east of Wilcox Arredondo and north of Jarboe's Restaurant. (Tax Map 3-1E 03CC, Tax Lot 4700)

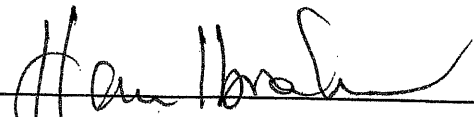
Please review the enclosed application and return comments to **Darren Nichols** by **Wednesday, March 14, 2005**. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

~~EXISTING DRIVEWAY SHOULD BE MODIFIED TO MEET ADA STANDARDS.~~

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: 3/11/2005

Title: Project Engineer Agency: Curran McLeod, Inc

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: February 28, 2005

- 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 checked="" type="checkbox"/> WWTP | <input type="checkbox"/> CLACKAMAS COUNTY |
| <input type="checkbox"/> CITY ENGINEER | <input type="checkbox"/> CANBY SCHOOL DISTRICT |
| <input type="checkbox"/> CTA | <input type="checkbox"/> TRANSPORTATION ENGINEER |
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Please review the enclosed application and return comments to **Darren Nichols** by **Wednesday, March 14, 2005**. 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
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- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

Signature: Darwin James **Date:** 2/28/05

Title: Supervisor **Agency:** WWTP

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

(503) 266-9404

FAX 266-1574

DATE: February 28, 2005

- TO:
- | | |
|---|--|
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Please review the enclosed application and return comments to Darren Nichols by Wednesday, March 14, 2005. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

All questions & conditions have been addressed.

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 [Signature] Date: 3/2/05

Title: FOREMAN WATER DEPT. Agency: CANBY UTILITY

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: February 28, 2005

- TO:
- FIRE
 - POLICE
 - PUBLIC WORKS
 - CANBY ELECTRIC
 - CANBY WATER
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 - CITY ENGINEER
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Please review the enclosed application and return comments to Darren Nichols by Wednesday, March 14, 2005. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

No traffic concerns at this time except for the increase of traffic on Elm 99 E

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: Maureen Elmer Date: 3-10-05

Title: Chairman Agency: Traffic Safety Comm.

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: February 28, 2005

- TO:**
- | | |
|---|---|
| <input type="checkbox"/> FIRE | <input type="checkbox"/> CANBY POST OFFICE |
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Please review the enclosed application and return comments to **Darren Nichols** by **Wednesday, March 14, 2005**. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

- Bicycle rack is adequate in front of building.
- Alternative site for racks could be on the parking lot side where lots of people will approach the building. See map on back.
- Make sure rack is installed with enough room on sidewalk and ~~far~~ away from building - See installation specs

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: Robi Kurth **Date:** 3/2/05

Title: Chairperson **Agency:** Bike + Ped. Committee

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: February 28, 2005

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Please review the enclosed application and return comments to Darren Nichols by Wednesday, March 14, 2005. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

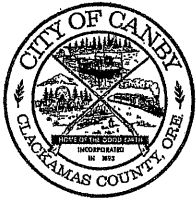
NO COMMENT

Please check one box and sign below:

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

Signature:  Date: 3/1/05

Title: ASSOCIATE ENGR. Agency: CTA



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

By mail: Planning Department, PO Box 930, Canby, OR 97013
In person: City Hall at 182 N. Holly Street
E-mail: nicholsd@ci.canby.or.us.

Written comments must be received prior to the hearing at 7:00 PM March 28, 2005.

APPLICATION: Design Review (to construct a new office building)

APPLICANT: Scott Gustafson

CITY FILE #: DR 05-01

COMMENTS: Good for business &
employment opportunity, low
environmental impact.
I know Scott personally &
have the highest respect of
administration.

Thanks,

Mark Derry

YOUR NAME: Mark Derry

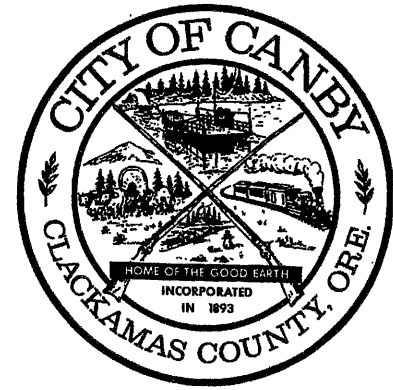
ORGANIZATION or BUSINESS (if any): Mark Derry, Photo.

ADDRESS: 406 NW 2nd Ave, Canby

PHONE # (optional): _____

DATE: 3/1/05

Thank you!



STAFF REPORT

TO: *Planning Commission*
FROM: *John Williams*
DATE: *March 18, 2005*
RE: *MOD 05-02: Smith*

We've received an application from Wade Smith to modify his Design Review approval and have scheduled your review for March 28 as a new business item. Following is a summary of the request, the process to be used in this case, and an analysis of the criteria.

Request

Mr. Smith received approval in 2004 to construct a RV/boat storage facility on S. Redwood Street (located behind Club Fit and Spectrum Woodworking). He is now proposing to build a covered lean-to parking building along the western property line. The structure would measure approximately 35 feet deep by 288 to 395 feet wide by 20 feet tall.

The roofing would be galvanized metal with the steel framework painted white.

Process

This intermediate modification will be dealt with by the Planning Commission as a new business item. If the request is approved, we will mail notice to neighboring property owners and any others who have standing from the last public hearing process. Any of these individuals may request a public hearing *at the applicant's expense* by filing a written request within 10 days.

Criteria

The criteria for this application are the same as for the original application, as follows:

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 percent 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.

** See Site and Design Review Criteria Matrix on following page.*

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	
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	
Tree Retention				
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.]	0	1	2	3
Replacement of trees removed that were recommended for retention [x<50% / x>50%]	0	1		

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		

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		

Types of Landscaping				
# of non-required trees [x<1 per 500 SF of landscaping / 1 or more per 500 SF of landscaping]	0	1		
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	

FINDINGS:

Staff concludes that the proposal has no effect on the Site and Design Review matrix score, as listed above. Although the proposed structure is large, staff believes it will have minimal impact on surrounding properties. Due to this property's location set back from the public street, the proposed structure will be mostly invisible except from neighboring apartments. Staff believes that the view of this structure will be more attractive than a view of parked RVs and boats. Therefore, staff recommends approval of the request as proposed.

Should the Planning Commission approve the request, public notice will be issued and neighbors can request a public hearing if desired.

Staff concludes that the application meets the requirements for Site and Design Review approval with the application of additional recommended conditions. In direct response to the criteria for Site and Design Review, staff concludes the following:

- A. The proposed 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;

The proposal meets the minimum development requirements for the M-1 zone pertaining to lot size, building area, setbacks and structural design.

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

The development is screened from the public right of way and isolated on land that is not as viable as other industrial parcels (limited access and visibility). The flag lot provides an acceptable location for the storage of recreational vehicles with little impact on surrounding uses.

- C. The location, design, size, color and materials of the exterior of all structures and signs are compatible with the proposed development and appropriate to the design character of other structures in the same vicinity.

Staff concludes that this criteria is met.

- 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.

The development met 74% of the criteria for Site and Design Review, thereby meeting the test for compatibility. Please refer to analysis of the development with the design review matrix above.

- 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.

All public facilities and services are available or will become available to service the development.

- F. 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.

All utilities exist or can be provided to adequately serve the site.

- G. 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.

This proposal will not impact needed housing cost or availability.

- H. 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.

N/A

Recommendation

Based on the findings and conclusions presented in this report, and without benefit of a public hearing, staff recommends that the Planning Commission approve MOD 05-01.

Exhibits:

1. Applicant's narrative, site plan, structure elevation, vicinity map.

CANBY RV & BOAT STORAGE

(503) 266-7867

(775) 242-6324 fax

wade@canbystorage.com

FACSIMILE TRANSMITTAL SHEET

TO: John Williams	FROM: Wade Smith
COMPANY: Canby Planning and Development	DATE: 3/15/2005
FAX NUMBER: 503-266-1574	RE: Intermediate Modification request
PHONE NUMBER: 503-266-9404	TOTAL NO. OF PAGES INCLUDING COVER: 3

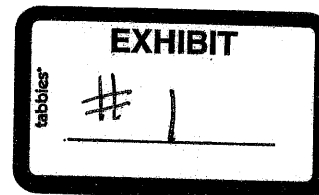
URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

Hello John,

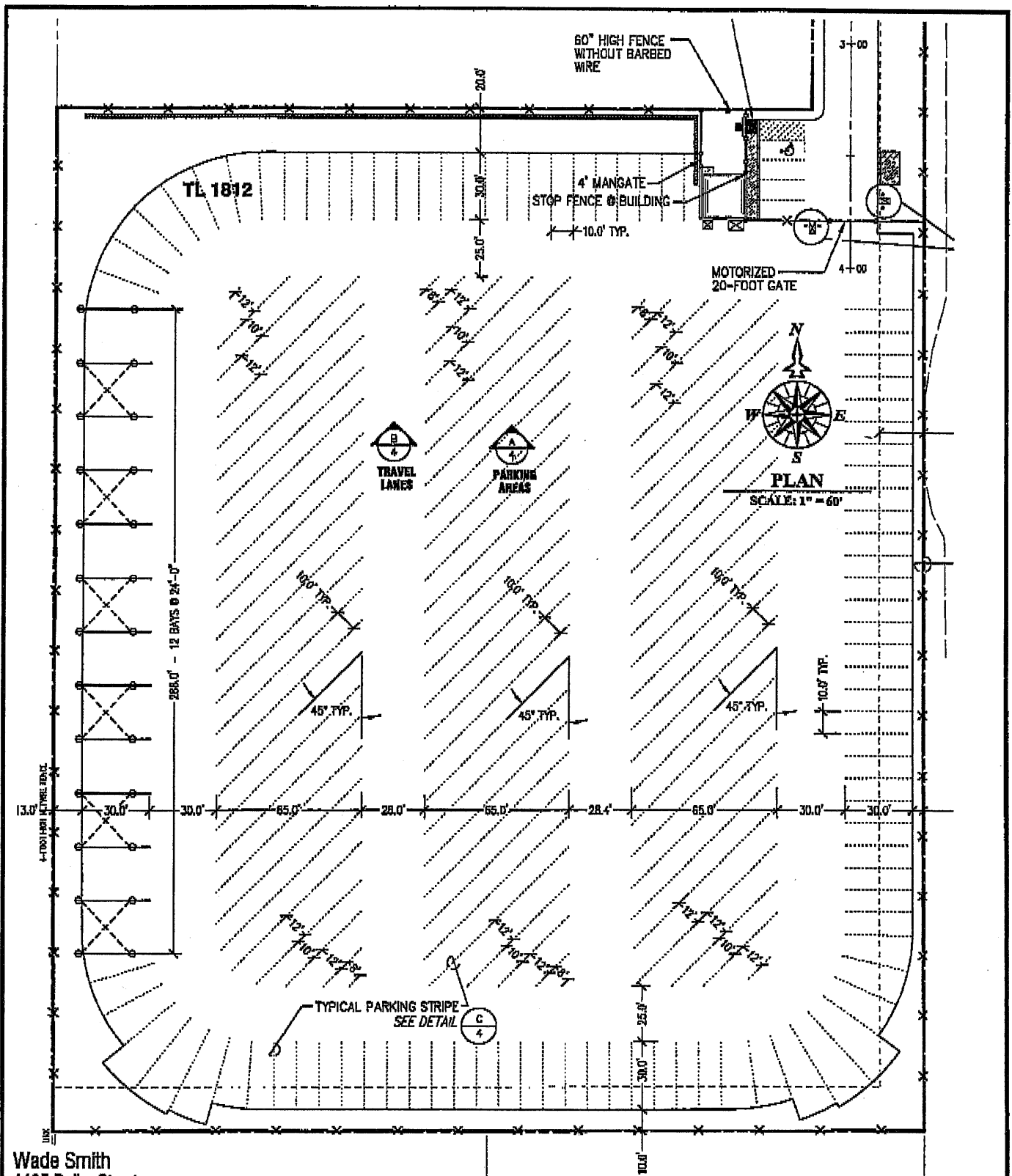
Here is our request for Modification. We are proposing to erect one covered parking building along our Western Property boundary. The building is to be approximately 288'-395' Wide by 33'-35' Deep. It will be constructed of an engineered steel base with pipe columns and I-beam headers beams. A galvanized perlin will be used to fasten to the I-beam to support the metal roof. An elevational drawing and overview are attached. The steel framework is to be painted white and the perlins and roofing are to be galvanized metal. Thanks

Wade Smith



373 S Redwood Street, PO Box 817, Canby, OR 97013

www.canbystorage.com



Wade Smith
 1195 Dollar Street
 West Linn, Oregon 97068

COVERED GARAGE

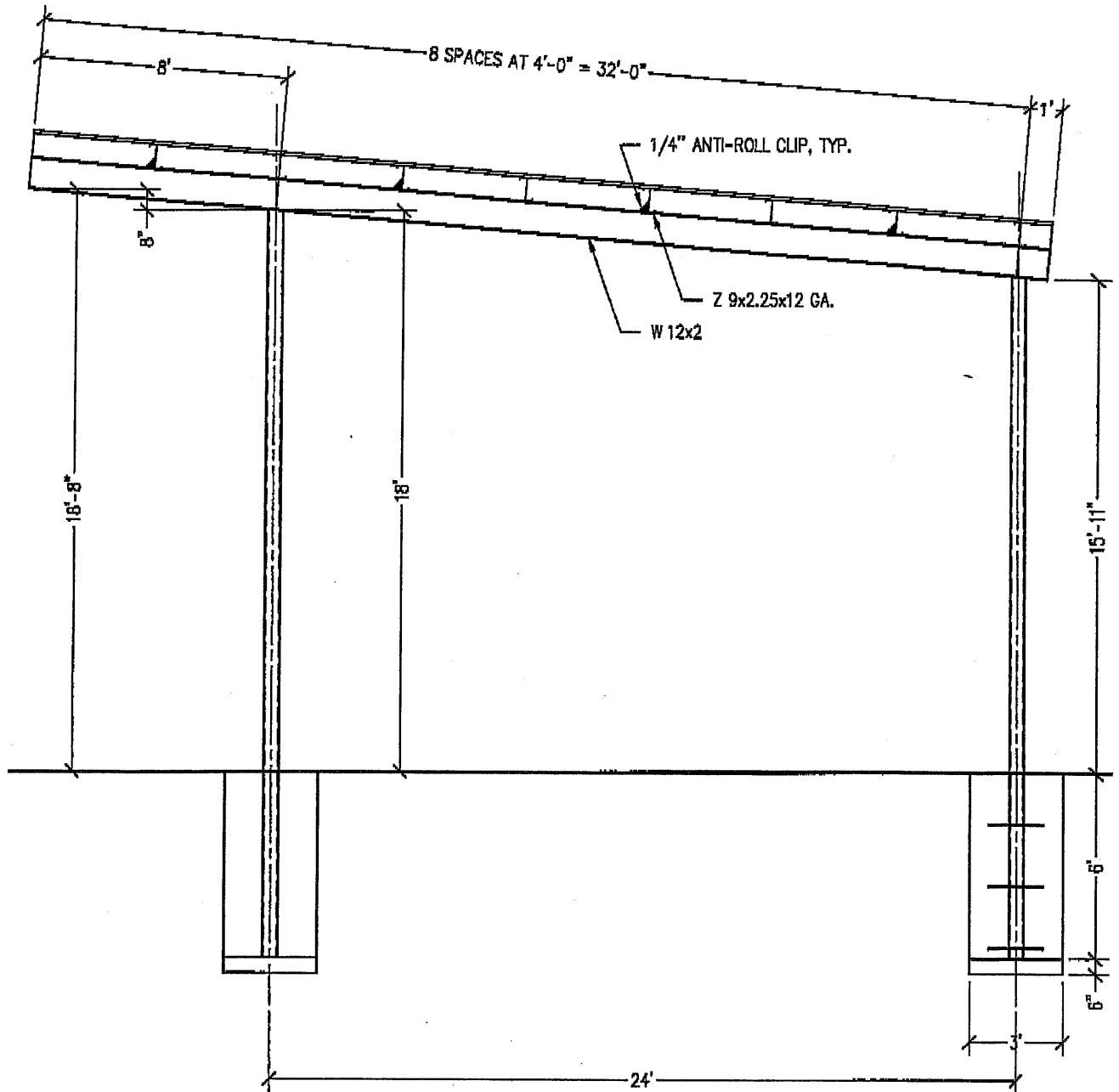


COMPASS ENGINEERING
 ENGINEERING * SURVEYING * PLANNING
 6864 S.E. LAKE ROAD (503) 653-0093 PHONE
 MILWAUKEE, OREGON 97222 (503) 653-9095 FAX
 compass@compass-engineering.com

Canby Commercial Development
 Tax Lot 1812, T3S-R1E-34C
 Canby, Oregon 97013

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P:\560\15657\AL Drawings\5657\Civil.dwg, Layout1, 3/14/2005 10:12:55 AM, dsagato



COVERED GARAGE SECTION
 SCALE: 1" = 5'

Wade Smith
 1195 Dollar Street
 West Linn, Oregon 97068

COVERED GARAGE



COMPASS ENGINEERING

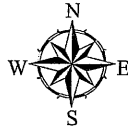
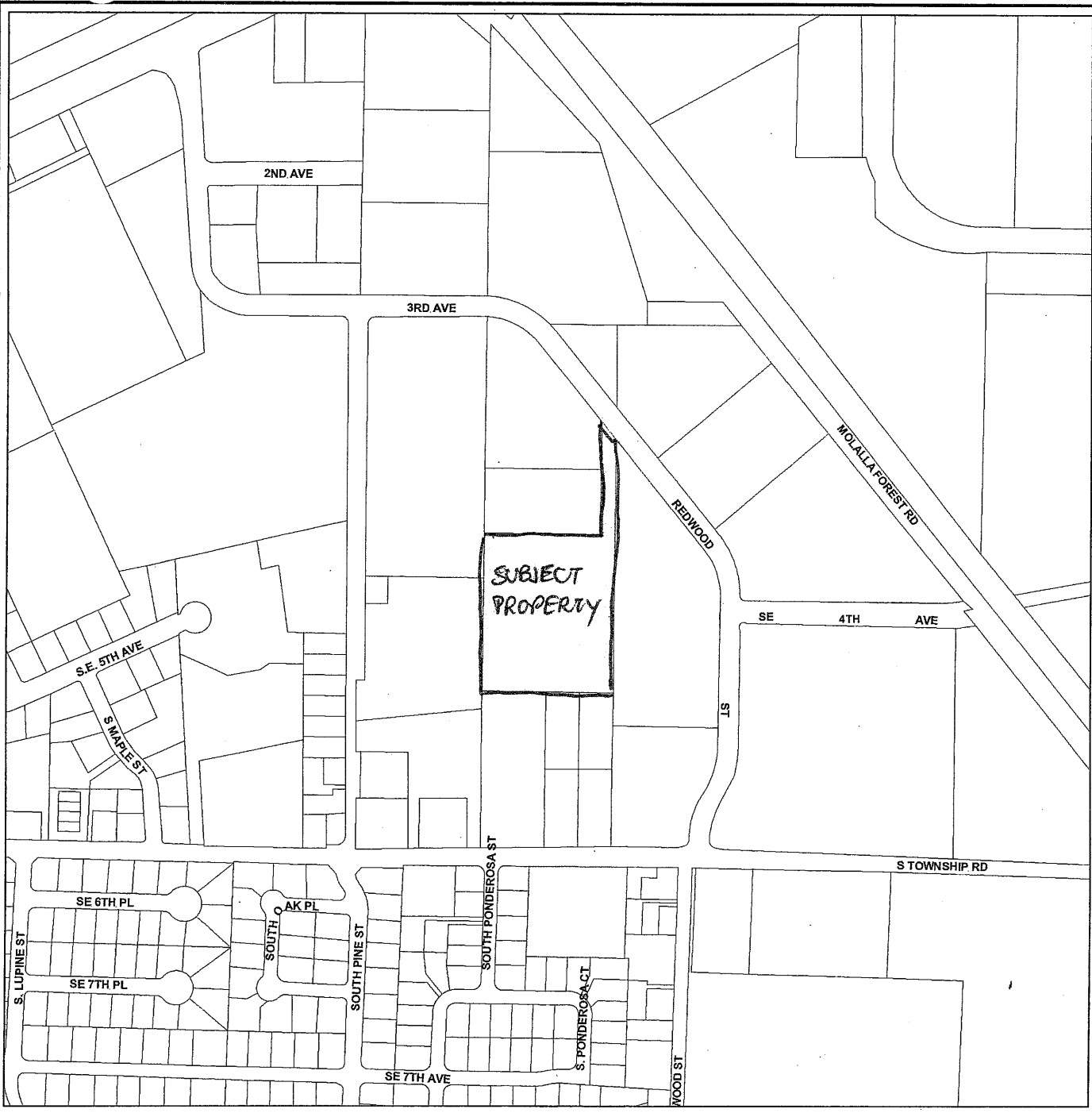
ENGINEERING * SURVEYING * PLANNING
 6684 S.E. LAKE ROAD
 MILWAUKIE, OREGON 97222
 compass@compass-engineering.com

(503) 653-8009 PHONE
 (503) 653-8085 FAX

Canby Commercial Development
 Tax Lot 1812, T3S-R1E-34C
 Canby, Oregon 97013

2
 2

MOD 05-02 (Smith)

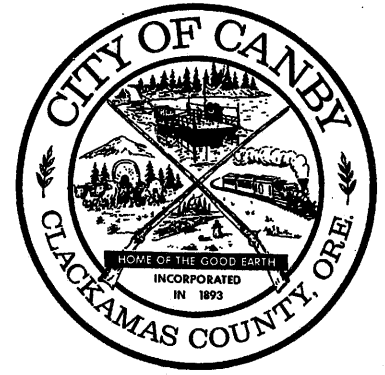


Clackamas County

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.

March 18, 2005 02:48 PM



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

**A REQUEST FOR A CONDITIONAL) FINDINGS, CONCLUSION & FINAL ORDER
USE PERMIT AND FOR SITE AND)
DESIGN REVIEW APPROVAL TO) DR 04-09 / CUP 05-01
CONSTRUCT A NEW PUBLIC) Canby Middle School
MIDDLE SCHOOL)**

NATURE OF APPLICATION

The applicants request City approval to construct a new Middle School on a 37 acre parcel zoned for residential development. Site plans propose to construct one middle school building with vehicle parking and bus transportation facilities. Site design also proposes construction of two soccer fields, two softball fields and one baseball field at the southern portion of the site. The new school facility would accept approximately 1/2 of the current student body from Ackerman Middle School (estimated 550 students).

The Planning Commission held an initial public hearing to consider the application on February 28, 2005. Following the initial hearing the Commission held a second hearing to consider additional testimony on March 14, 2005

CRITERIA AND STANDARDS – 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

- 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 to determine "compatibility". An application is considered to be "compatible", regarding subsections B and C above, if a minimum of 65% of the total possible 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.

CRITERIA AND STANDARDS – Conditional Use Permit

In judging whether or not a Conditional Use Permit 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:

- 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 public hearings on February 28 and on March 14, 2005, and after considering the February 18, 2005 staff report, deliberated and reached a decision approving the applicant's request for design review approval and a conditional use permit. The Commission adopts Findings and Conclusions contained in the February 18, 2005 staff report insofar as they do not conflict with the following additional findings:

1. The Planning Commission heard testimony from neighbors expressing concerns about traffic impacts in the surrounding neighborhood. The Commission also considered a traffic study prepared by Lancaster Engineering and heard a presentation from Engineering Technician Catriona Sumrain indicating that traffic impacts will not significantly impact surrounding streets. The Commission finds that traffic impacts are not expected to drop traffic service levels below Level of Service (LOS) 'D'. Therefore, existing street infrastructure (local streets and intersections) are sufficient to handle the expected trips generated by the new Middle School.
2. The Commission also heard concerns expressed regarding non-school related, "cut through" traffic using the private school drive to access N Teakwood and SE Township. Neighbors proposed eliminating a proposed connection from the school site to S Teakwood Street. Canby Police Chief Ken Pagano testified that limited access at Teakwood would limit emergency and police services to the site. BOORA Architects presented testimony and design proposals proposing clearly delineated private entries, a curved street design and other elements intended to discourage public use of the private street. The Commission finds that curb extensions, raised entries, pillars, trees and signage are sufficient to prevent most "cut through" traffic and still provide adequate access for students, parents, buses and emergency vehicles (see Conditions 10, 17, 19 & 20).
3. Neighborhood concerns were expressed specifically regarding parking issues associated with sporting events on school owned ball fields. Project designer BOORA Architects demonstrated that the facility can provide ample parking to meet the needs of athletes and spectators using the site without needing to use surrounding on-street parking. With adequate parking signs, stall striping and event scheduling, the

Commission finds that on-site parking is sufficient to meet the needs of the school and athletic events on the playing fields. The Planning Commission finds that although there will be some impact to the neighborhood due to parking for special events, this impact 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.” The Commission also finds that any subsequent traffic and parking concerns shall be directed to the Traffic Safety Committee through the City of Canby Planning Department (see Conditions 7 & 10).

4. The Planning Commission expressed concerns about emergency access and public safety along the rear of the building at the N Molalla Forest Road walking trail. BOORA presented a proposed lighting plan with motion sensing capabilities to be installed on the rear wall of the school. BOORA also presented proposed vehicle connections and turn around areas on the N Molalla Forest Road. Canby Police Chief Ken Pagano testified that proposed lighting and access points are sufficient to provide police monitoring and services. Canby Planning Director John Williams also noted that the Canby Fire Marshal confirmed that the applicants’ proposal is adequate to provide fire and emergency medical access to the building and sports fields. The Commission finds that proposed lighting and vehicle access are sufficient to provide public safety and emergency access to the building and to the playing fields (see Conditions 16 & 22).
5. In order to provide future parking area, the applicant suggested removing a proposed pedestrian pathway from the southern side of proposed athletic fields. Additional testimony from the applicant indicates that the site design provides sufficient parking for the school and for the athletic fields without removing a proposed path. The Commission finds that a 10 foot wide path shall be constructed along the south side of proposed athletic fields. Said path shall connect the private access drive and the N Molalla Forest Road, as proposed in drawings submitted by the applicant (see Conditions 8, 20, 21 & 22).

CONCLUSION – Site and Design Review

Regarding Site and Design Review Criteria, the Planning Commission concludes that, with the application of conditions listed below:

- 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 needs of the proposed development.
2. Public utility and service providers indicate that the 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 Permit Criteria, the Planning Commission concludes that, with the application of conditions listed below:

- 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 04-09 / CUP 05-01** is approved, subject to the following conditions:

Prior to construction:

1. A pre-construction conference shall be held prior to the issuance of building permits. Fifteen copies of pre-construction plans shall be given to the City Planner's Office to be reviewed and approved by all applicable utility providers at least two weeks *prior to the pre-construction conference*.
2. A revised, full-size set of **all** submitted development plans (including site plan, utility plan, grading plan, landscape plan, etc.) shall be provided, depicting each of the written conditions to the satisfaction of the City Planning Department.
3. The design, location and planned installation of all utilities, including but not limited to water, electric, sanitary sewer, natural gas and telephone & cable communications shall be approved by the appropriate utility providers. Any relocation of existing utilities shall be performed at the expense of the applicant.

4. As necessary, any recorded easements on the property shall be approved for vacation by appropriate utility providers and/or new easements shall be recorded to utility providers' specifications.

For the Building Permit Application:

5. 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 and location of planting, the type and size of plant materials, a planting schedule and irrigation plans. In addition, the final landscape plan shall clearly demonstrate the relationship between School District property and the City's Logging Road pedestrian path to ensure continued safety for students and for pedestrians. The final landscape plan shall reflect the approved landscape plan submitted with the Site and Design Review application and any modifications conditioned.
6. Landscape materials shall be planted to provide a minimum of 95% coverage of landscaped areas with vegetation within a 3-year time period. Bark mulch, rock and similar material shall consist of not more than 5% of the total landscaped area after said 3-year period. All required trees shall be a *minimum* of 2" caliper at the time of installation.
7. The development shall provide a minimum of 150 vehicle parking spaces, not including bus parking or on-street parking. On-site parking shall include a minimum of 105 full sized spaces; the balance may be constructed as compact spaces. For all on-site parking, wheel stops shall be required in areas where abutting sidewalks are less than 8 feet in width and in areas where landscaping within 2 feet of the curb is not limited to lawn and groundcover or could be damaged by vehicle overhangs. For parking spaces that do not meet the above criteria, wheel stops shall be placed twenty four inches (24") in front of the end of the space. Parallel parking on access roads and driveways shall be provided per the applicant's March 14 proposal, and all such parking shall be striped so as to provide a minimum of 107 spaces in addition to 150 standard parking stalls in the primary parking area. Any and all off-site traffic and parking concerns shall be directed through the City of Canby Planning Department and shall be raised for discussion by the City's Traffic Safety Committee, if necessary.
8. All interior sidewalks and access ways shall be a minimum of five feet in width. All walkways and pedestrian paths connecting the school building to the access drive and parking areas shall be constructed a minimum of 10 feet in width so as to accommodate both pedestrians and bicycles on the walking surface.

9. Bicycle parking shall be provided as per requirements of CMC 16.10.100. In this case, the applicant's proposal of 80 spaces shall be considered the minimum acceptable to serve an estimated student body of 800.
10. Details of sign dimensions and construction techniques shall be shown on the building permit submittal or on a subsequent sign permit application. Signage details shall be reviewed and approved through the pre-construction process. At a minimum, approved signage shall include school entry signs, vehicle speed zones, directional traffic signs, parking signs, and school property identification as a private street at all vehicle entries.

Prior to Issuance of a Building Permit

11. All storm water shall be disposed of on-site. The design of stormwater facilities shall be approved by the City Engineer and Public Works Supervisor. The applicant is responsible for obtaining approval from Clackamas County and the State of Oregon – DEQ for stormwater management permit approval.
12. An Erosion Control permit is required prior to excavation and site work. All approved erosion control measures shall be in place and maintained during construction. All Erosion Control measures shall conform to the City of Canby's Erosion Control Ordinance. The site shall be inspected periodically until all disturbed soils are either developed or established in landscaping.

During Construction

13. All grading and fill on the site shall comply with State, City and County regulations.
14. Any relocation of existing utilities required due to construction of the Middle School development shall be performed at the expense of the applicant.
15. ADA Ramps shall be provided as required by the Public Works Supervisor.
16. All site lighting shall be hooded to project light downward. Lighting shall be installed as proposed along the rear of the school building and shall be controlled via "motion sensing" equipment to provide safety and security.
17. Street frontage improvements shall be constructed and/or maintained as required by the Public Works Supervisor, including but not limited to, sidewalks, curbs, ADA ramps, lighting, etc.
18. Required trees shall be placed no less than 10 feet from any sewer main or sewer lateral. Tree placement shall be reviewed and approved by the Public Works supervisor prior to installation of landscape materials.

19. Developer shall complete half street improvements for the parcel's full frontage onto SE Township Road. Street improvements shall be completed to the satisfaction of the City Engineer and Public Works. As part of half street improvements, the developer shall provide a sidewalk and bike lanes from the intersection of S Redwood and Township to the eastern boundary of the Middle School site. The developer shall also construct an approved crosswalk on SE Township at a point to be determined by the Planning Director between the school access drive and the Logging Road pedestrian bridge. As part of street improvements the developer shall provide a pedestrian connection between a new sidewalk and the Logging Road pedestrian trail.
20. The private drive connection between S Teakwood Street and SE Township shall be clearly marked as a "private" (i.e., not City-owned) street and shall be constructed and signed as such to the satisfaction of the City of Canby Public Works. Private drive entries shall include, at a minimum,
 - curb extensions narrowing the street section to 20 feet and providing ADA ramp access,
 - a raised "threshold" approach constructed a different material from the road, surface and clearly marked for pedestrian crossing,
 - one concrete or masonry pillar on each side of the drive entrance,
 - signage indicating the entry as a private drive,
 - street trees along access drive, differentiating the drive from public streets,
 - other features as necessary to clearly delineate the transition from public street to private property.
21. As part of construction, developer shall extend an existing pedestrian access way from the southern boundary of Trost Elementary school along the southern boundary of the Middle school site and connecting to the N Molalla Forest Road (Logging Road) walking trail.
22. The developer shall clear all brush and sight obscuring vegetation from the eastern boundary of the site and from the abutting western boundary of the N Molalla Forest Road, as proposed in discussions with the applicant and as presented during public hearings.
23. A legend of the building layout shall be placed inside each main entry so as to assist emergency responders in locating on-site emergencies. Phone systems installed in the new middle School shall also incorporate caller identification data in order to alert emergency communications specialists to the physical location of a phone in the absence of verbal communication.

After Construction

24. The developer shall provide a copy of as-built drawings to the City of Canby following completion of the Site Development and again at the completion of the building construction. As-built drawings shall include at a minimum:
- the location, size and specifications of all underground utilities,
 - the location of all easements on the subject parcel and adjacent parcels,
 - any changes to the originally approved site and utility design

I CERTIFY THAT THIS ORDER approving **DR 04-09 / CUP 05-01** was presented to and **APPROVED** by the Planning Commission of the City of Canby.

DATED this 28th day of March, 2005.

James R. Brown, Chair
Canby Planning Commission

John R. Williams
Community Development & Planning Director

ATTEST:

ORAL DECISION – March 14, 2005

AYES: Brown, Ewert, Helbling, Lucas, Manley, Molamphy, Tessman

NOES: None

ABSTAIN: None

ABSENT: None

WRITTEN FINDINGS – March 28, 2005

AYES:

NOES:

ABSTAIN:

ABSENT:

MINUTES CANBY PLANNING COMMISSION

7:00 PM MARCH 14, 2005
City Council Chambers, 155 NW 2nd

I. ROLL CALL

PRESENT: Chairman Jim Brown, Commissioners John Molamphy, Tony Helbling, Geoffrey Manley, Randy Tessman, Dan Ewert, and Barry Lucas.

STAFF: John Williams, Community Development and Planning Director, Carla Ahl, Planning Staff

OTHERS PRESENT: Andrew Rivinas, Lou Bailey, Dr. Mike Harms, Debrah Sommer, Heinz Rudolf, Cat Sumrain, Rod Beck, Pattie Flagg, Jeff Kirkman, David Morehouse, Sandy Ricksiger, Dick Adams, Pattie and Patrick Ryall, Ken Pagano, David Moore, Matt Madeira, Scott Enyart, John Vredenburg, Ahren Spilken, Vicki Pounds, Jennifer and Darrell Nicholson, Robin Perez, Tom and Donna Wolfe, and Don Knight.

II. CITIZEN INPUT

None.

III. PUBLIC HEARINGS

DR 04-09/CUP 05-01 Canby Middle School – This was a continuation of a public hearing from February 28, 2005. It was an application to construct a new middle school on a 37-acre parcel located south of SE Township east of Trost Elementary School. Chairman Brown read the public hearing format. Chairman Brown asked if there was any conflict of interest. There was no conflict, all intended to participate. Chairman Brown asked if there was any ex parte contact. Mr. Manley said Don Stahely talked with him about his concern about ongoing maintenance if they required additional parking, Mr. Lucas received emails from Dave Flagg stating his opinion that the City should pay for extra parking, and Chairman Brown was contacted by the *Oregonian* about questions about the hearing. Chairman Brown said they would view this as a new public hearing, and all could testify.

STAFF REPORT: Mr. Williams said at the last meeting they discussed many issues and concerns from the neighborhood. They outlined five issues to come back. The issues were improved fire and police access, lighting on the Logging Road, an east/west pathway on the south side of the fields, Teakwood Street, and parking. They wanted to keep the discussion on these five issues.

APPLICANT: Debrah Sommer, School Superintendent said she had several concerns about the process. She was unprepared to speak at the last meeting because they thought they had followed the process. On February 10 they had a citizen meeting regarding the proposed school and 40 citizens attended. She thought the traffic study was given little weight, although it said the impact was less for the school than had the neighborhood been allowed to develop as R1. Teakwood had been planned as an arterial.

Ms. Sommer stated they had been working with staff for over one year on this application. She stated there were 257 parking spaces planned not the 150 spaces that were required, and there were also 100 spaces available at Trost School. She explained the School District had no need for the proposed fields since all of the middle school athletic programs had been cut due to budget constraints. She stated that all of the scheduling for the fields were done by either the Canby Kids or the Whiskey Hill Kids. They have created this partnership so there were fields for the kids could play on, it is the same partnership they have with the City of Cangby and the Canby Swim Center. The School District lets the Swim Center use the land for free. The School District was trying to be a good neighbor to the community by providing more soccer, baseball, and softball fields.

Ms. Sommer stated the quote in the *Oregonian* regarding the District being able to pay for the additional parking spaces as a result of selling bonds at a better rate than anticipated, they did sell them at a better rate, but had chose to pass the savings on to the taxpayers. They had worked for over a year to meet and exceed code in all areas and the traffic study supported reduced impact on those living in the immediate proximity of the school. They did not need more parking, they did not need the fields, and they did not have additional money for parking. They were over budget and behind in the timeline. They had a commitment to the community who passed two bonds in five years to build a middle school.

Heinz Rudolf, representative for the applicant, gave a PowerPoint presentation. He showed them a master plan of the site. Regarding improved fire access around the site, they discussed it with the Fire Marshall and he was comfortable with it. It was a 26 foot wide road where a bus and fire truck could pass each other. They also had a turn around of 100 feet. Regarding lighting on the Logging Road for security issues, there was an overgrown area that was outside of the property line. They agreed to grade and clear the area and re-seed it for visibility. They would also have exterior lighting on the building and would have motion sensors. Lighting of the Logging Road was never in the plan and it was not their property. Regarding elimination of pedestrian paths, they were going to move the path and it would be a paved ten foot wide with six foot high fence that would connect to the Logging Road. They preferred the sidewalk on the east side to keep students out of the traffic. As part of the road

improvements on Township, they would have a sidewalk wide enough for a wheel chair that would have access to the Logging Road.

Mr. Rudolf, stated there had always been plans to have a connection from Teakwood to Township. It followed the master plan and two access points were very important in keeping even distribution of traffic. It needed to be designed correctly so it would not become a speedway. The road would be narrowed and surface would be concrete, so people would know they were entering a school zone. 3

Mr. Rudolf addressed the parking issue and explained it would be signed and there would be overflow parking available. They were making dual use of parking and saving money. They had 257 parking spaces on site and using Trost with an improved pedestrian walkway that led to the site, they would have 357 spaces for special events. He researched what events would happen and showed there would be plenty of spaces. The Planning Commission had asked if there were other options, and he discussed them. He thought they could move the soccer field site slightly to the north so they could add a strip of parking if needed. In the rare case they needed more parking, they could park at the play areas which would add 60 more spaces.

Mr. Helbling asked if they took into account the additional parking at Trost if they would have an event at Trost at the same time. Most likely they would have events at both fields at the same time. Mr. Rudolf said that would be a scheduling issue.

Mr. Manley said he was surprised at the width of the sidewalk on Teakwood because most of the sidewalks were 5 to 6 feet in width. It was a bicycle lane requirement, so bicycles could be on the sidewalk.

Mr. Helbling said if they were going to park on one side of the street, were they going to make the street a one way or two way on the remaining drive? Mr. Rudolf said people were only allowed to park there after hours.

Mr. Dan Keizer, Civil Engineer, said it would allow a two way traffic and parking on one side. Mr. Helbling said his concern was kids in the traffic. That was why they were pushing for the sidewalk to stay on the east side so there was no need to cross it.

Cat Sumrain, Traffic Engineer, Lancaster Engineering, said they assumed the initial student body would be 550 students, but the school could accommodate 800 students. There would be additional services on the facility for cafeteria and athletics. There would be one way circulation through the passenger and bus facility and two way through the parking lots. They could also use the 20 mph school sign to slow traffic.

Ms. Sumrain compared the number of trips generated from a school as opposed to putting in the 400 homes as it was zoned currently. Residential development would place more cars on the road. Just before school started was the heaviest impact to the roads, and she took photographs and there was not much traffic at that time. It was a level of service C, and when she added in the school traffic they went to a D, but they used a worse case scenario of both schools starting at the same time. If they were not at the same time, they could still see level C service. The level of service would go up when they built the school because they would take off the impact of 13th and Ivy where Ackerman was. It would be distributed in two intersections.

Police Chief Ken Pagano said there were some issues regarding patrolling and access to the Logging Road and gating the access road at Township. He thought the road should remain open, not gated. He thought there was good access to the Logging Road. Regarding graffiti on the back of the school, it was usually a territorial crime and was not a common or well traveled area to have it happen. The walking path was a good idea.

Mr. Brown said one of the issues was having one access to the back of the Logging Road, and they thought it would be better to have access completely around the building by the Logging Road. Chief Pagano said the more access the better. They would only use the Logging Road as an emergency response and could enter on any side. Mr. Brown asked if lighting on the Logging Road would be beneficial, and Chief Pagano said any lighting would be beneficial but the question was who would put it in and who would pay for it. They did have spotlights on the cars that were patrolling.

Mr. Brown asked if the idea of a future industrial park across the railroad track changed the context? Chief Pagano said he did not think it changed his opinions. They had an industrial area on Redwood near a school now.

Mr. Helbling said they were thinking of making Teakwood through the property a private drive, would the police have jurisdiction in that case? Chief Pagano said anything open to the public they had jurisdiction over. Mr. Helbling asked about enforcement of parking. Chief Pagano said it would be up to the school to enforce it.

PROPOSERS:

Dr. Mike Harms, resident, said he had information from the Tualatin Hills Park and Recreation District. They commissioned a parking study of their facility for their athletic events, and came up with a rule of thumb for parking. The rule was double the number of participants at a field for parking spaces. If games were scheduled close together, they doubled it again. They scheduled games a minimum of half an hour to an hour between games.

Andrew Rivinas, resident said they were referring to the extension of Teakwood as a private drive, and it was School District property and was public property. He supported this project, which was already modified to address their concerns and be a valuable asset to the community. He had been part of the design and development as a citizen member and tremendous effort had gone into it that would meet all needs and requirements. He did not want them to hold up a project that met all current regulation on the basis of what they might like to see different in the future.

Mr. Rivinas stated that facilitating existing resources like local on street parking to accommodate peak demand was an efficient use of resources. He as a taxpayer would be upset that the money they approved for school construction was diverted to parking that would remain empty most of the time because they failed to consider the available street parking that already existed. Regarding changing the character of the neighborhood, it would change no matter what. The school would have a lower impact on traffic than the alternative development plan of hundreds of homes. Regarding the safety of the Logging Road, the project would increase the inventory of playing fields so they could accommodate more young people in positive activities and by keeping those fields busy with activities, they would be flooded with lights and people.

Mr. Rivinas explained there was an urgency to spend the money because they made a commitment that this school would be ready for use at the beginning of the school year in 2006 and the schedule is very tight. The passage of time did many things to the purchasing power of money, and they were losing money to inflation and resources. They needed to move quickly to do the best job they could to get the most value for the taxpayer's money. This was a good project that met all of the requirements and needs of the community. They were trying to catch up to accommodate the growth in school population that resulted in community growth.

Matt Madeira of Canby Kids said it was their responsibility to schedule athletic facilities, games and tournaments so there are no logistic problems. The heaviest use was during tournaments, and they would not schedule multiple tournaments at any facility. They did not schedule Canby Kids athletic events during school hours or at a time when other school events were taking place. He thought there was more than adequate parking.

Lewis Moller, resident of Canby, said they had quite a few people who have commented about Teakwood Street, but this would also affect Redwood. It had always been planned to be a through street, any discouragement of traffic on Teakwood would increase traffic on Redwood. There needed to be a disbursement of traffic, not a concentration of traffic.

Vicki Pounds, resident of, Canby, said she was a soccer coach. They had a large tournament in September that used fifteen fields, and they did use

Trost and they were looking for more fields. They brought in more money for Canby. There was a lot of space at Trost during the tournaments.

John Vredenburg, resident of Canby, president of Canby Youth Soccer, said they worked well with the school to schedule the games. He explained the parking looked good, it was a good site, good for the kids and the two together would work well.

Scott Enyart, resident of Canby, said he was the tournament director for Oregon Youth Soccer. They hosted some events in Canby, and there was adequate parking for this site.

Rich Hein, resident of Canby, president of Canby Jr. Baseball and worked with Canby Youth Football program, said there would be adequate parking for their needs at this facility.

OPPONENTS:

Patti Ryall, resident of Canby, said she thanked the Commission for taking two extra weeks and listening to the citizens in the neighborhood. She was in favor of good programs for kids. She still felt this would impact their neighborhood. Regarding the parking issue, there were a lot of spaces at the school, but people would still park on the street because they were close to the fields. They were homeowners that were trying to keep their neighborhood as it had been. Their property value would go down because of increased traffic. She restated that before they purchased the property, she called the City and School District and was told that their street would not be a major connector for this situation.

Don Knight, resident of Canby, said at the last meeting they stated since the neighborhood was already adjacent to Trost, siting an additional school would not have that large of an effect, but they were concerned about the athletic fields. They did not have anything against the school itself, but the layout of the school and location of athletic fields was a concern. The school and the parking lot diminished the noise, but the fields were going to be closer to the neighborhood and have more impact. If they built an eight or ten foot high berm along the edge, noise would be deflected upward and provide spectator seating for the fields. The traffic study used trips over a 24 hour period, and the traffic was intensified during a two to three hour period during the day.

Aaron Spilker, resident of Canby, said he was in favor of the school. He was against the traffic pattern of Teakwood. He did not think they changed it from the earlier proposal. They were taking the traffic off of 13th and Ivy and putting it down Teakwood which was not designed in width the same as the other roads. There was not sufficient design to handle the amount of traffic coupled

with the fact it would go down SE 11th. It was not designed to handle the traffic flow.

Mr. Manley said Teakwood was designed to be as Redwood, they just did not have the full width because they had not had the development on the other side of Teakwood. It would be developed as the same level of road Redwood was.

Patrick Ryall, Canby, said as to the issue of parking spaces in the school the count included the drop off areas, and there was a concern raised that that area was for fire access. Since scheduling was not done by the schools, if there was overflow parking during simultaneous events in the neighborhood, they would have no recourse. It was true public parking was allowed on public streets, but they were not in an area where people came and went. It would have an adverse affect on the neighborhood. Teakwood would have greater trips, and though it was planned to be a connector, that was before the school was planned. It would fundamentally be different traffic and change the neighborhood. The traffic study did not address the impact on those on SE 11th. No one in his neighborhood had been invited to the planning process for the school. He wanted to keep the speed down on the street, and tournaments that were scheduled one after another would have a big effect on the neighborhood. He was concerned that they had no access to the plans, and the School District had not changed anything to address their concerns.

Darrell Nicholson, resident of 1629 SE 11th Ave, Canby, said they had 23 young kids living on that street and it would not be safe to have the traffic going down that road. They had not addressed the problems of traffic flow. They needed to make it safe for the kids that lived there. He thought they should make it a one way street and have a gate for access. The fields were fine, the issue was the traffic.

Tom Wolfe, resident of Canby, said of all the proponents, none of them lived in the neighborhood that would be affected. He thought they should direct the traffic to a street that was already an arterial. He wanted to know how much extra traffic would come down 11th Avenue as opposed to Teakwood as they thought. He wanted that addressed. Regarding parking, they had a copious amount at Ackerman, but if there would be no parking problems why did those participating in the athletic fields park in Tofte Farms? They would have people parking in the neighborhood where it was closer to the fields. It was not plausible that people would park farther away in the parking spots, especially parking at Trost. At the last meeting, they stated they would have revised plans by the middle of last week and as of that afternoon, there were no plans to review.

Someone from the audience said that instead of making Teakwood a main connector, when the industrial area was built out, have a new street that provided

additional capability that S Redwood and S Ivy did. Mr. Williams said there would be a connection, Sequoia Parkway would connect to 13th.

Darrel Nicholson said the parking requirement was 250, and that would not be enough if they needed the maximum parking of 250 if they had an evening event and a gaming event at the same time. It would be doubled.

REBUTTAL:

Mr. Rudolf said they were told to discuss the issues and come up with drawings, but he did not think they stated they would be available by Wednesday last week. They would work with them and try to come up with solutions to their issues.

Mr. Brown closed the public hearing.

DISCUSSION:

Mr. Brown said he had been on the Planning Commission for almost eight years and there had been a lot of change in the community and they had been through a lot of divisive issues, but he had never been through a process that had given him more chagrin than this application. They had tried to assist the School District, and they were a community that was becoming more fractured and divided. Regarding their code, they had few tools to regulate the planning in the area. One of the best tools was the desire and opportunity to put groups together to work out their differences. He hoped that the two parties would get together, and it did not happen. Many of the issues were specifically answered by the packet they received that day and not at the first public hearing so they could not make an informed decision at the last meeting. Also unfair was that some of the opponents spoke to the architect like he was the adversary, but he was the employee of the School District. They took their responsibility seriously and took both sides into consideration and obeyed their own rules.

Mr. Brown said regarding the conditional use issues, he thought it met all the requirements.

Mr. Molamphy said he missed the last meeting, but he took offense with how he had been talked to. They always tried to do what was best for the community. He thought the school was a good idea, they needed it and the bond was passed. He also thought it met the criteria. It would alter the character of the neighborhood because of the parking and traffic, but they would have that no matter if it was a subdivision or a school. They needed a school.

Mr. Tessman said he thought it met all the criteria. It would change the character of the neighborhood, but he did not think it would be a detriment.

Mr. Lucas said the parking and Teakwood were his issues. It met the conditions. He thought the School District brought back some bonuses. The Teakwood traffic control would slow people down.

Mr. Manley thought it met all the conditions. This would not make it harder for people to live in their homes, they might not have as many parking spaces if they had overflow, but it did not limit the surrounding neighborhood for residential uses.

Mr. Helbling said there would be an affect, but the question was would it preclude the use of the properties as listed in the permitted zone, particularly in SE 11th. He lived in Township Village and there would be a lot of traffic that would come on Township and on 11th.

Mr. Ewert said he had sat on the Planning Commission for 13 years, and he had never been spoken to in this way. They tried to work with the School District on multiple projects. Their job was to plan for the future and to look at both sides. He thought they met the conditional use.

Mr. Brown said regarding site and design review, this body could not decide who paid for what. These were fields for the City, and the City should probably buy and maintain them, but the City could not do that and uses the School District land as recreational property. The code required a certain level of parking, which they could not exceed arbitrarily. The police and fire access representatives said it was adequate. They would eliminate the east/west pedestrian path on the south property line, and they were going to maintain it. There was lighting at the Logging Road, and they included motion detection lighting. Regarding access to Teakwood, the neighbors wanted to prohibit direct vehicle access, but applicant and service providers wanted access.

Mr. Tessman said he would want that access if he had children to take them to school, but the question was increasing traffic and they would have to slow the traffic.

Mr. Brown said there would be curbs on each side and a drive approach to slow it. Their distinction between public and private street was they viewed it as a design standard, not an ownership issue.

Mr. Ewert said any college campus had a similar design, they would be leaving a public street onto a campus. Mr. Brown hoped that there would be discussion with local residents about how it would be accomplished. Mr. Ewert thought in the near future the School District would have to enforce parking regulations. Mr. Molamphy said he liked the design of it and it would slow people down. He thought it should be enforced and controlled.

Mr. Helbling thought there should be a termination at the end of the driveway separated from Teakwood. He thought there should be a turn around at the end of the driveway that would allow some traffic, but also have a crash gate for emergency vehicles. Mr. Tessman said he preferred to have the access open with the grade change for people from that neighborhood to access the school during school hours. Mr. Manley said the emergency service providers said they preferred to have non-gated access.

Mr. Brown said people parked close to where they were going to be, and people would park in the neighborhood. A permit worked well, where people had to have permits on their windows. Mr. Helbling said people were going to park in the neighborhood whether or not there was a street going through because it was closer to walk to the fields from the neighborhood streets than it was from the parking lot. This was not an issue of this application, but was a city issue. If citizens had problems, they could go to the Planning Department or Traffic Safety Committee.

Mr. Helbling said the driveway was a private street, but public tax dollars paid for it, and it was a public facility and it made the fields public and part of the community and they needed to design it that way. They needed to consider the impact of parking on the neighborhood, especially when sports could be reinstated at the middle school in the future. Mr. Tessman said the parking issue should go back to the school and those who have events there, that they tell the parents to park in the parking lot. Mr. Manley thought it would work, but for additional parking, if they didn't have them striped, they got less efficient parking. He thought they should stripe the parallel parking spots with signage no parking during school hours.

Mr. Brown said he thought they might have inadequate parking occasionally. The area west of the soccer fields between Trost and the soccer fields would be for overflow parking. They could not require additional spaces. He hoped they would volunteer some extra spaces, but they had not.

Mr. Lucas said people would park at Trost and in the neighborhood. There were a lot of streets in Canby where kids could not play basketball because of growth. They had a need for the athletic fields in the community. He thought schools and parks would be funded better in the future and they would need them and could not buy them later on.

Mr. Ewert said Teakwood would expand and it could handle more traffic. They had a master plan that would relieve traffic, the only problem was the school was coming before the roads would come. They could not hold the school off until the roads were put in. As far as parking was concerned, the fields were a huge part of the community and he thought there was a negative attitude towards them. He thought they could find additional parking or maybe do permit parking in the neighborhoods. Mr. Lucas said the best thing they heard about

parking that night was from Mr. Harms regarding the Tualatin Recreational District and the scheduling mechanism they used would be a great idea.

Mr. Helbling said parking one way on the driveway might be a solution to limit the traffic. They could have bus access two way at the end of the driveway near Township, but back to the bus turn around have a one way traffic direction going north with sidewalks on the east side. Mr. Brown said Mr. Helbling's idea was to leave the access in place, preclude southbound vehicular movements from the parking lot to Teakwood, only allowing northbound.

Mr. Molamphy said if they made it one way half way, they would create a bottleneck at the parking lot.

Mr. Brown said they did a good job of separating vehicular and pedestrian routes.

Mr. Helbling said they could make it two way down to the southern entrance to the car drop off area.

Mr. Manley said he thought people would go two ways regardless.

Mr. Manley moved to approve DR 04-09/CUP 05-01 with one addition that they stripe the parallel parking spots at the bus turn around and drop off areas so they were easy to identify. Motion seconded by Mr. Molamphy.

Mr. Ewert said there was no mention of any signage in their proposal. The road into the campus should be marked private street, private access only. He wanted jurisdictional signage, way finding signage, parking signage, and speed signage to reflect what they had in their application. He wanted it thoroughly marked.

Mr. Manley agreed to amend the motion to include signage as suggested by Mr. Ewert. Mr. Molamphy seconded.

Mr. Brown said they should remand to the Traffic Safety Committee a review of the parking situation there and meet with the public to figure out where the no parking areas would be. Mr. Ewert thought they should put signage in the neighborhood stating no athletic parking.

The motion passed 7-0.

IV. NEW BUSINESS

Hope Village Design Review – Planning Director John Williams said they

asked the Hope Village folks to come back with revised signage, and they had done that. They were proposing a sign the same as the one existing on Holly Street. It would not be lighted.

Mr. Brown thought they should make it bigger. Mr. Manley thought it looked better.

There was Commission consensus to approve the sign as proposed.

Update on Canby Transit Center plans – Planning Director Williams said the plans for the transit center did not require design review, but Transit Director Margaret Yochem wanted to discuss it with them. Ms. Yochem showed them the new design, which was pre-fabricated restrooms and break room. There was a water feature, the most vandal proof she could find and with no sitting water. There would be two restrooms and a transit driver break room. Mr. Brown asked why the water feature, and Ms. Yochem said the City entered an agreement with the Cutsforth family, and their requests were a clock tower and water feature in memory of Elsie Cutsforth. They put it under the cover because of the cost and liability issues. Mr. Brown thought it took up too much space under the structure where people could be. He thought it could go outside of the structure. Ms. Yochem said it was subject to public input. Mr. Helbling said there were no windows on the breakroom, and Ms. Yochem said they were vented and away from the public and would not have windows. There would be a bicycle rack. It would hopefully be done by June 30.

V. FINDINGS

SUB 05-02 Burden – Mr. Manley moved to approve the findings, conclusion and final order for SUB 05-02 as written. Motion seconded by Mr. Tessman and passed 6-0 with Mr. Molamphy abstaining.

VI. **MINUTES** None.

VII. DIRECTORS REPORT

Planning Director John Williams said there would be three public hearings at the next meeting.

Mr. Brown said he was proud of the Commission for their work and cool heads. Mr. Ewert said what they asked for on the school application, they ultimately got. Mr. Williams said they needed to let staff know what specific information they wanted on applications to perhaps avoid confusion in the future.

VIII. ADJOURNMENT