



## PLANNING COMMISSION

### Meeting Agenda

Monday, November 26, 2018

7:00 PM

City Council Chambers – 222 NE 2<sup>nd</sup> Avenue

Commissioner John Savory (Chair)

Commissioner Larry Boatright (Vice Chair)

Commissioner John Serlet

Commissioner Derrick Mottern

Commissioner Tyler Hall

Commissioner Shawn Varwig

Commissioner Andrey Chernishov

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#### 1. CALL TO ORDER

- a. Invocation and Pledge of Allegiance

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

*(This is an opportunity for audience members to address the Planning Commission on items not on the agenda. Each person will be given 3 minutes to speak. You are first required to fill out a testimony/comment card prior to speaking and hand it to the Recording Secretary. These forms are available by the sign-in podium. Staff and the Planning Commission will make every effort to respond to questions raised during citizen input before tonight's meeting ends or as quickly as possible thereafter.)*

#### 3. MINUTES

- a. Approval of Planning Commission Minutes for September 10, and September 28, 2018.

#### 4. NEW BUSINESS

#### 5. PUBLIC HEARING

*(To testify, please fill out a testimony/comment card and give to the Recording Secretary.)*

- a. Consider a request from the Swelland Family for an Annexation and Zoning Map Amendment to annex 4.84 acres consisting of 1 tax lot and adjacent right-of-way on N Redwood Street located within the North Redwood Development Concept Plan area, and to rezone from County RRFF-5 to R-1 Low Density Residential. **(ANN 18-04/ZC 18-05 Swelland).**
- b. Consider a request from Active Water Sports for a Site & Design Review and Conditional Use Permit to construct a 28,975 SF building for use as a watercraft sales and storage facility at the SE corner of SE 1<sup>st</sup> Ave and S Hazel Dell Way in the Canby Pioneer Industrial Park. **(DR 18- 07/CUP 18-06 Active Water Sports).**
- c. Consider a request from Chris & Kelly Clasen for a Site and Design Review to develop a new two-story office building with paved on-site parking and a gravel vehicle storage yard at 1793 SE 1<sup>st</sup> Ave for their septic system business. **(DR 18-08 Lil Stinky Environmental).**
- d. Consider a request from Trisha Kinney for a Conditional Use Permit to locate a physical fitness training business in an existing approved "flex-space" industrial building at 138 S Hazel Dell Way in the Canby Pioneer Industrial Park. **(CUP 18-05 Kinney).**

#### 6. FINAL DECISIONS

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

- a. Final Findings **(ANN 18-04/ZC 18-05 Swelland).**
- b. Final Findings **(DR 18- 07/CUP 18-06 Active Water Sports).**
- c. Final Findings **(DR 18-08 Lil Stinky Environmental).**
- d. Final Findings **(CUP 18-05 Kinney).**

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

- a. Next regularly scheduled Planning Commission meeting – Monday, December 10, 2018.
- b. The final meeting of the year scheduled for Monday, December 24, 2018 and will be cancelled due to it being a City Holiday.
- c. First Planning Commission meeting in 2019 will be held on Monday, January 14, 2019.

**8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION**

**9. ADJOURNMENT**

*The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for person with disabilities should be made at least 48 hours before the meeting at 503-266-7001. A copy of this agenda can be found on the City's web page at [www.canbyoregon.gov](http://www.canbyoregon.gov). City Council and Planning Commission Meetings are broadcast live and can be viewed on OCTS Channel 5. For a schedule of the playback times, please call 503-263-6287.*

## PUBLIC HEARING FORMAT

The public hearing will be conducted as follows:

- **STAFF REPORT**
  - **QUESTIONS** (If any, by the Planning Commission or staff)
  - **OPEN PUBLIC HEARING FOR TESTIMONY:**
    - APPLICANT** (Not more than 15 minutes)
    - PROPONENTS** (Persons in favor of application) (Not more than 5 minutes per person)
    - OPPONENTS** (Persons opposed to application) (Not more than 5 minutes per person)
    - NEUTRAL** (Persons with no opinion) (Not more than 5 minutes per person)
    - REBUTTAL** (By applicant, not more than 10 minutes)
  - **CLOSE PUBLIC HEARING** (No further public testimony allowed)
  - **QUESTIONS** (If any by the Planning Commission)
  - **DISCUSSION** (By the Planning Commission)
  - **DECISION** (By the Planning Commission)
- All interested persons in attendance shall be heard on the matter. If you wish to testify on this matter, please be sure to complete a Testimony Card and hand it to the Recording Secretary. When the Chair calls for Proponents, if you favor the application; or Opponents if you are opposed to the application please come forward and take a seat, speak into the microphone so the viewing public may hear you, and state your name, address, and interest in the matter. You may be limited by time for your statement, depending upon how many people wish to testify.

**EVERYONE PRESENT IS ENCOURAGED TO TESTIFY, EVEN IF IT IS ONLY TO CONCUR WITH PREVIOUS TESTIMONY.** All questions must be directed through the Chair. Any evidence to be considered must be submitted to the hearing body for public access.

Testimony and evidence must be directed toward the applicable review criteria contained in the staff report, the Comprehensive Plan, or other land use regulations which the person believes to apply to the decision.

Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision-maker and interested parties an opportunity to respond to the issue, may preclude appeal to the City Council and the Land Use Board of Appeals based on that issue.

Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the local government to respond to the issue may preclude an action for damages in circuit court.

Before the conclusion of the initial evidentiary hearing, any participant may ask the hearings body for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing. The Planning Commission shall grant such requests by continuing the public hearing or leaving the record open for additional written evidence or testimony. Any such continuance or extension shall be subject to the limitations of the 120-day rule, unless the continuance or extension is requested or agreed to by the applicant.

If additional documents or evidence are provided by any party, the Planning Commission may, if requested, allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. Any such continuance or extension of the record requested by an applicant shall result in a corresponding extension of the 120-day time period.



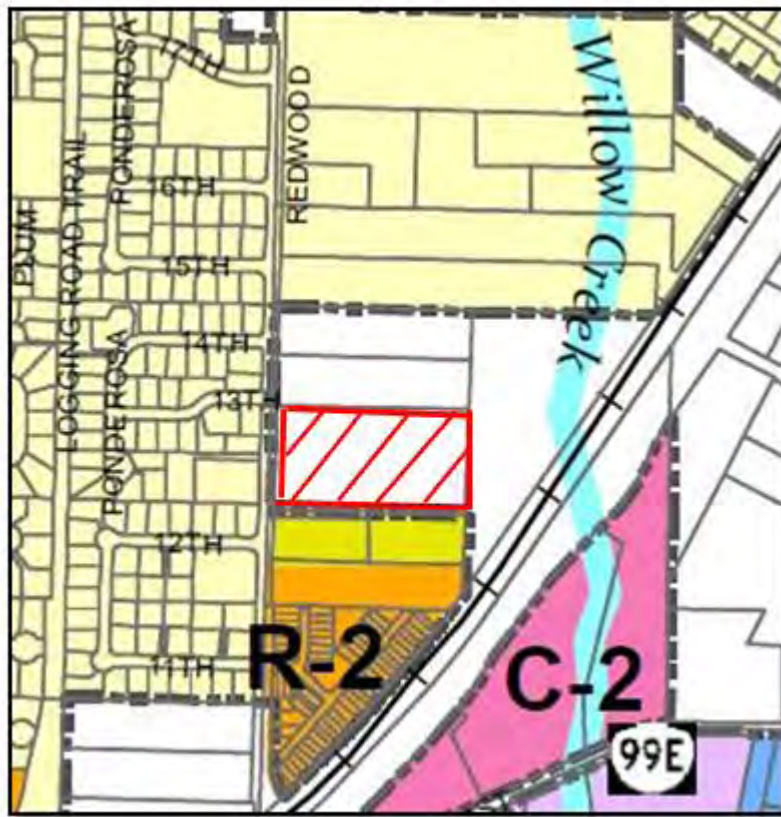
# City of Canby

## ANNEXATION AND ZONE CHANGE STAFF REPORT

FILE #: ANN 18-04/ZC 18-05

Prepared for the November 26, 2018 Planning Commission Meeting

**LOCATION:** 1268 N. Redwood Street on the east side and approximately 1,270 feet north of State Highway 99E.



**ANNEXATION PROPERTY SIZE:** The site is approximately 5.03 gross acres and 4.84 net acres, (minus .183 acres of Street R.O.W.).

**TAX LOTS:** Tax Lot 31E34B00400

**COMPREHENSIVE PLAN DESIGNATION:** Medium Density Residential (MDR)

**CURRENT ZONING DESIGNATION:** Clackamas County: Rural Residential Farm Forest-5 Acre (RRFF-5)

**PROPOSED ZONING:** Medium Density Residential (R-1.5)

**OWNER:** Bryan Swelland

**APPLICANT:** Bryan, Lisa, and Cindy Swelland

**REPRESENTATIVE:** Cindy Swelland

**APPLICATION TYPE:** Annexation/Zone Change (Type IV)

**CITY FILE NUMBER:** ANN 18-04/ZC 18-05

**I. PROJECT OVERVIEW & EXISTING CONDITIONS**

The property owners of a 4.84 acre parcel located in the northeast portion of the City of Canby's Urban Growth Boundary (UGB) propose annexation into the city limits. The property owners also propose a zone change application to change the current zoning from the Clackamas County RRFF-5 (Rural Residential Farm Forest-5) to the City of Canby's R-1.5, Medium Density Residential Zone. The subject parcel is bordered on the west by developed subdivisions within the Canby city limits, on the south by parcels that were previously annexed and on the east and north by land inside the Urban Growth Boundary (UGB) but outside the city limits. The annexation will also extend into N. Redwood Street and incorporate 20 feet of right-of-way along the property frontage. The applicant is requesting a zone change to R-1.5 (Medium Density Residential) which is consistent with the current Canby Comprehensive Plan designation.

The City of Canby's annexation ordinance requires either a Development Concept Plan (DCP) or a Development Agreement (DA) for most properties that are a part of an annexation request. This particular property is designated on the City of Canby Annexation Development Map (16.84.040(A)) as located within the Development Concept Plan area and is included in the North Redwood Development Concept Plan that was approved in 2015. Subsequently, the applicant submitted a copy of the Plan that is included in the file. The DCP addresses applicable criteria listed in Section 16.84.040 CMC as well as dedications, street construction, and utility design issues which the City desires to be guaranteed or reflected in any upcoming subdivision application. The applicant does not plan development of the property at this time and a conceptual development plan for future development is not required for annexation approval.

The annexation area is located within the City of Canby's Urban Growth Boundary. The City of Canby Comprehensive Plan has envisioned the ultimate urbanization of this area and its intended land use, and the Comprehensive Plan Map for these particular lots indicates a medium density residential use. The designation corresponds to the zone changes requested by the applicant. The area is currently within Clackamas County's jurisdiction and is presently zoned as Rural Residential Farm Forest-5 Acre (RRFF-5). This zone change is to rezone the properties involved to the City zoning of R-1.5 zone in accordance with the corresponding City Comprehensive Plan Map land use designation. The zone designation will take effect when the properties are annexed as indicated in this application.

**II. ATTACHMENTS**

- A.** Application Forms
- B.** Submitted Written Narrative and materials
- C.** Neighborhood Meeting Notes/Attendance List/Notification Letter
- D.** Pre-Annexation application Meeting Minutes
- E.** Survey of Property to Be Annexed and Legal Description of Private Property and adjacent N. Pine Street right-of-way to be annexed
- F.** Maps: Aerial Vicinity Map, Assessor Map, Canby Comprehensive Plan Map, Proposed Annexation Area Map
- G.** Transportation Planning Rule Analysis - contracted by applicant with City's Consulting Traffic Engineer
- H.** North Redwood Development Concept Plan

I. Agency/Citizen Comments

III. **APPLICABLE REVIEW CRITERIA & FINDINGS**

Major approval criteria used in evaluating this application include the following Chapters from the *City of Canby's Municipal Code including the Land Development and Planning Ordinance* (Title 16):

- 16.84 Annexations
- 16.54 Amendments to Zoning Map
- 16.89 Application and Review Procedures
- 16.18 R-1.5 Medium Density Residential Zone

*City of Canby Comprehensive Plan Policies and Implementation Measures*

*State Statutes- ORS 195.065 and 222*

*Clackamas County/City of Canby Urban Growth Management Agreement (UGMA)*

**Chapter 16.84 Annexation Compliance**

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**16.84.040. A.1.b. Annexation Development Map.**

**A.** *The following criteria shall apply to all annexation requests.*

**1.** *The City of Canby Annexation Development Map shall determine which properties are required to submit either (See Figure 16.84.040):*

**a.** *A Development Agreement (DA) binding for all properties located within the boundaries of a designated DA area as shown on the City of Canby Annexation Development Map. The terms of the Development Agreement may include, but are not limited to:*

- 1.** *Timing of the submittal of an application for zoning*
- 2.** *Dedication of land for future public facilities including park and open space land*
- 3.** *Construction of public improvements*
- 4.** *Waiver of compensation claims*
- 5.** *Waiver of nexus or rough proportionality objections to future exactions*
- 6.** *Other commitments deemed valuable to the City of Canby*

*For newly annexed properties that are within the boundaries of a DA area as designated on the City of Canby Annexation Development Map: A Development Agreement shall be recorded as a covenant running with the land, binding on the landowner's successors in interest prior to the City Council granting a change in zoning classification.*

**b.** *A Development Concept Plan (DCP) binding for all properties located within the boundaries of a designated DCP area as shown on the City of Canby Annexation Development Map. A Development Concept Plan shall address City of Canby infrastructure requirements including:*

- 1.** *Water*

2. Sewer
3. Storm water
4. Access
5. Internal Circulation
6. Street Standards
7. Fire Department requirements
8. Parks and open space

*For newly annexed properties that are within the boundaries of a DCP area as designated on the City of Canby Annexation Development Map: A Development Concept Plan shall be adopted by the Canby City Council prior to granting a change in zoning classification. (Ord. 1294, 2008)*

**Findings:** A copy of a DCP is required for this application, and a copy is included in the file. The DCP provided information to address City of Canby future infrastructure requirements for the area, and Subdivision Application will be required for any future development proposal that defines how the area would best be developed and served by all necessary infrastructure.

A traffic analysis was not required for this proposal. However, DKS Engineering provided a Transportation Planning Rule Analysis to address traffic impacts associated with anticipated full development of the properties in accordance with the applicable zoning designation and the planning rule. The analysis, dated April 2, 2018 summarized how the requirements of Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule (TPR), are met for the subject properties. The surrounding roadways and intersections were found to have sufficient capacity to accommodate the proposed annexation, and zone change in the DCP Area. The Transportation Planning Rule requirements of State Statute were determined to have been met as documented in the Analysis.

All necessary utility services are generally available or can be made available through service line extensions to the annexation area. The submitted narrative indicates the options for necessary infrastructure to serve this area. The applicant indicated that development of future infrastructure will be addressed with submittal of a subdivision application at a later date. The applicant is aware that park SDC's are required in lieu of park dedication. Eventual subdivision and development of the proposed property will result in one-half street improvements for the length of the property frontage on N. Redwood Street.

**Criteria 16.84.040.A.2** *Analysis of the need for additional property within the city limits shall be provided. The analysis shall include the amount of developable land (within the same class of zoning – low density residential, light industrial, etc.) Currently within the city limits; the approximate rate of development of those lands; and how the proposed annexation will affect the supply of developable land within the city limits. A supply of developable residential land to provide for the anticipated population growth over the following three years is considered to be sufficient.*

**Findings:** A land needs analysis is required with all annexations to assess the current amount of developable land within the same zone designation of that requested in the application. A 3-year supply of developable R-1.5 zoned land is to be considered sufficient. The City

Council previously provided a defined policy direction to staff that stated analysis of actual number of platted lots based on a reasonable assessment of expected consumption rate moving forward is the appropriate metric to utilize in determining the adequacy of the developable land supply.

The applicant did not include, with the file, an analysis indicating the deficiency of Canby's three-year supply of developable land based on population data obtained from Portland State University Population Research Center and existing available platted and proposed lots. The property owner indicated plans to sell the property and let the buyer decide if and when to develop the parcel. Annexation does not mean that development is imminent on the property. It would not be required but advantageous for adjacent properties to annex and develop at the same time to more efficiently implement the Concept Plan design for the area. Staff is aware that data provided from two previously approved annexation requests established that the City is generally at the sufficient three year supply level for platted lots approved until all existing approved subdivisions are built out.

Staff would like to add that under Oregon Administrative Rule Chapter 660-024-0040, Land Need, the UGB is based on a 20-year land need and a 20-year population forecast. The 3-year supply introduced into the CMC above "is considered to be sufficient" within the City limits and indicates a minimum number of available lots for the land supply and not a maximum number. It appears that a "sufficient" number of lots does not necessarily intend to establish that the number of lots cannot exceed the 3-year supply if the need increases when a strong housing demand exists. Staff also submits that, based on the increasing number of applications for new dwellings, the consumption rate is possibly approaching a 100% consumption rate average as new homes are constructed and occupied by new home owners. The quick sale and occupancy of new homes continues to rapidly reduce the number of available lots.

**Criteria 16.84.040.A.3** *Statement of potential physical, aesthetic and related social effects of the proposed development on the community as a whole and on the neighborhood of which it will become a part; and proposed actions to mitigate identified concerns, if any. A neighborhood meeting is required as per Table 16.89.020 of the City of Canby Land Development and Planning Ordinance.*

**Findings:** Future subdivision is anticipated to develop the site at a higher net density per acre than exists at this time. Potential traffic generation has been shown to be within the capabilities of the surrounding road system with no mitigation necessary. The subject parcel is bordered by developed subdivisions. City parkland and additional neighborhood parks and a walking trail are situated nearby. The proposal can add to the social and aesthetic effects of development on the subject property and the future development of the neighborhood livability. Staff does not foresee any significant impacts from the proposal or need to mitigate any identified concerns. Staff agrees the annexation and future development of the subject parcels is consistent with development in this area of Canby. This criterion is satisfied.

**Criteria 16.84.040.A.4** *Statement of availability, capacity and status of existing water, sewer, drainage, transportation, park and school facilities*



**Findings:** The subject parcel is in a Development Concept Plan Area of the Canby Annexation Development Map. The applicant is aware of the obligation to provide dedications for future public facilities and the construction of streets and water and sewer lines as well as other related development. The adopted Development Concept Plan demonstrated how utility infrastructure will be made available, and unmanageable capacity issues were not identified by City departments and agencies during this review process. The applicant will pay park SDC's in lieu of park dedication. Tree resources will be made available as part of a Street Tree Plan during the subdivision process. This criterion can be met at the time of development.

**Criteria 16.84.040.A.5** *Statement of increased demand for such facilities to be generated by the proposed development, if any, at this time*

**Findings:** The applicant is not proposing development at this time.

**Criteria 16.84.040.A.6** *Statement of additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand.*

**Findings:** All necessary utility extensions are available to serve this area when development occurs after annexation, and connections to existing facilities are available and preferred depending on the development project. Staff finds that with appropriate conditions of approval, information provided in the file and the DCP is sufficient and this criterion can be met.

**Criteria 16.84.040.A.7** *Statement outlining method and source of financing required to provide additional facilities, if any.*

**Findings:** The applicant will pay the necessary costs of their own development. Information in the file indicated that most infrastructure facilities in the northeast Canby area are expected to be built by individual developers. Staff finds that information in the file is sufficient for this case, and the applicable criteria can be met.

**Criteria 16.84.040(A)(8)** *Statement indicating the type and nature of any comprehensive plan text or map amendments or zoning text or map amendments that may be required to complete the proposed development.*

**Findings:** The applicant intends to follow the medium density residential zoning designation of the Comprehensive Plan. The only change is a zoning map amendment to change the zone to R-1.5, and the Zone Map Change Application that accompanies this annexation request will satisfy this criteria. Staff finds that the criterion in **16.84.040(A)(8)** can be met.

**Criteria 16.84.040.A.9** *Compliance with other applicable city ordinances or policies*

**Findings:** Based on available information, staff concludes that the proposal complies with all other city ordinances and policies.

***Criteria 16.84.040.A.10*** Compliance of the application with the applicable sections of Oregon Revised Statutes Chapter 222

**Findings:** Oregon Revised Statutes (ORS) Chapter 222 provides regulation of city boundary changes and other development requirements. Staff concludes that this proposal complies with all applicable provisions in the Oregon Revised Statutes. The applicable criteria can be met.

### ***Chapter 16.54 Amendments to the Zoning Map Analysis***

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The assignment of an appropriate zoning district is a part of any annexation application within the City of Canby. The approval criteria are similar to that for approval of an annexation.

#### ***16.54.010 & 0.20 & 0.30 Amendments to the Zoning Map***

**Findings:**

**16.54.010** – Authorization to initiate amendments: **The property owners have authorized initiation of the proposed annexation and map amendment by signing an application form and Consent to Annex Form. This criterion has been met.**

**16.54.020** – Application and Fee: **The map amendment application and associated fee were received from the applicant. This criterion has been met.**

**16.54.030** – Public Hearing on Amendment: **This criterion will be met when the Planning Commission holds a public hearing and makes a recommendation to the City Council and when the City Council conducts a hearing and issues a decision.**

#### ***16.54.040 Standards and criteria***

*In judging whether or not the zoning map should be amended or changed, the Planning Commission and City Council shall consider:*

**A.** *The Comprehensive Plan of the city, giving special attention to Policy 6 of the land use element and implementation measures therefore, and the plans and policies of the county, state and local districts in order to preserve functions and local aspects of land conservation and development;*

**Findings:** The subject properties are not identified as being in an “Area of Special Concern” that is delineated in Policy 6 of the Comprehensive Plan. Additionally, the proposed zone for the properties is consistent with the zone designation on the Comprehensive Plan Map. Staff concludes that the request meets provisions in Policy 6 and the Comprehensive Plan.

**B.** *Whether all required public facilities and services exist or will be provided concurrent with development to adequately meet the needs of any use or development which would be permitted by the new zoning designation. (Ord. 749 section 1(B), 1984; Ord.740 section 10.3.85(D), 1984)*

**Findings:** Problems or issues in the extension of utility services have not been raised by City service providers that would prevent services at the time of development. It appears that future development of the properties can meet standards for adequate public facilities.

#### ***16.08.150 Traffic Impact Study (TIS)***

- A. *Determination based on information provided by the applicant about the proposed development, the city will determine when a TIS is required and will consider the following when making that determination.*
1. *Changes in land use designation, zoning designation, or development standard.*
  2. *Changes in use or intensity of use.*
  3. *Projected increase in trip generation.*
  4. *Potential impacts to residential areas and local streets.*
  5. *Potential impacts to priority pedestrian and bicycle routes, including, but not limited to school routes and multimodal street improvements identified in the TSP.*
  6. *Potential impacts to intersection level of service (LOS).*

**Findings:** The Transportation Planning Rule (TPR) within State Statute (OAR 660-12-0060-9) requires that there be a record of traffic generation findings which are consistent with the City's Transportation System Plan with any Comprehensive Plan Map Amendment or Zoning Map Amendment. As previously mentioned, DKS Engineering provided a TPR Analysis that confirmed the proposed annexation met provisions of the TPR. The findings of the analysis determined that the zone change contemplated and the resulting traffic, if developed as allowed, was assumed for trip modeling in the 2010 Canby Transportation System Plan, and therefore, the Transportation Planning Rule requirements are met. The zone change from the proposed annexation would not have a significant effect on the surrounding transportation network, and no mitigation measures would be required to satisfy TPR requirements. This review criterion is met.

## ***Chapter 16.89.060 Process Compliance***

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### **16.89.060 Type IV Decision**

For certain applications, the City Council makes a final decision after a recommendation by the Planning Commission. These application types are referred to as Type IV decisions.

- A. Pre-application conference. A pre-application conference may be required by the Planning Director for Type IV applications.
- B. Neighborhood meetings. The applicant may be required to present their development proposal at a neighborhood meeting (see Section 16.89.070). Table 16.89.020 sets the minimum guidelines for neighborhood review but the Planning Director may require other applications to go through neighborhood review as well.
- C. Application requirements. Type IV applications shall be made on forms provided by the Planning Director. The application shall be accompanied by all required information and fees.
- D. Public notice and hearings. The public notice and hearings process for the Planning Commission's review of Type IV applications shall follow that for Type III applications, as provided in subsections 16.89.050.D and 16.89.050.E.
- E. Decision process.

1. Approval or denial of a Type IV decision shall be based on the standards and criteria located in the code.
2. The hearings body shall issue a final written order containing findings and conclusions recommending that the City Council approve, approve with conditions, or deny the application.
3. The written decision shall explain the relevant criteria and standards, state the facts relied upon in rendering the decision, and justify the decision according to the criteria, standards, and facts.
4. In cases involving attorneys, the prevailing attorney shall prepare the findings, conclusions, and final order. Staff shall review and, if necessary, revise, these materials prior to submittal to the hearings body.

**F. City Council proceedings:**

1. Upon receipt of the record of the Planning Commission proceedings, and the recommendation of the Commission, the City Council shall conduct a review of that record and shall vote to approve, approve with conditions, or deny the recommendation of the Planning Commission.
2. The City Council may question those individuals who were a party to the public hearing conducted by the Planning Commission if the Commission's record appears to be lacking sufficient information to allow for a decision by the Council. The Council shall hear arguments based solely on the record of the Commission.
3. The City Council may choose to conduct public hearings on Comprehensive Plan amendments, amendments to the text of this title, zone map amendments, and annexations. If the Council elects to conduct such hearings, it may do so in joint session with the Planning Commission or after receiving the written record of the Commission. (Ord. 1080, 2001)

**Findings: Annexations are processed as a Type IV "quasi-judicial" process which is considered through a public hearing at the Planning Commission that forwards a recommendation to the City Council. The City Council also holds a public hearing and issues a final decision. The notice requirements are the same as for Type III applications.**

**In this particular case, the annexation request will not be scheduled for a public vote. On March 15, 2016, the Governor signed Senate Bill SB1573 that mandates some properties, meeting certain criteria, to file for annexation without going through a public vote process that might otherwise currently be in effect through local City Charter provisions and adopted code. This application meets the criteria stated in SB1573, and a public vote will not be held for this annexation application.**

**Notice of this application and the Planning Commission and Council Hearing dates was made to surrounding property owners on November 5, 2018, at least 20-days prior to the hearing.**

**Prior notification and neighborhood meetings were completed during application process. The site was posted with a Public Hearing Notice sign by November 16, 2018. A notice meeting ordinance requirements of the public hearings was published in the Canby Herald on November 21, 2018. The Planning Director determined that a pre-application meeting was not necessary for this application. These findings indicate that all processing requirements have been satisfied with this application to date.**

### ***Public Testimony Received***

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Notice of this application and opportunity to provide comment was mailed to owners of lots within 500 feet of the subject properties and to all applicable public agencies and City departments on November 5, 2018. Complete comments are documented in the file. As of the date of this Staff Report, the following comments were received by City of Canby from the following persons/agencies:

#### ***Persons/Agency/City Department Comments.***

Comments were received from the following persons/agencies/city departments:

### ***Conclusion Regarding Consistency with the Standards of the Canby Municipal Code***

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Staff concludes, as detailed in the submittal from the applicant and as indicated here in this staff report, including all attachments hereto, that:

1. The applications and proposed use is in conformance with applicable sections of the City's Comprehensive Plan and Land Development and Planning Ordinance when the determinations contained in this staff report are applied.
2. The proposed annexation can meet the approval criteria set forth in CMC 16.84.040.A.
3. The zoning of the property, if annexed, should be R-1.5 as indicated in the application and pursuant to the approval criteria set forth for map amendments in CMC 16.54.040.
4. The proposed annexation's requested zoning district of R-1.5 is in conformance with the Comprehensive Plan Land Use Plan Map.
5. The application complies with all applicable Oregon Revised Statutes.
6. There are sufficient public and private agency utility and service capacity to serve the site at the anticipated development intensity.
7. In accordance with the UGMA with Clackamas County, this proposed annexation application includes a description of the adjacent N. Redwood Street right-of-way with the properties proposed for annexation.

### ***16.89 Recommendation***

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Based on the application submitted and the facts, findings and conclusions of this report, but without benefit of a public hearing, staff recommends that the Planning Commission recommend to the City Council that:

1. ANN 18-04/ZC 18-05 be approved and,
2. Upon annexation, the zoning of the subject properties be designated as R-1.5 as indicated by the Canby Comprehensive Plan Map.

**1268 North  
Redwood Street**

# **Proposal for Annexation and Zone Change**



**Bryan Swelland**

**Lisa Swelland**

**Cindy Swelland**

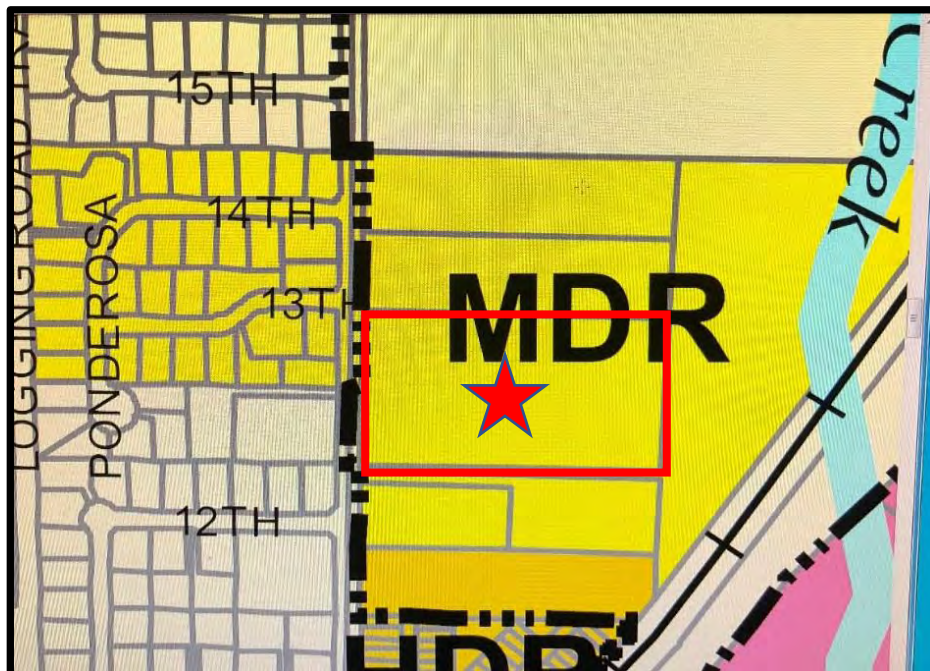
This is a proposal to annex the parcel of land that is owned by Bryan Swelland and the now deceased Robert Swelland Jr., located at 1268 North Redwood St., Canby, OR. Along with the annexation, we are proposing to change the zone.

The property has been in the Swelland family for 50 years. It is 4.81 acres and has a single-family residence located on it. The family of Robert Swelland Jr. resides in the home and has since 2008. The home is surrounded by four outbuildings: a garage, a pumphouse, a storage shed and a chicken coop. The land is mostly flat and has had a small garden in recent years, but is mainly pasture used for growing hay. This property lies within the North Redwood Development Concept Plan (DCP) that was adopted by the City of Canby in 2015.

The Swelland property has a well as its water source and has its own septic system. Access to the property is a driveway off North Redwood Street. There have been no improvements to the home or property in the last 30 years. The property is now zoned as rural farm land RRF5. The proposed zoning is 1.5, which coincides with the North Redwood Development Concept Plan.

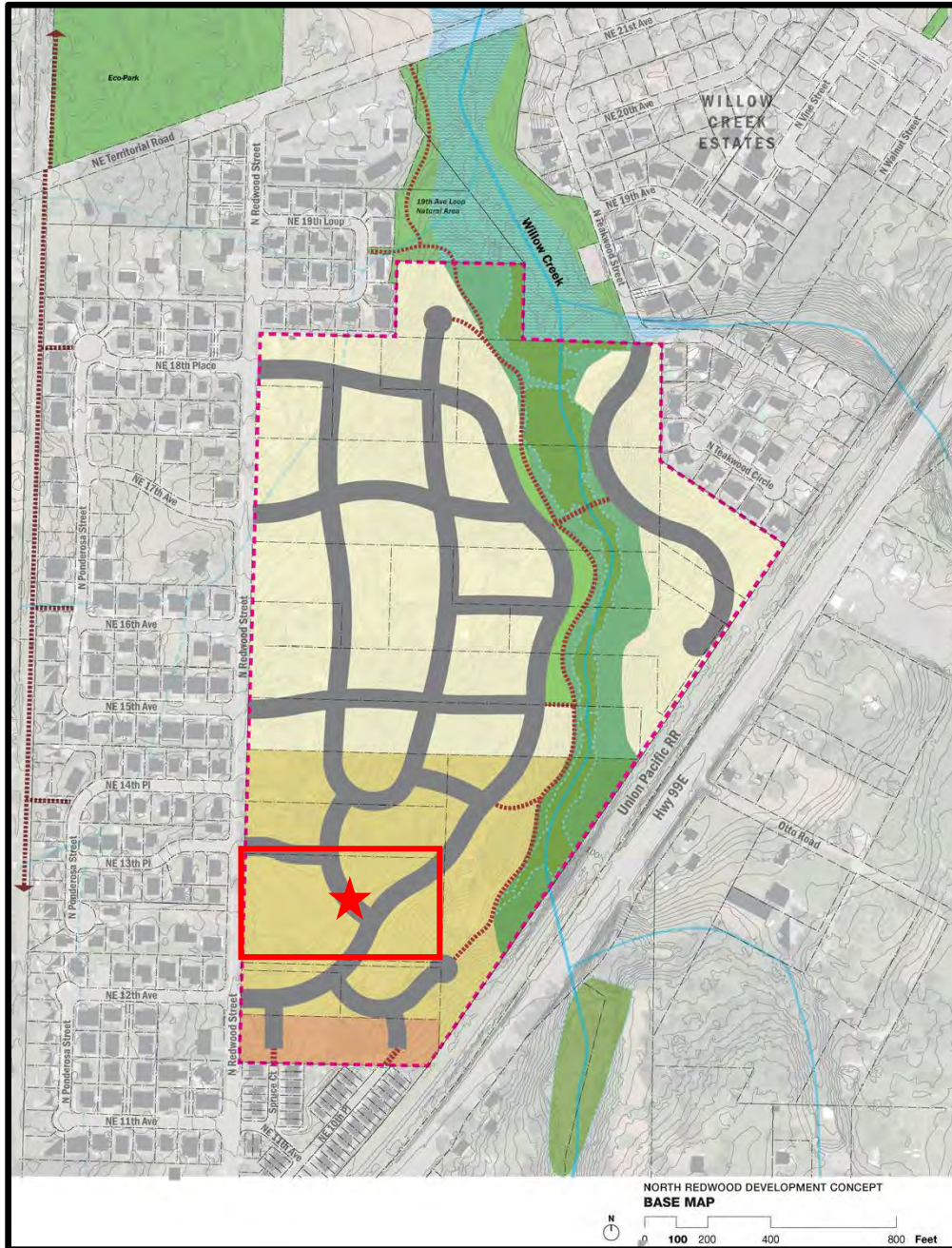
West of the Swelland property is North Redwood Street, which runs north to south and is the existing Urban Growth Boundary line. Beyond North Redwood St. to the west, lies a developed neighborhood of single family homes. East of the Swelland property is a 5.13-acre parcel of land with a single-family dwelling. The owners of this property also own a 15-ft. wide strip of land that runs down the south side of the Swelland property. That strip of land is used as a driveway, which is accessed from North Redwood St. To the north of the Swelland property lies a 2.41-acre parcel with a single-family dwelling.

The maps below show the 4.81-acre Swelland property. The first is an aerial view taken from Google Maps. The second is a zoomed in area of the City of Canby's Comprehensive Plan Map dated 2014. The Swelland property is outlined in red and has a red star placed upon it. In accordance to the DCP, the Swelland property is to be zoned at 1.5, which is a medium density residential zone (MDR).





This image is from the North Redwood Development Plan, filed with the City of Canby. It shows the position of the Swelland property in relation to the whole DCP. Again, the property is outlined in red and a star has been placed upon it.



## **TOWNSHIP SURVEYS, LLC**

1415 WASHINGTON STREET  
OREGON CITY, OR 97045-0307

Phone: 503-656-4915

FAX: 503-557-4966

E-mail: lee@townshipsurveys.com

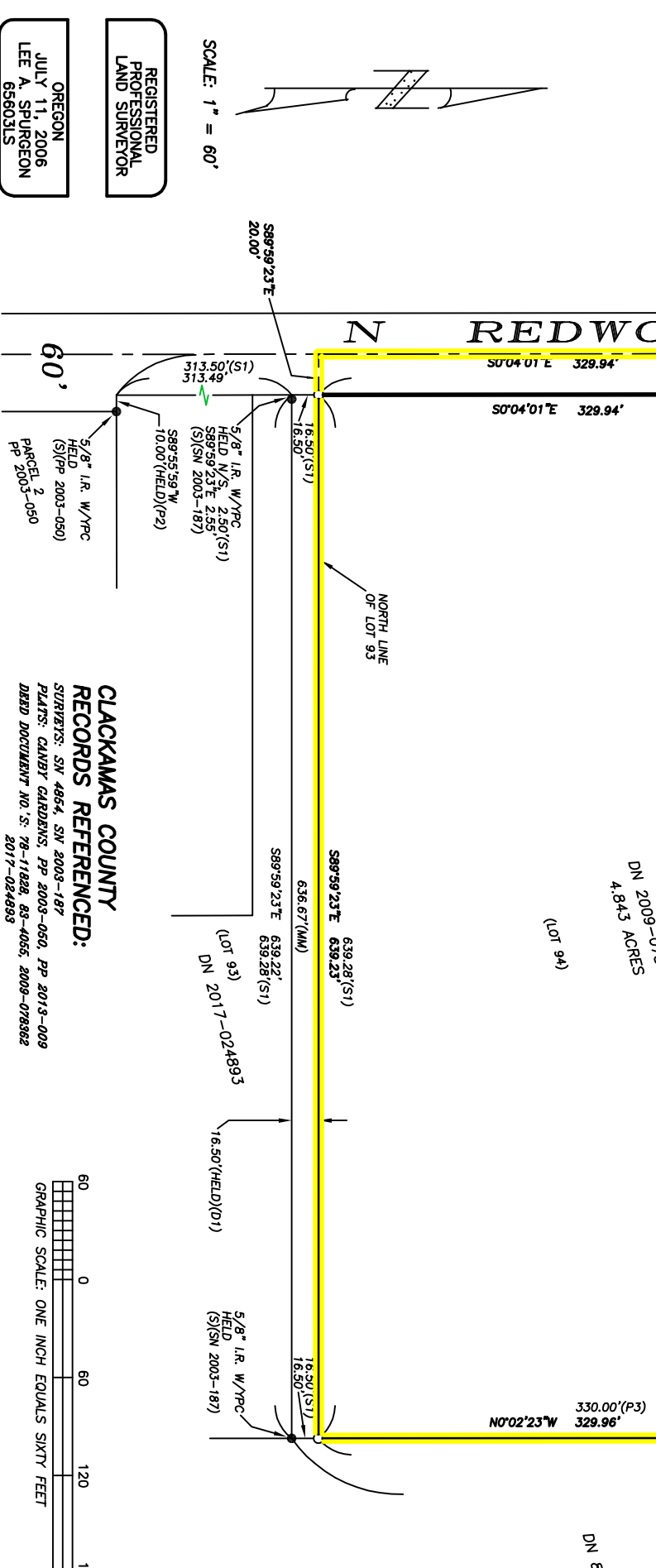
### Legal Description of a tract of land to be annexed into the City of Canby

A tract of land being a portion of Lot 94 of the duly recorded plat of Canby Gardens, and a portion of the east half of North Redwood Street located in the northwest one-quarter of Section 34, Township 3 South, Range 1 East of the Willamette Meridian, City of Canby, Clackamas County, Oregon, and which is more particularly described as follows:

Beginning at a one-inch diameter iron bar found at the southwest corner of Parcel 2, Partition Plat No. 2013-009, Clackamas County Plat Records; thence South  $0^{\circ}04'01''$  East along the east right of way line of N. Redwood Street which was annexed by the City of Canby by City Ordinance 99-284, a distance of 329.94 feet to a five-eighths inch diameter iron rod with a yellow plastic cap marked 'TOWNSHIP SURVEYS' located at the intersection of said east right-of-way line and the north line of Lot 94, Canby Gardens, said iron rod being the True Point of Beginning; thence North  $89^{\circ}59'30''$  West, 20.00 feet to the centerline of N. Redwood Street; thence South  $0^{\circ}04'01''$  East along the centerline of N. Redwood Street, 329.94 feet; thence South  $89^{\circ}59'23''$  East along the westerly prolongation of the south line of said Lot 94, 20.00 feet to a five-eighths inch diameter iron rod with a yellow plastic cap marked 'TOWNSHIP SURVEYS' located at the intersection of the east right-of-way line of N. Redwood Street and the south line of said Lot 94; thence continuing South  $89^{\circ}59'23''$  East along the south line of said Lot 94, a distance of 639.23 feet to a five-eighths inch diameter iron rod with a yellow plastic cap marked 'TOWNSHIP SURVEYS' at the southeast corner of said Lot 94; thence North  $0^{\circ}02'23''$  West along the east line of said Lot 94, a distance of 329.96 feet to a five-eighths inch diameter iron rod with a yellow plastic cap marked 'TOWNSHIP SURVEYS' at the northeast corner of said Lot 94; thence North  $89^{\circ}59'30''$  West along the north line of said Lot 94, a distance of 639.39 feet to the True Point of Beginning. Said described tract contains 5.032 acres.

**CLACKAMAS COUNTY SURVEYOR**  
 RECEIVED: \_\_\_\_\_  
 ACCEPTED FOR FILING: \_\_\_\_\_  
 SURVEY NUMBER: \_\_\_\_\_

**NARRATIVE:**  
 THE PURPOSE OF THIS SURVEY IS TO DETERMINE THE NORTH, EAST AND SOUTH BOUNDARY LINES OF THAT LAND DESCRIBED IN DOCUMENT NO. 2008-065186, CLACKAMAS COUNTY DEED RECORDS, AND ALSO TO DETERMINE THE EAST RIGHT-OF-WAY LINE OF N REDWOOD STREET, SAID LAND SITUATED IN LOT 94, CANBY GARDENS, CLACKAMAS COUNTY PLAT RECORDS, IN THE NW 1/4 OF SECTION 34, T.35S, R.1E., W.M., CITY OF CANBY, CLACKAMAS COUNTY, OREGON.  
 THE BASIS OF BEARINGS (N89°59'36"W) AS SHOWN ON PARTITION PLAT NO. 2013-009, CLACKAMAS COUNTY PLAT RECORDS IS THE NORTH LINE OF LOT 95, SAID CANBY GARDENS, DETERMINED BY HOLDING THE 1" IRON BARS FOUND AT THE NORTHWEST AND NORTHEAST CORNERS THEREOF.  
 THE EAST RIGHT-OF-WAY LINE OF N REDWOOD STREET (50.00 FEET WIDE) WAS DETERMINED BY HOLDING THE MONUMENT FOUND AT THE NORTHWEST CORNER OF SAID LOT 95 AND BY HOLDING THE RECORD WIDTH OF 10.00 FEET WESTERLY AND DISTANT FROM THE HELD 5/8" IRON ROD FOUND AT THE NORTHWEST CORNER OF PARCEL 2, PARTITION PLAT NO. 2003-050, CLACKAMAS COUNTY PLAT RECORDS. THE SOUTH LINE OF THE 16-1/2 FOOT WIDE STRIP DESCRIBED IN DOCUMENT NO. 83-4055, CLACKAMAS COUNTY DEED RECORDS WAS DETERMINED BY HOLDING THE 5/8" IRON RODS SET IN SURVEY NO. 2003-187, CLACKAMAS COUNTY SURVEY RECORDS. THE NORTH LINE OF SAID 16-1/2 FOOT WIDE STRIP BEING THE SAME AS THE NORTH LINE OF LOT 93, SAID CANBY GARDENS, WAS DETERMINED BY HOLDING THE RECORD WIDTH NORTHERLY AND DISTANT FROM THE SOUTH LINE THEREOF. THE EAST LINE OF SAID LOTS 94 AND 95 WAS DETERMINED BY HOLDING THE 5/8" IRON ROD FOUND AT THE NORTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN DOCUMENT NO. 2017-024893, CLACKAMAS COUNTY DEED RECORDS AND BY HOLDING THE 1" IRON BAR FOUND AT THE NORTHEAST CORNER OF SAID LOT 95. NO DEFINITIVE EVIDENCE OF OCCUPATION ALONG THE COMMON LINE BETWEEN SAID LOTS 94 AND 95 COULD BE PROCURED AND BECAUSE THESE LOTS WERE CREATED BY PLAT AND THEREFORE SIMULTANEOUSLY CONVEYED THE BEST AND MOST EQUITABLE SOLUTION FOR DETERMINING SAID COMMON LINE WAS TO HOLD A POINT ON THE EAST LINE OF SAID LOTS 94 AND 95 MIDWAY BETWEEN THE NORTHEAST CORNERS OF SAID LOTS 94 AND 95, AND LIKEWISE ALONG THE RIGHT-OF-WAY LINE OF N REDWOOD STREET A POINT WAS HELD MIDWAY BETWEEN THE INTERSECTION POINTS OF SAID EAST RIGHT-OF-WAY LINE WITH THE NORTH LINES OF LOTS 93 AND 95. THE NORTH LINES OF SAID LOTS 93 AND 95, THE LINES WITHOUT BEARINGS AND DISTANCES ARE SHOWN FOR VISUAL ORIENTATION ONLY.

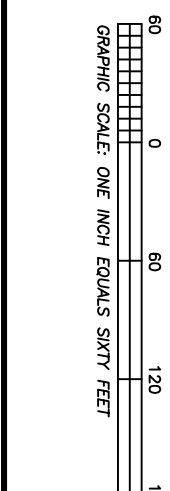


**LEGEND**  
 ● MONUMENT FOUND AS NOTED  
 ○ 5/8" X 30" IRON ROD SET WITH YELLOW PLASTIC CAP MARKED TOWNSHIP SURVEY'S MONUMENTS SET MAY 9, 2018  
 (MM) DISTANCE BETWEEN FOUND MONUMENTS  
 (HELD) MONUMENT USED FOR CONTROL AND/OR HELD POSITION  
 (L.B.) RECORD DATA USED FOR CONTROL  
 (I.B.) IRON BAR  
 (N/S) IRON ROD  
 (N/S) NORTH/SOUTH (HELD IN LATITUDE)  
 (W/YPC) WITH YELLOW PLASTIC CAP, MARKED 'S 2147'  
 (DN XXXX) DOCUMENT NO., CLACKAMAS COUNTY DEED RECORDS  
 (PP XXXX) PARTITION PLAT NO., CLACKAMAS COUNTY PLAT RECORDS  
 (SN XXXX) SURVEY NUMBER, CLACKAMAS COUNTY SURVEY RECORDS  
 (S) SET IN (SN XXXX) OR (PP XXXX)  
 (S1) DATA FROM SN 2003-187  
 (P1) DATA FROM PP 2013-009  
 (P2) DATA FROM PP 2003-050  
 (P3) DATA FROM CANBY GARDENS (PLAT NO. 230)  
 (D1) DATA FROM DN 83-4055

**PROJECT:** RECORD OF BOUNDARY SURVEY  
**LOCATION:** LOT 93, CANBY GARDENS, EXCEPT PART IN STREET NW 1/4 OF SECTION 34, T.3S, R.1E., W.M. CITY OF CANBY, CLACKAMAS COUNTY, OREGON  
**CLIENT:** LISA SWELLAND  
**DATE:** MAY 9, 2018  
**SITE:** 1268 N REDWOOD ST. CANBY, OR  
**SCALE:** 1" = 60' BY: G.K.K.  
**JOB NUMBER:** 18-7030  
**TOWNSHIP LAND SURVEYS**  
 1416 WASHINGTON STREET, OREGON CITY, OR 97046  
 (503)-656-4916

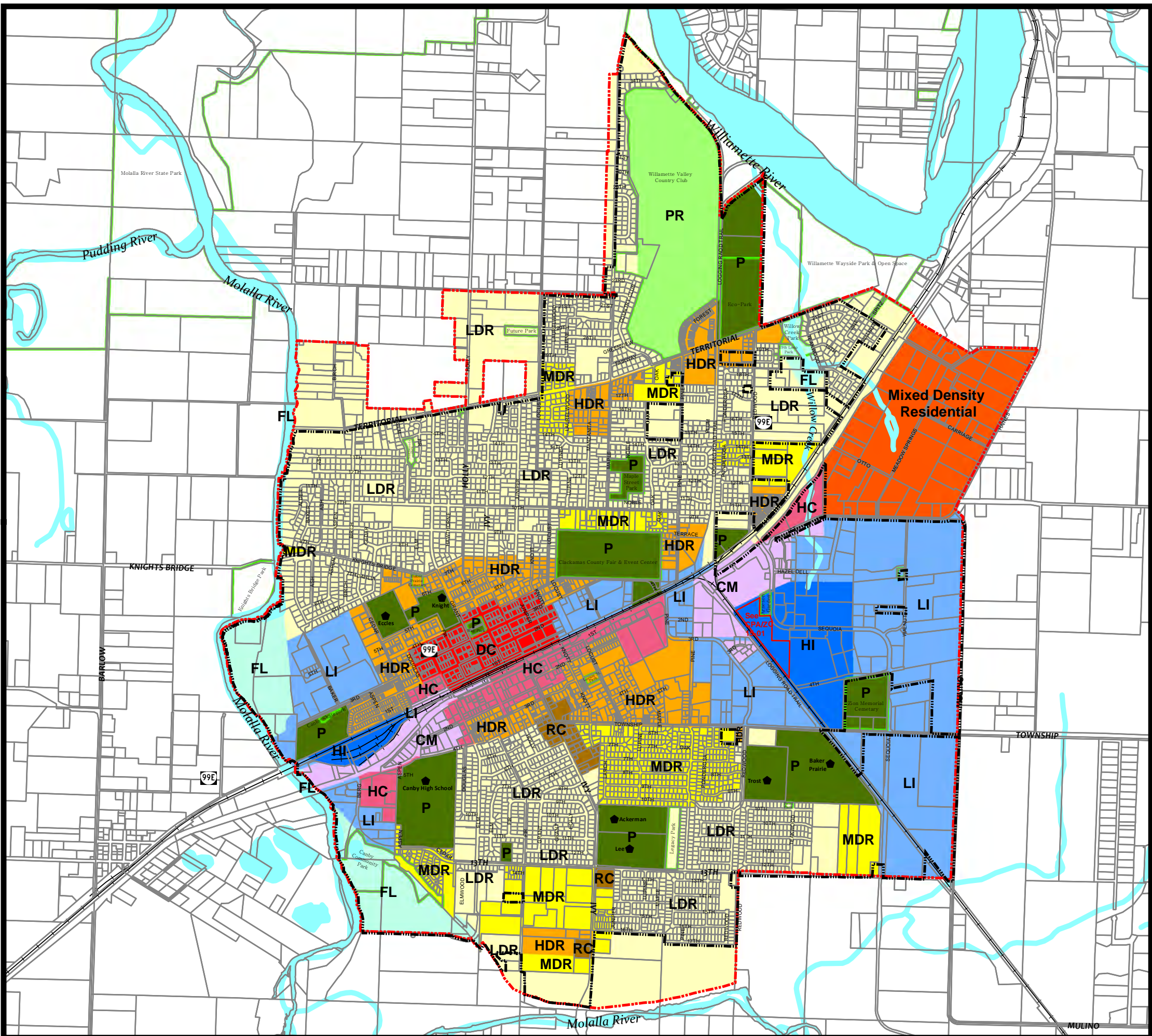
REGISTERED PROFESSIONAL LAND SURVEYOR  
 OREGON  
 JULY 11, 2006  
 LEE A. SPURGEON  
 6560315  
 EXPIRES 6/30/20

CLACKAMAS COUNTY RECORDS REFERENCED:  
 SURVEYS: SN 4864, SN 2003-187  
 PLATS: CANBY GARDENS, PP 2003-050, PP 2013-009  
 DEED DOCUMENT NO. S: 78-11828, 83-4055, 2009-078382  
 2017-024893





# City of Canby Comprehensive Plan Map



- City Limits
- Urban Growth Boundary
- Parks
- LDR-Low Density Residential
- MDR-Medium Density Residential
- HDR-High Density Residential
- Mixed Density Residential
- RC-Residential Commercial
- DC-Downtown Commercial
- HC-Highway Commercial
- CM-Commercial/Manufacturing
- LI-Light Industrial
- HI-Heavy Industrial
- P-Public
- PR-Private Recreation
- FL-Flood Prone/Steep Slopes

0 0.25 0.5 1 Miles

**November 2018**

The information depicted on this map is for general reference only. The City of Canby cannot accept any responsibility for errors, omissions, or positional accuracy. However, notification of errors would be appreciated.

N

# **NORTH REDWOOD DEVELOPMENT CONCEPT PLAN**

## **Final Development Concept Plan**

### **Deliverable 7E**

Ordinance #: CPA 15-02/TA 15-01

Effective Date: October 7, 2015



## **Oregon Dept of Transportation**

### **Transportation and Growth Management**

**File Code 1A-13**

### **ODOT Project Manager**

Lidwien Rahman  
ODOT Region 1

### **City of Canby Project Manager**

Matilda Deas

### **Consultant Team**

#### **Walker Macy:** Planning and Urban Design

Ken Pirie, Project Manager  
Mike Zilis, Landscape Architect  
Saumya Kini, Urban Designer  
Thomas Fischer, Landscape Designer

#### **DKS Associates:** Transportation Planning

Chris Maciejewski - Contract Project Manager  
Brad Coy, Transportation Engineer  
Steve Boice, Transportation Engineer

#### **Angelo Planning Group:** Land Use Planning

Matt Hastie, Associate  
Serah Breakstone, Planner

#### **Leland Consulting Group:** Real Estate Strategy and Municipal Finance

Brian Vanneman, Principal

#### **OTAK:** Civil Engineering

Kevin Timmins, Principal  
Kristen Ballou, Civil Engineer  
Rose Horton, Civil Engineer

#### **Cogan Owens Cogan:** Public Engagement

Steve Faust, Associate Principal

### **Project Purpose and Transportation Relationship and Benefit**

The North Redwood Development Concept Plan (Project) will provide a plan for development of a 66-acre site with multiple property owners. The Project will develop conceptual infrastructure and financing options for achieving urban housing densities while protecting the site's natural resources. The Project will also determine a supportive transportation system, increase travel options, and identify optimal access locations for emergency service providers. The plan and any code amendments must be consistent with local and state policies, plans, and rules including the Transportation Planning Rule. The Project must meet the City of Canby's (City) Municipal Code requirement for an adopted Development Concept Plan (DCP) prior to post-annexation zone change requirements.



## **Contents**

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NORTH REDWOOD DEVELOPMENT CONCEPT  
CONTEXT MAP

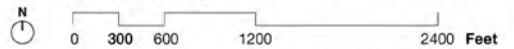


Figure 1: Study Area Context



Innovative land planning with diverse housing types

## Overview

This report summarizes the Development Concept Plan (DCP) for the 66-acre Canby North Redwood Study Area. This concept includes a cohesive and coordinated circulation system, an efficient approach to meeting the new community's infrastructure needs, housing types matching the city's Comprehensive Plan, and natural resource protection integrated with public parks.

The concept is structured using innovative development parameters: specifically, clustering of density, the use of flexible blocks, and incorporating a significant open space into the community using city park acreage dedication requirements. Eventual development on individual properties will require earnest efforts to match key street and open space locations but will otherwise have an element of flexibility for the owners to develop new neighborhoods according to their individual intentions.

The following report provides a summary of the proposed DCP, as well as a summary of city code changes, Transportation System Plan updates and required infrastructure upgrades to serve the new community. A proposed funding approach is also included.

## Concept Plan Criteria

The Development Concept Plan is guided by several criteria. To the extent possible, the plan seeks to foster development of a neighborhood that meets the following:

- Integrated with existing city fabric of Canby
- Walkable and cohesive
- A plan with all parcels integrated
- A plan with impacts distributed equitably to individual parcels
- Allowing for different owners' timing of development
- Reasonable costs of infrastructure and roads
- Connected with safe streets
- Transit-friendly
- Allows emergency access
- Connects trails to natural areas
- Protects Willow Creek
- Provides public, accessible parks
- Demonstrates innovative land planning

The DCP satisfies these criteria, as noted on page 11 of this report.



Integrated natural areas



A walkable, connected neighborhood

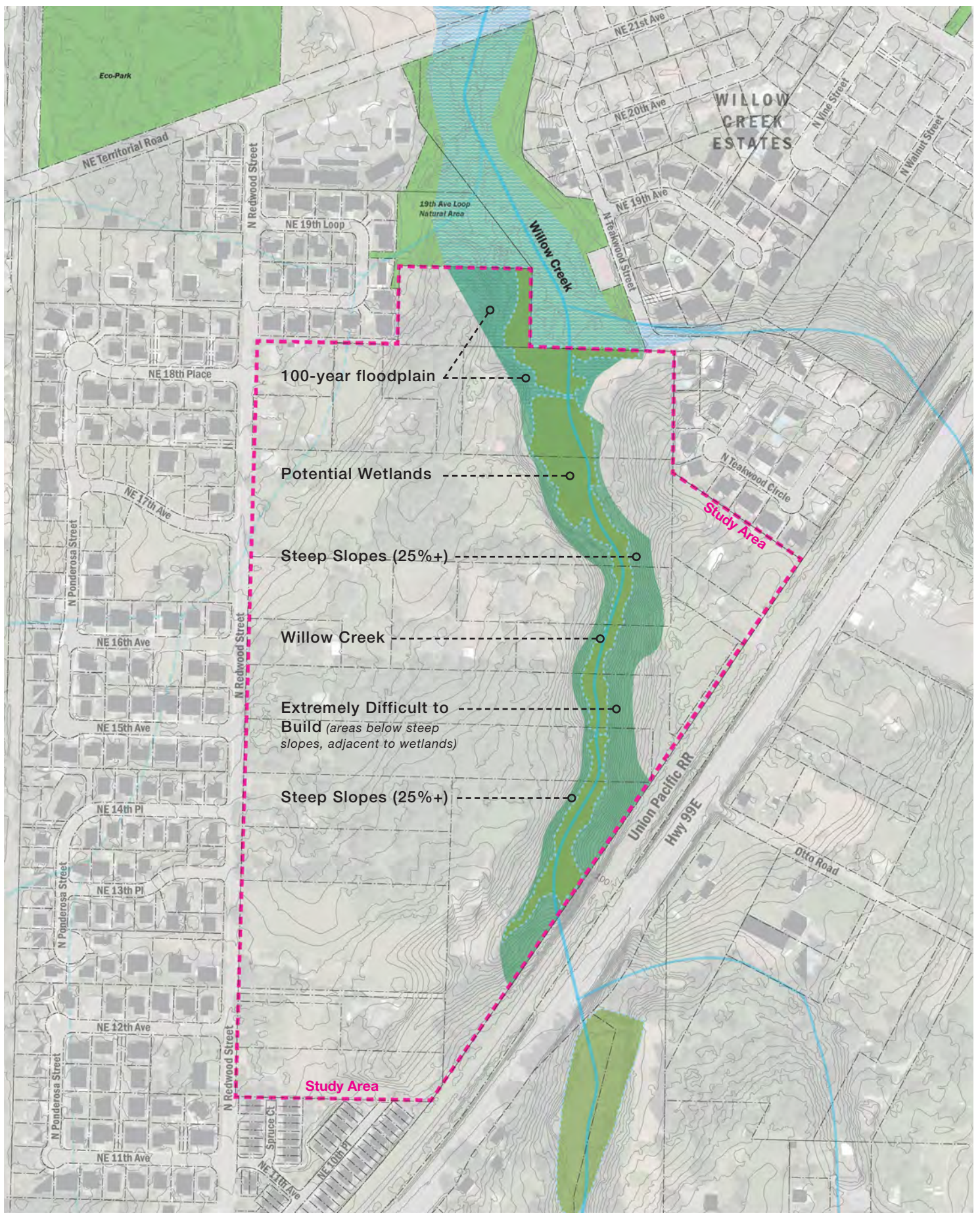
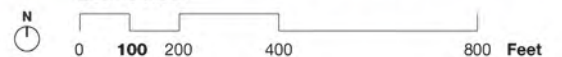
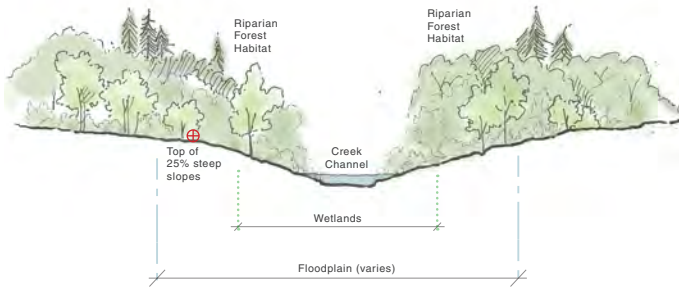


Figure 2: Willow Creek and associated environmental areas

NORTH REDWOOD DEVELOPMENT CONCEPT  
**BASE MAP**





**Figure 3: Cross-section at a typical location along Willow Creek showing associated environmental areas**



Willow Creek existing condition, showing invasive species in the riparian area. Restoration of the creek's banks is recommended.

### **ODFW Recommendations**

- 1) Work towards maximizing protection of the stream corridor, provide a suitable riparian vegetation buffer on both sides, and retain natural function of the stream;
- 2) Retain as much of a stream-side buffer as possible so wildlife can move in and out of the area post-development
- 3) Identify large legacy trees and snags in the tract, and try to design the development in a way that leaves these trees standing, as old mature trees provide unique habitat to certain species of wildlife survival
- 4) Provide suitable fish passage, consistent with ODFW standards and criteria, at all new stream crossings.

*(Tom Murtagh, District Fish Biologist, 8/4/2015)*

## **Natural Conditions**

The Willow Creek corridor has the potential to become a natural, visual and recreational amenity for the future community. It also provides potential space for stormwater treatment and an important habitat corridor. The creek channel through the study area has relatively high water quality and well-vegetated slopes, but requires some restoration to remove invasive species and enhance fish habitat. The creek is considered by ODFW to be a trout stream, but is not used by ESA-listed species (see recommendations at bottom left.) The creek corridor is essentially unbuildable, given current regulations protecting wetlands and floodplains and the challenges of building in steep slopes. The City does not recognize Willow Creek as a protected Goal 5 resource, so new City setbacks would not be applied, although development regulations will still protect these sensitive areas to an extent.

A preliminary reconnaissance of properties adjacent to Willow Creek found the likely presence of about 3 acres of intermittent wetlands, whose approximate boundaries are mapped in Figure 2. More defined boundaries would be determined through a more detailed wetland delineation required at the time that individual parcels are developed.

A FEMA 100-year floodplain extends into two parcels in the northern portion of the study area. This mapped floodplain is a result of the 1996 flood that backed up along the Willow Creek corridor, inundating NE Territorial Road. There are roughly 1.3 acres of study area within the floodplain (nearby property owners in Willow Creek Estates have petitioned FEMA for a flood map revision to remove the floodplain from their properties – this may also be an option for study area owners.)

Finally, there are steep slopes on both the west and east banks of Willow Creek. Slopes over 25% are challenging to develop and should remain undisturbed when adjacent to wetlands and streams in order to avoid erosion. There are approximately 2.6 acres of these steep slopes included in the green area shown in Figure 2. Additional steep slopes can be included within large lots, behind homes and potentially protected within conservation easements.

The combination of these sensitive areas, along with adjacent land between wetlands and slopes, is shown on Figure 2. As described on page 12, this approximately 9.5-acre area can form the core of a future open space that satisfies City regulations for park dedication while transferring some severely-constrained land from private to public ownership.

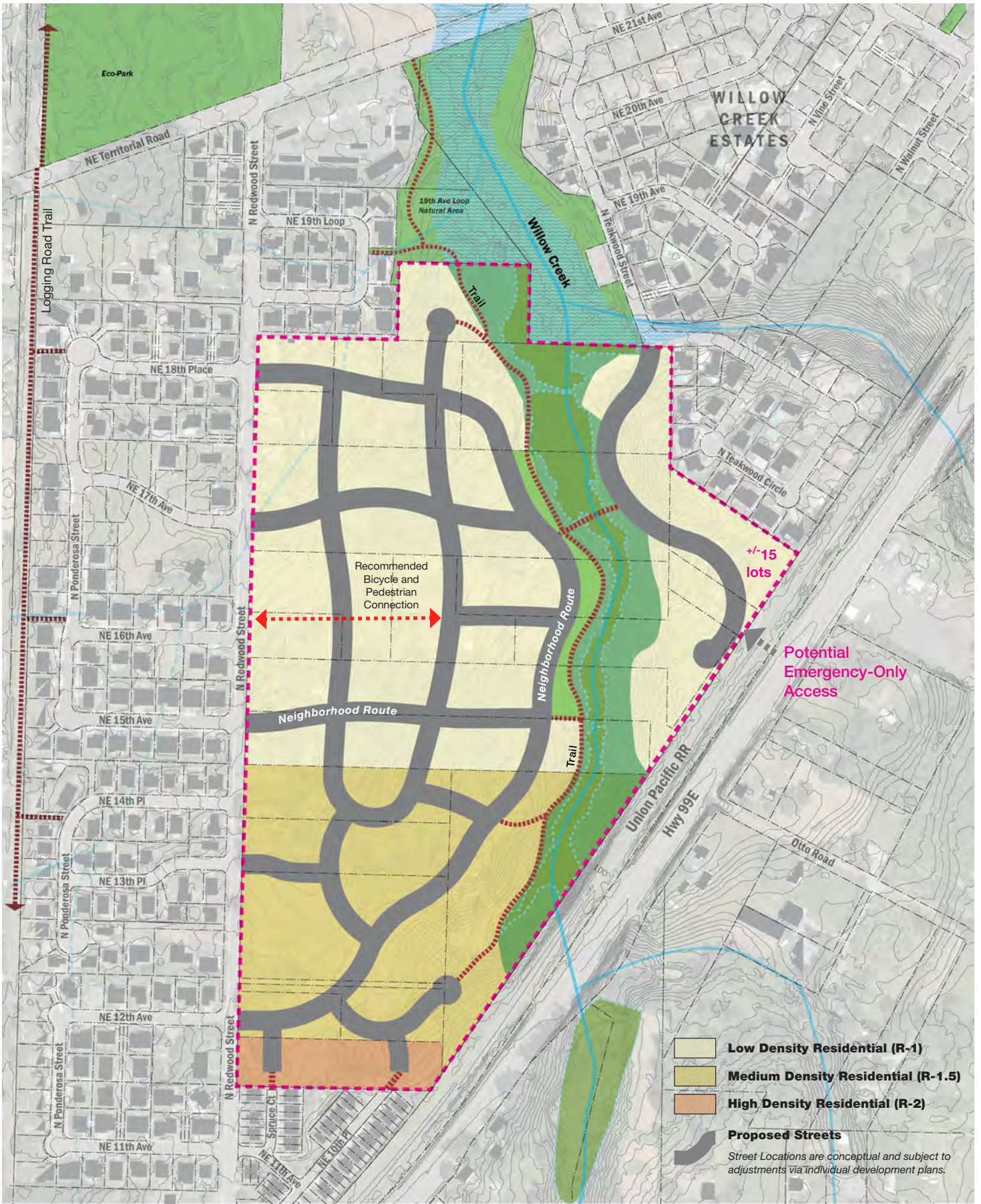
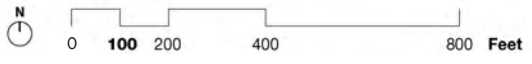


Figure 4: Development Concept Plan

NORTH REDWOOD DEVELOPMENT CONCEPT  
**BASE MAP**



| <b>Element</b>                                    | <b>Square Feet</b> | <b>Acres</b>           |
|---|--------------------|------------------------|
| <b>Roadways *</b><br><i>(Alleys not included)</i> | 664,414            | 15.25                  |
| <b>Natural Area</b>                               | 412,809            | 9.47                   |
| <b>Developed Park</b>                             | 42,906             | 0.98                   |
| <b>Low-Density Residential Land</b>               | 1,122,963          | 25.78                  |
| <b>Medium-Density Residential Land</b>            | 522,270            | 11.99                  |
| <b>High-Density Residential Land</b>              | 80,355             | 1.84                   |
|   |                    | <b>65.31ac total *</b> |

\* Study Area is 66 acres. Total acreage shown reflects deduction of 20' for additional North Redwood ROW

**Table 1: Areas in Development Concept Plan**

## **Development Concept Plan**

The Development Concept Plan (DCP) provides a logical development concept for a new community with distinct character. It allows for phased, efficient development and can be adjusted according to individual landowner preferences.

The DCP creates clear connections to the existing city fabric and provides a coherent grid of streets within the study area that will serve to create a more cohesive community than if roads were built on a piecemeal basis. The road alignments strive to respect existing topography, and by doing so, may minimize future development costs from grading.

The DCP is based on the flexible block structure described on page 10, which maximizes options for landowners to develop their properties in future according to their individual development strategy and market research. Each block can be developed with or without rear alleyway access, depending on developer preferences. Future development proposals will be evaluated by the City according to how they adhere to the principles and general urban form of the DCP.

The acreages shown in Table 1 represent the areas in the DCP. These areas, using maximum densities suggested in the City's Comprehensive Plan zoning designations, would result in 289 new lots. Using the minimum densities, it would result in 213 lots. The expected city zoning categories will be R-1, R1.5 and R-2 for the Comp Plan zones of LDR, MDR and HDR, respectively.

Higher density options would result in lower shared costs per unit, as the community's infrastructure needs would be identical for either density.\*

*\*Original projections for this study area in the 2010 TSP and Canby Comprehensive Plan envisioned up to 350 lots in the area, but this number did not account for the deduction of land for open space around Willow Creek environmental areas.*

## Development Flexibility

The Development Concept Plan is structured using flexible block sizes to ensure that future development can provide a wide variety of lot sizes and housing types within the proposed zoning.

Studying best practices from other high-quality master-planned developments, a prototypical block size with a width of 280', measured from the center of one local street to the center of the next street, was used to guide the layout of the concept plan (Figure 5). A variety of lot sizes are possible within this prototypical block. **Due to allowance for topography and plan urban design, the blocks shown on the DCP are not exactly each 280'. An overall block length of more than 600 feet should be avoided. Bike and pedestrian connections should be provided at least every 330' according to the TSP.**

Also possible are blocks with or without rear 20-ft alleyways (Figures 6a and 6b). Although there are few new developments with rear alleys in Canby, this is an increasingly popular tool for regional developers who seek a more walkable, attractive streetscape and more curb appeal for new homes. Rear alleys also provide an efficient and less visually-intrusive place to locate utilities.

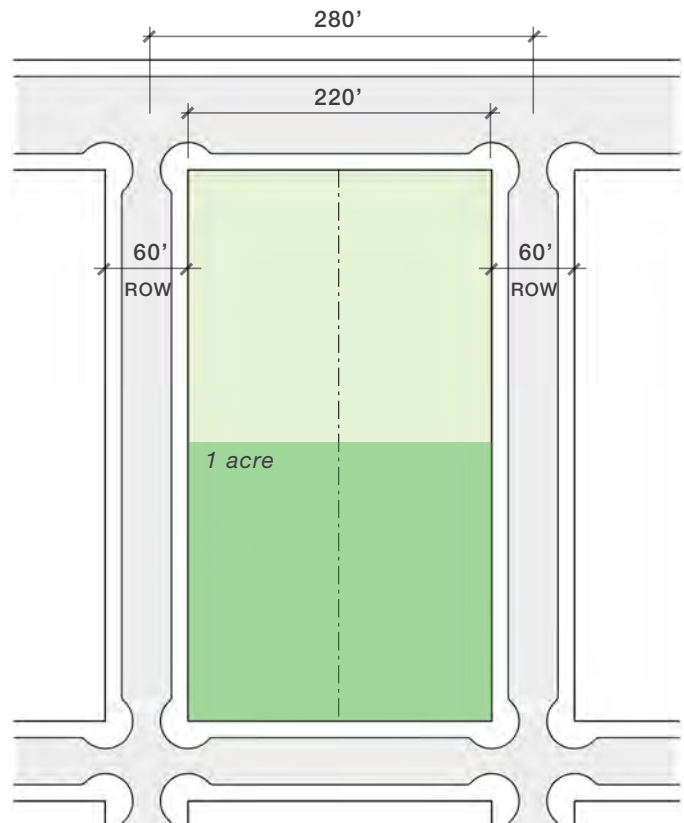


Figure 5: Prototypical Block

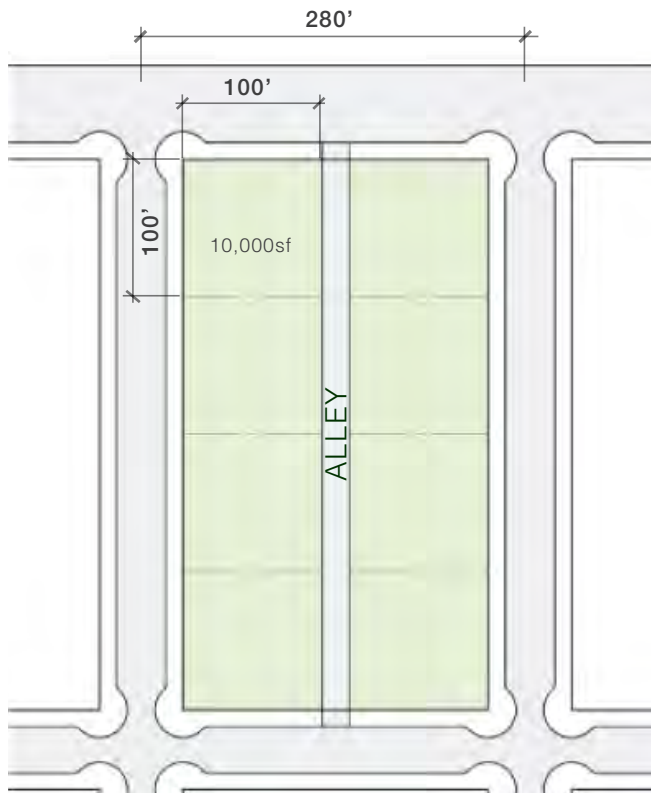


Figure 6a: Large Lots (LDR) with alley

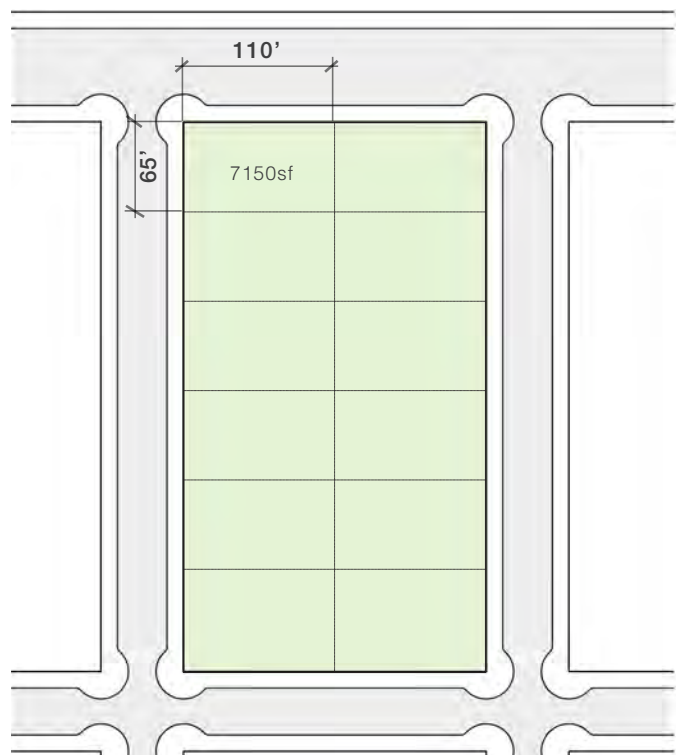


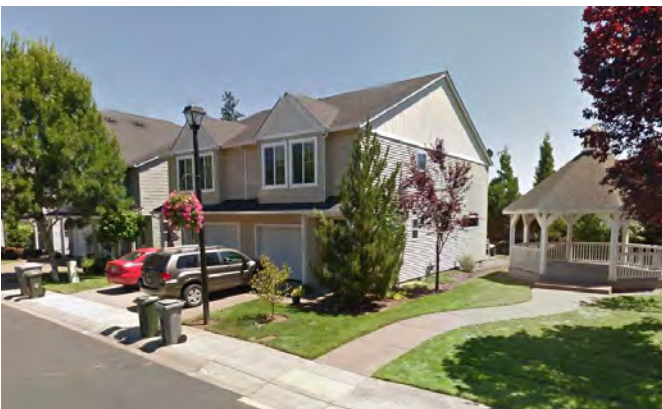
Figure 6b: Large Lots (LDR) no alley; garages in front of homes



Low Density Residential  
 7,000-10,000 square foot lots (4-6 du/acre)  
**Approximately 155 units in DCP (at 6du/ac)**  
**(Approximately 103 units at 4du/ac)**



Medium Density Residential  
 5,000-6,500 square foot lots (7-9 du/acre)  
**Approximately 108 units in DCP (at 9du/ac)**  
**(Approximately 84 units at 7du/ac)**



High-Density Residential  
 3,000 square foot lots (14 du/acre)  
**Approximately 26 units in DCP**

## Concept Plan Evaluation Criteria

The Development Concept Plan substantially meets all of the evaluation criteria, as described below. Meeting some of the criteria will be dependent on subsequent planning work and individual actions by developers and the City of Canby.

| <b>Criteria</b>                                      | <b>How DCP Meets Criteria</b>  |
|--|--|
| <i>Integrated with existing city fabric of Canby</i> | Plan connects to North Redwood Street in 5 locations, matching existing intersections and extending the city grid                    |
| <i>Walkable and cohesive</i>                         | Streets, connected across parcels, will meet City standards, with generous sidewalks. Proposed walking trail traverses study area.   |
| <i>A plan with all parcels integrated</i>            | Plan strives to maximize development potential of all parcels, including those with natural features and access restrictions         |
| <i>Impacts distributed equitably</i>                 | Funding plan will propose how to share costs and impacts of plan elements that benefit all owners.                                   |
| <i>Different owners' timing of development</i>       | Plan can proceed according to the priorities of a range of owners  |
| <i>Reasonable costs of infrastructure and roads</i>  | Most roads are narrower local streets. Total road area is 23% of study area, which is within comparable levels of other communities. |
| <i>Connected with safe streets</i>                   | Local streets have sidewalks. Certain North Redwood intersections should consider enhanced pedestrian crossings at key locations.    |
| <i>Transit-friendly</i>                              | Neighborhood Routes in plan could accommodate a future transit route.  |
| <i>Allows emergency access</i>                       | Plan proposes a new emergency access across UPRR to serve area east of Willow Creek.   |
| <i>Connects trails to natural areas</i>              | A new trail system is proposed on the west edge of the Willow Creek Natural Area.  |
| <i>Protects Willow Creek</i>                         | Yes, within natural area   |
| <i>Provides public, accessible parks</i>             | One neighborhood park proposed. Willow Creek open space will be public.  |
| <i>Innovative land planning</i>                      | Yes  |



## Parks and Open Spaces

Future development in the North Redwood area will be required by city code to dedicate a certain amount of parks and open space (*Division XI: Parks, Open Space and Recreation Land, Chapter 16.120*). This is consistent with the criteria outlined on page 5 for the creation of a livable community.

The acreage required for dedication is calculated using the formula below, applied to new construction:

$$\text{(Maximum units in a plat)} \times \text{(persons/unit)} \times 0.01 = \text{acreage to be dedicated}$$

Potential park acreages can be calculated for each density in the DCP as follows:

**LDR/R-1: 25.78 ac**  
**25.78 ac / 7000 sf minimum lot size = 155 units**  
**155 x 2.7 people per unit = 419**  
**419 x 0.01 = 4.2 park acres.**

**MDR/ R1.5: 11.99 ac**  
**11.99 ac / 5000 sf minimum lot size = 108 units**  
**108 x 2.7 people per unit = 292**  
**292 x 0.01 = 2.9 park acres.**

**HDR R-2: 1.84 ac**  
**1.84 ac / 3000 sf minimum lot size = 26 lots**  
**26 x 2.7 people per unit = 70**  
**70 x 0.01 = 0.70 park acres.**

**TOTAL POTENTIAL PARK ACREAGE: 7.8 ACRES**

This figure will obviously be subject to refinement as individual developers submit applications. The City of Canby does not typically accept unbuildable natural areas as dedicated park lands; however, the city has indicated a willingness to accept land dedicated along Willow Creek, which is a significant benefit to potential future developers. If park space were not largely accommodated in the creek area, it would need to be within one of the flatter, more “developable” areas to the west. This would have a negative economic impact on land owners and the City, since land owners would be forced to give up more flat, developable land rather than creek-side land. Moreover, property owners would be left with creek-side land that they would have to maintain.

The DCP shows the green corridor in Figure 2 incorporated into the plan (see Figure 7 on facing page). There are an additional 1.7 acres of natural area than required by code shown within this environmental area. Protection of this extra acreage can also be accomplished by potentially including it in lot sales, with conservation easements.



Neighborhood Park with play area and shelter



Multi-use trail through natural area



A boardwalk trail could be built near wetlands or along Willow Creek



A bicycle and pedestrian bridge can link the area’s neighborhoods across Willow Creek

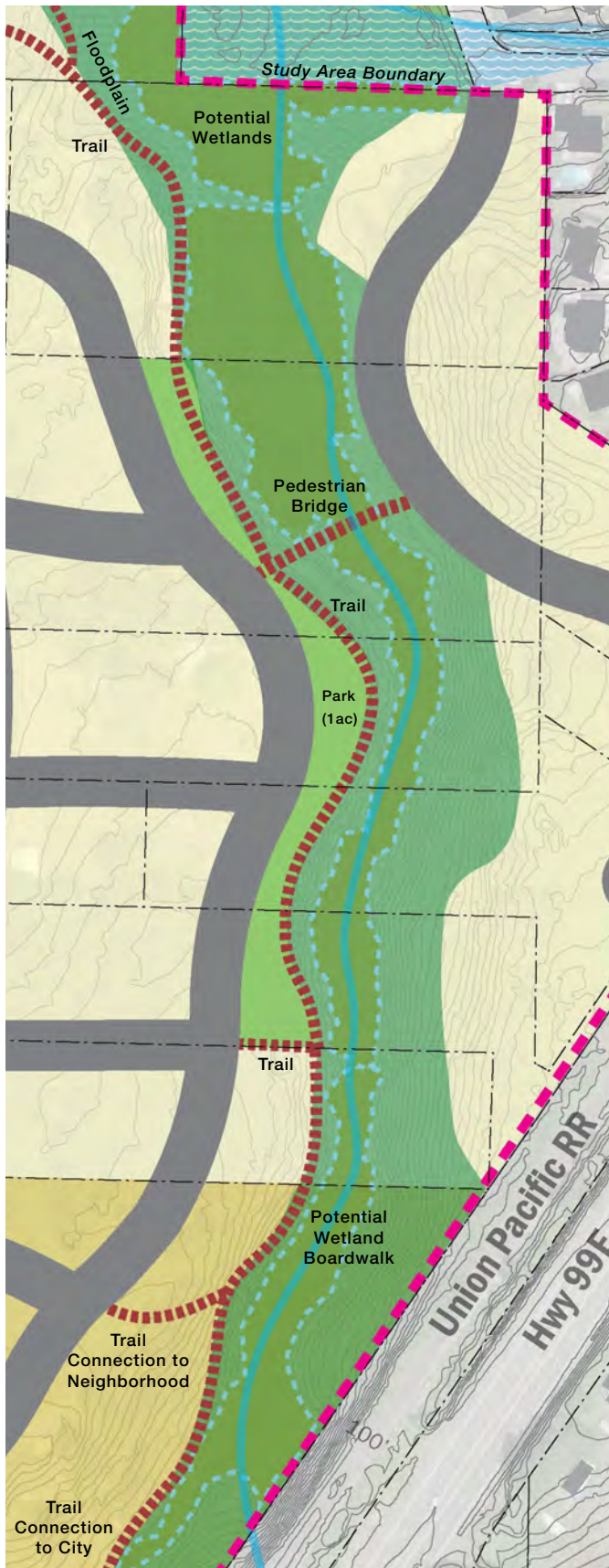


Figure 7: DCP -- Open Space detail

## Parks and Open Spaces

The DCP illustrates a framework for a new 9.5-acre public natural area along Willow Creek, including the constrained and ecologically-sensitive lands described on Figure 2. This area is more acreage than the approximately 7.8 acres required for dedication by developers (see facing page); some of the sensitive land could be protected within conservation easements on private lots. A strategy to equitably divide this natural area dedication among property owners, including those not adjacent to Willow Creek, is included in this report.

(Given the shortfall in parks maintenance funding in Canby, an agreement could be arranged for a developer to fund a set number of years of maintenance, while the City works to secure more sustainable parks maintenance funding.)

Additional park land of approximately 1 acre, envisioned as a potential neighborhood pocket park, is included to provide some developed park space as a neighborhood amenity. In the DCP, this park is shown as a linear park at the top, west edge of the Willow Creek 'ravine', providing a more developed foreground to the wilder natural area. This park land could include neighborhood amenities such as a play area and picnic shelter. Alternatively, future plan refinements could consider locating such a park in a more central location, surrounded by housing.

A trail is proposed along the Willow Creek open space, through the neighborhood park and linking to existing and future natural areas like Willamette Wayside to the north, as well as to Fred Meyer and downtown Canby to the south. This trail can take a variety of forms according to context, with a boardwalk through wetland or flood prone areas, and a simple paved multi-use path (see Figure 8 below) in other areas such as the neighborhood park edge.

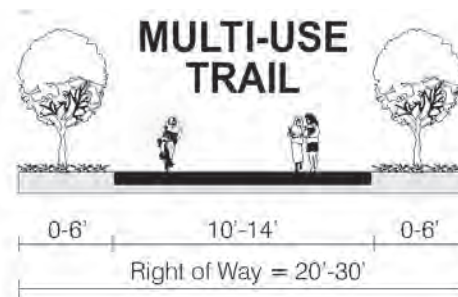


Figure 8: Canby TSP Multi-Use Trail Cross-Section

## Plan Connectivity

The DCP provides several connections to Canby's existing city fabric, with extensions to existing streets on the west side of North Redwood in five locations (NE 18th Pl, NE 17th, NE 15th, NE 13th and NE 12th). This grid of streets will maximize circulation choices for future residents and provide safer, more walkable non-collector streets for residents, potentially reducing overall vehicle miles traveled.

North Redwood Street is currently only improved to City standards on its west half. When individual development proposals are submitted, the City will require half-street dedication from adjacent property owners along North Redwood of approximately 10' to 30' to allow the street to be improved to Collector standard as shown in the TSP (see cross-section on page 16). As a project with citywide importance, it will need to be funded through a combination of developer contributions and public capital improvement budgets, and the precise cross-section will be determined with City and neighborhood input. Adding sidewalks to the east edge of North Redwood will improve safety and allow pedestrian access to city parks north of Territorial, as well as the Fred Meyer (and Orange Line commuter bus service) to the south of Highway 99E.

An internal loop Neighborhood Route (Fig 9 at right) is a key 'wayfinding' and placemaking component, looping from NE 18th Place, along the edge of the Willow Creek open space, then continuing south to North Redwood between NE 13th and NE 12th. This route would be the most likely option for future transit access, although the existing Dial-A-Ride service in Canby could serve all of the streets in the DCP. Other internal streets shown are advisory and will be located according to future individual development plans.

Approximately 11-15 large lots on the east side of Willow Creek will be connected to Teakwood Street and Willow Creek Estates to the north. The 15 lots would generate approximately 110-150 daily trips (11 peak AM hour trips, and 15 peak PM hour trips.) The City's threshold for evaluating impacts to local neighborhood streets is 30 peak hour trips and 300 daily trips, so this would not reach that threshold. The local street serving these lots would require a stop sign where it meets N. Teakwood Street.

An emergency route, with a locked gate preventing pedestrian or bicycle access, would be desirable across the UP rail line to access Hwy 99E, closing the existing driveway (photo at right). Discussions about this crossing have been initiated with UPRR.

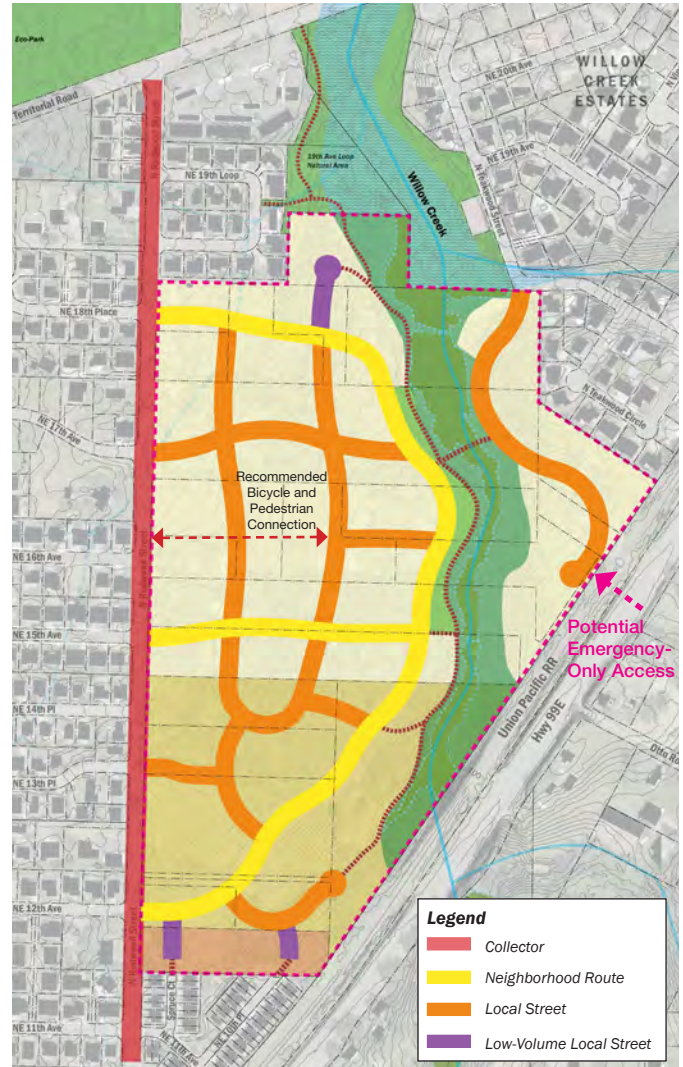


Figure 9: DCP Street Plan



Existing driveway across UP railroad, accessing three parcels



**Figure 10: Typical Local Street Cross-Section**

## Street Design

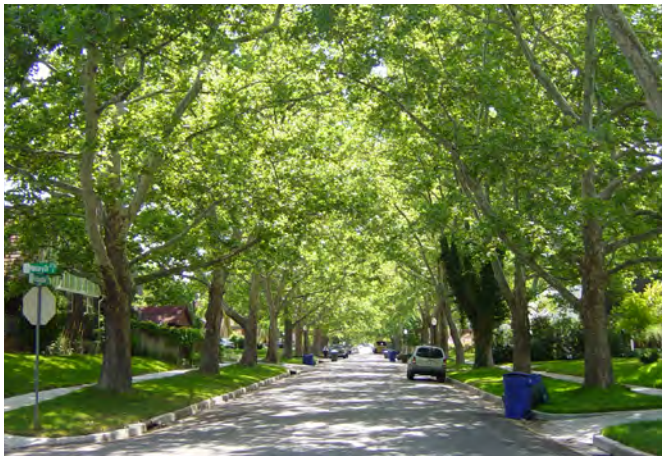
Roadways in this plan will be neighborhood routes and local streets, with design standards described in the TSP and on the following page. These streets are intended to be relatively narrow in order to reduce speeds and promote neighborhood livability while also reducing development costs and city maintenance.

The three-dimensional street section at left (Fig. 10) is another way of illustrating the proposed street design, showing how on-street parking, while serving adjacent residents, also serves to slow traffic speed by narrowing the perceptual width of the street. Travel lanes of 10' in each direction allow a clear 20' zone for fire and emergency access. Neighborhood routes have slightly wider travel lanes to allow delivery truck and transit vehicle access.



Typical local street in a new planned community, matching the Canby TSP local street standard on page 16

Key to neighborhood livability is to separate sidewalks from roadways with a generous, 8'-wide planting strip, within which street trees should be planted. Stormwater treatment facilities can also be located in these strips, if needed (see photo at left). These planting strips enhance pedestrian comfort and safety, while the street trees will eventually provide a proven increase in property values by forming a shaded canopy over the street and adding to the curb appeal of homes.



Typical local street with mature street trees

The plan presents some single-sided streets along Willow Creek, which provide significant value to homes with a frontal view of the open space and help to create a distinct identity for the neighborhood. This arrangement also has public safety benefits, as the open space and associated trail can be monitored by street users and from nearby homes. In most cases, streets within the neighborhood will be double-sided to maximize development efficiency where no natural amenities are present.

## **Plan and Code Amendments**

The following is an assessment of existing code provisions and code amendments that will support the North Redwood Development Concept Plan. Generally, as the North Redwood community develops, a certain amount of flexibility will be needed in order to protect the area's natural resources while also distributing development capacity across the area in a reasonable, equitable manner. The ability for developers to be creative in terms of lot size, shape and layout will be important to ensure that open spaces can be preserved as a community amenity while still maximizing allowable densities.

Overall, the Canby zoning code currently includes provisions that support this kind of flexibility to a significant degree; therefore, the revisions are relatively minimal. *For more detail, please refer to the Memo entitled Canby North Redwood Development Concept Plan – Comprehensive Plan and Zoning Code Amendments, (September 2, 2015) found in Appendix B of this report.*

### **Lot Size Averaging**

Lot size averaging allows the city to permit lot sizes that do not meet the minimum and maximum lot size standards in the low and medium density residential zones. This provision allows some flexibility in lot sizes in order to protect natural resources; lots can be smaller or larger as appropriate to work around areas of wetlands, parks and other desired open spaces.

In the high density (R-2) zone, there are no minimum or maximum lot size standards. Instead, lot size is regulated through minimum density standards in combination with lot width and depth standards.

The lot size averaging provisions require that the overall average lot size still be consistent with the minimum and maximum lot size standard for that zone. It also includes a limit on how small a lot can be (no smaller than 6,000 s.f. in the R-1 zone and 4,000 in the R-1.5 zone). However, the alternative lot layout provisions discussed in the next section allow a further reduction of average lot size. Used in combination, the lot averaging and alternative lot layout provisions provide a high degree of flexibility and are sufficient to support innovative development in the North Redwood area.

The lot size averaging provision has been revised, to clarify the language in subsection 1(b) that states a lot smaller than 6,000 square feet may not be created. This resolves a conflict with the alternative lot layout standard that allows a 5,000 square foot reduction in the average lot size. The language has been revised (Section 16.16.030) to note that individual lots can be smaller if the alternative lot layout option in Section 16.64.040 is used. A similar revision has been made in the R-1.5 zone (Section 16.18.030).

Another revision relates to the language that defines what a "required" area is when determining what should be included in the average lot size calculations. The city has indicated a willingness to accept dedication of the natural resources area (creek, associated buffer and slopes) in lieu of its standard parkland dedication in the North Redwood area. Given that approach, the dedicated land should be included in the lot size averaging calculation in order to achieve the intended benefit. To allow this possibility, the language in Section 16.16.030 has been revised to clearly allow for public park dedications to be included in the lot size averaging calculation to achieve community plan goals for this area, including allowing protection of natural resources.

### **Alternative Lot Layouts**

Chapter 16.64 Subdivisions contains provisions for alternative lot layouts that provide additional flexibility to preserve natural resources and contiguous open spaces. If the alternative lot layout option is used, the average minimum lot size may be reduced by 5,000 square feet after subtracting access tracts. Overall development densities must not exceed the maximum density standard for the zone.

As indicated previously, use of this provision would allow lots smaller than 6,000 square feet in the R-1 zone and would result in no minimum lot size in the R-1.5 zone, thus providing a developer the flexibility to cluster lots in order to protect natural resources. The alternative lot layout also allows deviation from the required setbacks and lot width and frontage standards. No revisions to the alternative lot layout provisions are recommended.

## **Plan District**

A new Plan District has been added to the City of Canby's Development Code as Chapter 16.13, which is a new section of the Code. The Plan District includes the following types of provisions:

- **Purpose.** This section indicates that the purpose of the District is to implement the North Redwood DCP, ensuring that future land use, transportation and open space patterns are consistent with the DCP.
- **Applicability.** This indicates that the section is applicable to the DCP area, and that this section of code supersedes any other potentially conflicting sections.
- **Approval criteria.** This section establishes a number of essential elements of the DCP that would be considered as approval criteria for future developments in the area. These include key features of the land use pattern, transportation network and park and open space elements of the DCP. These essential elements are described in the Memo, *Canby North Redwood Development Concept Plan – Comprehensive Plan and Zoning Code Amendments, (September 2, 2015)* found in Appendix B of this report.
- **Lot area exceptions and lot size averaging.** These echo the provisions described earlier in this section.

The Plan District section of the Code also can be used in the future to establish and implement DCPs in other areas of the City.

## **Planned Unit Developments**

Planned Unit Development (PUD) provisions could be used for a variety of purposes in the North Redwood area. They would allow for lot size averaging, alternative lot layouts, and protection of natural areas, with the development potential in those areas captured in the developable portion of a site. While use of the city's PUD process would provide opportunities for more development flexibility, such processes are most effective when applied to larger properties or developments. As a result, they would be most applicable on larger properties in the study area and/or in areas where property ownership can be consolidated. No revisions to the PUD provisions are proposed.

## **Annexation**

The existing code contains provisions for annexation of new properties into the city boundary. For properties that are within a designated Development Concept Plan (DCP) area, a DCP must be adopted by the city before a zone change will be approved for a newly annexed property. While these provisions ensure that a DCP be adopted prior to a zone change, they do not specify that zone changes occurring after annexation must be consistent with the DCP. To address this, the standards and criteria (Section 16.84.040) have been revised, to require that proposed zoning in an area where a DCP has been prepared should be consistent with the zoning identified in the applicable DCP.

## **Comprehensive Plan changes**

While the City requires Development Concept Planning prior to annexation, the City's Comprehensive Plan currently does not have a policy that indicates how the City identifies areas that must prepare Development Concept Plans (DCPs), such as the North Redwood area. A new policy has been added within the "Land Use Element" of the Comprehensive Plan, as follows:

**POLICY NO. 7: CANBY SHALL STRIVE TO ENSURE THE EFFICIENT AND EFFECTIVE PROVISION OF INFRASTRUCTURE TO SERVE NEWLY ANNEXED AREAS.**

### **IMPLEMENTATION MEASURES:**

A) The City of Canby's annexation Development Map shall be used to identify properties required to adopt a Development Concept Plan (DCP) or Development Agreement (DA) prior to annexation.

## **Parks & Rec Master Plan (2002)**

No changes will be made to the Parks & Rec Master Plan as a result of this DCP.

## Changes to the 2010 TSP

This DCP has been prepared with careful consideration of the 2010 Canby TSP and meets the goals and standards outlined in that document. The primary change recommended to the 2010 TSP has been initiated by the City of Canby, with ODOT's assistance, and involves removing the proposed Otto Road collector connection. The TSP document itself will be updated with 5 new figures:

- Fig 7-1: Functional Classification**
- Fig 7-2a: Truck Routes (Existing System)**
- Fig 7-2b: Truck Routes (Financially-Constrained System)**
- Fig 7-8: Local Street Connectivity (see below)**  
This figure has also been updated to reflect the North Redwood Street and North Teakwood Street connectivity proposed in this Draft DCP
- Fig 7-9: Traffic Control Plan**

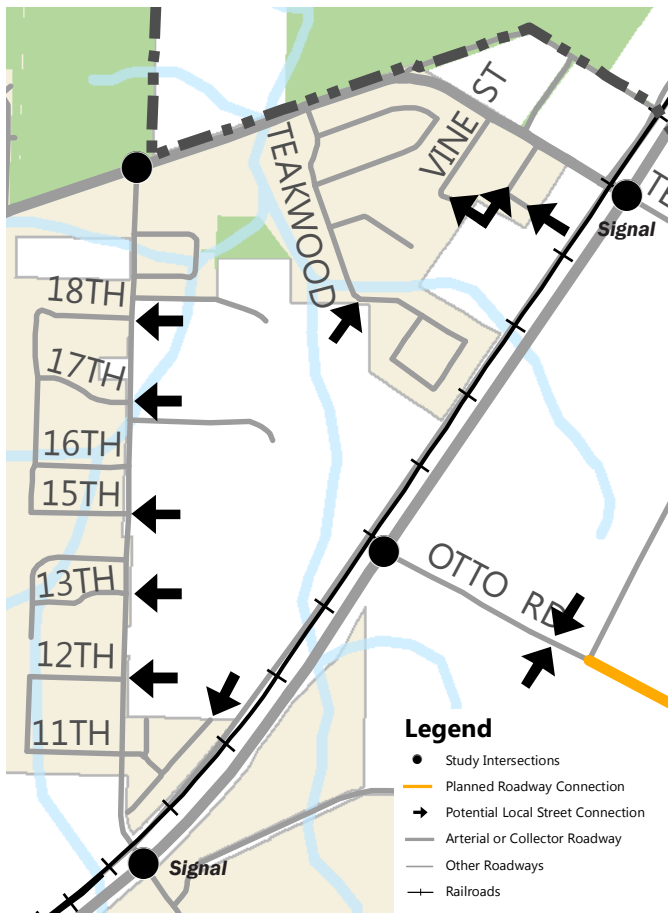


Figure 11: Transportation System Plan revised Fig 7-8 (detail)

Existing street cross-sections in the TSP (see Figure 12 below) are appropriate for the DCP. In all sections, street trees are indicated as optional. However, it is strongly recommended that an 8' planting strip be provided for street trees on all future streets in the study area.

For the half-street improvements required to bring North Redwood Street into compliance as a Collector as shown in the TSP, an additional 10'-30' of property will need to be dedicated from properties on the east edge of North Redwood Street. A center turn lane or median will not be required for the Collector, and no new stop signs are expected to be needed on North Redwood Street.

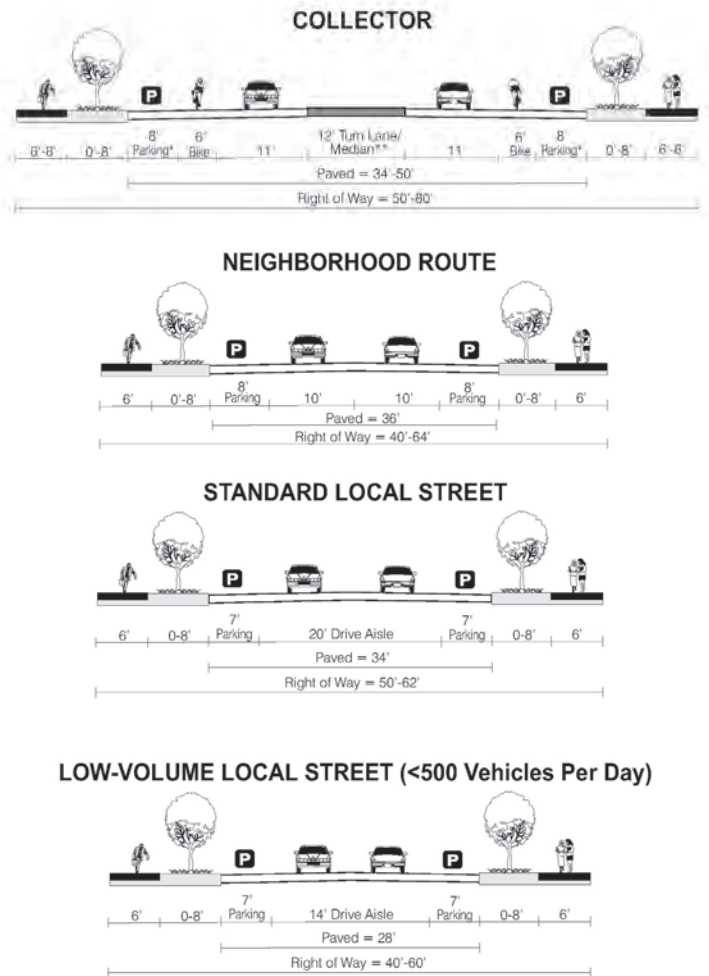


Figure 12: Canby Transportation System Plan street sections

# **Infrastructure**

## **(Recommended Changes to City Facility Plans and Standards)**



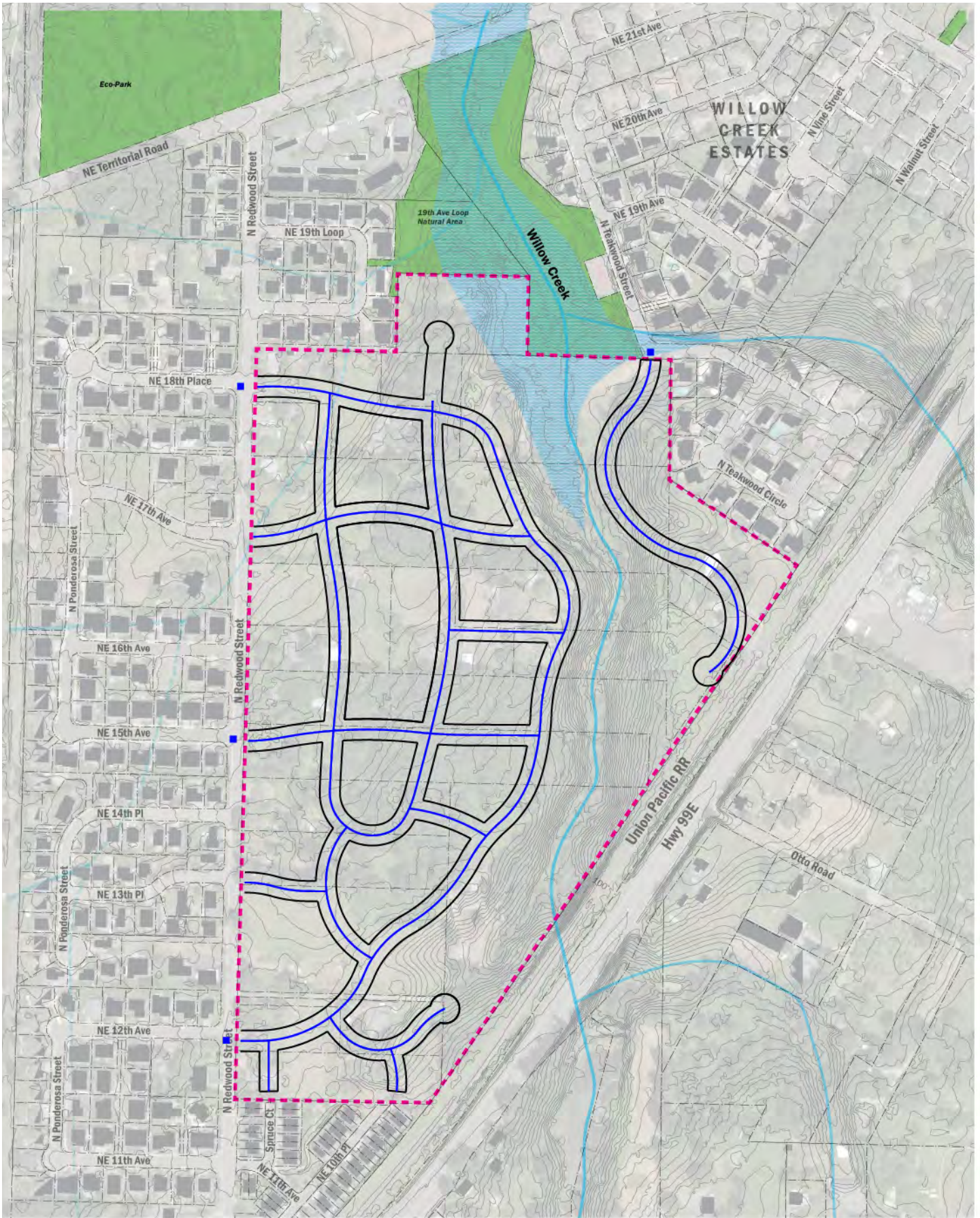
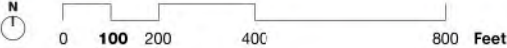


Figure 13: Water Map

**LEGEND**  
 Connection to Existing Water Main ■  
 Water Pipe —



## ***Infrastructure: Water***

Water within the City of Canby is provided by Canby Utility. Canby Utility completed a Water System Master Plan in 2010. The system analysis in the master plan included all areas within the Urban Growth Boundary, which includes the North Redwood site.

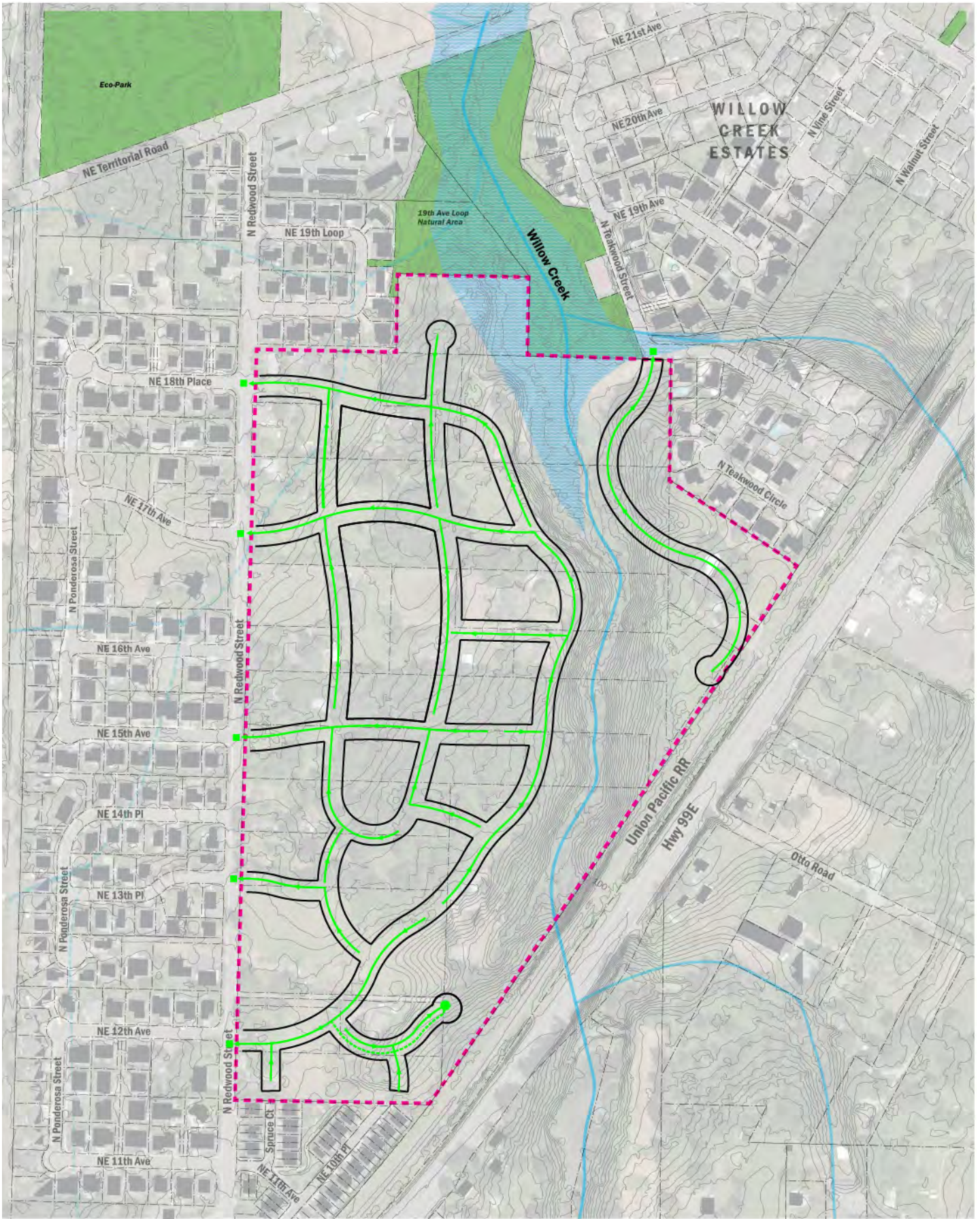
Waterlines adjacent to the project include an existing 12-inch waterline in N. Redwood Street and an 8-inch line in N. Teakwood Street. A 14-inch transmission line is located in NE Territorial Road to the North.

The North Redwood site can be served by Canby Utility via connections to the existing waterlines in N. Redwood Street and N. Teakwood Street. The project site is bisected by Willow Creek. Areas west and east of Willow Creek would be served via separate connections to the existing water system.

Proposed development west of Willow Creek can be served by connections to the existing 12-inch line in N. Redwood Street. A minimum of two connections to the N. Redwood Street waterline is recommended in order to provide a looped water system. The actual locations of the connections to the existing waterline may vary depending on the order in which properties develop. In addition, looping of waterlines within the proposed development is recommended.

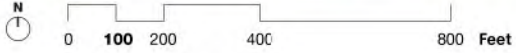
Proposed development east of Willow Creek can be served by a connection to the existing water line in N. Teakwood Street. Based on the existing development adjacent to the North Redwood site, there will likely not be an opportunity to loop the water lines east of Willow Creek.

Figure 13 shows existing waterlines in the vicinity of the North Redwood site, proposed connections to serve the site, and a schematic layout of the water system within the preferred alternative.



**Figure 14: Sanitary Sewer Map**

**LEGEND**  
 Connection to Existing Sanitary Pipe (Gravity) ———  
 Sanitary Pipe (Gravity) ———  
 Pump Station ●  
 Sanitary Pipe (Pressure) - - - - -



## **Infrastructure: Sanitary Sewer**

Sanitary sewer service is provided by the City of Canby. Systems are required to be approved by and to comply with the requirements of Oregon Department of Environmental Quality.

The North Redwood Site can be delineated into two sanitary sewer basins:

- Basin 1: West of Willow Creek
- Basin 2: East of Willow Creek

Figure 14 shows each of the sanitary basins, potential sanitary sewer routes based on the preferred alternatives, and a potential pump station location.

### **Basin 1**

Basin 1 contains the area east of North Redwood Street and west of Willow Creek. An existing 15-inch sanitary sewer line located N. Redwood Street will serve this basin. According to as-built records, the existing sewer line is approximately 8-feet deep. Any areas uphill of N Redwood Street can feed into this line via gravity. Based on GIS contour information, the ground within the project site generally slopes from the ridge above Willow Creek to North Redwood Street at approximately 1.5 percent. There is a sizeable area within Basin 1 that has a 2 to 4 foot depression, which would need to be filled in order to provide gravity sewer service to the area. Developable areas immediately adjacent to Willow Creek would likely require a pressure sewer and a small lift station in order to provide service to the area.

Multiple connections to the existing sewer line are proposed for the preferred alternative. Planning for multiple connections will allow for increased flexibility in the order in which individual properties can develop. Depending on the order in which properties develop, there may be more or less connections to the existing system that shown in Figure 14.

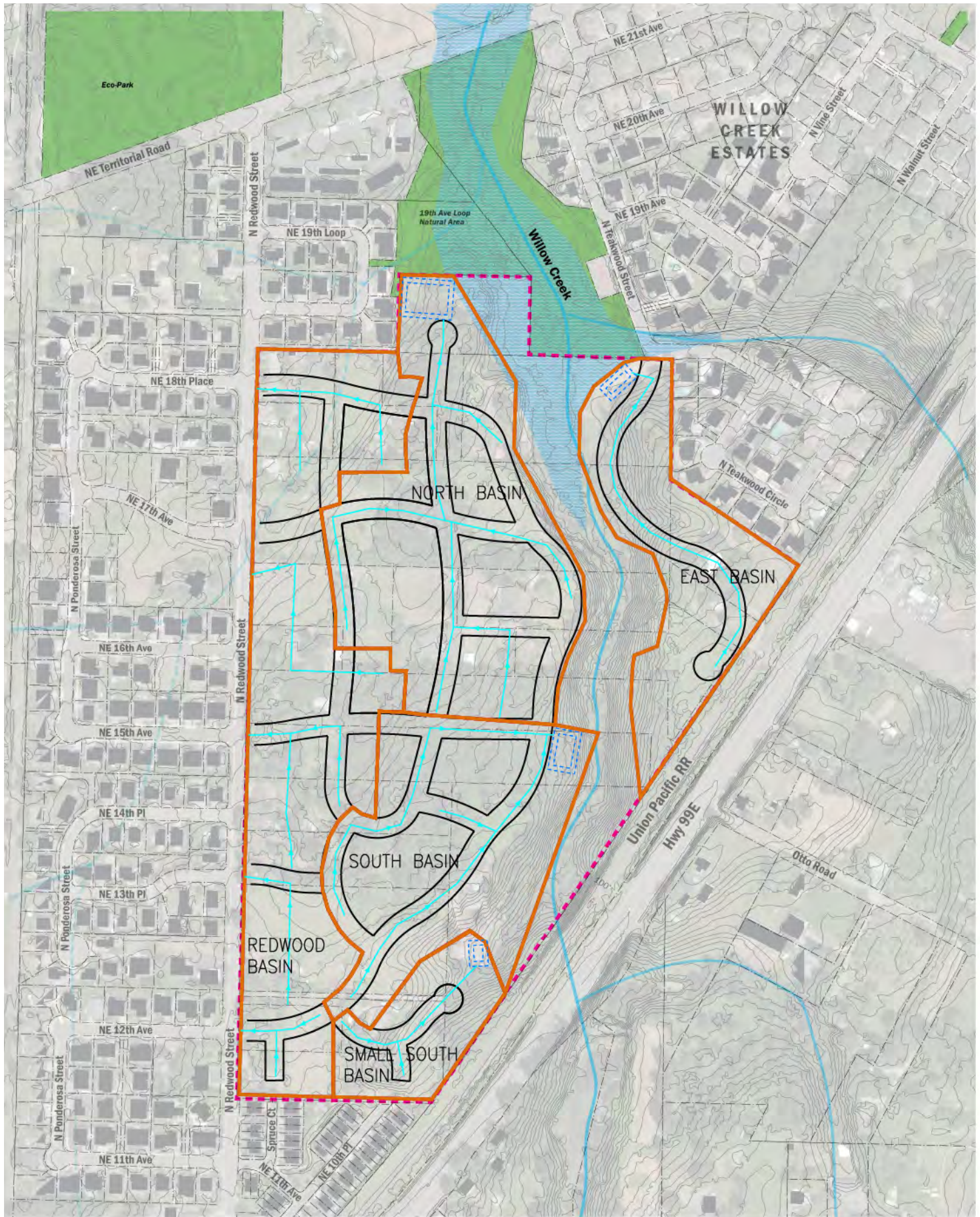
Project Memo #5 describes the possibility of providing a sewer connection for the northernmost parcel in the project site via a gravity connection to an existing sewer line in NE 19th Loop. However, further analysis of the preferred alternative shows that a gravity connection cannot be made to NE 19th Loop. It does appear that with some fill in this area, a gravity connection could be made within Basin 1 for this area. An alternative to filling this development area would be a pressure sewer system that connects to Basin 1.

Capacity of the existing line in N. Redwood Street should be verified prior to development.

### **Basin 2**

Basin 2 contains the area within the North Redwood project site that lies east of Willow Creek. This area will be served via a connection to an existing sanitary sewer line in N Teakwood Street. Flow from the Teakwood Street sewer line flows to the existing Willow Creek Pump Station located at NE Territorial Road at Willow Creek.

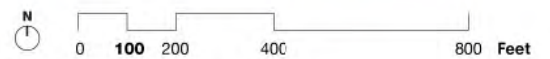
The elevation and capacity of the existing sewer lines should be verified prior to development. In addition, the existing Willow Creek Pump Station should be evaluated to determine if it has capacity for the additional flow.



**Figure 15: Stormwater Map**

*Note: Alleys recommended where possible for stormwater conveyance.*

- LEGEND**
- Basin Boundary
  - Stormwater Pipe
  - Stormwater Facility





Typical LIDA facilities: Swale



Typical LIDA facilities: Water Quality Pond



Typical LIDA facilities: Residential rain garden

## Infrastructure: Stormwater

The City of Canby Public Works Design Standards (Sections 4.109, 4.309, and 4.310) provide criteria for the design of water quality treatment facilities for storm water runoff. Acceptable methods of treatment include vegetated swales, extended dry ponds, constructed wetlands, Low Impact Development Approaches (LIDA), or proprietary treatment devices. Although all of these methods are acceptable forms of treatment, the City encourages the use of LIDA facilities for water quality treatment of stormwater.

In addition, stormwater quantity management will be required for all runoff from all development within the North Redwood Development Concept Plan area unless it can be demonstrated that there are no adverse downstream impacts. Prior to development, a downstream analysis should be performed to determine if water quantity management is required, per the City of Canby Public Works Design Standards, Section 4.205. If deemed necessary, the volume to be detained will be the volume necessary to limit the post-developed site peak discharge rate to pre-developed runoff rates for all storm events with a recurrence interval less than or equal to 25 years (2, 5, 10, and 25-year storm events). Detention and retention facilities are both acceptable methods of water quantity management. In accordance with City of Canby Standards, facilities shall be designed per CWS Design and Construction Standards, Chapter 4.

Storm sewer conveyance facilities shall be designed for the 10-year design storm event. According to the City of Canby Design Standards (Section 4.206), peak design flows for conveyance can be calculated using the rational method, the SCS Curve Number method, or the Santa Barbara Urban Hydrograph method.

### **Other Potential Design Standards**

When development projects result in impacts to jurisdictional wetlands or waterways, they trigger a State and Federal permitting process with the Oregon Department of State Lands and U.S Army Corps of Engineers, respectively, through a Joint Permit Application.

The federal wetland permitting process for impacts to jurisdictional wetlands or waterways (i.e. Willow Creek) in the North Redwood Concept Plan area will likely require Endangered Species Act (ESA) consultation as part of the permitting process.

Through the ESA Consultation process, the National Marine Fisheries Service (NMFS) will require a higher level of stormwater management than would be required by the City of Canby and by the Clean Water Services Design & Construction Standards. Design for stormwater management would follow the more stringent standards set by the US Army Corps' "Standard Local Operating Procedures for Endangered Species (SLOPES) for Stormwater, Transportation, and Utilities". Based upon current information from NMFS, they would expect:

- 1) Stormwater quality facilities are sized to treat a volume equal to 50% of the cumulative rainfall from the 2-year, 24-hour precipitation falling on all contributing impervious areas from the development.
- 2) Stormwater quantity facilities are designed to maintain the frequency and duration of flows generated by storms falling between the lower discharge endpoint (42% of 2-year event) and the upper discharge endpoint (10-year event).

### **Existing Topography and Soils**

West of Willow Creek, the site topography generally slopes from the ridge above Willow Creek west to N Redwood Street. In addition, the site generally slopes from south to north. East of Willow Creek, the site generally slopes from east to west, toward Willow Creek, and also from south to north.

According to the NRCS Soil Survey, the majority of the site is Latourell Loam soils, which is in Hydrologic Soils Group B. Group B soils are generally well draining and are suitable for infiltration. Smaller portions of the site are Amity Silt Loam (Hydrologic Group C/D) and McBee Silty Clay Loam (Hydrologic Group C). Hydrologic Group C and D soils are moderately to poorly drained soils and are generally unsuitable for infiltration. Information from the NRCS Soil Survey can be found in Memo #2, page 8.

Although the NRCS data shows that the majority of the site is well draining, staff at the City have received reports from neighboring property owners noting that the soils in this area do not drain well. Before infiltration is chosen as an option for this site, a geotechnical investigation and infiltration testing should be conducted.

### **Existing Facilities**

There is an existing storm drain pipe in N Redwood Street which has excess capacity equivalent to approximately 11.8 acres of impervious surface. This storm drain was constructed as part of an advanced financing district for the neighborhood east of N Redwood Street. Utilization of this storm drain by the North Redwood project site may require that developers contribute to the cost that was incurred by the neighboring property owners for the construction of this line.

The N Redwood storm drain discharges to the Fish Eddy site. According to the City's stormwater master plan, a treatment wetland will be constructed as part of the restoration of the Fish Eddy property. The treatment wetland will provide water quality treatment and detention for runoff that utilizes the N Redwood storm drain line and future Willow Creek Drainage.

Existing pipes in N Redwood Street should be surveyed to determine the elevation of the existing storm sewer in order to evaluate the extent to which the North Redwood Concept Plan area can drain to the existing N Redwood Street storm sewer conveyance system.

Willow Creek bisects the site approximately 1,000 feet east of N Redwood Street. Willow Creek flows north through the 19th Avenue Natural Area and discharges through a weir structure to two 36-inch diameter culverts under NE Territorial Road. North of Territorial Road, Willow Creek enters the Fish Eddy site on its way to the Willamette River. In accordance with City standards, stormwater treatment is required prior to discharging runoff into Willow Creek.

**Hydrology**

The hydrologic computations focus on the quality and quantity control system design storms, which use the 2-year, 10-year, and 25-year frequency, 24-hour duration design storm events and the Santa Barbara Urban Hydrograph (SBUH) method. Rainfall depths for the storm events of interest, obtained from the ODOT 24-hour isopluvial maps and listed in Table 2, were applied to the NRCS Type 1A rainfall distribution.

| Recurrence Interval | Precipitation Depth (in) |
|---------------------|--------------------------|
| 2-Year              | 2.40                     |
| 10-Year             | 3.40                     |
| 25-Year             | 3.80                     |

**Table 2: Precipitation Depths for 24-Hour Duration Storm Events**

| Category                       | Cover Type                 | Hydrologic Soil Group | Curve Number |
|--------------------------------|----------------------------|-----------------------|--------------|
| Impervious Area                | Pavement, roofs, sidewalks | C, B                  | 98           |
| Pre-development Pervious Area  | Woods/ grass Comb, Fair    | B                     | 65           |
| Pre-development Pervious Area  | Woods/ grass Comb, Fair    | C                     | 76           |
| Pre-development Pervious Area  | Woods/ grass Comb, Fair    | D                     | 82           |
| Post-development Pervious Area | 50-75% Grass Cover, Fair   | B                     | 69           |
| Post-development Pervious Area | 50-75% Grass Cover, Fair   | C                     | 79           |
| Post-development Pervious Area | 50-75% Grass Cover, Fair   | D                     | 84           |

**Table 3: Runoff Curve Numbers**

Runoff Curve Numbers (CN), listed in Table 3 for impervious and pervious surfaces, were selected using the TR-55 runoff curve number table.

In accordance with City of Canby Standards, water quality facilities shall be designed per CWS Design and Construction Standards, Chapter 4. Stormwater facilities shall be designed for a dry weather storm event totaling 0.36 inches of precipitation falling in four hours with an average storm return period of 96 hours.



### Stormwater Basins and Management

The basin east of Willow Creek is approximately 7.6 acres. Stormwater runoff will be conveyed north and receive treatment and quantity control in a stormwater facility before being discharged into Willow Creek.

The existing storm drain in N Redwood Street should be utilized for areas of the site that, for topographic reasons, cannot be conveyed to Willow Creek. A maximum of 11.8 acres of impervious area or street right-of-way can be conveyed to N Redwood Street. If the drainage area directed to N Redwood Street contained both right-of-way and lot runoff, then an equivalent area of approximately 18 acres (assuming 60% impervious) could be conveyed to N Redwood Street. The basin that is expected to drain to N Redwood Street is 17.8 acres. It is assumed that connections to the existing system in N Redwood Street can be made at a depth of five feet. Treatment of this runoff would occur at the Fish Eddy site, as part of the treatment wetland capital improvement project.

A small 3.7 acre basin at the south end of the site and west of Willow Creek is in a low area that cannot be drained northward. Stormwater runoff will be conveyed east and receive treatment and quantity control in a stormwater facility before being discharged into Willow Creek.

An 11.7-acre basin is south of the main East-West Neighborhood route. Stormwater runoff will be conveyed north and east to receive treatment and quantity control in a stormwater facility before being discharged into Willow Creek.

The basin north of the main East-West Neighborhood route is 15.7 acres. Stormwater runoff will be conveyed north and east to receive treatment and quantity control in a stormwater facility before being discharged into Willow Creek. Portions of this basin will need to be filled to maintain positive flow to the north.

Existing and proposed condition peak runoff rates were calculated using HydroCAD v10.0 software. Table 4 summarizes peak runoff rates, and calculations are included in Appendix D.

The detention facilities with a water quality swale in the bottom have four feet of detention depth and one foot of freeboard with side slopes of 3H:1V. Table 5 summarizes the pond areas and volumes.

| Catchment/<br>Facility ID | Top Surface<br>Area (sf) | Pond Volume (cf) |
|---------------------------|--------------------------|------------------|
| Basin East                | 4,960                    | 11,700           |
| Basin Small<br>South      | 3,740                    | 10,100           |
| Basin South               | 9,670                    | 30,100           |
| Basin North               | 17,680                   | 57,400           |

**Table 5: Detention Basin Volumes**

| Catchment/<br>Facility ID | Peak Flow Rate (cfs) |          |          |          |          |          |                     |
|---------------------------|----------------------|----------|----------|----------|----------|----------|---------------------|
|                           | 2-year               |          | 10-year  |          | 25-year  |          |                     |
|                           | Existing             | Proposed | Existing | Proposed | Existing | Proposed | Proposed (Detained) |
| Basin Redwood             | 0.39                 | 1.36     | 1.17     | 8.75     | 1.8      | 10.45    | NA                  |
| Basin East                | 0.15                 | 1.29     | 0.43     | 2.46     | 0.72     | 2.99     | 0.62                |
| Basin Small South         | 0.07                 | 1.15     | 0.24     | 1.85     | 0.41     | 2.15     | 0.38                |
| Basin South               | 0.23                 | 3.11     | 0.70     | 5.12     | 1.18     | 6.00     | 1.15                |
| Basin North               | 0.32                 | 3.96     | 0.83     | 6.66     | 1.22     | 7.84     | 1.08                |

**Table 4: Facility Flow Control Summary**

### ***Infiltration***

If a geotechnical analysis concludes that infiltration is appropriate for this site, it can be used as a method of storm water retention and disposal. Individual lot drainage can be disposed of on site. Right-of-way runoff could be infiltrated through a combination of LIDA facilities and drywells or retention ponds. If the geotechnical analysis concludes that infiltration is not appropriate for this site, stormwater would need to be conveyed to Willow Creek for disposal. The use of infiltration drywells to dispose of stormwater will trigger a different permitting process. Stormwater infiltration drywells are considered an underground injection control (UIC) and are regulated by the Safe Drinking Water Act. DEQ administers a permitting process for UICs.

## Planning Level Infrastructure Costs

Table 6 below shows conceptual level unit costs for many of the elements that will be required for the development of this site.

| Item                                  | Unit Cost                      | Assumptions  |
|---------------------------------------|--------------------------------|--|
| Streets                               | \$490/LF                       | This cost includes base rock, AC pavement, curb and gutter, and sidewalks as well as grading of both streets and lots. The cost does not include street trees, landscaping, or retaining walls. Cost is based on dollars per linear foot of street.                  |
| Storm Drain Conveyance                | \$150/LF                       | This cost includes pipe, inlets, and manholes. The cost does not include water quality or quantity management facilities. Unit cost is based on total street length.   |
| Stormwater Management Facilities      | \$15,000/acre                  | This cost is based on dollars per acre of overall development. It includes water quality and water quantity facilities.  |
| Sanitary Sewer Conveyance             | \$130/LF                       | This cost includes pipe, manholes, and laterals for gravity and pressure sewer conveyance. The cost does not include pump stations. Unit cost is based on total street length.   |
| Sanitary Sewer Pump Station           | \$150,000/each                 | This cost includes a small sanitary sewer pump station. Unit cost is based on total street length.   |
| Waterline                             | \$100/LF                       | This cost includes pipe, fittings, and fire hydrants. The cost does not include water services and meters. Unit cost is based on total street length.  |
| Franchise Utilities and Street Lights | \$130/LF                       | This costs includes conduit for franchise utilities, vaults and street lights. Unit cost is based on total street length.  |
| Vehicular Bridge over Willow Creek    | \$1,000,000 - \$1,200,000/each | Cost is for a 44 ft wide single span bridge. Costs vary with length of structure. The low end is for a 110' long bridge; high end is for a 150' long structure.  |
| Pedestrian Bridge over Willow Creek   | \$65,000 - \$265,000/each      | Cost is for a 10 ft wide weathering steel truss type bridge with a concrete deck. Costs vary with length of structure, which depends on where the pedestrian bridge will be located. The low end is for a 40' long structure; high end is for a 120' long structure. |

**Table 6: Conceptual Unit costs for North Redwood development**

Table 7, below, shows the above unit prices applied to the DCP plan to arrive at a total estimated cost of development.

| Item                             | Quantity | Unit | Unit Cost* | Total Cost          |
|----------------------------------|----------|------|------------|---------------------|
| Streets                          | 11,450   | LF   | \$490      | \$5,610,500         |
| Storm Drain                      | 11,450   | LF   | \$150      | \$1,717,500         |
| Sanitary Sewer                   | 11,450   | LF   | \$130      | \$1,488,500         |
| Waterline                        | 11,450   | LF   | \$100      | \$1,145,000         |
| Franchise Utilities              | 11,450   | LF   | \$130      | \$1,488,500         |
| Stormwater Management Facilities | 56.8     | Acre | \$15,000   | \$852,000           |
| Sanitary Sewer Pump Station      | 1        | Each | \$150,000  | \$150,000           |
| Pedestrian Bridge                | 1        | Each | \$265,000  | \$265,000           |
| <b>Total Cost</b>                |          |      |            | <b>\$12,717,000</b> |

*\*Typical subdivision costs were developed from construction costs of a recent 16.3 acre single family subdivision in Washington County. Bridge costs were developed from costs of structures of similar size and type. All costs assume dry weather construction and rock excavation is not included. Costs include 30% contingency. Costs are construction costs and do not include soft costs such as engineering and permit fees.*

**Table 7. DCP Planning Level Infrastructure Costs**

# Implementation and Funding

## ***Infrastructure Funding Strategy***

This section summarizes the proposed infrastructure funding strategy for the North Redwood Area. Roadway, water, sanitary sewer, and stormwater infrastructure is relatively evenly distributed throughout the area and will be built and paid for by property owners or developers who develop individual properties. By contrast, the parks planned for North Redwood are concentrated on a limited number of properties along Willow Creek. Therefore, the focus of this section is on a “district” funding strategy for the parks in North Redwood, whereby the cost of parks can be evenly distributed between all property owners. Additional analysis will likely be required following the adoption of this DCP in order to refine this funding plan, and would likely include additional park design, cost estimation, and financial analysis.

### ***Local, Developer-Built Infrastructure***

Most infrastructure within the North Redwood (NR) area can be considered “local infrastructure” and is expected to be built and paid for by individual developers. This includes most of the roads, sanitary sewer, water, and stormwater infrastructure shown in the concept plans. Local infrastructure is required as a condition of development in order for homes to be built on that property, is approximately the same size and cost as the infrastructure on other properties, and largely benefits an individual’s property. For example, a road on an individual’s property, since that road would be required in order for development to occur.

By contrast, the focus of this funding strategy is on “district infrastructure”—infrastructure that will benefit property owners throughout the NR area but tends to be concentrated on certain properties in the area. The main district infrastructure funding concern in NR is parks. Some cost-sharing measures for local infrastructure are also discussed at the end of this section.

### ***Parks Infrastructure***

The neighborhood parks in the NR planning area can be thought of as “district infrastructure” since the parks will benefit the entire NR “district” as well as other parts of the City. However, if not addressed through a funding strategy, it is possible that the cost of providing parks could be borne by a small number of property owners along Willow Creek, while the benefits would be enjoyed by all. Therefore the project team recommends this strategy in order to more equitably spread the costs.

The North Redwood area will include the following parks:

- Willow Creek Park: This park will encompass Willow Creek and the surrounding wetlands, sloped area, and other “natural areas”—generally as defined by the Development Concept Plan (DCP), though the precise boundaries can be modified by future wetland delineations. It is likely to include a trail and a pedestrian path over the creek, and be about 8 to 9 acres in size. It is important to note that the future Willow Creek Park will be comprised almost entirely of natural or undevelopable land—i.e. land that could not be developed as housing. The value of undevelopable land is less than developable land.
- Neighborhood (or Mini) Park: This will be an “improved” or “developed” neighborhood park. While the specific improvements have yet to be designed, they may include a field, play structure, etc. The Neighborhood Park is expected to be approximately one acre in size and the precise location is flexible. The Neighborhood Park will be comprised almost entirely of developable land—i.e. land that could be developed as housing.

### **City Policy for Developers’ Contribution to Parks**

The City’s established development policy is that developers are required to contribute to the City’s parks system either by paying a Parks Systems Development Charge (SDC) or by dedicating parks land or improvements that are equal to the value of the SDCs owed. The City determines how the contribution will be met. SDCs are fees paid at the time of development (typically building permit application) and are currently \$5,265.06 per single family unit.

The City does not always accept unbuildable or wetlands area dedications in lieu of SDC fees; however, in the case of Willow Creek Park the City’s preliminary determination is that this is reasonable given the quality and importance of the wetland, and the creek’s role in encouraging responsible development of the NR area.

Consistent with this policy, NR area developers shall contribute either SDC fees, park land, or improvements, as determined by the City. If the amount generated by SDCs is not adequate to build out this park or other parks, the City may want to reconsider some of its city-wide policies, or conduct another Parks SDC rate study to make sure that SDCs are adequate.

### **Parks Infrastructure – Basic Strategy**

The basic strategy recommended here is that Parks SDC fees paid by property owners who are not dedicating land be collected into a “NR Parks SDC Account” or similar, and that these funds be used to compensate property owners who dedicate land. In order for this mechanism to work, the value of property owners’ land contributions need to be established, and this process is explained below.

### **Density Transfer**

This plan recommends that a “density transfer” mechanism be used in NR in order to compensate property owners for the value of developable land that they are dedicating to the City. This transfer can be summarized as follows and is described further in subsequent sections:

- The City will make a calculation of the amount of developable land that each property owner is required to dedicate to the City and the number of homes (rounding down) that could be built on that land given existing zoning and comprehensive plan designations.
- Property owners can then transfer and build this number of additional units onto another part of their property, or on another contiguous property in NR that they own. If property owners disagree with the City’s calculation of developable land, they can propose an alternative calculation via the delineation and appraisal process described immediately below.

Note that this calculation applies to developable land only, since property owners who will be compensated for the value of undevelopable land separately (see below) are not forgoing the opportunity to develop housing by dedicating undevelopable land.

### **Parks Compensation Process**

The following process is recommended to establish the value of individual property owners’ contributions to the NR district parks:

- Property owner obtains a wetlands delineation
- Property owner obtains an appraisal of the land to be dedicated to the City for the neighborhood parks. The appraisal should document both the area and value of natural or undevelopable land to be dedicated (including wetlands and steep slopes), and the area of developable land to be dedicated.

### **Parks Compensation Formula**

The following formula should be used in order to calculate individual property owners' net contribution to NR parks, and whether they owe additional SDCs after dedicating land, or are owed funds in the event that they have contributed more than their fair share:

#### **Calculation**

|   |   |
|---|---|
|   | Appraised value of natural park area                |
| + | Appraised value of developable park area            |
| - | Value of residential transfer from developable area |
| = | Value of NR Parks land dedication                   |
| - | SDCs owed   |
| = | Net NR Parks contribution                           |

If the Net NR Parks contribution is positive—the property owner has contributed more in park land that he or she would owe in SDCs—then the property should be compensated for this surplus contribution. If this figure is negative, the property owner still owes some or all of the typical SDCs owned.

Note that two values—the appraised value of the developable park and the value of residential transfer from the developable area—are assumed to approximately offset each other since the property owner is essentially being allowed to transfer housing development rights from one part of the property to another. The first value is a contribution by the property owner to the district, and the second is a contribution by the City to the property owner. In the event that a property owner believes that these values do not offset each other, his or her appraisal should document that.

#### **Questions raised regarding the Parks Infrastructure Funding Process**

- Differences in appraised value: In the event that appraisals obtained by the City and property owners differ in value, one option is for a third appraisal firm to resolve the difference. This is an established process in the valuation industry. Typically the third appraiser is selected and agreed upon by both parties, and the fee is paid equally by both parties.
- Will early-phase developers always be able to collect SDC funds they are owed? It is possible that “first-in” or early-phase developers could make significant land dedications before a significant amount of SDCs have been received.

In this case, the early-phase developers would need to wait to be compensated for their land dedication.

- Additional Parks Funds required. It is possible that the total cost of parks will exceed the amount of compensation (SDCs and/or land dedication) owed by property owners (approximately \$1.55 million or 295 units times \$5,265 per unit). If this is the case, the City is expected to secure additional funds via a variety of grants (ODFW, restoration grants, SOLV, Willamette River Initiative and others), by leveraging volunteer restoration efforts, or by using additional CIP funds. The City has been successful securing such assistance in the past.
- Park maintenance. Determining a source of ongoing park maintenance funding for the parks in NR is a city-wide issue and therefore beyond the scope of this plan. However, identifying sources of ongoing, city-wide parks maintenance is high on the City's priority list, and will be important in order to ensure that the NR parks remain attractive and safe neighborhood amenities following construction.

### **Infrastructure Funding: Other Issues**

#### **Infrastructure Located on Property Lines**

Our recommendation has been that, wherever possible, road, sewer, and water infrastructure be located entirely within one property owners' property, or straddling a property line. Where possible, infrastructure that “weaves” between different properties should be avoided; however, due to slopes and other features in the NR area, this is not always possible.

Where road, sewer, and water infrastructure straddle a property line, the cost of that infrastructure should be shared, and this sharing can be addressed in several ways:

- Property ownership consolidation may occur (e.g., developers may buy multiple properties), which eliminates the need for cost sharing.
- Infrastructure routes can be adjusted slightly to move off of property lines, as long as the routes continue to meet the intent and goals of the DCP. Methods of evaluating whether altered infrastructure routes meet the intent of the plan are being developed as part of the DCP and will be adopted as part of the City's municipal code.

- The first-in property owner/developer may build a half road. This typically includes a sidewalk and a prescribed roadway width. The second-in developer then builds the remaining roadway and sidewalk.
- Property owners have the option of forming a Reimbursement District (RD) which is described below. In Canby, the term Advance Finance Districts (AFD) has been used rather than Reimbursement District; however, in our experience the terms Reimbursement District or Assessment District are more common.

Note that in most of the cases described above, the City does not need to be highly involved or manage the cost sharing, however, this information is covered here nonetheless.

### **Reimbursement District**

A Reimbursement District is formed when one or more capital improvements are identified by a developer or City, which will benefit development on multiple properties. A district or area boundary is defined within which properties benefit from the improvement. All benefitted property owners are assessed a pro rata fee that corresponds to the benefits they will enjoy from the improvement(s), typically on a per unit or square foot basis. These “latecomer” reimbursement fees are paid by later developers to the party that initiated the district at the time of project permitting. Districts can be initiated by either developers or the City, and must be approved by the City.

In this way, a structure can be devised whereby both first-in and later-phase developers pay the same amount. The first-in developer pays directly by building and paying for the infrastructure, and later-phase developers reimburse the initial builder.

One drawback to developer-initiated reimbursement districts is that they typically close or “sunset” after 10 to 15 years, after which no further fees can be received, and therefore the entities that pay for the capital improvement cannot be certain that they will be paid back in full; repayment depends on how fast the district develops. However, the City Council can typically extend reimbursement districts beyond this time frame.

More information and municipal code describing Reimbursement Districts can be found here:

City of Wilsonville, Section 3.116:

<http://www.ci.wilsonville.or.us/DocumentCenter/View/34>

Clackamas County, Sewer Assessment Districts:

<http://www.clackamas.us/wes/faq.html#37>

City of Grants Pass:

<https://www.grantspassoregon.gov/482>

Reimbursement-Districts

### **Pump Station**

At least one wastewater pump station may be required as the project builds out. This determination is subject to variations in the specific land development patterns, site grading, and further engineering to be conducted during property development.

In the event that a pump station is required, it is likely to be a shared local infrastructure facility similar to the road, water, and sewer lines previously described. This is because the pump station would handle the wastewater from multiple properties in the district, but would be located on a specific property owners’ site and potentially be paid for by a specific property owner.

If a pump station is required, a Reimbursement District or other agreement between several different property owners would be appropriate mechanisms to share costs.

### **Stormwater**

Finally, per the DCP, property owners will likely have the option to either manage stormwater runoff via detention ponds or swales on their property, or through shared facilities that would handle runoff from multiple properties.

From a financial point of view, it will likely be simpler for developers to build their own stormwater facilities. However, property owners could create reimbursement districts or inter-property owner agreements as described above, such that later-in property owners reimburse first-in property owners for an appropriate share of the cost of stormwater detention facilities.



# Appendices

## **Appendix B: Phasing**

There are many different ways in which this DCP could proceed. **Development of the community will depend primarily on how property owners in the area proceed based on their willingness to develop, market readiness and availability of financing.**

Some owners towards the center and east of the study area may not be able to develop until other parcels closer to North Redwood Street proceed. Such timing issues can potentially be resolved through a Development Agreement between different parties, which would presumably incorporate agreements on shared funding of major streets and infrastructure.

The following pages demonstrate how the study area could theoretically develop in three broad phases, beginning along North Redwood and proceeding eastward. The figures show new streets for each phase in purple. Larger investments in parks, open spaces and trails would wait until development reached those areas and more units have paid into a fund to finance public improvements.

Another approach would suggest that properties along Willow Creek are the most valuable and could develop first. This would require extension of roadways deep into the study area, potentially without adjacent development. The value of the larger lots along the Creek may outweigh this disadvantage. Development of the area east of Willow Creek could proceed independently of the timing of changes on the west bank. The key triggers to development east of the creek will be agreement with UPRR on an emergency crossing and finalizing the connection to Teakwood Road.

Regardless of what phasing approach is pursued by property owners, there are a number of actions that should be pursued prior to development. These include:

- 1. Property owner agreement on pursuing annexation**
- 2. Annexation vote**
- 3. Finalize funding plan and developer agreement between majority of property owners**
- 4. Refinement of DCP, updated as property owners refine individual plans**
- 5. Initial utility design and mass grading plan**
- 6. Access planning and design for UPRR crossing, Teakwood access and new intersections on North Redwood**
- 7. Restoration plan for Willow Creek**
- 8. Design and land acquisition for North Redwood widening, to collector standard**

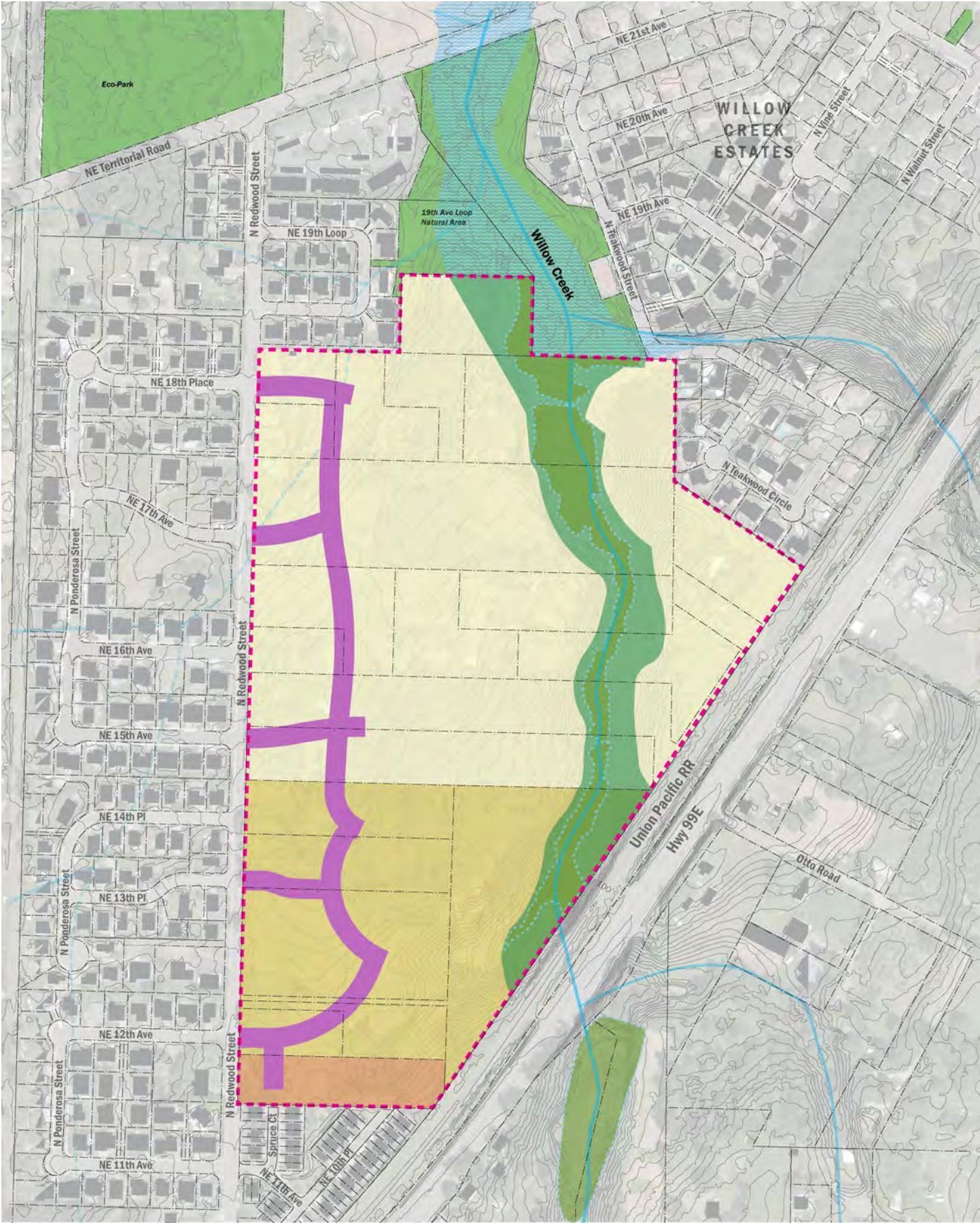


Figure A-1: DCP Conceptual Phase 1

NORTH REDWOOD DEVELOPMENT CONCEPT  
BASE MAP



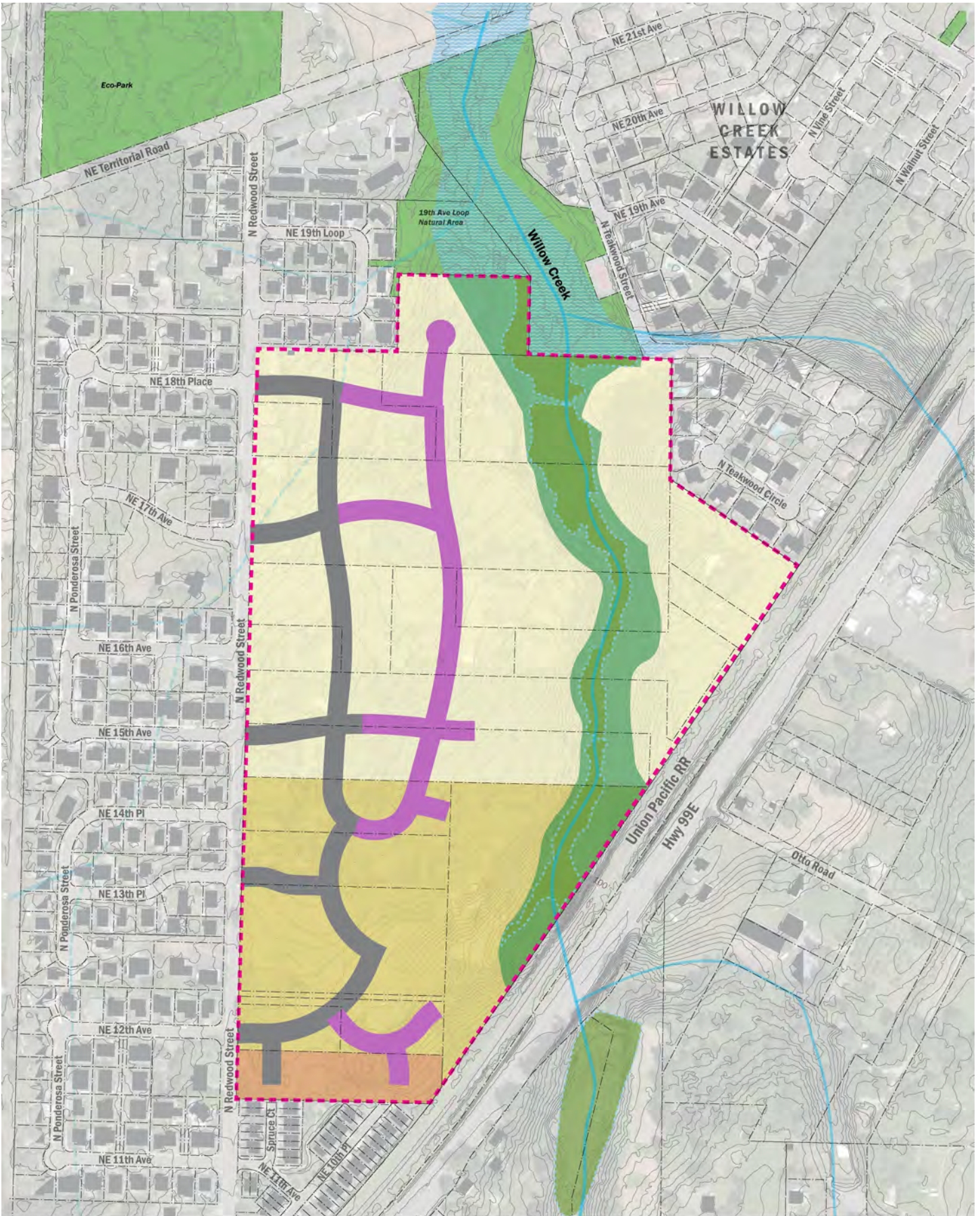


Figure A-2: DCP Conceptual Phase 2

NORTH REDWOOD DEVELOPMENT CONCEPT  
**BASE MAP**



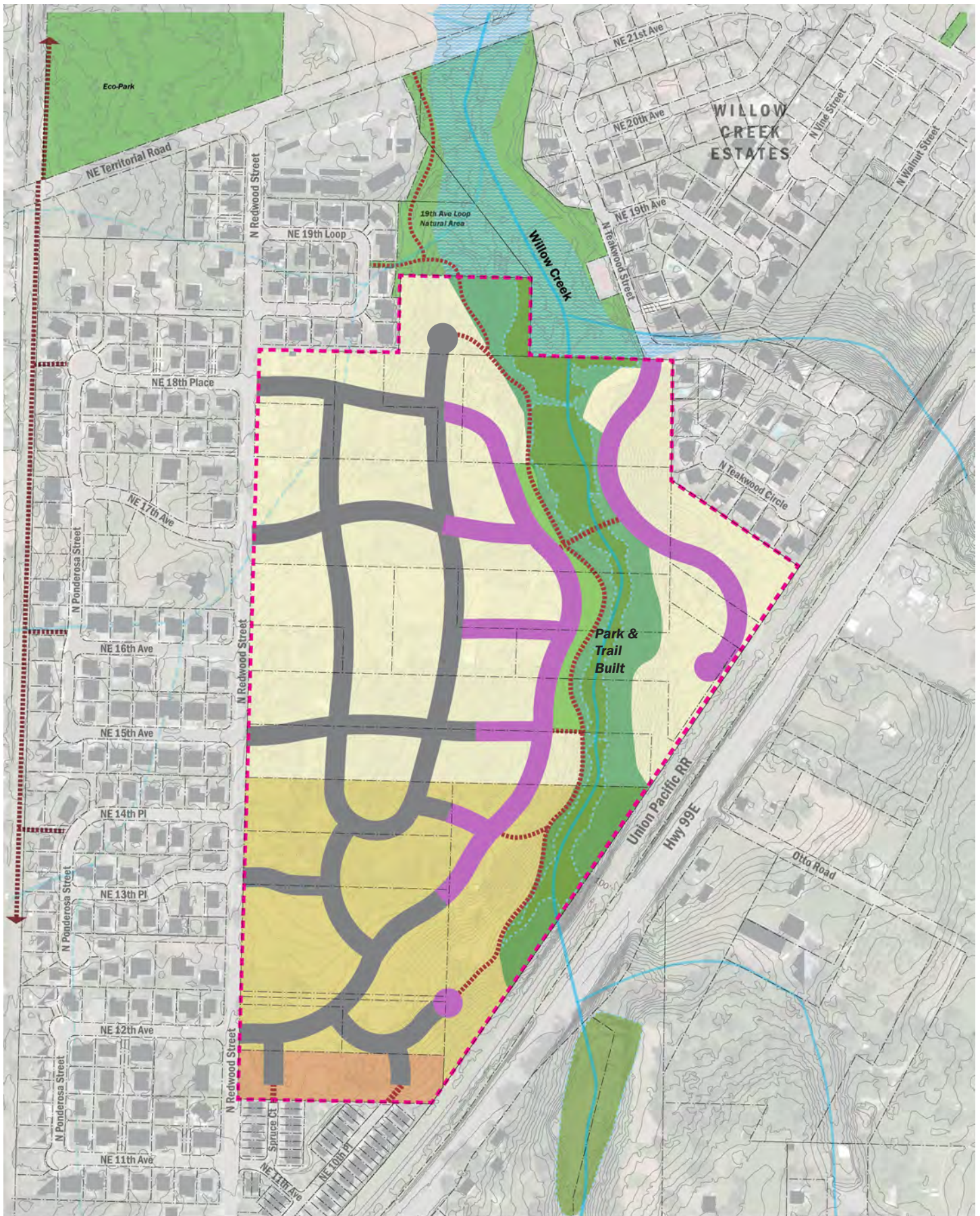
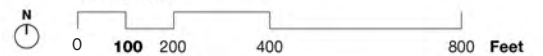


Figure A-3: DCP Conceptual Phase 3 (Final)

NORTH REDWOOD DEVELOPMENT CONCEPT  
BASE MAP



## **Appendix B: Meeting Notes & Memos**

There are a number of supporting memos and meeting minutes that can be consulted as background information for this DCP. These files are included as a combined Appendix B in un-numbered pages as part of a PDF available at the City of Canby.

### **Project Memos:**

**Memo #1: Project Planning and Implementation**

**Memo #2: Existing Conditions**

**Memo #3: Development Rights and Best Development Practices**

**Memo #4: Evaluation Criteria**

**Memo #5: Alternative DCPs**

**Project Website Input (Deliverable 1D)**

**Comprehensive Plan and Zoning Amendments Memo  
Funding Evaluation**

### **Meeting Notes:**

**Stakeholder Interview Summary (Deliverable 2D)**

**Project Management Team (PMT) #1**

**Project Management Team (PMT) #2**

**Project Management Team (PMT) #3**

**Project Management Team (PMT) #4**

### **Committee Meeting Notes:**

**Technical Advisory Committee (TAC) #1**

**Stakeholder Advisory Committee (SAC) #1**

*TAC/SAC Presentation and Notes*

**Technical Advisory Committee (TAC) #2**

**Stakeholder Advisory Committee (SAC) #2**

*TAC/SAC Presentation and Notes*

**Stakeholder Advisory Committee (SAC) #3**

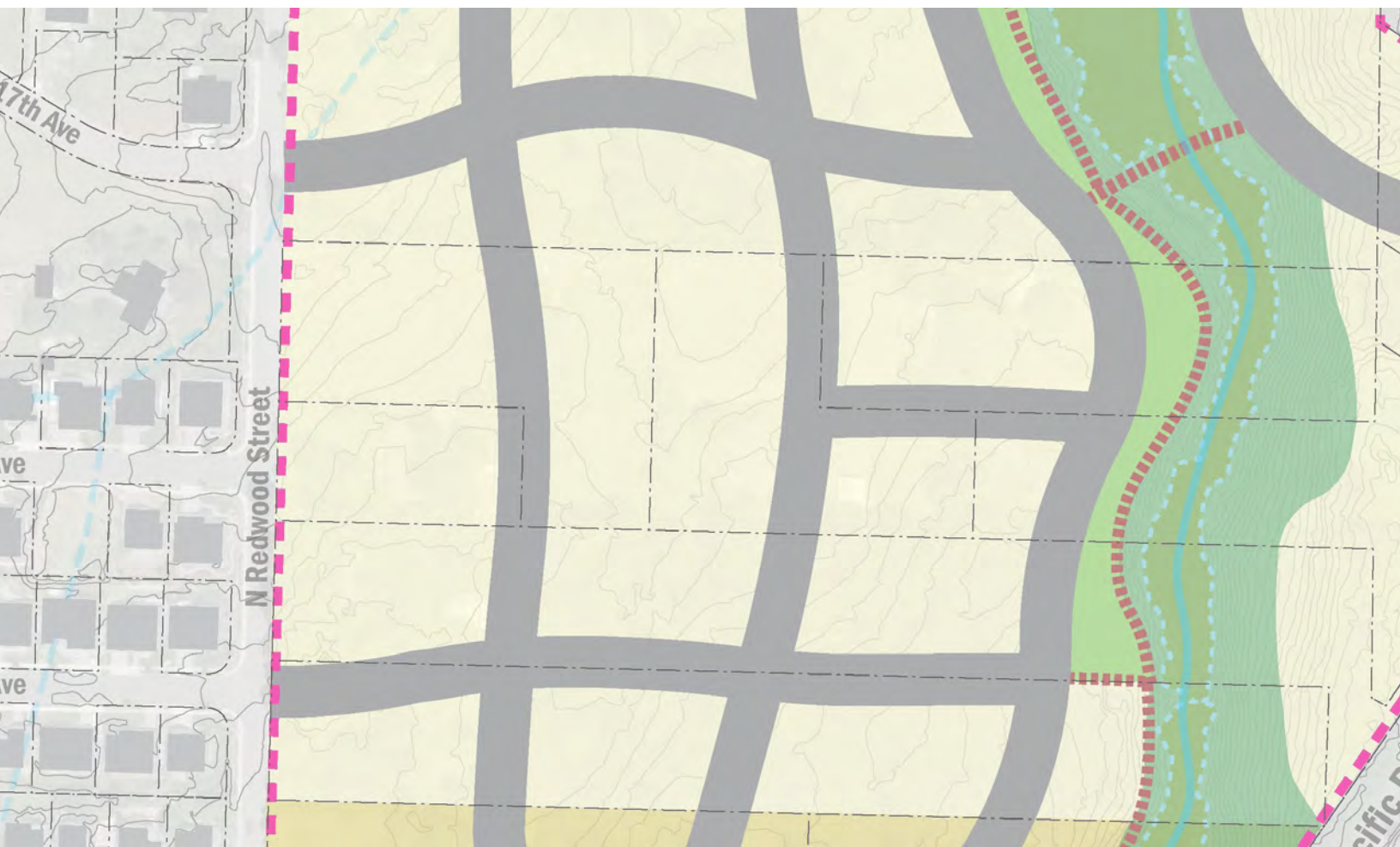
**Technical Advisory Committee (TAC) #3**

*Combined TAC/SAC Presentation and Notes*

### **Public Event Summaries/Materials:**

**Public Event #1**

**Public Event #2**



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## Laney Fouse

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**From:** DANIELSON Marah B  
<Marah.B.DANIELSON@odot.state.or.us>  
**Sent:** Monday, October 29, 2018 12:27 PM  
**To:** Bryan Brown  
**Subject:** RE: TPR Analysis ANN-18-04/ZC 18-05 Swelland at 1268 N Redwood Street

Thanks for sending the TPR analysis. ODOT has no concerns with the proposed zone change and no further review is needed. Please let me know if you have any questions.

Marah Danielson, Senior Planner  
ODOT R1 Development Review Program  
(503) 731-8258  
marah.b.danielson@odot.state.or.us

**From:** Bryan Brown <BrownB@canbyoregon.gov>  
**Sent:** Friday, October 26, 2018 9:42 AM  
**To:** DANIELSON Marah B <Marah.B.DANIELSON@odot.state.or.us>  
**Subject:** TPR Analysis ANN-18-04/ZC 18-05 Swelland at 1268 N Redwood Street

Hi Marah,

I believe this is what you were looking for with regards to the above Annexation application. Let me know if you have any other concerns or questions.

Bryan

**Bryan Brown | Planning Director**  
City of Canby | Development Services  
222 NE 2<sup>nd</sup> Avenue | PO Box 930  
Canby, OR 97013  
ph: 503-266-0702 | fax: 503-266-1574  
email: [brownb@canbyoregon.gov](mailto:brownb@canbyoregon.gov); website: [www.canbyoregon.gov](http://www.canbyoregon.gov)  
Send applications to: [PlanningApps@canbyoregon.gov](mailto:PlanningApps@canbyoregon.gov)

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PUBLIC RECORDS LAW DISCLOSURE

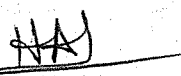
This email is a public record of the City of Canby and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This email is subject to the State Retention Schedule.

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November 6, 2018

**MEMORANDUM**

**TO:** Public Comments  
City of Canby

**FROM:** Hassan Ibrahim, P.E.   
Curran-McLeod, Inc.

**RE: CITY OF CANBY  
SWELLAND ANNEXATION & ZONE CHANGE (ANN 18-04/ZC 18-04)**

We have reviewed the submitted preliminary plans on the above noted project and have the following comments:

1. N Redwood Street is classified as a collector street as per the City Transportation System Plan (TSP), the existing right-of-way width of 50 feet (30-foot to the west and 20-foot to the east. A 10 –foot wide right of way dedication will be required along the entire site frontage with N Redwood Street including half street improvements with curbs, 4.5-foot planter strip, 6-foot wide concrete sidewalks, utilities as required and street lights. The half street improvements shall be built to City Standards with the curb placed at 18-foot from the centerline right-of-way to match the east side of the roadway in conformance with section 2.207 of the City of Canby Public Works Design Standards dated June 2012. An asphalt tapers at the rate of 10:1 shall be constructed to match existing asphalt surface at both ends of the street.
2. All interior streets within the subdivision shall be designed to City local street standards with 34-foot paved width, curbs, 4.5’ planters, 6’ sidewalks, street lights and utilities in conformance with Chapter 2 of the City of Canby Public Works Design Standards, dated June 2012. Turnarounds may be required at the end of each street as directed by Canby Fire Department.
3. The developer’s design engineer will be required to submit as part of the construction plans a signing and striping plan. All street names and traffic signs shall be installed by the developer at his expense and as part of this development. The City may supply the required traffic and street name signs based on a mutually agreed cost.

4. As part of the final design, the developer's design engineer shall provide a minimum of 200-foot future centerline street profile design to assure future grades can be met at all the adjoining properties.
5. An erosion control permit will be required from the City of Canby prior to any on-site disturbance.
6. A demolition permit will be required from the City prior to demoing any existing structures.
7. Any existing domestic or irrigation wells shall be abandoned in conformance with OAR 690-220-0030. A copy of WRD abandonment shall be submitted to the City.
8. Any existing on-site sewage disposal system shall be abandoned in conformance with Clackamas County WES regulations. A copy of the septic tank removal certificate shall be submitted to the City.
9. A 15" diameter sanitary sewer exists along N Redwood Street and has adequate capacity to serve this site. However, sanitary sewer lines with a minimum size of 8" diameter shall be extended to serve the adjoining properties.
10. Private storm drainage discharge shall be disposed on-site, the design methodology shall be in conformance with the City of Canby, June 2012 Public Works Standards.
11. Recent field exploration on the adjoining property to the north reveals that drywells will not be a means of public stormwater disposal due to high ground water level. However, the storm drainage runoff can be discharged into Willow Creek, however, a storm drainage report shall be prepared by a registered professional engineer including a downstream analysis to ensure the added flow will not cause any flooding on the downstream properties. The final storm report shall meet Chapter 4 of the City of Canby Public Works Design Standards dated June 2012.

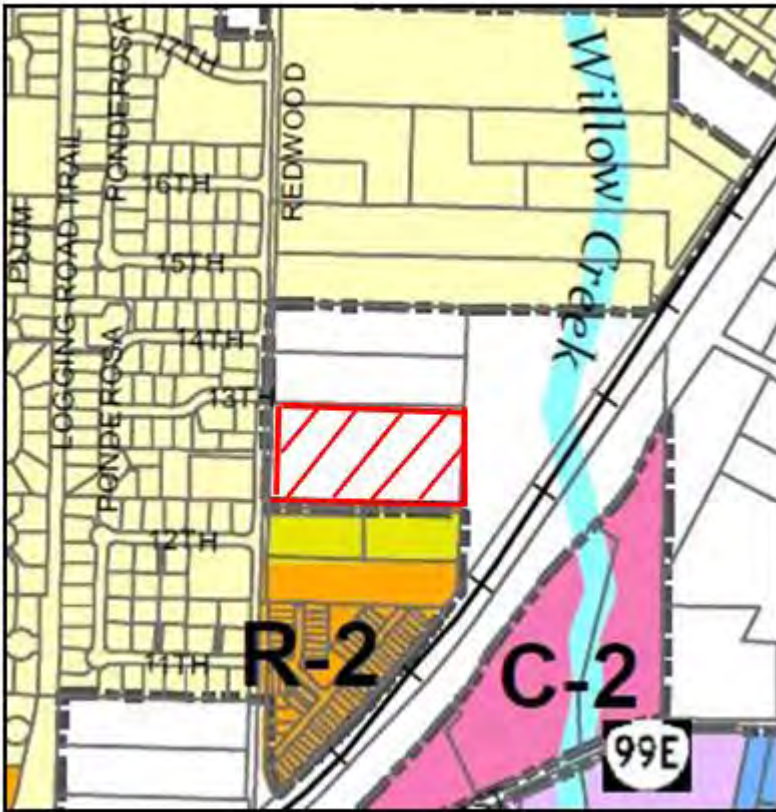
Should you have any questions or need additional information, please let me know.



# City of Canby

**PUBLIC HEARING NOTICE & REQUEST FOR COMMENTS FORM**  
 City File No.: ANN 18-04/ZC 18-04  
 Project Name: SWELLAND ANNEXATION, & ZONE CHANGE  
**PUBLIC HEARING DATES: PLANNING COMMISSION – MONDAY, NOVEMBER 26, 2018.**  
**CITY COUNCIL – WEDNESDAY, JANUARY 2, 2019**

The purpose of this Notice is to invite you to the Planning Commission and City Council Public Hearings and to request your written comments regarding Annexation and Zoning Map Amendment applications (ANN 18-04/ZC 18-04). Applicant proposes to annex and re-zone 5.03 gross acres in accordance with the Canby Comprehensive Plan, property located in an unincorporated area of Clackamas County at 1268 N Redwood St. Both Public Hearings will be held in the Council Chambers, at 222 NE 2<sup>nd</sup> Ave, Canby, OR 97013. **The Planning Commission will meet Monday, November 26, 2018, 7 pm. The City Council will meet Wednesday, January 3, 2019, 7 pm.**



**Location:** 1268 N Redwood St, and .183 acres of N Redwood St. Right-of-Way (R.O.W. )  
 (See properties outlined in red on map at left).  
**Tax Lots:** 31E34B00400  
**Lot Size & Zoning:** 4.84 acres, zoned Clackamas County: Rural Residential Farm Forest-5 Acre (RRFF-5)  
**Property Owners:** Bryan, Lisa & Cindy Swelland  
**Application Type:** Annexation & Zone Map Amendment (Type IV)  
**City File Number:** ANN 18-04/ZC 18-05  
**Contact:** David Epling, 503-266-0686, [eplingd@canbyoregon.gov](mailto:eplingd@canbyoregon.gov)  
**Comments Due** – If you would like your comments to be incorporated into the Planning Staff Report, please return the Comment Form by Wednesday, November 14 2018 and for the Council Staff Memo by Monday, December 10, 2018. Written and oral comments can also be submitted up to the time of the Public Hearings and may also be delivered in person during the Public Hearings.  
**What is the Decision Process?** The Planning Commission will consider the Annexation/Zoning Map Amendment applications and make a recommendation to the City Council. The City Council

will make a final decision on the annexation. This property annexation does not require approval by the Canby electorate per Senate Bill 1573. The Council’s decision may be appealed to the Land Use Board of Appeals (LUBA).

**Where can I send my comments?** Prior to the Public Hearings comments may be mailed to the Canby Planning Department, P O Box 930, Canby, OR 97013; delivered in person to 222 NE 2<sup>nd</sup> Ave; or emailed to [PublicComments@canbyoregon.gov](mailto:PublicComments@canbyoregon.gov).

**How can I review the documents and staff report?** Weekdays from 8 AM to 5 PM at the Canby Planning Department. The Planning staff report will be available Friday, November 16, 2018. The Council Staff Memo will be available Wednesday, December 12, 2018. Both can be viewed on the City’s website: [www.canbyoregon.gov](http://www.canbyoregon.gov). Copies are available at \$0.25 per page or can be emailed to you upon request.

**Applicable Canby Municipal Code Chapters:**

- 16.18 R-1.5 Medium Density Residential Zone
- 16.54 Amendments to Zoning Map
- 16.84 Annexations
- 16.89 Application & Review Procedures
- Clackamas County/City of Canby Urban Growth Management Agreement (UGMA)
- State Statutes – ORS 195.065 and 222
- Canby Comprehensive Plan Implementation Measures

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





# City of Canby

## PUBLIC HEARING NOTICE & REQUEST FOR COMMENTS FORM

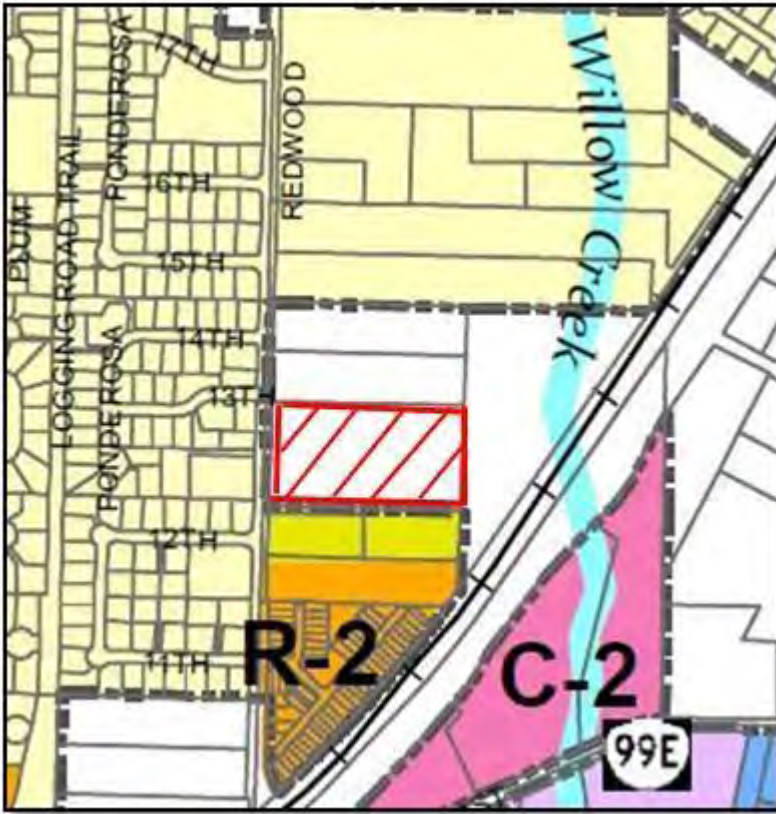
City File No.: ANN 18-04/ZC 18-04

Project Name: SWELLAND ANNEXATION, & ZONE CHANGE

**PUBLIC HEARING DATES: PLANNING COMMISSION – MONDAY, NOVEMBER 26, 2018.**

**CITY COUNCIL – WEDNESDAY, JANUARY 2, 2019**

The purpose of this Notice is to invite you to the Planning Commission and City Council Public Hearings and to request your written comments regarding Annexation and Zoning Map Amendment applications (ANN 18-04/ZC 18-04). Applicant proposes to annex and re-zone 5.03 gross acres in accordance with the Canby Comprehensive Plan, property located in an unincorporated area of Clackamas County at 1268 N Redwood St. Both Public Hearings will be held in the Council Chambers, at 222 NE 2<sup>nd</sup> Ave, Canby, OR 97013. **The Planning Commission will meet Monday, November 26, 2018, 7 pm.** **The City Council will meet Wednesday, January 3, 2019, 7 pm.**



**Location:** 1268 N Redwood St, and .183 acres of N Redwood St. Right-of-Way (R.O.W. )

(See properties outlined in red on map at left).

**Tax Lots:** 31E34B00400

**Lot Size & Zoning:** 4.84 acres, zoned Clackamas County: Rural Residential Farm Forest-5 Acre (RRFF-5)

**Property Owners:** Bryan, Lisa & Cindy Swelland

**Application Type:** Annexation & Zone Map Amendment (Type IV)

**City File Number: Contact:** David Epling, 503-266-0686, [eplingd@canbyoregon.gov](mailto:eplingd@canbyoregon.gov)

**Comments Due** – If you would like your comments to be incorporated into the Planning Staff Report, please return the Comment Form by Wednesday, November 14 2018 and for the Council Staff Memo by Monday, December 10, 2018. Written and oral comments can also be submitted up to the time of the Public Hearings and may also be delivered in person during the Public Hearings.

**What is the Decision Process?** The Planning Commission will consider the Annexation/Zoning Map Amendment applications and make a recommendation to the City Council. The City Council

will make a final decision on the annexation. This property annexation does not require approval by the Canby electorate per Senate Bill 1573. The Council’s decision may be appealed to the Land Use Board of Appeals (LUBA).

**Where can I send my comments?** Prior to the Public Hearings comments may be mailed to the Canby Planning Department, P O Box 930, Canby, OR 97013; delivered in person to 222 NE 2<sup>nd</sup> Ave; or emailed to [PublicComments@canbyoregon.gov](mailto:PublicComments@canbyoregon.gov).

**How can I review the documents and staff report?** Weekdays from 8 AM to 5 PM at the Canby Planning Department. The Planning staff report will be available Friday, November 16, 2018. The Council Staff Memo will be available Wednesday, December 12, 2018. Both can be viewed on the City’s website: [www.canbyoregon.gov](http://www.canbyoregon.gov). Copies are available at \$0.25 per page or can be emailed to you upon request.

**Applicable Canby Municipal Code Chapters:**

- 16.18 R-1.5 Medium Density Residential Zone
- 16.54 Amendments to Zoning Map
- 16.84 Annexations
- 16.89 Application & Review Procedures

- Clackamas County/City of Canby Urban Growth Management Agreement (UGMA)
- State Statutes – ORS 195.065 and 222
- Canby Comprehensive Plan Implementation Measures

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# COMMENT FORM

**Application:** ANN 18-04/ZC 18-05 Swelland Annexation and Zone Change

**CITIZEN NAME:** Eugene M Jablonski, Ph.D.

**EMAIL:** [ejablonski@georgefox.edu](mailto:ejablonski@georgefox.edu)

**ORGANIZATION/BUSINESS/AGENCY:** Adjunct Faculty, George Fox University

**ADDRESS:** 1400 NE 14<sup>th</sup> Place, Canby, OR 97013

**PHONE # (optional):** 503 887-7366

**DATE:** November 13, 2018

## COMMENTS:

A number of concerns arise in conjunction with the plan ANN 18-04/ZC 18-05. **The first concern** deals with the zone type changes. **Regarding the zone type change**, the plan recommends changing from RRFF to R1.5 level. This would create a change from the current zoning of R-1 and would increase the density of multifamily dwellings as there is no proposed plan for managing number and types of residential units per structure, or population density, both of which could conceivably alter the nature of the existing neighborhood. Determining a level of zoning prior to having any planned uses places the existing neighborhood character and dynamic in jeopardy. Specific zoning changes should be made once the character and dynamic of the area and the specific local community are in agreement with a plan of changes to the location(s). Also, from the Public Hearing Notice it is not clear that the proposal to change the zone level to 1.5 applies to the entire proposal (area currently in Canby and the proposed annexation area). Additionally, it is also not clear if “conditional Use” factors will apply to either or both portions in the proposal. Conditional uses (Chapter 16.18) would allow for 4 family dwellings as well as common wall construction and again impact the character and dynamic of the existing area. **The next concern** involves roads, highways, and traffic. Current traffic levels along Highway 99E are quite heavy. Added residential dwellings in the proposed areas would increase traffic onto Highway 99E and/or any new or existing side streets. As is evident all along current Highway 99E auto and truck traffic into existing businesses is difficult and risky. Cars and trucks are forced to enter a very busy highway, one with no evident reduction in use or traffic volume. Outside of Highway 99E the only existing access to the proposed areas involves Redwood Ave which already bears a lot of traffic, and with the already in progress housing construction even more traffic can be expected. Redwood Ave road conditions are poor at best, with developing potholes, and is not likely to have been constructed to handle the current heavy loads that occur daily during the existing construction phases there, creating even more roadway damage. Proposing changes that will affect driver access, safety and road quality when the need for added R-1.5 space has not been legitimized puts existing homeowners, renters and the neighborhood unnecessarily at risk and premature. Additionally, the alternative access onto Redwood Ave presents traffic problems. Inspection of Redwood Ave indicates that it is a two lane road without possibility of being widened in the vicinity of the proposed zone changes all the way to 99E. Therefore, to add access streets would mean obtaining right of way access through existing properties or those in the new construction area. In either case, that would cause traffic to exit using Redwood Ave increasing the traffic load there. All zoning changes in this area will increase the current traffic load on an already damaged and burdened road. **The final concern** involves the City of Canby itself. The city tagline (motto) is “Oregon’s Garden Spot”. The proposed zoning changes will permit varied forms of construction that will reduce the presence of “garden spot” evidence and space along a well-used, picturesque roadway. Currently as one travels the main road of Canby, Highway 99E from Aurora Northbound, one is already hard pressed to find anything that suggests a garden spot. If Canby’s Main Street Management (Development) Program is to have substance in its presence, then assuring adequate green space and garden spots should be seriously considered. Open space Management. OSM options should be explored for their potential contributions to the look and feel of Canby especially along Highway 99E.



# City of Canby

## SITE AND DESIGN REVIEW STAFF REPORT

FILE #: DR 18-07/CUP 18-06

Prepared for the November 26, 2018 Planning Commission Hearing

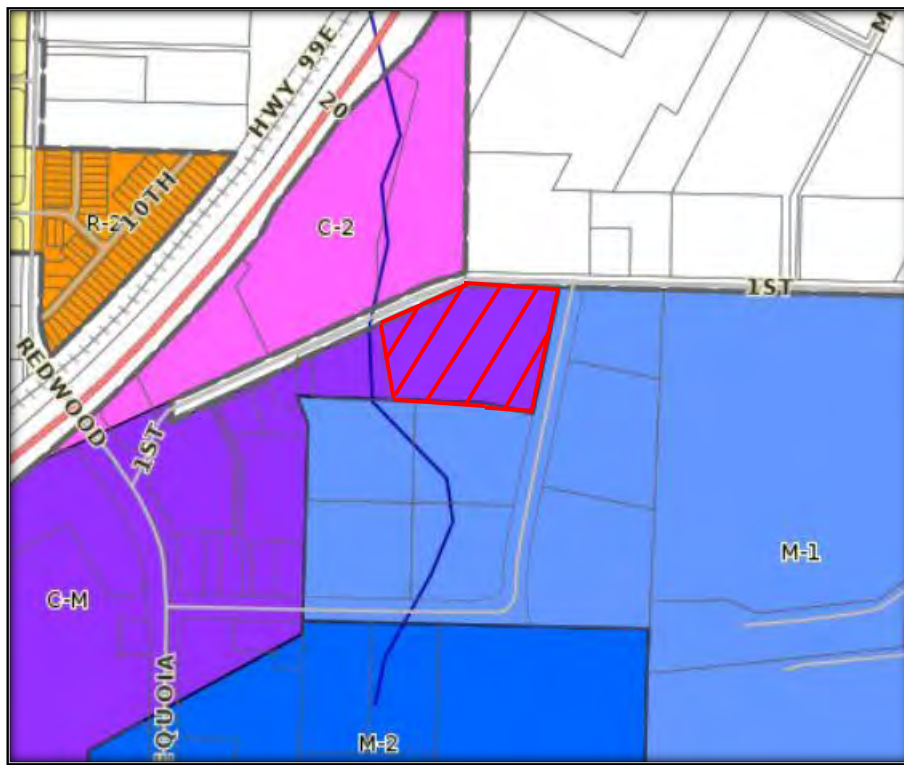
**LOCATION:** 1907 SE 1<sup>st</sup> Avenue

**TAX LOT:** 31E34 00500 (Bordered in map below)

**LOT SIZE:** 3.92 acres

**ZONING:** C-M Heavy Commercial Manufacturing Zone/IO Canby Industrial Area Overlay Zone

**OWNER:** Active Water Sports



**APPLICANT:** Active Water Sports

**REPRESENTATIVE:** Randy Saunders

**APPLICATION TYPE:** Site & Design Review/Conditional Use Permit (Type III)

**CITY FILE NUMBER:** DR 18- 07/CUP 18-06



**APPLICANT'S REQUEST:**

The subject parcel is located on the southwest corner of SE 1<sup>st</sup> Avenue and S Hazel Dell Way. The applicant is seeking site and design approval to construct a 28,975 square foot building for use as a watercraft sales and storage facility. The building will be constructed in a single phase and designed as one-story building. The applicant is now proposing concrete tilt-up construction as is common within the Canby Industrial Park after initially meeting with City staff to discuss use of a building material called Kingspan Insulation Panel Systems. The applicant proposes one shared driveway access to the public street onto SE Hazel Dell Way located at the southeast corner of the property and another driveway onto SE 1<sup>st</sup> Avenue on the northern boundary of the parcel which was indicated in the Traffic Study to potentially pose sight distance safety concerns due to the bend in the street and elevation obstructions. The subject parcel is zoned C-M, Commercial/Manufacturing, and is correspondingly designated Commercial/Manufacturing in the Canby Comprehensive Plan. The property is bordered on the east, and south by the M-1 zone that is developed in a mixture of industrial uses and on the north by C-2 zone as well as outside the Canby city limits. Property to the west is within the C-M zone. An existing residence and accessory structures on the property will be removed from the site.

**SECTION I APPLICABLE REVIEW CRITERIA:**

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

- 16.08 General Provisions**
- 16.10 Off-Street Parking and Loading**
- 16.30 C-M Commercial Manufacturing Zone**
- 16.35 I-O Canby Industrial Overlay Zone**
- 16.42 Signs**
- 16.43 Outdoor Lighting Standards**
- 16.46 Access Limitations**
- 16.49 Site and Design Review**
- 16.50 Conditional Uses**
- 16.89 Application and Review Procedures**
- 16.120 Parks, Open Space, and Recreational Land**

**Canby Comprehensive Plan**

**SECTION II REVIEW FOR CONFORMANCE WITH APPLICABLE APPROVAL CRITERIA:**

**16.08 General Provisions:**

**16.08.070 Illegally Created Lots**

In no case shall a lot which has been created in violation of state statute or city ordinance be considered as a lot of record for development purposes, until such violation has been legally remedied. (Ord. 740 section 10.3.05(G), 1984)

**Findings:** Based on available information, it appears that the property is a remnant of surrounding previously subdivided properties. The subject property can be considered a legal lot for land use purposes.

**16.08.090 Sidewalks Requirements**

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

B. The Planning Commission may impose appropriate sidewalk and curbing requirements as a condition of approving any discretionary application it reviews. (Ord. 740 section 10.3.05(I), 1984)

**Findings:** The project is a development of a vacant lot except for a home to be demolished. Sidewalks and curbs on the street frontage along SE Hazel Dell Way and SE 1<sup>st</sup> Avenue shall be improved to Canby Public Works standards. All sidewalks within the development area must meet required standards. City staff have agreed to a deviation to standard sidewalk width and placement along the SE 1<sup>st</sup> street frontage to include a 5' wide sidewalk to match that required of other existing and proposed developments on this section of roadway due to width restriction imposed in protecting the pond and wetlands. The sidewalk on Hazel Dell Way shall be the standard 6' width separated from the street curb with a 5' planter strip matching the adjacent new development to the south.

**16.08.150 Traffic Impact Study (TIS)**

A. Purpose. The purpose of this section of the code is to implement Section 660-012-0045(2)(b) of the State Transportation Planning Rule, which requires the city to adopt a process to apply conditions to development proposals in order to minimize adverse impacts to and protect transportation facilities. This section establishes the standards to determine when a proposal must be reviewed for potential traffic impacts; when a Traffic

Impact Study must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities: what information must be included in a Traffic Impact Study; and who is qualified to prepare the Study.

B. Initial Scoping. During the pre-application conference, the city will review existing transportation data to determine whether a proposed development will have impacts on the transportation system. It is the responsibility of the applicant to provide enough detailed information for the city to make a determination. If the city cannot properly evaluate a proposed development's impacts without a more detailed study, a transportation impact study (TIS) will be required to evaluate the adequacy of the transportation system to serve the proposed development and determine proportionate mitigation of impacts. If a TIS is required, the city will provide the applicant with a "scoping checklist" to be used when preparing the TIS.

C. Determination. Based on information provided by the applicant about the proposed development, the city will determine when a TIS is required and will consider the following when making that determination.

1. Changes in land use designation, zoning designation, or development standard.
2. Changes in use or intensity of use.
3. Projected increase in trip generation.
4. Potential impacts to residential areas and local streets.
5. Potential impacts to priority pedestrian and bicycle routes, including, but not limited to school routes and multimodal street improvements identified in the TSP.
6. Potential impacts to intersection level of service (LOS).

**Findings:** Based on criteria listed in *16.08.150 (C)* above, staff determined that a TIS was required for this particular development proposal. Subsequently, a TIS was performed by DKS, and their study concluded that the proposal would generate an additional 12 net new trips in the morning peak hour and 19 new trips in the evening peak hour. The study also stated that the proposed site access drives meet access spacing requirements along the roadways and from the street intersection. However, the study also concluded that the proposed driveway location onto SE 1<sup>st</sup> Avenue creates sight distance safety issues that must be satisfactorily resolved or the driveway should be eliminated from the proposal.

## **16.10 Off Street Parking**

### **16.10.030 General requirements**

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

C. In the event several uses occupy a single structure, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately. If the applicant can demonstrate that the uses do not have overlapping parking needs (based

on days and hours of operation) and can share parking, the total requirement for combined uses may be reduced by up to 60 percent.

**Findings:** In this particular case, the applicant is not preserving the original home and accessory building on this parcel, but will be building on a vacant parcel after they are demolished. All uses that will occupy the structures in the future must be consistent with uses permitted in the C-M zone and meet appropriate standards in the C-M and I-O zones.

#### **16.10.050 Parking standards designated**

Parking for the proposed building can be calculated with the standard for industrial buildings listed in *Table 16.10.050*. This standard states the following:

*Warehousing and Manufacturing: 2.00 spaces per 1,000 gross square feet of office space, plus 1.00 space per 1,000 gross square feet of non-office warehousing space. Minimum of 5 parking spaces overall. The parking requirement for a retail commercial boat sales floor area is the same as the non-office warehousing standard.*

**Findings:** The applicant did not refer to the table in 16.10.050 directly but did discuss parking information included in a completed design review matrix listed in 16.35.050 in the narrative. The square footage of the building as indicated in the 16.10.050 table establishes the number of proposed parking spaces based on a formula of 2 spaces for every 1000 square foot of floor space for office use, and 1 space for every 1000 square foot of non-office sales floor area or warehousing space. The applicant stated a square footage of 28,975 square feet for storage/commercial use and office space that results in a calculation of 29 parking spaces for the office, warehouse/manufacturing areas. The applicant indicated on the site plan that a total of 29 spaces would be provided for the project. Staff concurs with these numbers.

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

A. The minimum number of off-street loading berths for commercial and industrial uses is calculated using the table listed in 16.10.060(A).

**Findings:** Based on the table and total square footage of the proposed buildings, two loading berths are required and as shown on the submitted site plan the proposal includes two loading areas for the building. It appears that the proposal meets this standard as well as size and screening requirements.

#### **16.10.070 Parking lots and access**

#### **16.10.100 Bicycle Parking**

**Findings:** Staff finds that applicant's response adequately addresses this criterion. The submitted plans and narrative indicate that the provisions for bicycle parking listed in 16.10.100 can be met. The information provided addressed provisions for parking space size, number, and type listed in 16.10.070 and other requirements for parking lot and access standards. Site accesses will be developed during the construction process. The proposal must meet the driveway and intersection spacing distance of 100 feet for a collector

street and 50 feet for an intersection and 10 feet from a driveway for a local street as listed in the Public Works Design Standards.

**16.30 C-M (Commercial/Manufacturing Zone)**

**Findings:** The underlying zoning of the property is C-M. The property is not located within the DCO (Downtown Canby Overlay Zone) or the (OHC) Outer Highway Commercial sub-area, but is situated in the I-O Canby Industrial Area Overlay zone (Pioneer Industrial Park) which permits uses in the underlying C-M zone. The C-M zone states in **16.30.010** that uses permitted outright in the C-2 zone and the C-2 zone includes under **16.28.010(C)** boat sales and storage. Staff concludes that the proposal meets the uses permitted outright in the C-2 zone. Additionally, because the site is within the Industrial Overlay (I-O) zone, the development standards of **16.35** supersede **16.30.030**, and the standards in **16.35** must be addressed.

**16.35 Canby Industrial Overlay Zone (I-O) - Applicable Criteria:**

**16.35.25 Pre-application review and conditions of approval**

**Findings:** A pre-application meeting was held and the meeting notes are included with this application.

**16.35.30 Uses Permitted Outright**

**Findings:** The proposed use is permitted outright in the C-2 zone as referenced by the C-M zone and subsequently in the I-O zone as allowed under **Section 16.35.30**.

**16.35.040 Conditional Uses**

A. Any proposed site development, change in use, land division, or other action that results in any of the following requires conditional use approval in the I-O zone:

1. Less than 12 employees per developed acre. For the purposes of this section only, “developed” means all areas used for buildings, landscaping, vehicle maneuvering and parking areas, outdoor storage, and other areas occupied by the use. For the purposes of this section only, employees mean full-time equivalents unless the City specifically allows other interpretations;

**Findings:** The criterion listed in this section under “A” above is applicable to this case, because the proposal does not meet the 12 employees per developed acre. Subsequently, the proposed use requires conditional use review and approval under the I-O zone. The applicant filed a Conditional Use Application in conjunction with this application.

B. To approve a conditional use in the I-O zone, the Planning Commission shall find that each of the following additional criteria are either met, or can be met by observance of conditions, unless it is not applicable:

1. The proposed use is compatible with the industrial nature of the park and will have minimal negative impact on the development and use of surrounding properties;
2. The proposed use does not pose a threat to public health or safety; and
3. The proposed use is beneficial to the overall economic diversity and vitality of the City.

**Findings:** Based on the submitted information, staff is supportive of the applicant's findings with regard to the above I-O zone conditional use permit criteria. The applicant's request for conditional use approval to reduce the required number of 12 employees per developed acre is not in conflict with the criteria listed above. On a case by case basis, the Planning Commission has approved reduction of the number of employees for previous conditional uses. Staff determines that the above criteria can be met.

#### **16.35.50 Development Standards**

**Findings:** The standards listed in this section focus mostly on the orientation of the building to the roadway and property lines and covers access, right-of-way plantings, lighting, and the type of buildings. The applicant submitted a detailed site plan, landscape plan, grading plan, and lighting plan and adequately addressed conformance with all criteria in this section.

**Criteria under 16.35.050(J) states the following:** *"Metal building exteriors are prohibited, except that the Planning Commission may approve architectural metal elements that accent and enhance the aesthetics of building entrances and office areas."* **As previously mentioned, the proposed building construction is now proposed to be concrete tilt-up utilized throughout the industrial park. As this was a recent change from when the application was submitted, staff has not received elevation perspectives indicating the appearance of the building at this time. The narrative provided with this application describes construction with a product known as "Insulated Panel Systems" which is no longer planned to be utilized. The Planning Commission may wish to ask to see building elevations to confirm the building appearance within the industrial park now that it has changed.**

#### **16.35.60 Design Guidelines**

#### **16.35.70 I-O Design Review Matrix**

**Findings:** Criteria for the buildings, such as building setbacks, placement of new parking spaces, building materials and architectural detail was discussed in the applicant's narrative and

design matrix, and staff concludes that the new development meets design criteria. The applicant indicated that the new concrete tilt-up building construction will still conform to the same building footprint indicated on the site plan and the exterior appearance was still being determined. Staff asked that elevations be brought to the meeting if possible to address the architectural details which are a part of Site and Design Review.

#### **16.42.040 Signs**

**Findings:** The applicant is proposing three new wall signs on the building. The signs will be reviewed with submittal of a Sign Permit Application at the time of construction and must meet sign review size criteria. The proposed locations and number are appropriate. The size indicated in the applicant’s narrative can be confirmed at the time of sign permit approval.

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

**Findings:** The applicant states that all lighting for this project will be constructed to meet requirements listed in this section and submitted a detailed description and Site Lighting Plan with the application material that supports their conclusion.

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

**Findings:** As previously mentioned, ingress and egress for the project is from SE Hazel Dell Way and SE 1<sup>st</sup> Avenue. Based on available information, the proposed driveways will meet spacing standards listed in the section but must be reviewed with the filing of a driveway opening permit with Canby Public Works. However, as pointed out in the TIS, there is a sight distance deficiency along SE 1<sup>st</sup> Avenue where the applicant proposes an additional driveway access. As a condition of approval, the sight distance issue must be corrected or the driveway relocated elsewhere or eliminated if the sight distance safety is not satisfactorily resolved.

#### **16.49.040 Site and Design Review - Criteria and Standards**

B. In review of a Type III Site and Design Review Application, the Board shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the following:

1. The proposed site development, including the site plan, architecture, landscaping and graphic design, is in conformance with the standards of this and other applicable city ordinances insofar as the location, height and appearance of the proposed development are involved; and

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

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

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

5. The Board shall, in making its determination of compliance with this Ordinances, shall use the matrix in Table 16.49.040 to determine compatibility unless this matrix is superseded by another matrix applicable to a specific zone or zones under this title. An application is considered to be compatible with the standards of Table 16.49.040 if the following conditions are met:

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

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

D. In review of a Type III Site and Design Review Application, the Board shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the INTENT of the design review standards set forth in this ordinance.

**Findings:** The applicant filed a Type III application, and provided a response to Table 16.35.040 in the I-O zone to demonstrate compliance with the total point menu in that applicable Table. The table in 16.49.040 is superseded by the I-O zone, so Table 16.35.040 matrix applies. Information provided to the file established that the proposal meets the criterion for Table 16.35.040.

#### **16.49.065 Bicycle and pedestrian facilities**

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

**Findings:** Staff concludes that the applicant adequately addressed this criterion, and 3 bike parking spaces are to be provided at the south end of the building.

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

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

#### **16.49.080 General provisions for landscaping**



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

**16.50 Conditional Uses:**

**16.50.010 Authorization to grant or deny conditional uses.**

A conditional use listed in this title shall be permitted, altered, or denied in accordance with the standards and procedures of this chapter. In the case of a use existing prior to the effective date of the ordinance codified in this title as a conditional use, a change in the use, or reduction in lot area, or an alteration of the structure, shall require the prior issuance of a conditional use permit. In judging whether or not a conditional use permit shall be approved or denied, the Planning Commission shall weigh the proposal's positive and negative features that would result from authorizing the particular development at the location proposed and to approve such use, shall find that the following criteria are either met, can be met by observance 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. (Ord. 740 section 10.3.75 (A), 1984)

**Findings:** In addition to the criteria listed in Section 16.35.040 for conditional uses in the I-O zone, the above criteria should also be addressed to assure consistency of the use within the zone based on the employment density factor. Staff has reviewed the proposed use and the criteria in 16.35.040 that resulted in the necessity for a Conditional Use Application against the above criteria. Staff determined that:

**There are no policies in the Canby Comprehensive Plan or other policies that would be inconsistent with the applicant's proposed use or request for an exception to the outright permitted minimum employment density.**

**The site is suitable for the proposed use which will offer wages to a limited number of employees. There is the possibility of future growth and expansion of the business**

which will further enhance the economic benefit to Canby and bring the investment and use closer to the employment density desired in the Pioneer Industrial Park. There is no evidence that the use proposed conflicts with future or current industrial uses in the industrial park. This property is one of only three that do not have an industrial zone within the Pioneer Industrial Park.

Based on comments from City agencies at the Pre-Application Conference, all public utilities are available and adequate to serve this proposed use on this site.

The parcel is 3.92 acres in size and would require 47 employees to meet the standard of 12 employees per acre. It does not appear that the initial employment density of the project will adversely impact surrounding uses or limit or preclude the surrounding properties from the uses listed as permitted outright in the zone.

**16.89 Application and Review Procedures**

**16.89.020 Description and Summary of Processes**

All land use and development applications shall be decided by using the procedures contained in this Chapter. Specific procedures for each type of permit are contained in Sections 16.89.030 through 16.89.060. The procedure type assigned to each permit governs the decision-making process for that permit. Additional requirements may be found in the individual chapters governing each permit type. The four types of procedure are described below. Table 16.89.020 lists the City's land use and development applications and their required procedures.

C. Type III Procedure (Quasi-Judicial/Legislative). Type III decisions are made by the Planning Commission after a public hearing, with appeals reviewed by the City Council. Type III procedures generally use discretionary approval criteria.

**Finding:** The proposed project is subject to a Type III Site and Design Review procedure along with a Conditional Use Permit to approve an employment density per acre which is less than what is permitted outright within the Industrial Overlay zone. The required land use application process has been followed. Both a pre-application meeting and a neighborhood meeting were held prior to formal public hearing application. Meeting notes for both meetings were included with the applicant submittal. The proposed project is subject to a Type III Site and Design Review procedure as set forth in Chapter 16.89 and subject to criteria and standards in the appropriate Sections of the CMC. Therefore, this proposal is subject to Planning Commission review and decision.

**16.89.050 Type III Decision**

**Findings:** Requirements under this section are included in the application materials. The Pre-application was held on April 26, 2018. The neighborhood meeting was held September 24, 2018.

**16.120 Parks, Open Space, and Recreation Land**

**Findings:** The applicant accepts the application of a parks SDC fee prior to issuance of a building permit in lieu of park land dedication with this development project. This standard is met.

**Public Comments:**

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

**Agency Comments:**

No comments concerning the proposal were received from service providers beyond input from the pre-application meeting.

**SECTION III STAFF CONCLUSION/RECOMMENDATION:**

Staff concludes that the use is in conformance with the City’s Comprehensive Plan and the Zoning Ordinance. Additionally, the relevant site and design standards and minimum acceptable compatibility scores are met, and the site can accommodate the proposed use. The public service and utility provision to the site is available or can be made available through future improvements. Staff recommends **approval** of DR 18-07/CUP 18-06 subject to meeting the conditions of approval listed below.

Approval of this application is based on submitted application materials. Approval is strictly limited to the submitted proposal and is not extended to any other development of the property. Any modification of development plans not in conformance with the approval of application DR 18-07/CUP 18-06, including all conditions of approval, shall first require an approved modification in conformance with the relevant sections of the Canby Municipal Code.

**SECTION IV CONDITIONS OF APPROVAL:**

**Conditions Unique to this Proposal**

1. The applicant shall file a sign permit for the future planned wall signs that shall be limited to the size and height standards applicable to the I-O (Canby Industrial Area Overlay Zone) as indicated in Section 16.42.050, Table 7, of the sign ordinance. The proposed signs, after been found to conform to the sign ordinance, must secure a building permit from Clackamas County Building Inspection prior to their installation.
2. The project must be in conformance with the applicable findings and suggestions outlined

by the City Engineer in his memorandum dated 11.06.18.

3. The applicant shall correct the sight distance issues at the proposed driveway access onto SE 1<sup>st</sup> Avenue or eliminate the access point.

### **Procedural Conditions**

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

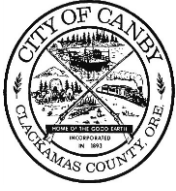
4. The design engineer shall submit to the City of Canby for review and approval at the time of final construction plan approval a storm drainage analysis and report applicable to the defined development area detailing how storm water disposal from both the building and the parking areas is being handled. Any drainage plan shall conform to an acceptable methodology for meeting adopted storm drainage design standards as indicated in the Public Works design standards.
5. A Sediment and Erosion Control Permit will be required from the City prior to commencing site work.
6. Prior to the issuance of a building permit, the installation of public or private utilities, or any other site work other than rough site grading, construction plans must be approved and signed by the City and all other utility/service providers. A Pre-Construction Conference with sign-off on all final construction plans is required. The design, location, and planned installation of all roadway improvements and utilities including but not limited to water, electric, sanitary sewer, natural gas, telephone, storm water, cable television, and emergency service provisions is subject to approval by the appropriate utility/service provider. The City of Canby's preconstruction process procedures shall be followed.
7. Construction plans shall be designed and stamped by a Professional Engineer registered in the State of Oregon.
8. Clackamas County will provide structural, mechanical, grading, and review of Fire & Life Safety, Plumbing, and Electrical permits for this project.

#### **Prior to Occupancy of the Facility:**

9. Prior to occupancy of the facility, all landscaping plant material indicated on the submitted landscape plan shall either be installed and irrigated with a fully automatic design/build irrigation system as proposed, or with sufficient security (bonding, escrow, etc.) pursuant to the provisions of CMC 16.49.100 (B).

### **Section V Attachments/Exhibits:**

1. Application
2. Applicant narrative
3. Proposed Site Plan
4. Combined Plan Set
5. Neighborhood Meeting Comments
6. Pre-application Conference Summary
7. Traffic Impact Analysis
8. Agency Comments



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

# LAND USE APPLICATION

## SITE AND DESIGN REVIEW General Type III

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

Applicant Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Address: \_\_\_\_\_ Email: \_\_\_\_\_  
 City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

Representative Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Address: \_\_\_\_\_ Email: \_\_\_\_\_  
 City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

Property Owner Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Signature: \_\_\_\_\_  
 Address: \_\_\_\_\_ Email: \_\_\_\_\_  
 City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

Property Owner Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Signature: \_\_\_\_\_  
 Address: \_\_\_\_\_ Email: \_\_\_\_\_  
 City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

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

- ❶ All property owners represent they have full legal capacity to and hereby do authorize the filing of this application and certify that the information and exhibits herewith submitted are true and correct.
- ❷ All property owners understand that they must meet all applicable Canby Municipal Code (CMC) regulations, including but not limited to CMC Chapter 16.49 Site and Design Review standards.
- ❸ All property owners hereby grant consent to the City of Canby and its officers, agents, employees, and/or independent contractors to enter the property identified herein to conduct any and all inspections that are considered appropriate by the City to process this application.

**PROPERTY & PROJECT INFORMATION:**

\_\_\_\_\_  
 Street Address or Location of Subject Property      Total Size of Property      Assessor Tax Lot Numbers

\_\_\_\_\_  
 Existing Use, Structures, Other Improvements on Site      Zoning      Comp Plan Designation

\_\_\_\_\_  
 Describe the Proposed Development or Use of Subject Property

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

## SITE AND DESIGN REVIEW APPLICATION – TYPE III–INSTRUCTIONS

**All required application submittals detailed below must also be submitted in electronic format on a CD, flash drive or via email. Required application submittals include the following:**

Applicant City  
Check Check

- One (1) copy of this application packet. The City may request further information at any time before deeming the application complete.
- Payment of appropriate fees – cash or check only. Refer to the city’s Master Fee Schedule for current fees. Checks should be made out to the *City of Canby*.
- Please submit one (1) electronic copy of mailing addresses in either an EXCEL SPREADSHEET or WORD DOCUMENT** for all property owners and all residents within 500 feet of the subject property. **If the address of a property owner is different from the address of a site, an address for each unit on the site must also be included and addressed to “Occupant.”** A list of property owners may be obtained from a title insurance company or from the County Assessor’s office.
- One (1) copy of a written, narrative statement describing the proposed development and detailing how it conforms with the Municipal Code and to the approval criteria, including the applicable Design Review Matrix, and availability and adequacy of public facilities and services. **Ask staff for applicable Municipal Code chapters and approval criteria.**  
Applicable Code Criteria for this application includes:  

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- Three (3) copies of a Traffic Impact Study (TIS), conducted or reviewed by a traffic engineer that is contracted by the City and paid for by the applicant (payment must be received by the City before the traffic engineer will conduct or review a traffic impact study.  
Ask staff to determine if a TIS is required.
- One (1) copy in written format of the minutes of the neighborhood meeting as required by Municipal Code 16.89.020 and 16.89.070. The minutes shall include the date of the meeting and a list of attendees.
- One (1) copy in written format of the minutes of the pre-application meeting
- One copy of either the recorded plat or the recorded deeds or land sales contracts that demonstrates how and when legal property lines were established and where the boundaries of the legal lot(s) of record are located. If the property is a lot or parcel created by plat, a copy of the recorded plat may be obtained from the Clackamas County Surveyor’s office. If the property is a legal lot of record created by recorded deed or land sales contract at a time when it was legal to configure property lines by deed or contract, then those recorded deeds may be obtained from the Clackamas County Office of the Clerk, or a Title Company can also assist you in researching and obtaining deeds.
- If the development is located in a Hazard (“H”) Overlay Zone, submit one (1) copy of an affidavit signed by a licensed professional engineer that the proposed development will not result in

significant impacts to fish, wildlife and open space resources of the community. If major site grading is proposed, or removal of any trees having trunks greater than six inches in diameter is proposed, then submit one (1) copy of a grading plan and/or tree-cutting plan.

Applicant City  
Check Check

Two (2) 11" x 17" paper copies of the proposed plans, printed to scale no smaller than 1"=50'. The plans shall include the following information:

- Vicinity Map. Vicinity map at a scale of 1"=400' showing the relationship of the project site to the existing street or road pattern.
- Site Plan-the following general information shall be included on the site plan:
  - Date, north arrow, and scale of drawing;
  - Name and address of the developer, engineer, architect, or other individual(s) who prepared the site plan;
  - Property lines (legal lot of record boundaries);
  - Location, width, and names of all existing or planned streets, other public ways, and easements within or adjacent to the property, and other important features;
  - Location of all jurisdictional wetlands or watercourses on or abutting the property;
  - Finished grading contour lines of site and abutting public ways;
  - Location of all existing structures, and whether or not they are to be retained with the proposed development;
  - Layout of all proposed structures, such as buildings, fences, signs, solid waste collection containers, mailboxes, exterior storage areas, and exterior mechanical and utility equipment;
  - Location of all proposed hardscape, including driveways, parking lots, compact cars and handicapped spaces, loading areas, bicycle paths, bicycle parking, sidewalks, and pedestrian ways;
  - Callouts to identify dimensions and distances between structures and other significant features, including property lines, yards and setbacks, building area, building height, lot area, impervious surface area, lot densities and parking areas;
  - Location of vision clearance areas at all proposed driveways and streets.
- Landscape Plan, with the following general information:
  - Layout and dimensions of all proposed areas of landscaping;
  - Proposed irrigation system;
  - Types, sizes, and location of all plants to be used in the landscaping (can be a "palette" of possible plants to be used in specific areas for landscaping);
  - Identification of any non-vegetative ground cover proposed, and dimensions of non-vegetative landscaped areas;
  - Location and description of all existing trees on-site, and identification of each tree proposed for preservation and each tree proposed for removal;
  - Location and description of all existing street trees in the street right-of-way abutting the property, and identification of each street tree proposed for preservation and each tree proposed for removal.
- Elevations Plan  
The following general information shall be included on the elevations plan:
  - Profile elevations of all buildings and other proposed structures;
  - Profile of proposed screening for garbage containers and exterior storage areas;
  - Profile of proposed fencing.

- Sign Plan.
  - Location and profile drawings of all proposed exterior signage.
  - Color and Materials Plan.
    - Colors and materials proposed for all buildings and other significant structures.
- One (1) copy of a completed landscaping calculation form (see page 5)
- One (1) copy of a completed Design Review Matrix (see page 6)

## SITE AND DESIGN REVIEW APPLICATION: LANDSCAPING CALCULATION FORM

### Site Areas

|                         |  |  |
|-------------------------|--|--|
| 1. Building area        |  | - Square footage of building footprints                          |
| 2. Parking/hardscape    |  | - Square footage of all sidewalks, parking, & maneuvering areas  |
| 3. Landscaped area      |  | - Square footage of all landscaped areas                         |
| 4. Total developed area |  | - Add lines 1, 2 and 3   |
| 5. Undeveloped area     |  | - Square footage of any part of the site to be left undeveloped. |
| 6. Total site area      |  | - Total square footage of site                                   |

### Required Site Landscaping (Code 16.49.080)

|   |  |  |
|---|--|--|
| 7. Percent of landscaping required in Zoning District |  | - Fill in the Appropriate Percentage: R-1, R-1.5, R-2 Zones: 30%; C-2, C-M, C-R, M-1, M-2 Zones: 15%; C-1 Zone: 7.5% |
| 8. Required minimum square footage of landscaping     |  | - Multiply line 4 and line 7   |
| 9. Proposed square footage of landscaping             |  | - Fill in value from line 3  |

### Required Landscaping within a Parking Lot (Code 16.49.120(4))

Note: This section and the next apply only to projects with more than 10 parking spaces or 3,500 square feet of parking area

|  |  |   |
|--|--|---|
| 10. Zone   |  | - Fill in the Appropriate Zone and Percentage:<br>C-1 Zone: 5%;<br>Core Commercial sub-area of the Downtown Canby Overlay: 10%, except for parking lots with 10 or more spaces and two or more drive aisles: 50 square feet per parking space;<br>All other zones: 15%. |
| 11. Percent of required landscaping                                      |  |   |
| 12. Area of parking lot & hardscape                                      |  | - Fill in area of parking and maneuvering areas plus all paved surface within ten (10) feet of those areas.   |
| 13. Number of vehicle parking spaces                                     |  | - For Core Commercial sub-area in the Downtown Canby Overlay only, fill in the total # of parking spaces on-site.   |
| 14. Required square footage of landscaping within 10 feet of parking lot |  | - Multiply area of parking lot (line 12) by percent of required landscaping (line 11) -OR- for the CC sub-area in the Downtown Canby Overlay multiply line 13 by 50 square feet.  |
| 15. Proposed square footage of Landscaping within 10 feet of parking lot |  | - Calculate the amount of landscaping proposed within 10 feet of all parking and maneuvering areas.   |



### ***Parking Lot Tree Calculation***

|   |  |   |
|---|--|---|
| <b>16. Number of parking spaces</b>                               |  | - Total number of vehicle parking spaces  |
| <b>17. Area of parking lot &amp; hardscape</b>                    |  | - Area from line 12   |
| <b>18. Number of parking spaces (line 16) divided by 8</b>        |  | - Round <b>up</b> to the nearest whole number   |
| <b>19. Area of parking lot area (line 17) divided by 2,800</b>    |  | - Round <b>up</b> to the nearest whole number   |
| <b>20. Number of required trees in parking lot</b>                |  | - Fill in the <b>larger</b> of row 18 and row 19  |
| <b>21. Number of trees provided within 10 feet of parking lot</b> |  | - Fill in the number of proposed trees within 10 feet of parking and maneuvering areas. |

## SITE AND DESIGN REVIEW APPLICATION: DESIGN REVIEW MATRIX

**Applicants:** Please circle the applicable point column to your project and compute the total and percentages at the end of the table.

**Table 16.49.040 Site Design Review Menu**

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

| Design Criteria   | Possible Points                    |                                     |   |   |   |
|---|------------------------------------|-------------------------------------|---|---|---|
| Parking   | 0                                  | 1                                   | 2   | 3 | 4 |
| Screening of parking and/or loading facilities from public right-of-way               | Not screened                       | Partially screened                  | Fully screened  | - | - |
| Parking lot lighting provided   | No                                 | Yes                                 | -   | - | - |
| Parking location (behind building is best)  | Front                              | Side                                | Behind  | - | - |
| Number of parking spaces provided (% of minimum required)                             | >120%                              | 101-120%                            | 100%  | - | - |
| Screening of Storage Areas and Utility Boxes  | 0                                  | 1                                   | 2   | 3 | 4 |
| Trash storage is screened from view by solid wood fence, masonry wall or landscaping. | No                                 | Yes                                 | -   | - | - |
| Trash storage is located away from adjacent property lines.                           | 0 - 10 feet from adjacent property | 11 - 25 feet from adjacent property | >25 feet from adjacent property   | - | - |
| Utility equipment, including rooftop equipment, is screened from view.                | Not screened                       | Partially screened                  | Fully screened  | - | - |
| Access  | 0                                  | 1                                   | 2   | 3 | 4 |
| Distance of access to nearest intersection.   | ≤70 feet                           | 71 - 100 feet                       | >100 feet   | - | - |
| Pedestrian walkways from public street/sidewalks to building entrances.               | One entrance connected.            | -                                   | Walkways connecting all public streets/sidewalks to building entrances. | - | - |
| Pedestrian walkways from parking lot to building entrance.                            | No walkways                        | Walkway next to building only       | Walkways connecting all parking areas to building entrances             | - | - |

| <b>Tree Retention</b>  | <b>0</b>  | <b>1</b>   | <b>2</b>                                  | <b>3</b> | <b>4</b>  |
|--|---|--|---|----------|---|
| <b>Design Criteria</b>   | <b>Possible Points</b>  |  |   |          |   |
| Percentage of trees retained   | <10%  | 10-50%   | 51-75%                                    | >75%     | -   |
| Replacement of trees removed   | <50%  | ≥50%   | -   | -        | -   |
| <b>Signs</b>   | <b>0</b>  | <b>1</b>   | <b>2</b>                                  | <b>3</b> | <b>4</b>  |
| Dimensional size of sign (% of maximum permitted)                                      | >75%  | 50-75%   | <50%                                      | -        | -   |
| Similarity of sign color to building color   | Not similar   | Somewhat similar   | Similar                                   | -        | -   |
| Pole sign used   | Yes   | No   | -   | -        | -   |
| <b>Building Appearance</b>   | <b>0</b>  | <b>1</b>   | <b>2</b>                                  | <b>3</b> | <b>4</b>  |
| Style (similar to surroundings)  | Not similar   | Somewhat similar (1 or 2 points possible depending on level of similarity) |   | -        | -   |
| Color (subdued and similar to surroundings is better)                                  | Neither   | Similar or subdued   | Both                                      | -        | -   |
| Material (concrete, wood and brick are best)   | Either 1 or 2 points may assigned at the discretion of the Site and Design Review Board |  |   |          |   |
| Size of building (smaller is better)   | >20,000 square feet   | ≤20,000 square feet  | -   | -        | -   |
| Provision of public art (i.e. murals, statues, fountains, decorative bike racks, etc.) | No  | -  | -   | -        | Yes   |
| <b>Landscaping</b>   | <b>0</b>  | <b>1</b>   | <b>2</b>                                  | <b>3</b> | <b>4</b>  |
| Number of non-required trees provided  | -   | At least one tree per 500 square feet of landscaping.                      | -   | -        | -   |
| Amount of grass (less grass is better) (% of total landscaped area)                    | >50%  | 25-50%   | <25%                                      | -        | -   |
| <b>Low Impact Development (LID)</b>  | <b>0</b>  | <b>1</b>   | <b>2</b>                                  | <b>3</b> | <b>4</b>  |
| Use of pervious paving materials (% of total paved area)                               | <10%  | -  | 10-50%                                    | 51-75%   | >75%  |
| Provision of park or open space area   | None  | -  | Open space (Generally not for public use) | -        | Park (public or privately owned for public use) |

| Design Criteria  | Possible Points       |                              |                             |                         |                       |
|--|-----------------------|------------------------------|-----------------------------|-------------------------|-----------------------|
| Use of drought tolerant species in landscaping (% of total plants)   | <25% drought tolerant | -                            | 25-50% drought tolerant     | 51-75% drought tolerant | >75% drought tolerant |
| Provision of additional interior parking lot landscaping (% of minimum required)   | 100%                  | 101-110%                     | 111-120%                    | >120%                   | -                     |
| Provision of an eco-roof or rooftop garden (% of total roof area)  | <10%                  | -                            | -                           | 10-50%                  | >50%                  |
| Parking integrated within building footprint (below-grade, structured parking, or tuck-under parking) (% of total on-site parking) | <10%                  | -                            | -                           | 10-50%                  | >50%                  |
| Disconnecting downspouts from city stormwater facilities   | None                  | Some downspouts disconnected | All downspouts disconnected | -                       | -                     |
| Shared parking with adjacent uses or public parking structure (% of total required parking spaces)                                 | None                  | <50%                         | ≥50%                        | -                       | -                     |
| Provision of rain gardens/bioretention areas for stormwater runoff (% of total landscaped area)                                    | None                  | -                            | 10-50%                      | 51-75%                  | >75%                  |
| <b>Total Possible Points = 71, 60%=42.6 points, 10%=7.1 points</b>   |                       |                              |                             |                         |                       |

**Total Points Earned:** \_\_\_\_\_ (42.6 points required for 60%)

**Total LID Points Earned:** \_\_\_\_\_ (7.1 required for 10%)

## SITE AND DESIGN REVIEW – TYPE III: APPLICATION PROCESS

1. Prior to submitting an application, all applicants are encouraged to request a pre-application meeting with the City -or- the Planning Director may determine that a pre-application meeting is required prior to submitting an application. To schedule a pre-application meeting, an applicant must submit a completed pre-application form and set of preliminary plans to the City Planner, and after receiving the Planner's initials, must then make and take (3) copies of the pre-application materials to the Canby Public Works Department to schedule the pre-application meeting. The amount of the fee for a pre-application meeting is based on whether the application involves a public hearing or not.
2. Prior to submitting an application, applicants may be required to hold a neighborhood meeting with surrounding property owners and any recognized neighborhood association representative, pursuant to the procedures described in Canby Municipal Code Section 16.89.070. In certain situations, the Planning Director may waive the neighborhood meeting requirement.
3. At the time an application is submitted to the City, payment of all required application processing fees is required. An application will not be accepted without payment of fees. City Staff can provide you with information concerning application fees.
4. Staff will check the application, making sure that it is complete and all fees are paid. Copies of the application materials are routed to various City/State/County departments, as applicable, for their comments. The application is reviewed for completeness; the City Planner will accept or return the application with a written list of omissions within thirty (30) calendar days of the submittal.
5. Staff investigates the application, writes a staff report, issues public notice, notifies surrounding property owners, and makes all facts relating to the request available to the Planning Commission and all interested parties.
6. Prior to the public hearing, the City will prepare notice materials for posting on the subject property. Staff will post this material at least ten (10) days before the public hearing.
7. The staff report will be available to all interested parties seven (7) days prior to the hearing.
8. The Planning Commission holds a public hearing. The staff report is presented to the Commission. Testimony is presented by the applicant, proponents and opponents, followed by rebuttal from the applicant.
9. The Commission then issues findings of fact which support approval, modification, or denial of the application. A decision may be appealed to the City Council.
10. If an approval or a denial is appealed, City Council holds a public hearing. The staff report is presented and testimony taken, as at the original hearing(s). Unless the City Council decides to hear the appeal de novo, only testimony regarding items already in the record is permitted, and no new information may be entered. In the case of an appeal, the Council may affirm, revise or reverse the action of the Planning Commission in all or in part. The Council may also remand the matter back to the hearing body for further consideration.
11. Prior to construction of the project, a preconstruction meeting is held with the City and all applicable utility and service providers. If required, this meeting must be held and approval of Plan set by all agencies, and payment of Canby System Development Charge (SDC) and construction excise tax to the City before issuance of any building permits for the project(s) by Clackamas County.

## **SITE AND DESIGN REVIEW – TYPE III: REVIEW CRITERIA (*Code 16.49.040*)**

1. The Planning Commission shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the following A through D, and with Criteria 4, 5, and 6 below:
  - A. The proposed site development, including the site plan, architecture, landscaping and graphic design, is in conformance with the standards of this and other applicable City ordinances insofar as the location, height and appearance of the proposed development are involved; and
  - B. The proposed design of the development is compatible with the design of other developments in the same general vicinity; and
  - C. The location, design, size, color and materials of the exterior of all structures and signs are compatible with the proposed development and appropriate to the design character of other structures in the same vicinity; and
  - D. The Planning Commission shall, in making its determination of compliance with subsections B and C above, use the applicable matrix [*pages 8-12*] to determine “compatibility”.
2. The Planning Commission shall, in making its determination of compliance with the above requirements, be guided by the objectives and standards set forth in this section. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed development. If the site and design review plan includes utility facilities or public utility facility, then the City Planner shall determine whether those aspects of the proposed plan comply with applicable standards.
3. The Planning Commission 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 Planning Commission shall not use the requirements of this section to exclude needed housing types. However, consideration of these factors shall not prevent the Planning Commission 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 Chapter 12.32, the City Tree Ordinance. The granting or denial of said application will be based on the criteria in Chapter 12.32. The cutting of trees does not in and of itself constitute change in the appearance of the property which would necessitate application for site and design review.



City of Canby  
 Planning Department  
 222 NE 2<sup>nd</sup> Avenue  
 P.O. Box 930  
 Canby, OR 97013  
 Ph: 503-266-7001  
 Fax: 503-266-1574

**LAND USE APPLICATION**

**Conditional Use Process Type III**

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

Applicant Name: Active Water Sports Phone: 503-765-5156  
 Address: 1224 McLoughlin Boulevard Email: matt@activeh2o.com  
 City/State: Oregon City, Oregon Zip: 97045

Representative Name: Randy Saunders Phone: 503-982-1211  
 Address: 2225 Country Club Road Email: randy-rssarch@qwestoffice.net  
 City/State: Woodburn, Oregon Zip: 97071

Property Owner Name: Active Water Sports Phone: 503-765-5156  
 Signature: [Signature]  
 Address: 1224 McLoughlin Boulevard Email: matt@activeh2o.com  
 City/State: Oregon City, Oregon Zip: 97045

Property Owner Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Signature: \_\_\_\_\_  
 Address: \_\_\_\_\_ Email: \_\_\_\_\_  
 City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

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

- 1 All property owners represent they have full legal capacity to and hereby do authorize the filing of this application and certify that the information and exhibits herewith submitted are true and correct.
- 2 All property owners understand that they must meet all applicable Canby Municipal Code (CMC) regulations, including but not limited to CMC Chapter 16.49 Site and Design Review standards.
- 3 All property owners hereby grant consent to the City of Canby and its officers, agents, employees, and/or independent contractors to enter the property identified herein to conduct any and all inspections that are considered appropriate by the City to process this application.

**PROPERTY & PROJECT INFORMATION:**

1907 SE First Avenue, Canby, OR 3.91 Acres 3S 1E 34 TAX LOT 500  
 Street Address or Location of Subject Property Total Size of Property Assessor Tax Lot Numbers  
1,756 SF HOME LOCATED ON SITE M-1 Light Industrial  
 Existing Use, Structures, Other Improvements on Site Zoning Comp Plan Designation

28,975+/- SF OF MERCANTILE/STORAGE DEVELOPMENT IN ONE BUILDING  
 Describe the Proposed Development or Use of Subject Property

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

Visit our website at: [www.canbyoregon.gov](http://www.canbyoregon.gov)  
 Email Application to: [PlanningApps@canbyoregon.gov](mailto:PlanningApps@canbyoregon.gov)



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

# CHECKLIST

## Conditional Use Process Type III

**All required application submittals detailed below must also be submitted in electronic format on a CD, flash drive or via email to: [PlanningApps@canbyoregon.gov](mailto:PlanningApps@canbyoregon.gov)**

Applicant City  
 Check Check

- One (1) copy of this application packet. The City may request further information at any time before deeming the application complete.
- Payment of appropriate fees – cash or check only. Refer to the city’s Master Fee Schedule for current fees. Checks should be made out to the *City of Canby*.
- Please submit one (1) electronic copy of mailing addresses in either an EXCEL SPREADSHEET or WORD DOCUMENT** for all property owners and all residents within 500 feet of the subject property. **If the address of a property owner is different from the address of a site, an address for each unit on the site must also be included and addressed to “Occupant.”** A list of property owners may be obtained from a title insurance company or from the County Assessor’s office.
- One (1) copy of a written statement describing the Conditional Use Permit request, and detailing how your request meets the approval criteria. **Ask staff for applicable Municipal Code chapters and approval criteria.** Applicable Code Criteria for this application includes:  


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See Attached Exhibit ‘B’ and ‘B-1’

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- One copy of either the recorded plat or the recorded deeds or land sales contracts that demonstrates how and when legal property lines were established and where the boundaries of the legal lot(s) of record are located. If the property is a lot or parcel created by plat, a copy of the recorded plat may be obtained from the Clackamas County Surveyor’s office. If the property is a legal lot of record created by recorded deed or land sales contract at a time when it was legal to configure property lines by deed or contract, then those recorded deeds may be obtained from the Clackamas County Office of the Clerk, or a Title Company can also assist you in researching and obtaining deeds.
- If the development is located in a Hazard (“H”) Overlay Zone, submit one (1) copy of an affidavit signed by a licensed professional engineer that the proposed development will not result in significant impacts to fish, wildlife and open space resources of the community. If major site grading is proposed, or removal of any trees having trunks greater than six inches in diameter is proposed, then submit one (1) copy of a grading plan and/or tree-cutting plan.
- Two (2) 11” x 17” paper copies** of the proposed plans, printed to scale no smaller than 1”=50’. The plans shall include the following information:
  - Vicinity Map.**
    - Vicinity map at a scale of 1”=400’ showing the relationship of the project site to the existing street or road pattern.
  - Site Plan**-the following general information shall be included on the site plan:
    - Date, north arrow, and scale of drawing;



- Name and address of the developer, engineer, architect, or other individual(s) who prepared the site plan;
- Property lines (legal lot of record boundaries);
- Location, width, and names of all existing or planned streets, other public ways, and easements within or adjacent to the property, and other important features;
- Location of all jurisdictional wetlands or watercourses on or abutting the property;
- Finished grading contour lines of site and abutting public ways;
- Location of all existing structures, and whether or not they are to be retained with the proposed development;
- Layout of all proposed structures, such as buildings, fences, signs, solid waste collection containers, mailboxes, exterior storage areas, and exterior mechanical and utility equipment;
- Location of all proposed hardscape, including driveways, parking lots, compact cars and handicapped spaces, loading areas, bicycle paths, bicycle parking, sidewalks, and pedestrian ways;
- Callouts to identify dimensions and distances between structures and other significant features, including property lines, yards and setbacks, building area, building height, lot area, impervious surface area, lot densities and parking areas;
- Location of vision clearance areas at all proposed driveways and streets.
- Landscape Plan**  
The following general information shall be included on the landscape plan:
  - Layout and dimensions of all proposed areas of landscaping;
  - Proposed irrigation system;
  - Types, sizes, and location of all plants to be used in the landscaping (can be a "palette" of possible plants to be used in specific areas for landscaping);
  - Identification of any non-vegetative ground cover proposed, and dimensions of non-vegetative landscaped areas;
  - Location and description of all existing trees on-site, and identification of each tree proposed for preservation and each tree proposed for removal;
  - Location and description of all existing street trees in the street right-of-way abutting the property, and identification of each street tree proposed for preservation and each tree proposed for removal.
- Elevations Plan** - The following general information shall be included on the elevations plan:
  - Profile elevations of all buildings and other proposed structures;
  - Profile of proposed screening for garbage containers and exterior storage areas;
  - Profile of proposed fencing.
- Sign Plan.**
  - Location and profile drawings of all proposed exterior signage.
- Color and Materials Plan.**
  - Colors and materials proposed for all buildings and other significant structures.

## CONDITIONAL USE – TYPE III: APPLICATION PROCESS

1. Prior to submitting an application, all applicants are encouraged to request a pre-application meeting with the City, or the City Planner may determine that a pre-application meeting is necessary after an application has been discussed or upon receipt of an application by the City. To schedule a pre-application meeting, an applicant must submit a completed pre-application form and set of preliminary plans to the Planning Department.

Visit our website at: [www.canbyoregon.gov](http://www.canbyoregon.gov)  
 Email Application to: [PlanningApps@canbyoregon.gov](mailto:PlanningApps@canbyoregon.gov)

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2. At the time an application is submitted to the City, payment of all required application processing fees is required. An application will not be accepted without payment of fees. City Staff can provide you with information concerning application fees.
3. Staff will check the application, making sure that it is complete and all fees are paid. Copies of the application materials are also routed to various City/State/County departments, as applicable, for their comments. The City Planner will accept or return the application with a written list of omissions within thirty (30) calendar days of the submittal.
4. Staff investigates the application, writes a staff report, issues public notice, notifies surrounding property owners, and makes all facts relating to the request available to the Planning Commission and all interested parties.
5. Prior to the public hearing, the City will prepare notice materials for posting on the subject property. Staff will post this material at least ten (10) days before the public hearing.
6. The staff report will be available to all interested parties at least seven (7) days prior to the hearing.
7. The Planning Commission holds a public hearing. The staff report is presented to the Commission. Testimony is presented by the applicant, proponents and opponents, followed by rebuttal from the applicant.
8. The Commission then issues findings of fact which support approval, approval with conditions, or denial of the application. A decision may be appealed to the City Council.
9. If the Planning Commission decision is appealed, City Council holds a public hearing. The staff report is presented and testimony taken, as at the original hearing(s). Unless the City Council decides to hear the appeal de novo, only testimony regarding items already in the record is permitted, and no new information may be entered. In the case of an appeal, the Council may affirm, revise, or reverse the decision of the Planning Commission in all or in part. The Council may also remand the matter back to the hearing body for further consideration.

## **CONDITIONAL USE PERMIT – TYPE III: STANDARDS AND CRITERIA**

Under Section 16.50.010 of the Canby Municipal Code, an application for CONDITIONAL USE PERMIT approval shall be evaluated based on the following standards and criteria:

- 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; and
- B. The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features; and
- C. All required public facilities and services exist to adequately meet the needs of the proposed development; and
- D. The proposed use will not alter the character of the surrounding areas in a manner which substantially limits, or precludes the use of surrounding properties for the uses listed as permitted in the zone.

*Exhibit 'B'*  
**FINDINGS OVERVIEW DOCUMENT**

**Site Plan Review and Conditional Use Applications**

**Overview Facts and Findings:**

**Requests.** Applications for Site Plan Review for the construction of a mixed use storage and mercantile space with office space in one phase with concurrent Conditional Use for a development that will not meet the threshold 12 employees per acre for property located at 1907 South East 1<sup>st</sup> Avenue which is on the north side of Hazel Dell Way and east of Sequoia Parkway.

**Submitted Attachments.**

1. Exhibit 'A' Legal Descriptions for Subject Property
2. Exhibit 'A-1' Incumbency Certificate-Active Water Sports
3. Exhibit 'B' Findings Document Overview (pages 1-3)
4. Exhibit 'B-1' Findings Addressing Criteria for Site Plan Review (pages 4-18)
5. Exhibit 'B-2' Findings Addressing Criteria for a Conditional Use (pages 19-28)
6. Exhibit 'C; Assessor's Tax Map
7. Exhibit 'C-1' Aerial Photo
8. Exhibit 'C-2' Aerial Photo with FEMA Overlay
9. Exhibit 'D' Existing Comprehensive Plan Map
10. Exhibit 'E' Existing Zoning Map
11. Exhibit 'F' Proposed Site Plan
12. Exhibit 'F-1' Vicinity Map
13. Exhibit 'G' Proposed Building Elevations and Floor Plans
14. Exhibit 'H' Site Landscape Area Plan
15. Exhibit 'H-1' Parking Landscape Area Plan
16. Exhibit 'H-2' Preliminary Landscape and Irrigation Plans
17. Exhibit 'I' Existing Conditions Map
18. Exhibit 'I-1' Preliminary Grading and Drainage Plan
19. Exhibit 'I-2' Preliminary Utility Plan
20. Exhibit 'J' Storm Drainage Calculations
21. Exhibit 'K' Photometric Plans
22. Exhibit 'L' Traffic Impact Analysis
23. Exhibit 'M' Notification Area & Notification List (Current Applications and Neighborhood Meeting)
24. Exhibit 'M-1' Neighborhood Meeting Letter
25. Exhibit 'M-2' Neighborhood Meeting Sign-in Sheet
26. Exhibit 'M-3' Neighborhood Meeting Minutes
27. Exhibit 'M-4' Pre-Application Minutes

**Property Owner.** Active Water Sports, 1224 McLoughlin Boulevard, Oregon City, Oregon 97045

**Applicant.** Active Water Sports, 1224 McLoughlin Boulevard, Oregon City, Oregon 97045

**Civil Engineering & Planning.** Brian Vandetta, Udell Engineering and Surveying LLC; 63 East Ash Street; Lebanon Oregon 97355

**Architect.** Randy Saunders, RSS Architecture P.C. 2225 Country Club Road; Woodburn, Oregon 97071

**Landscape Architect.** Laura Antonson, RLA, Laurus Designs, LLC; 1012 Pine Street; Silverton, Oregon 97381

**Subject Property.** The subject property (Tax Lot 3S-1E34-500) is located at 1907 Southeast 1<sup>st</sup> Avenue; contains 3.91 acres which contains a vacant residence.

**Canby Comprehensive Plan Map and Zoning Map Designations.** The Canby Comprehensive Plan Map, effective in May 2014 designates the subject property as Light Industrial (LI) (see Exhibit ‘D’ - Existing Comprehensive Plan Map Designations and Exhibit ‘E’ - Existing Zoning Map Designations). The Canby Zoning Map, effective in January 2014 designates the property as Light Industrial (M1).

**Purpose of Site Plan Review.** The Site Plan Review application is for the construction of a mixed use storage and mercantile with office space development containing one building containing a total of 28,975 square feet. The building will be one-story pre-engineered metal building (see Exhibit ‘G’ - Proposed Building Elevations and Floor Plans).

**Need for Conditional Use.** The concurrent Conditional Use application is required because the property is located within the industrial overlay zone. The City of Canby has a requirement for a minimum of 12 employees per acre within the Industrial Overlay (I-O) zone.

**Described Purpose of the Industrial Area Overlay Designation as Described in the Canby Development Code.**

According to Section 16.35.010 “The purpose of the Canby Industrial Area Overlay (I-O) zone is to implement the design guidelines and standards of the Canby Industrial Area Master Plan (Master Plan:

- A. Provide efficient circulation and access
- B. Allow flexibility in siting development, including a range of industrial and commercial/industrial uses;
- C. Provide visual continuity for streetscapes and developments
- D. Encourage durable, high quality building material.

The zone is intended to ensure high-quality industrial development with a mix of employment types and uses”

**Surrounding Comprehensive Plan Map Designations, Zoning Designations and Land Use.**

(See Exhibits 'C' - Assessor's Tax Map, 'C-1' - Aerial Photo, 'D' - Existing Comprehensive Plan Map and Exhibit 'E' - Existing Zoning Map).

**Natural Features.** (See Exhibit 'I' - Existing Conditions Map). (See Exhibit 'I-1' - Preliminary Grading and Drainage Plan). The subject property has been identified as having wetlands at the northwest portion of the property (see Exhibit 'C-1' - Aerial Photo with FEMA Overlay).

**Access and Circulation.** Access to the subject property will be provided from Hazel Dell Way at the southeast corner of the property. Hazel Dell Way is a designated Collector Street. Access to the subject property will also be provided from South East 1<sup>st</sup> Avenue near the existing driveway. The location of both driveways meet the driveway separation standards for a Collector Street as required by the City of Canby.

**Pre-application Meeting.** A pre-application meeting was held with City Staff on 26 April, 2018 for the proposed mixed use space development.

**Neighborhood Meeting.** A Neighborhood meeting was held on 24 September at the Hope Village Center located at 1589 S. Ivy Street in Canby (see Exhibit 'M' - Notification List and Exhibit 'M-1' - Neighborhood Meeting Letter). 6 people were in attendance at the Neighborhood Meeting (see Exhibit 'M-2' - Neighborhood Meeting Sign-in Sheet) and the following items were discussed (see Exhibit 'M-3' - Neighborhood Meeting Minutes): main access to the property, excavation and grading near the pond.

***Exhibit 'B-1'***

## **FINDINGS APPLYING TO THE CANBY DEVELOPMENT CODE CRITERIA FOR SITE PLAN REVIEW**

**REQUEST.** Site Plan Review for the construction of a mixed use storage/mercantile with office space development containing 1 building containing 28,975 square feet. The building will be one-story pre-engineered metal building (see Exhibit 'G' - Proposed Building Elevations and Floor Plans).

*City of Canby Standards and Criterion 16.48.050(A). Compliance of the proposal will all be applicable to the city ordinance requirements.*

### **SUPPORTIVE FINDINGS AND CONCLUSIONS:**

Sanitary Sewer: The site is provided sanitary sewer by an existing 8-inch sanitary sewer stub from the existing 10-inch sanitary sewer mainline in Hazel Dell Way. The 8-inch stub can provide service to a maximum of 1400 drainage fixture units per the State of Oregon Plumbing Specialty Code Table L-3. The proposed development as designed will have approximately 18 drainage fixture units. Thus the existing 8-inch sanitary sewer stub has adequate capacity for the proposal.

Domestic Water: The proposed development is served by an existing 8-inch waterline located in Hazel Dell Way. The domestic water demand for the proposed development's shell improvements is based on the 93 water fixture units (flush valve type) as calculated per the current State of Oregon Plumbing Specialty Code. The building contains a water fixture count of 93. This equates to a water demand of approximately 65 gallons per minute.

The proposed water service to provide the needs for the proposed building will be a 2-inches service with a 1 ½ inches meter. The 1 ½ inches meter will provide a safe maximum operation capacity of 100 gallons per minute, which is adequate to provide the needs of the proposed building. The supply line to the building will be appropriately designed upon final construction documents.

Fire Water: The preliminary plan is to provide fire sprinklers to the building. The required fire flow to the building based on using sprinklers is 1,500 gallons per minute. The required number of fire hydrants serving the development is 1. The required sprinkler supply to the building is estimated at 350 gallons per minute.

The proposed development is served by an existing 12-inch waterline in Hazel Dell Way public right of way. This 12-inch waterline has a flow capacity available to meet the fire flow from hydrants and the sprinkler flows required for the proposed building associated with this project.. The project proposes to branch from the 12-inch waterline with an 6-inch waterline that will provide the required fire sprinkler flows.

Fire water calculation of 1,500 gallons per minute is assumed to be adequate to provide the demand required of similar commercial building needs and assumed to be sufficient for the

proposed building. The project proposes to add a new fire hydrant near its access driveway from Hazel Dell Way very near the building Fire Department Connection (FDC). It is assumed that the proposed fire hydrant at the property's frontage will exceed the required 1,500 gallons per minute required to be available.

*Storm Water:* The storm drainage developed on the site development will be treated onsite based on the Clean Water Services requirements (as referenced in the City of Canby Design Standards). All storm waters from impervious surfaces will be routed through an Extended Dry Basin that will provide the necessary water quality treatment to the storm waters. Infiltration rates tested on the site provide the necessary rates with a factor of safety of 4.0 to allow all of the 10-yr, 24-hr storm event to infiltrate into the ground and provide groundwater recharge. The portion of the Extended Dry Basin that is above the required water quality volume will act as retention and allow storm waters to surge and be retained during a 10-year, 24-hour storm event. The Extended Dry Basin will be constructed with beehive overflow structures which will route extreme storm events to surface flow near the NE corner of the subject property where they will drain through an existing culvert under SE 1<sup>st</sup> Avenue.

*Development Standards (16.35.050):* The following subsections indicate the required development standards of the I-O zone. These standards replace the standards of the C-M zone, M-1 zone and M-2 zone, as follows:

A. *Minimum Lot Area: None*

The subject property contains 3.91 acres (170,320 square feet). This standard has been met.

B. *Minimum Lot Width and Frontage: None*

The subject property has 401.33 feet of frontage on Hazel Dell Way and 585.59 feet of frontage on South East 1<sup>st</sup> Avenue and varies in width from approximately 625 feet along the northern boundary of the site to approximately 575 feet along the southern boundary. This standard has been met.

C. *Minimum Yard Areas: Street yards - 20 feet for building up to 25 feet in height.*

The proposed building is 25 feet in height. A street yard area of 29 feet has been provided adjacent to Hazel Dell Way and a street yard area of 38 feet has been provided adjacent to South East 1<sup>st</sup> Avenue. This standard has been met.

*Interior Yard: 10 feet except 20 feet where abutting a residential zone.*

A side yard varying from approximately 329 feet to approximately 191 feet adjacent to the west and northwest property lines respectively adjacent to the building have been provided. A 62 feet setback has been provided adjacent to the south property boundary adjacent to the building and then an access driveway is provided to the street. This standard has been met.

D. *Maximum Building Height: 45 feet*

The proposed building is 25 feet in height. This standard has been met.

E. *Maximum Lot Coverage: None in the MI zone*

The proposed development will have a lot coverage of 142,597 square feet or 84% which includes the building and all paved areas with 16% of the property being landscaped. This standard has been met.

F. *Street access (curb cuts) spacing shall be a minimum of 200 feet on a designated parkway and collector streets.*

The subject property is located at the intersection of South East 1<sup>st</sup> Avenue, which is indicated as a local industrial roadway, and South East Hazel Dell Way, which is a designated Collector street. Primary access will be provided by a driveway built to industrial standards near the southeast corner of the property providing access to and from Hazel Dell Way, and another driveway built to industrial standards near the existing residential driveway providing access to and from Sout East 1<sup>st</sup> Avenue. Both proposed access points are beyond the minimum 200 feet spacing from the intersection. This standard has been met and can be ensured by a condition of approval.

G. *Street right-of-way improvements shall be made in accordance with the Canby Transportation System Plan (TSP)*

The pre-application meeting notes gave feedback that suggested the project would be responsible to make public infrastructure improvements to SE 1<sup>st</sup> Avenue that included partial street construction, curb and sidewalk construction on the south side and waterline construction from the west property limit to SE Hazel Dell Way. The specific limits of the required street improvements were as follows: 17 feet of street improvement from the centerline to the face of curb, new curb and a 5 feet wide curb tight sidewalk plus approximately 8 to 10 feet of pavement on the north side of the centerline.

The pre-application notes for the neighbors' proposed development gave a slightly different direction on the street improvements. The notes from that pre-application meeting directed the neighbor to extend the same street section that was constructed for the neighboring project to its west. This dictates a lesser width south of the centerline and to utilize the existing paved street section to make the required street pavement width. Corresponding with the design engineer for the neighbor's project to the west our proposal is the match their proposed section up to the curve in the road. Through the curve in the road the improvement width is proposed to transition from the street section established by the existing development to the west to the suggested section in our project pre-



application notes.

South East Hazel Dell Way is currently improved with full street width from curb to curb and with a sidewalk along the east side of South East Hazel Dell Way across the project frontage including a landscape planter between the proposed sidewalk and the existing curb. A transition in sidewalk alignment will occur around the radius return from a property line tight sidewalk to a curb line tight sidewalk.

- H. *Building orientation standards. Development in the M-1 zoning and M-2 zone shall provide at least one public entrance facing the street. A direct pedestrian connection shall be provided between the primary building entrance and public sidewalk.*

The building has one entrance facing South East 1<sup>st</sup> Street with a direct pedestrian connection to the sidewalk adjacent to South East 1<sup>st</sup> Street and one entrance facing Hazel Dell Way with a direct pedestrian connection to the sidewalk adjacent to Hazel Dell Way.

- I. *Right-of-way plantings. Street trees and ground cover plantings shall be installed with development as approved by the City. Shrubs are prohibited within the public right-of-way.*

The applicant will provide the necessary number of street trees of an approved variety as approved by the City Forester. No shrubs are proposed to be planted within the South East 1<sup>st</sup> Avenue or Hazel Dell Way right-of-ways (see Exhibit 'H-2' - Preliminary Landscape and Irrigation Plans). This standard has been met and can be ensured by a condition of approval.

- J. *Metal building exteriors are prohibited, except that the Planning Commission may approve architectural metal elements that accent and enhance the aesthetics of building entrances and office areas.*

The building exterior will be Kingspan 300 Series Granitstone insulated panels which offer the appearance of stucco. Contrasting color panels will be used to provide architectural relief and compliment the other building features.

The main building entrance will be anodized aluminum framed store-front with tinted glass. Overhead doors will be used for the storage/service access to the building. These may be provided with lights (windows) and may have a textured finish.

These standards can be met and can be ensured by a condition(s) of approval.

- K. *Lighting shall be required for all streets, sidewalks, and pedestrian ways. Applications for land division approval and site plan review shall include*

*photometric plans.*

Site lighting will be provided and will be extended into each proposed expansion area (see Exhibit 'K' - Photometric Plans). Lighting will be provided from wall-mounted fixtures on all sides of the building. Front and side glare shields will be placed on all lighting fixtures to reflect the light on the building and access aisles within the development. Lighting will also be provided in the parking areas along the south and west sides of the property via downward lit lamps. No lighting will reflect on adjacent properties, streets, or into the night sky. This standard can be met and can be ensured by a condition of approval.

- L. *Shared Access: The City may require the provision of shared access drives through the land division review process. Shared access drives are intended to maintain adequate driveway spacing and circulation along the designated Parkway and Collector Streets.*

The proposed development has no proposed shared access with any adjacent properties.

- M. *All landscaped areas shall be irrigated unless drought tolerant plants are installed and watered until well established and replaced in event of failure.*

The preliminary landscape plan indicates that all landscaped areas will be planted with drought tolerant plants. Sufficient sources of water will be provided on site to ensure plants are well established. This standard can be met and can be ensured by a condition of approval.

- N. *Vehicle Parking.*

The gross floor area of the storage/showroom area is 27,913.3 square feet which requires 28 parking spaces. The total office area of the building is 1061.7 square feet which requires 1 parking spaces for a total of 29 parking spaces.

- O. *Bicycle Parking.*

The proposed building contains a total of 27,036 square feet of "storage" which requires 3 bicycle storage spaces. Bicycle parking is provided on the south side of the building. This standard can be met and can be ensured by a condition of approval.

- P. *Signage.*

The proposed development will include one 10' X19' wall mounted sign on the southeast corner of the building. This wall mounted sign will be 10 feet high and 19 feet wide utilizing the maximum surface area allowed of 190 square feet. There will also be a 5'-7"X10'-9" wall mounted sign on the north wall and the

south wall of the building. These wall mounted signs will be 5 feet, 7 inches high by 10 feet, 9 inches wide. (see Exhibit ‘G’ - Proposed Building Elevations and Floor Plans). The name of the development “Active Water Sports” will be displayed on all three signs. This standard can be met and can be ensured by a condition of approval.

- Q. *All other regulations: The C-M, M-1 and M-2 zone provide other regulations to vision clearance, Highway 99E sidewalk width, setback measurements, outside storage, and wireless/cellular tower certification.*

Vision Clearance: No trees, fences, signs or shrubs are proposed to be placed in any vision clearance area. Vision Clearance regulations can be met and can be ensured by a condition of approval.

Highway 99E Sidewalk Width: The subject property does not lie adjacent to Highway 99E. These regulations do not apply.

Setback Measurement: All setback requirements have been met and can be ensured by a condition of approval.

Outside Storage: Outside long-term dry storage of boats is proposed on the western portion of the subject property lot. This outside storage area does not abut with any residential zone. Landscaping will be provided along the north, west and south edges of the storage area. This standard can be met and can be ensured by a condition of approval.

Wireless/Cellular Tower Certification: No Wireless/cellular tower is proposed for the site. These regulations are not applicable.

*Design Guidelines (16.35.060): The Industrial Area Master Plan provides design guidelines for reviewing development applications. The guidelines which are incorporated into Table 16.35.040, encourage:*

- A. *Flexibility to align local streets based on parcelization and development requirements:*

The subject property is part of a platted subdivision (Burden No. 2). No additional street is proposed. This design guideline is not applicable.

- B. *Tree retention, planting of large (3-inch) caliper trees, and use of lawn/ground cover planting in front yard setbacks:*

The subject property contains existing trees on the property (see Exhibit ‘I’ - Existing Conditions) which will be cleared for the proposed development. Three-inch caliper trees will be planted within the north, east and south side yard set

backs and along the west boundary of the property, and throughout the parking areas. This design guideline has been met and can be ensured by a condition of approval.

C. *Placement of buildings at or near the setback line:*

The proposed building is located 62 feet from the south setback, 29 feet from the east set back and 38 feet from the north setback. This allows for a large outdoor storage area, a loading zone and parking located at the western area of the property. This design guideline has been met and can be ensured by a condition of approval.

D. *Placement of parking areas to the side or rear of buildings:*

Three (3) of the twenty-nine (29) parking spaces are located at the south end of the building. The remaining spaces are located along the landscaping beds adjacent to the south and west property lines.

E. *Placement of smaller commercial buildings at or near the street:*

There are no proposed additional buildings in this development. This design guideline is not applicable.

F. *Building entries visible from the street with direct pedestrian connections:*

The proposed building has a man door and overhead sectional door visible from South East 1<sup>st</sup> Avenue and a man door visible from Hazel Dell Way. Both doors have direct pedestrian connections from South East 1<sup>st</sup> Avenue and Hazel Dell Way respectively that connect to an interior private walkway adjacent to the north, east and south sides of the building which lead to the main entrance at the southwest corner of the building.

G. *Use of quality building materials:*

The building exterior will be a pre-engineered metal building (PEMB) framing system clad with Kingspan 300 Series Granitstone insulated panels with an exterior finish which resembles stucco, and a standing seam metal roof. The exterior windows will be dual-pane, low-E windows with solar heat gain coefficient meeting or exceeding the requirement of the building code. The frames will be anodized aluminum. Overhead doors will be insulated metal sectional doors.

H. *Architectural detail to break up and articulate large surfaces and volumes, and to accentuate building entries:*

The building exterior will be Kingspan 300 series Granitstone insulated panels

with a finish resembling stucco. These panels are available in a variety of colors, and contrasting colored panels will be used to provide architectural relief and compliment the other building features. The main building entrance located at the southwest corner of the building will be anodized aluminum store-front with tinted glass. Overhead doors will be used for the storage and service access points to the building. These may be provided with lights (windows) and may have a textured finish. This design guideline has been met and can be ensured by a condition of approval.

I. *Open space retention and trail connections, as designated by the Master Plan:*

No open space retention or trail connections are located on the subject property. This design guideline is not applicable.

*Design review matrix (16.35.070): The City uses the following matrix to evaluate compliance with the I-O design guidelines. Exception: The City may reduce the minimum acceptable score(s) upon finding that certain provisions do not apply.*

| <b>CRITERIA</b>   | <b>Possible Score</b>    |
|---|--------------------------|
| <b><u>Parking</u></b>   |                          |
| Parking areas located to the side or rear of buildings as viewed from public right-of-way: <50% = 0; 50%-75% = 1; 75%-100% = 2.   | <b>2</b>                 |
| Increase minimum interior parking lot landscape over the base 15%: 15%-18% = 0; 18%-22% = 1; >22% = 2   | <b>0</b>                 |
| Increase the base number of trees required by 16.49.120 (all landscape islands must contain 1 tree, 1 tree for every 40' along the required setback): 100%-105% of base requirement = 0; 105%-110% of base requirement = 1; >110% of base requirement = 2 (# of trees proposed/# of trees required x 100 = % of base requirement) | <b>0</b>                 |
| Number of parking spaces provided: (% of required minimum): >110% = 0; 110%-105% = 1; 105%-100% = 2. See Table 16.10.050 for required parking. (# of spaces proposed/# of spaces required x 100 = % of required minimum)  | <b>2</b>                 |
| <b>Minimum Acceptable Score</b>   | <b>4 points</b>          |
|   | <b>Proposed Score: 4</b> |

**Transportation/Circulation**

Design private, on-site pedestrian pathways:  
 6' painted ways = 0; 6' brick/paver ways = 1; **1**  
 6'brick/paver & raised concrete = 2

Number of pedestrian connections between the street  
 sidewalk and internal circulation system: One conneciton = 0; **1**  
 Two or more connections = 1

**Minimum Acceptable Score (some provisions may not apply) 2 points Proposed Score: 2**

**Landscaping**

Tree installed at 3 inch caliper: <25% of trees = 0;  
 25%-50% = 1; 50%-100% = 2 **2**

Usable outdoor amenity provided with development  
 (e.g., water features, plazas, seating areas, and similar  
 features): no = 0; yes = 1; yes and for public use = 2 **0**

Amount of grass (less grass is better) (% of total landscaped area):  
 >50% = 0; 25%-50% = 1; <25% = 2 **2**

**Minimum Acceptable Score 3 points Proposed Score: 4**

**Building Appearance and Orientation**

Building Orientation at or near the street: parking or drive  
 separates building from street = 0; at least 20% of elevation  
 within 5 feet of minimum setback = 1; at least 20% of  
 elevation is at minimum setback = 2 **0**

Building entrances visible from the street: no = 0; yes = 1 **1**

Building uses quality materials: concrete, wood, or wood  
 siding = 0; concrete masonry, stucco, or similar material = 1;  
 brick or stone = 2 **1**

Articulation and/or detailing to break up large building surfaces  
 and accentuate the building entrances(s): no = 0; yes = 2 **2**

**Minimum Acceptable Score 4 points Proposed Score: 4**

**SUPPORTIVE FINDINGS AND CONCLUSION:** The proposed development is in

compliance with the design guidelines for the M-1 Industrial District and Industrial Overlay District. Compliance can be ensured by a condition(s) of approval.

*City of Canby Standards and Criterion 16.48.050(B). A determination that the proposal will result in no unusually hazardous conditions for motorists, bicyclists, pedestrians or other users of the site.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** An “Industrial” zoning designation identifies area that are suitable for a wide range of light industrial uses including corporate offices, research and development, high technology, manufacturing, warehousing, and other accessory and compatible uses that have minimal environmental effects. Any noise emitted from the proposed development will be well within the Department of Environmental Quality (DEQ) and the City’s standards for purposes of noise regulations.

The existing street improvement provides bike lanes on both sides of Hazel Dell Way. Sidewalks are currently provided on the east side of Hazel Dell Way and will be provided on the west side of the street across the frontage of the subject property as a part of the proposed development. Sidewalks will also be provided on the south side of South East 1<sup>st</sup> Avenue across the frontage of the subject property as part of the proposed development. In keeping with transportation standards, a joint use driveway will be provided to serve the subject property to the south. Compliance with this Criterion can be ensured through a condition(s) of approval resulting from the review process.

*City of Canby Standards and Criterion 16.48.050(D). A finding that any previously established conditions of approval (for a variance, conditional use, etc.) have been met.*

**SUPPORTIVE FINDING AND CONCLUSION:** To the applicant’s knowledge, other than Subdivision approval, no other land use decisions have been granted for the subject property and there are no existing conditions of approval to be met. This criterion is not applicable.

*City of Canby Standards and Criterion 16.48.050(E). For residential structures moved onto the site including, but not limited to manufactured homes, a determination shall be made by staff that a near like-new or historically restored condition of building exterior shall exist prior to occupancy. This determination shall include an evaluation of color, materials and appearance of siding, roofing and appurtenances, as determined by evidence of recent painting, new construction, or replacement or repair of weathered, damaged or deteriorated materials or surfaces.*

**SUPPORTIVE FINDING AND CONCLUSION:** Existing residential structure shall be demolished and all material properly removed/disposed of. No residential structure will thereafter be placed on the site. This Criterion is not applicable.

*City of Canby Criterion and Standards 16.49.040(A). In review of a Type III Site and Design review, the Board shall, in exercising or performing its powers, duties or functions, determine wether there is compliance with the following:*

1. *The proposed site development, including the site plan, architecture, landscaping and graphic design, is in conformance with the standards of this and other applicable city ordinances insofar as the location, height and appearance of the proposed development; and*

**SUPPORTIVE FINDING:** The proposed site development as demonstrated on pages 5 to 10 is in conformance with the standards of the Canby Development Code.

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

**SUPPORTIVE FINDING:** The proposed building and parking areas are compatible with the design of other industrial developments located within the same general vicinity of the proposed development.

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

**SUPPORTIVE FINDINGS:** The proposed development will provide a quality environment, with attractive building architecture, landscaped yards and streetscape. The proposed development is designed for storage and commercial uses which will utilize a small attached office in conjunction with a clean, non-polluting industrial use. The proposed development is designed to promote no objectionable external effects on surrounding properties.

Signage will be limited to three wall-mounted signs (see Exhibit 'G' - Proposed Building Elevations and Floor Plans). The wall mounted sign on the east wall will be 10 feet high and 19 feet wide utilizing the maximum surface area allowed of 190 square feet. Two smaller wall mounted signs will be located on the north and south walls of the proposed building. These smaller wall mounted signs will each be 5 feet, 7 inches high by 10 feet, 9 inches wide. The name of the development "Active Water Sports" will be displayed on all three signs.

This criterion has been met and can be ensured by a condition(s) of approval as necessary.

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

**SUPPORTIVE FINDING:** The storm water drainage and landscaping plan include multiple Low Impact Drainage Approaches (LIDA). The landscape area



adjacent to the east side of the building adjacent to Hazel Dell Way is designed to be an extended dry basin. An extended dry basin will also be provided at the north end of the subject property..

5. *The Board shall, in making its determination of compliance with this Ordinance, shall use the matrix in Table 16.49.040 to determine compattibility unless this matrix is superseded by another matrix applicable to a specific zone or zones under this title. An application is considered to be compatible with the standards of Table 16.49.040 if the following conditions are met:*

- a. *The number accumulates a minimum of 60% of the total possible number of points from the list of design criteria in Table 16.49.040; and*
- b. *At least 10 percent of the points used to comply with (a) above must be from the list of LID Elements in Table 16.49.040.*

**SUPPORTIVE FINDING AND CONCLUSION:** Table 16.49.040 is superseded by design review matrix 16.35.070 to evaluate compliance with the I-O design guidelines.

| <b>CRITERIA</b>  | <b>Possible Score</b> |
|--|-----------------------|
| <b><u>Parking</u></b>  |                       |
| Parking areas located to the side or rear of buildings as viewed from public right-of-way: <50% of parking spaces = 0;<br>50%-75% = 1; 75%-100% = 2  | <b>2</b>              |
| Increase minimum interior parking lot landscape over the base<br>15%: 15%-18% = 0; 18%-22% = 1; >22% = 2   | <b>0</b>              |
| Increase the base number of trees required by 16.49.120 (all landscape islands must contain 1 tree, 1 tree for every 40' along the required setback): 100%-105% of base requirement = 0;<br>105%-110% of base requirement = 1; >110% = 2 (# of trees proposed/# of trees required x 100 = % of base requirement) | <b>0</b>              |
| Number of parking spaces provided: (% of required minimum):<br>>110% = 0; 110%-105% = 1; 105%-100% = 2. See Table 16.10.050 for required parking. (# of spaces proposed/# of spaces required x 100 = % of required minimum)  | <b>2</b>              |

**Minimum Acceptable Score            4 points                    Proposed Score: 4**

**Transportation/Circulation**

Design private, on-site pedestrian pathways:  
6' painted ways = 0; 6' brick/paver ways = 1; **1**  
6' brick/paver & raised concrete = 2

Number of pedestrian connections between the street  
sidewalk and internal circulation system: **1**  
One connection = 0; Two or more connections = 1

**Minimum Acceptable Score (some provisions  
may not apply) 2 points Proposed Score: 2**

**Landscaping**

Trees installed at 3 inch caliper: <25% of trees = 0;  
25%-50% = 1; 50%-100% = 2 **2**

Usable outdoor amenity provided with development  
(e.g., water features, plazas, seating areas, and similar features): **0**  
no = 0; yes = 1; yes and for public use = 2

Amount of grass (less is better) (% of total landscaped  
area): >50% = 0; 25%-50% = 1; <25% = 2 **2**

**Minimum Acceptable Score 3 points Proposed Score: 4**

**Building Appearance and Orientation**

Building Orientation at or near the street: parking or drive  
separates building from street = 0; at least 20% of elevation  
within 5 feet of minimum setback = 1; at least 20% of  
elevation is at minimum setback = 2 **0**

Building entrances visible from the street:  
no = 0; yes = 1 **1**

Buildings use quality materials: concrete, wood,  
or wood siding = 0; concrete masonry, stucco, or similar  
material = 1; brick or stone = 2 **1**

Articulation and/or detailing to break up large building surfaces  
and accentuate the building entrance(s): no = 0; yes = 2 **2**

**Minimum Acceptable Score 4 points Proposed Score: 4**

**SUPPORTIVE CONCLUSION:** The proposed development is in conformance with the minimum acceptable score in all of the above listed categories. This criterion has been met and can be ensured by conditions of approval if necessary.

*City of Canby Criterion and Standards 16.49.040(B). In review of a Type II Site and Design Review application described in Section 16.49.035.A.1, the Planning Director shall, in exercising his powers, duties or functions, determine whether there is compliance with the DCO site and design review standards.*

**SUPPORTIVE FINDING:** The proposed development is a Type III Site and Design Review application. This Criterion is not applicable.

*City of Canby Criterion and Standards 16.49.040(C). In review of a Type III Site and Design Review application, the Board shall, in exercising its powers, duties or functions determine whether there is compliance with the INTENT of the design review standards set forth in this Ordinance.*

**SUPPORTIVE FINDING:** As demonstrated, in the Findings document, the proposed development has met the majority of the design review standards and for those standards not in full compliance, the intent of the design standard has been met to the extent possible.

*City of Canby Criterion and Standards 16.49.040(D). The Board shall, in making its determination of compliance with the above requirements, be guided by the objectives and standards set forth in this Ordinance. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed development. If the site and design review plan includes utility facilities or public utility facility, then the City Planner shall determine whether those aspects of the proposed play comply with applicable standards.*

**SUPPORTIVE FINDING:** As demonstrated in the Findings document, all required facilities and services are available to the site and are of adequate size to meet the needs of the proposed development. This Criterion has been met.

*City of Canby Criterion and Standards 16.49.040(E). The Board shall, in making its determination of compliance with the requirements set forth, consider the effect of its action on the availability and cost of needed housing. The Board shall not use the requirements of this section to exclude needed housing types. However, consideration of these factors shall not prevent the Board from imposing conditions of approval necessary to meet the requirements of this section. The costs of such conditions shall not unduly increase the cost of housing beyond the minimum necessary to achieve the purposes of this ordinance.*

**SUPPORTIVE FINDING:** The proposed development does not include housing. This Criterion is not applicable.

*City of Canby Criterion and Standards 16.49.040(F). As part of the site and design review, the property owner may apply for approval to cut trees in addition to those allowed in Chapter*

*12.32 the city Tree Ordinance...*

**SUPPORTIVE FINDING:** The subject property contains trees that will have to be removed. Trees of 3-inch caliper will be planted to replace trees removed. (see Exhibit 'H' - Site Landscape Area Plan). This Criterion has been met.

**SUPPORTIVE CONCLUSION.** The relationship of the proposed development to the existing and future industrial developments will be reasonably compatible with surrounding development and land uses. The subject property is a part of an existing "industrial area" and the proposed mixed use storage and mercantile space development will be consistent with the existing uses surrounding the property in appearance and types of use. Storage, sales and service of water craft will most likely provide all of the jobs in this proposed storage/mercantile space development. This Criterion can be met and can be ensured by a condition(s) of approval.

*Exhibit 'B-2'*

## **FINDINGS APPLYING TO THE CANBY DEVELOPMENT CODE CRITERIA FOR CONDITIONAL USE**

**Request.** Conditional Use for the construction of a mixed use storage/mercantile space development containing 1 (one) building containing a total of 28,975 square feet that will provide for less than 12 employees per developed acre on a 3.91-acre site.

*City of Canby Criterion 16.50.010(A). The proposal will be consistent with the policies of the Comprehensive Plan and other applicable policies of the city; and*

**SUPPORTIVE FINDINGS AND CONCLUSION:** *(Goals and applicable Policies are shown in italic bold).*

### **1. Citizen Involvement**

**Goal:** *To provide the opportunity for citizen involvement throughout the planning process.*

**Policy 1:** *Canby shall reorganize its citizen involvement functions to formally recognize the role of the Planning Commission in meeting the six required citizen involvement components of Statewide Planning Goal No. 1, and to re-emphasize the City's commitment to ongoing citizen involvement.*

**SUPPORTING FINDING AND CONCLUSION:** The Goal and Policy are generally directives to the City. However, the Neighborhood Meet and Public Hearing before the Planning Commission are consistent with the intent of the Citizen Involvement Goal and related Policy.

### **2. Urban Growth**

**Goal 1:** *To preserve and maintain designated agricultural and forest lands by Protecting them form urbanization.*

**Goal 2:** *To provide adequate urbanizable area for the growth of the City, within the framework of an efficient system for the transition form rural to urban land use.*

**Policy 3:** *Canby shall discourage the urban development of properties until they have been annexed to the City and provided with all necessary urban services.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** While the subject property contains a vacant residential structure and once was farmed, it is no longer in agricultural use. No adjacent land is utilized for farming. Goal 1 is not applicable. The subject property is within the city limits and has been subdivided and provided with all necessary urban services. The Goals and applicable Policy have been met.

### **3. Land Use**

- Goal 1:** *To guide the development and uses of land so that they are orderly, efficient, aesthetically pleasing, and suitably related to one another.*
- Policy 1:** *Canby shall guide the course of growth and development so as to separate conflicting or incompatible uses while grouping compatible uses.*
- Policy 3:** *Canby shall discourage any development which will result in overburdening any of the community's public facilities and services.*
- Policy 4:** *Canby shall limit development in areas identified as having an unacceptable level of risk because of natural hazards.*
- Policy 5:** *Canby shall utilize the land use map as the basis of zoning and other planning or public facility decisions.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The Goal and Policies are generally directives to the City. The subject property is located within an industrial designated portion of the city so the existing and proposed uses in this area will be compatible. All public utilities have been extended to the site and Hazel Dell Way has been fully improved with the exception of sidewalks. Sidewalks have been provided adjacent to developed properties and will be installed as the vacant properties develop. There are no unacceptable level of risks because of natural hazards identified on the property. The proposed development is consistent with the applicable Land Use Goal and Policies.

#### **4. Environmental Concerns**

- Goals:** *To protect identified natural and historical resources.  
To prevent air, water, alnd and noise pollution.  
To protect lives and property from natural hazards.*

- Policy 3-R:** *Canby shall require that all existing and future development activities meet the prescribed standards for air, water, and land pollution.*
- Policy 4-R:** *Canby shall seek to mitigate, wherever possible, noise pollution generated from new proposals or existng activities.*
- Policy 7-R:** *Canby shall seek to improve the overall scenic and aesthetic qualities of the city.*
- Policy 10-R:** *Canby shall attempt to minimize the adverse impacts of new developments on wetlands.*

#### **SUPPORTIVE FINDINGS:**

1. The subject property is not located within a Historic District nor has the property been identified as an archaeological site.
2. A wetland area has been identified near the northwest portion of the subject property.
3. An Industrial zoning designation identifies areas that are suitable for a wide range of light industrial uses including corporate offices, research and development, high technology, manufacturing, warehousing, wholesaling, and other accessory and compatible uses that have minimal environmental effects including self-

- storage facilities.
4. The manufacturing of toxic materials or storage of toxic materials on site is not intended to occur on the site and this can be ensured by a condition of approval resulting from the Site Plan Review process.
  5. Any noise emitted from the development as a result of the proposed development will be well within the Department of Environmental Quality (DEQ) and the City's standards for purposes of noise regulations. This can be ensured by a condition(s) of approval resulting from the Site Plan Review process.
  6. The provision of landscape areas adjacent to the property boundaries of the proposed development will enhance the overall appearance of the area and provide additional visual buffering of parking area from the street.
  7. Additional habitat for birds and other small animals will also be provided within the landscaped area and detention pond.

**SUPPORTIVE CONCLUSION:** These Goals and related Policies can be met and ensured by conditions of approval.

#### ***5. Transportation Element***

***Goal: To develop and maintain a transportation system which is safe, convenient and economical.***

***Policy 2: Canby shall work cooperatively with developers to assure that new streets are constructed in a timely fashion to meet the City's growth needs.***

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

***Policy 7: Canby shall provide appropriate facilities for bicycles and, if found to be needed, for other slow moving energy efficient vehicles.***

#### **SUPPORTIVE FINDINGS:**

A Traffic Impact Analysis was prepared by DKS. Access to the site will be provided by South East 1<sup>st</sup> Avenue, which is indicated as an "industrial roadway" by the City of Canby. Access to the site will also be provided by Hazel Dell Way, which is classified as a collector roadway by the City of Canby (see Exhibit 'M' - Traffic Impact Analysis) via an access driveway located at the southeast corner of the property. The proposed development was determined during study scoping to not likely generate enough traffic to warrant an off-site transportation analysis. The proposed development would generate an additional 12 net new trips in the morning peak period and 19 new trips in the evening peak period. The proposed site access points were found to meet City access spacing requirements and provide adequate connectivity to the site. Therefore, no mitigations were recommended.

Hazel Dell Way currently is improved to city standards with bike lanes on both sides of the street and sidewalks adjacent to developed properties. South East 1<sup>st</sup> Avenue will be developed to city standards along the frontage of the subject property. A sidewalk will be constructed across the frontage of the subject property on South East 1<sup>st</sup> Avenue and Hazel Dell Way as part of the

proposed development.

**SUPPORTIVE CONCLUSION:** This Goal and related Policies can be met and ensured by conditions of approval.

**6. *Public Facilities and Services Element***

- Goal 1:** *To assure the adequate provision of water services to meet the needs of the residents and property owners of Canby.*
- Goal 2:** *To assure the adequate provision of waste water services to meet the needs of the residents and property owners of Canby.*
- Goal 3:** *To assure the adequate provision of Storm drainage services to meet the needs of the residents and property owners of Canby.*
- Goal 4:** *To assure the adequate provision of transportation services the meet the needs of residents and property owners of Canby.*
- Goal 6:** *To assure the provision of a full range public facilities and services to meet the needs of the residents and property owners of Canby.*

**SUPPORTIVE FINDINGS:** The subject property is fully served by city water, sanitary sewer and storm sewer. The subject property takes access to South East 1<sup>st</sup> Avenue, an indicated industrial roadway, and Hazel Dell Way, a designated collector street. South East 1<sup>st</sup> Avenue and Hazel Dell Way are connected to Sequoia Parkway, which is also a designated collector street. In addition the subject property is served by the Canby Police Department, the Canby Fire District, Northwest Natural Gas, Canby Electric, Direct Link and Wave Broadband. Existing public facilities and services and private infrastructure utilities necessary to serve the proposed development are currently in place.

**SUPPORTIVE CONCLUSION:** These Goals have been met.

**7. *Economic Element***

**Goal:** *To diversify and improve the economy of the City of Canby.*

- Policy 1:** *Canby shall promote increased industrial development at appropriate locations.*
- Policy 3:** *Canby shall encourage economic programs and projects which will lead to an increase in local employment opportunities.*

**SUPPORTIVE FINDINGS:** The proposed development site is zoned for the construction of industrial buildings. The proposed mixed use storage/mercantile space development is intended to be utilized by Active Water Sports to provide long and short-term dry storage of water craft for their customers as well as the sales and service of water craft. The building on the site will be 28,975 square feet to accommodate these activities.

**SUPPORTIVE CONCLUSION:** This goal and related policies have been met.

**8. *Energy Conservation Element***



***Goals: To conserve energy and encourage the use of renewable resources in place of non-renewable resources.***

***Policy 1: Canby shall encourage energy conservation and efficiency measures in construction practices.***

**SUPPORTIVE FINDINGS AND CONCLUSION:** The building that will be constructed on the subject property has been designed to meet or exceed the building code requirements of energy efficiency. The location of the site at the intersection of a Collector Street (Hazel Dell Way) and an Industrial Roadway (South East 1<sup>st</sup> Avenue), and the availability of an existing public transit on Sequoia Parkway (approximately 780 feet away) and existing bicycle transportation facilities on Hazel Dell Way and Sequoia Parkway make the site highly accessible and serves to reduce the energy needed to reach the site. These factors result in the site being consistent with the energy conservation requirements of this Goal and Policy.

***City of Canby Criterion 16.50.010(B). The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features; and***

**SUPPORTIVE FINDINGS AND CONCLUSION:** The area being considered for the proposed Site Plan Review with Conditional Use approval consists of Tax Lot 3S-1E34-500 which contains 3.91 acres (see attached Site Plan). The Site Plan Review application is for the construction of a mixed use storage/mercantile space development containing 1 building containing 28,975 square feet. The building will be one-story pre-engineered metal building (PEMB) (see Exhibit ‘G’ - Proposed Building Elevations and Floor Plans).

The site is large enough to accommodate the proposed use and there are no natural features that would compromise the proposed development. This Criterion has been met.

***City of Canby Criterion 16.050.010(C). All required public facilities and services exist to adequately meet the needs of the proposed development.***

**SUPPORTIVE FINDINGS:**

1. *Street Capacity:*

A Traffic Impact Analysis was prepared by DKS. Access to the site will be provided by South East Hazel Dell Way, which is classified as a collector roadway by the City of Canby, and South East 1<sup>st</sup> Avenue, which is classified as an industrial roadway by the City of Canby (see Exhibit ‘M’ - Traffic Impact Analysis). The proposed development was determined during study scoping to not likely generate enough traffic to warrant an off-site transportation analysis. The proposed development would generate an additional 12 net new trips in the morning peak period and 19 new trips in the evening peak period. The proposed site access points were found to meet City access spacing requirements and provides adequate connectivity to the site. Therefore, no mitigations were recommended.

2. *Access Requirements:*

Access to the subject property will be provided from South East 1<sup>st</sup> Avenue near the existing driveway. South East 1<sup>st</sup> Avenue is an indicated Industrial roadway. Access to the subject property will also be provided from Hazel Dell Way at the southeast corner of the property. Hazel Dell Way is a designated Collector Street. This access will not be a shared access with the adjoining property to the south, Tax Lot 3900 Tax Map 31E34 which is currently under development and is owned by OCI Investments, LLC. The driveways at South East 1<sup>st</sup> Avenue and Hazel Dell Way meet the driveway separation standards for and Industrial roadway and a Collector Street as required by the City of Canby. This standard has been met and can be ensured by a condition of approval.

3. *Pedestrian Safety:*

A sidewalk has been provided on the east side of Hazel Dell Way. As part of the development of the subject property, a 6'wide sidewalk and a 5' wide planter strip will be provided across the east frontage of the subject property adjacent to Hazel Dell Way. A 5' wide sidewalk will be provided across the north and northwest frontages of the subject property adjacent to South East 1<sup>st</sup> Avenue. This standard can be met and can be ensured by a condition of approval.

4. *Sanitary Sewer:*

The site is provided sanitary sewer by an existing 8-inch sanitary sewer stub from the existing 10-inch sanitary sewer mainline in Hazel Dell Way. The 8-inch stub can provide service to a maximum of 1400 drainage fixture units per the State of Oregon Plumbing Specialty Code Table L-3. The proposed development as designed will have approximately 18 drainage fixture units. Thus the existing 8-inch sanitary sewer stub has adequate capacity for the proposal and includes a significant amount of reserve capacity for future tenant improvements. This standard has been met and can be ensured by a condition of approval.

5. *Water:*

The proposed development is served by an existing 8-inch waterline located in Hazel Dell Way. The domestic water demand for the proposed development's building is based on the 93 water fixture units (flush valve type) as calculated per the current State of Oregon Plumbing Specialty Code. This equates to a water demand of approximately 65 gallons per minute for the proposed building.

The proposed water service to provide the needs for the proposed building will be a 2-inch service with a 1 ½ inches meter. The 1 ½ inches meter will provide the needs of the proposed building. The supply line to the building will be appropriately designed upon final construction documents. This standard has been met and can be ensured by a condition of approval.

6. *Fire Water:*

The preliminary plan is to provide fire sprinklers in the building. The required fire flow to the building based on using sprinklers is 1,500 gallons per minute. The required number of fire hydrants serving the development is 1. The required sprinkler supply to the building is estimated at 350 gallons per minute.

The proposed development is served by an existing 12-inch waterline. This 12-inch waterline has a flow capacity available to meet the fire sprinkler flows required for this project. The project proposes to branch from the 12-inch waterline with a 6-inch feed to the building for the sprinkler supply.

Fire water calculation of 1,500 gallons per minute is assumed to be adequate to provide the demand required of similar commercial building needs and assumed to be sufficient for the proposed building. The project proposes to add a new fire hydrant near its access driveway from Hazel Dell Way very near the building Fire Department Connection (FDC). It is assumed that the proposed fire hydrant at the property's frontage will exceed the required 1,500 gallons per minute required to be available.

The proposed development will comply with Fire and Life Safety Code requirements at the time the subject property is developed. Provisions of adequate fire access and placement of fire hydrants will be reviewed at the time of submittal of Building and Engineering Plans for permitting. This standard has been met and can be ensured by a condition of approval.

7. *Storm Drainage:*

The storm drainage developed on the site development will be treated onsite based on the Clean Water Services requirements (as referenced in the City of Canby Design Standards). All storm waters from impervious surfaces will be routed to an Extended Dry Basin that will provide the necessary water quality treatment to the storm waters and infiltrate them for ground water recharge. The portion of the Extended Dry Basin that is above the required water quality volume will act as retention and allow storm waters to surge and be retained during a 10-year and 25-year, 24-hour storm events while infiltration is occurring. The emergency overflow from the onsite system will be surface flows from the Extended Dry Basin into the Hazel Dell Way street right of way. The design will include a minimum of 1 foot of free board beyond the 25-year, 24-hour storm event prior to overflow.

8. *Police:*

Lighting will be provided from wall-mounted fixtures on all sides of the building. Front and side glare shields will be placed on all lighting fixtures to reflect the light on the building and access aisles within the development. Lighting will also be provided in the parking areas located at the south and west sides of the property via downward shining lamps. No lighting will reflect on adjacent properties, streets, or into the night sky. On-

site security/monitoring systems may be provided within the proposed development.

**SUPPORTIVE CONCLUSION:** The necessary public facilities, services and utilities are already in place and are available to provide service to the subject property. Sidewalks have been provided adjacent to the east side of Hazel Dell Way and will be provided on the west side of Hazel Dell Way as the vacant properties develop. Sidewalks will also be provided on the south side of South East 1<sup>st</sup> Avenue along the frontage of the subject property. Expansion of the public services is not needed to serve the proposed expansion of an existing self storage facility. The existence and availability of public services, facilities and utilities to the subject properties fulfills this criterion directive and can be ensured by a condition of approval.

*City of Canby Criterion 16.50.010(D). The proposed use will not alter the character of the surrounding areas in a manner which substantially limit, or precludes the use of surrounding properties for the uses listed as permitted in the zone.*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The proposed development will provide a quality environment, with attractive building architecture, landscaped yards and streetscape. The proposed development is designed for water craft dry storage, sales and service which will utilize a small attached office and showroom in conjunction with a clean, non-polluting storage use. The proposed development is designed to promote no objectionable external effects on surrounding properties. This criterion has been met and can be ensured by a condition of approval as necessary.

*City of Canby 16.35.040(B) Conditional Uses). To approve a conditional use in the I-O zone, the Planning Commission shall find that each of the additional criteria are either met, or can be met by observation of conditions, unless it is not applicable:*

*(1) The proposed use is compatible with the industrial nature of the park and will have minimal negative impact on the development and use of surrounding properties:*

**SUPPORTIVE FINDINGS AND CONCLUSION:** The relationship of the proposed development to surrounding properties will not change as a result of the approval of the conditional use. The subject property is part of an existing “industrial area,” and the proposed development is consistent with the self-storage facility located on the abutting property to the west and will be consistent with future industrial type uses to surrounding properties as these properties are just as likely to not be able to meet the minimum 12 employees per developed acre. Sales and service of water craft and supporting administrative functions will most likely provide most of the jobs in this proposed mixed use storage/mercantile space development. Therefore, the proposed conditional use is appropriate for this specific property. This criterion has been met.

*(2) The proposed use does not pose a threat to public health or safety; and*

**SUPPORTIVE FINDINGS:** Public and private facilities, services and utilities are already in place and are available to provide service to the subject property. The proposed development will not have a “significant affect” on the roadways (South East 1<sup>st</sup> Avenue, Hazel Dell Way and

Sequoia Parkway) serving the site if developed with light industrial uses of the size intended for the proposed development. The manufacturing of toxic materials or storage of toxic materials on site is not intended to occur on the site and this can be ensured by a condition of approval resulting from the Site Plan Review process. This criterion has been met.

(3) *The proposed use is beneficial to the overall economic diversity and vitality of the City.*

**SUPPORTIVE FINDINGS:** The applicant is intending to develop a storage/mercantile business site that will provide short and long-term dry storage of water craft as well as the sales and service of water craft in an area that is currently served by City water, sanitary sewer and storm water facilities which have been sized to serve such a development with access to an Industrial roadway (South East 1<sup>st</sup> Avenue) and a Collector street (Hazel Dell Way).

The building on the site will be 28,975 square feet which is appropriately sized to accommodate activities related to water craft storage, sales and service. The building will include a showroom floor and supporting office spaces. There will be overhead doors along the west, north and south facades of the building to facilitate circulation of boats on trailers through the storage and service areas. The outside lot will accommodate additional long-term dry storage of boats.

The private access driveway connecting to Hazel Dell Way and the private access driveway connecting to South East 1<sup>st</sup> Avenue will be constructed to industrial specifications.

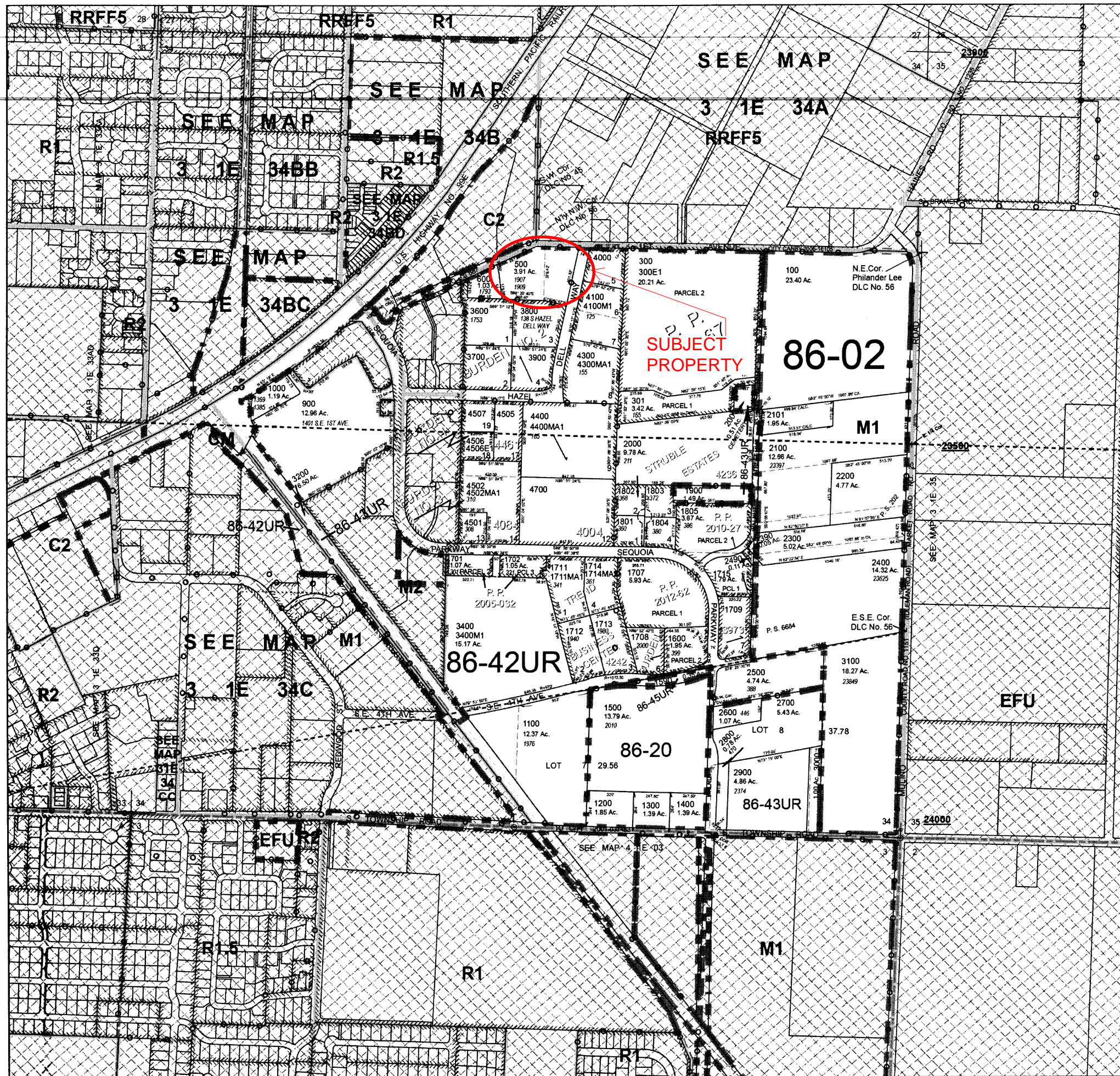
Developing light industrial uses are a goal of the City of Canby, Clackamas County and the State of Oregon. Sales of water craft, water craft accessories and aquatic recreational activities equipment, and the maintenance of water craft offer competitive wages. The proposed storage/mercantile space development will create employment opportunities for sales and administrative professionals and skilled workers.

**SUPPORTIVE CONCLUSIONS:**

1. The approval of the conditional use for a 3.91 acre parcel storage/mercantile space development will reflect the existing and transitioning land use patterns on the abutting properties which are also less than 5 acres in size.
2. The proposed development of the subject property will result in the use of the property to be a function of the building, rather than all possible uses allowed by the MI (Light Industrial) zoning category.
3. The proposed conditional use will have no significant effect on the neighborhood, the physical characteristics of the property, or public facilities and services. The development of the subject property has been master planned, and the location and size of the proposed buildings, landscape/buffer areas and related drive areas and parking areas will be in substantial conformance with the conceptual plans (see Exhibit 'F' - Proposed Site Plan, Exhibit 'G' - Proposed Building Elevations Plans and Building Plans and Exhibit 'H' - Preliminary Landscape and Irrigation Plans).

4. The relationship of the development to surrounding properties will not change as a result of the approval of the conditional use. The subject property is part of an existing “industrial area,” and the proposed development is consistent with the self-storage facility located on abutting property to the west and will be consistent with future uses of surrounding properties as these properties will also not be able to meet the minimum 12 employees per developed acre. Therefore, the proposed conditional use is appropriate for this specific property. This criterion has been met.

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3 1 E 34  
CANBY

SECTION 34 T.3S. R.1E. W.M.  
CLACKAMAS COUNTY

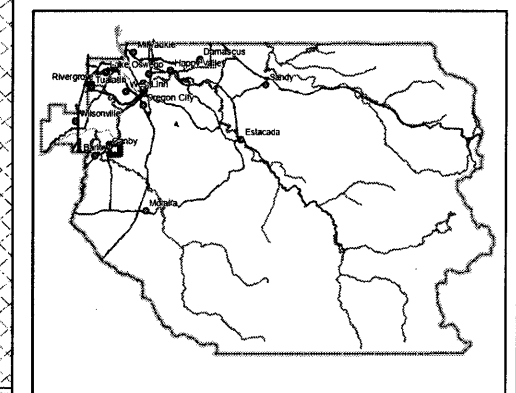
1" = 400'

D. L. C.  
PHILANDER LEE NO. 56  
WALTER FISH NO. 45

Cancelled Taxlots

- 4400
- 4300
- 2391
- 2301
- 4504
- 4503
- 100
- 400
- 700
- 101
- 701A1
- 790
- 800
- 1100A1
- 1101
- 1700
- 1701
- 1703
- 1704
- 1705
- 1706
- 1790
- 1714A1
- 701MA1
- 1800
- 1895
- 3500
- 3500E1
- 3501
- 4200
- 4400A1
- 4500
- 4502A1
- 4600
- 1710
- 1714MA1
- 1708MA1
- 2381
- 4300M1
- 4505

- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- TaxCodeLines
- Map Index
- WaterLines
- Land Use Zoning
- Plats
- Water
- Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor 20'



THIS MAP IS FOR ASSESSMENT  
PURPOSES ONLY



5/14/2018

3 1 E 34  
CANBY



STORAGE AND SHOWROOM

FOR ACTIVE WATER SPORTS

1907 S.E. 1ST AVENUE

CANBY, OREGON, 97103

ARCHITECTURE, P.C.  
Randal S. Saunders Architect/President

2225 COUNTRY CLUB RD. (503) 982-1211  
WOODBURN, OREGON 97071 (503) 370-7929

PROJECT INFORMATION

THIS PROJECT IS NEW CONSTRUCTION OF A 29,000 SF 1 ONE STORY 25 FEET HIGH BUILDING TO BE USED FOR BOAT STORAGE AND SHOWROOM/SALES.

CONSTRUCTION TYPE: V B (NON-RATED)  
OCCUPANCY TYPE: S (STORAGE) 4 M (MERCANTILE)  
NO SEPARATION REQUIRED  
OCCUPANT LOAD: FIRST FLOOR: 116  
MEZZANINE: 23  
BUILDING AREA: FIRST FLOOR: 28,975 SF 1  
MEZZANINE: 1,061 SF 1

MECHANICAL, PLUMBING ELECTRICAL AND CIVIL SYSTEMS ARE BIDDER DESIGNED UNDER SEPARATE PERMITS.

THE FOLLOWING ARE DEFERRED SUBMITTALS AND SHALL BE SUBMITTED AS SOON AS THEY BECOME AVAILABLE: PRE-ENGINEERED METAL BUILDING DRAWINGS, STRUCTURAL CALCULATIONS, MECHANICAL, ELECTRICAL, AND CIVIL DRAWINGS (WHICH ARE BIDDER DESIGNED UNDER SEPARATE PERMIT)

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STORAGE AND SHOWROOM FOR ACTIVE WATER SPORTS

1907 S.E. 1ST AVENUE

REVISIONS

A PROFESSIONAL CORPORATION

2225 COUNTRY CLUB ROAD  
WOODBURN, OREGON 97071  
(503) 982-1211

PROJECT NO.: 1803  
DATE: SEPT 2018  
DRAWING NO.: 57

SITE PREPARATION / GRADING NOTES

- FOR WET WEATHER CONDITIONS ALSO SEE SPECIFICATION SECTION 0500 CONSTRUCTION FACILITIES AND TEMPORARY CONTROLS (IF ANY).
- STRIP ALL VEGETATION, TOPSOIL MATERIALS, AND ANY OTHER DELETERIOUS MATERIALS TO A DEPTH OF 10 INCHES. PROPERLY DISPOSE OF VEGETATION AND ANY OTHER DELETERIOUS MATERIALS OFF OF SITE. NOTIFY ARCHITECT IF LOCALIZED AREAS REQUIRE DEEPER STRIPPING PRIOR TO PROCEEDING WITH WORK.
- PRIOR TO PLACEMENT OF ANY FILL MATERIAL PROOF-ROLL EXPOSED SUBGRADE SURFACES WITH A FULLY LOADED DUMP TRUCK. DURING WET WEATHER NOTIFY ARCHITECT 48 HOURS PRIOR TO PROOF-ROLLING.
- ALL FOOTINGS SHALL BEAR ON FIRM UNDISTURBED NATIVE SOIL.
- ALL BEARING SURFACES FOR FOOTINGS SHALL BE MINIMUM 1'-6" BELOW EXISTING FINISH GRADE.
- ON-SITE SOILS ARE SUITABLE FOR USE AS FILL PROVIDED THEY ARE FREE FROM ORGANIC MATERIALS, AND DEBRIS. ON-SITE SOILS SHALL BE AT OPTIMUM MOISTURE CONTENT PRIOR TO USE AS FILL MATERIAL (MAY REQUIRE DRYING OR MOISTENING).
- PREPARE THE FOUNDATION AREA UNDER THE BUILDING DURING DRY WEATHER.
- FOR GRADING IN WET WEATHER USE 3/4" MINUS, CLEAN, WELL GRADED CRUSHED GRAVEL OR ROCK FILL CONTAINING LESS THAN 5 PERCENT FINES PASSING THROUGH THE NO. 200 SIEVE.
- ALL FILL MATERIALS PLACED IN BUILDING AND PAVEMENT AREAS SHOULD BE DRIED OR MOISTENED AS NECESSARY TO OPTIMUM MOISTURE CONTENT. COMPACT FILL MATERIAL TO MINIMUM 95 PERCENT OF THE MAXIMUM DENSITY AS DETERMINED IN ACCORDANCE WITH ASTM D-1557-18 (MODIFIED PROCTOR).
- PLACE ANY FILL MATERIAL IN MAXIMUM 8 INCH LIFTS UNLESS NOTED OTHERWISE.
- FOR WET WEATHER CONDITIONS THE CONTRACTOR SHALL PLACE A 6 INCH LIFT OF WELL-GRADED 3/4 INCH MINUS, CLEAN, WELL GRADED CRUSHED GRAVEL OR ROCK FILL CONTAINING LESS THAN 5 PERCENT FINES PASSING THROUGH THE NO. 200 SIEVE UNDER THE BUILDING FOOTINGS. EXCAVATE FOR ADDITIONAL DEPTH BELOW FOOTINGS TO ACCOMMODATE THIS LIFT OF MATERIAL.
- BACKFILL THE SUBGRADE UNDER BUILDING ON-GRADE FLOOR SLABS WITH A MINIMUM 6 INCHES OF COMPACTED, GRANULAR FILL. ADDITIONAL FILL MAY BE PLACED AS REQUIRED FOR GRADING PURPOSES. GRANULAR FILL SHALL CONSIST OF 3/4 INCH MINUS CLEAN, WELL GRADED CRUSHED GRAVEL OR ROCK. COMPACT SUBGRADE BACKFILL TO A MINIMUM OF 95 PERCENT OF THE MAXIMUM DENSITY AS DETERMINED IN ACCORDANCE WITH ASTM D-1557-18 (MODIFIED PROCTOR).
- FOUNDATION AND PAVEMENT AREA EXCAVATIONS SHOULD BE ADEQUATELY PROTECTED FROM THE ELEMENTS AND FROM THE ACTION OF REPEATED CONSTRUCTION LOADINGS. DURING WET WEATHER GRADING OPERATIONS ALL EXCAVATIONS SHOULD BE PERFORMED USING A SMOOTH BLADED, TRACKED BACKHOE WORKING FROM AREAS WHERE MATERIAL HAS YET TO BE REMOVED. SUBGRADE AREAS SHOULD BE CLEANLY CUT TO UNDISTURBED SOIL. PLACEMENT OF CRUSHED ROCK SHOULD FOLLOW IMMEDIATELY AFTER SITE GRADING TO PROVIDE PROTECTION OF THE SENSITIVE SUBGRADE SOILS DURING CONSTRUCTION ACTIVITIES.
- BACKFILL UNDER PAVED DRIVEWAY AND PARKING AREAS WITH A MINIMUM 4 INCH LIFT OF 3/4 INCH CLEAN, WELL GRADED, CRUSHED GRAVEL OVER 4 INCH LIFT OF CLEAN, WELL GRADED 1/2" MINUS ROCK. COMPACT EACH LIFT TO A MINIMUM OF 95 PERCENT OF THE MAXIMUM DENSITY AS DETERMINED IN ACCORDANCE WITH ASTM D-1557-18 (MODIFIED PROCTOR).
- COMPACT THE SUBGRADE TO A MINIMUM DEPTH OF TWELVE INCHES ACCORDING TO THE MAXIMUM DRY DENSITY OF ASTM D 698. SCARIFICATION AND AERATION OR MOISTENING MAY BE REQUIRED DEPENDING ON THE NATURAL WATER CONTENT OF THE SOIL AT THE TIME OF CONSTRUCTION. OVER-EXCAVATE ANY AREAS THAT PUMP OR RUT AND REPLACE WITH COMPACTED, GRANULAR FILL.
- PROTECT EXISTING UTILITIES DURING CONSTRUCTION. ANY DAMAGE TO EXISTING UTILITIES SHALL BE REPAIRED BY CONTRACTOR IMMEDIATELY AT NO EXPENSE TO THE OWNER.
- PROTECT SITE FROM PUDDLING OR RUNNING WATER.
- IF APPROPRIATE, GRADE SITE TO DRAIN. MAINTAIN EXCAVATIONS FREE OF WATER. PROVIDE, OPERATE, AND MAINTAIN PUMPING EQUIPMENT.
- PROTECT NEW CONSTRUCTION FROM STORM WATER DRAINAGE DAMAGE PRIOR TO INSTALLATION OF SPECIFIED DRAINAGE SYSTEM.
- FAILURE TO PROVIDE WATER CONTROL ON SITE DURING CONSTRUCTION WILL BE SOLELY THE CONTRACTOR'S RESPONSIBILITY.
- WATER DAMAGE TO THE BUILDING FROM CONSTRUCTION ACTIVITIES, OR FROM UNPROTECTED EXTERIOR OPENINGS, WILL BE SOLELY THE CONTRACTOR'S RESPONSIBILITY TO REPAIR ANY SUCH DAMAGE.

PRE-ENGINEERED METAL BUILDING GENERAL NOTES

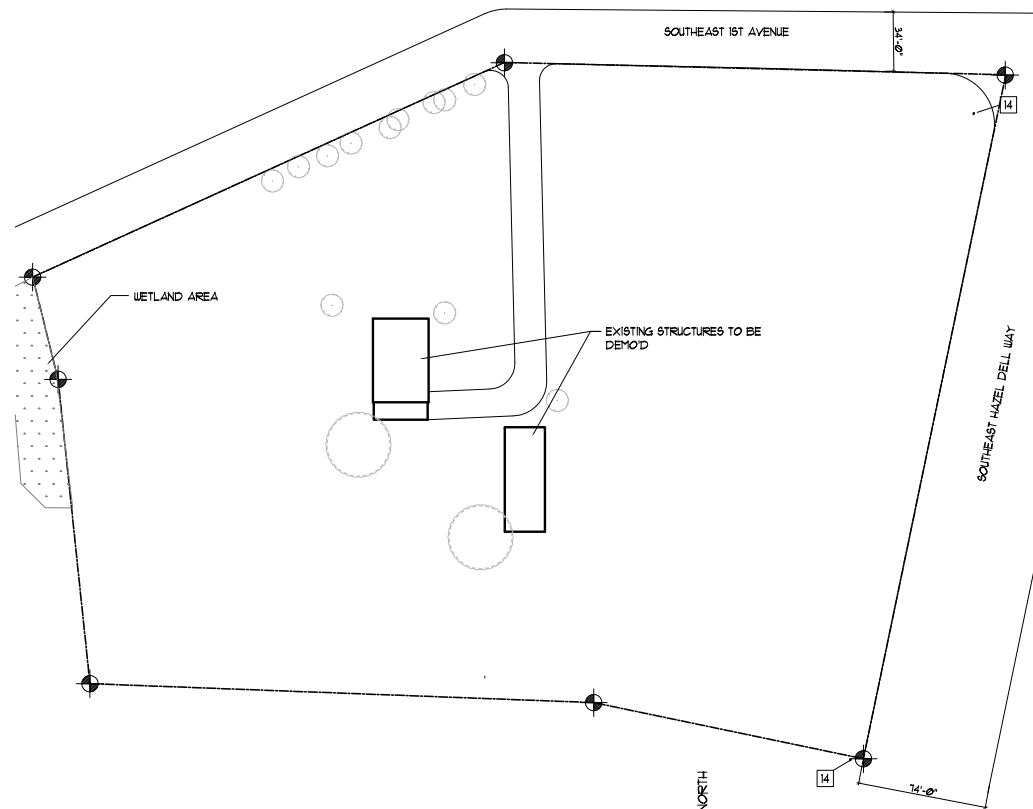
- METAL BUILDING DESIGN BUILT BY OTHERS. MANUFACTURER TO SUBMIT FRAME REACTIONS, SHOP DRAWINGS, AND SPECIFICATIONS TO THE ARCHITECT AS WELL AS TO THE AUTHORITY HAVING JURISDICTION FOR REVIEW AND APPROVAL PRIOR TO PROCEEDING WITH ANY FABRICATION.
- CONTRACTOR SHALL VERIFY WITH BUILDING MANUFACTURER THE LOCATION OF THE BAY BRACINGS. BRACING SHALL BE PLACED IN LOCATIONS WHICH HAVE LEAST IMPACT ON PROPOSED ARCHITECTURAL ELEMENTS. IF BRACING INTERFERES WITH DOOR OR WINDOW OPENINGS, CONTRACTOR SHALL NOTIFY ARCHITECT FOR FURTHER INSTRUCTIONS PRIOR TO FIELD ADJUSTMENTS BEING IMPLICATED.
- CONTRACTOR SHALL VERIFY COLUMN LOCATIONS WITH METAL BUILDING MANUFACTURER PRIOR TO CONSTRUCTION.
- CONTRACTOR SHALL COORDINATE ALL COLUMN AND ANCHOR BOLT LOCATIONS WITH METAL BUILDING MANUFACTURER PRIOR TO CONSTRUCTION.

DEMOLITION GENERAL NOTES

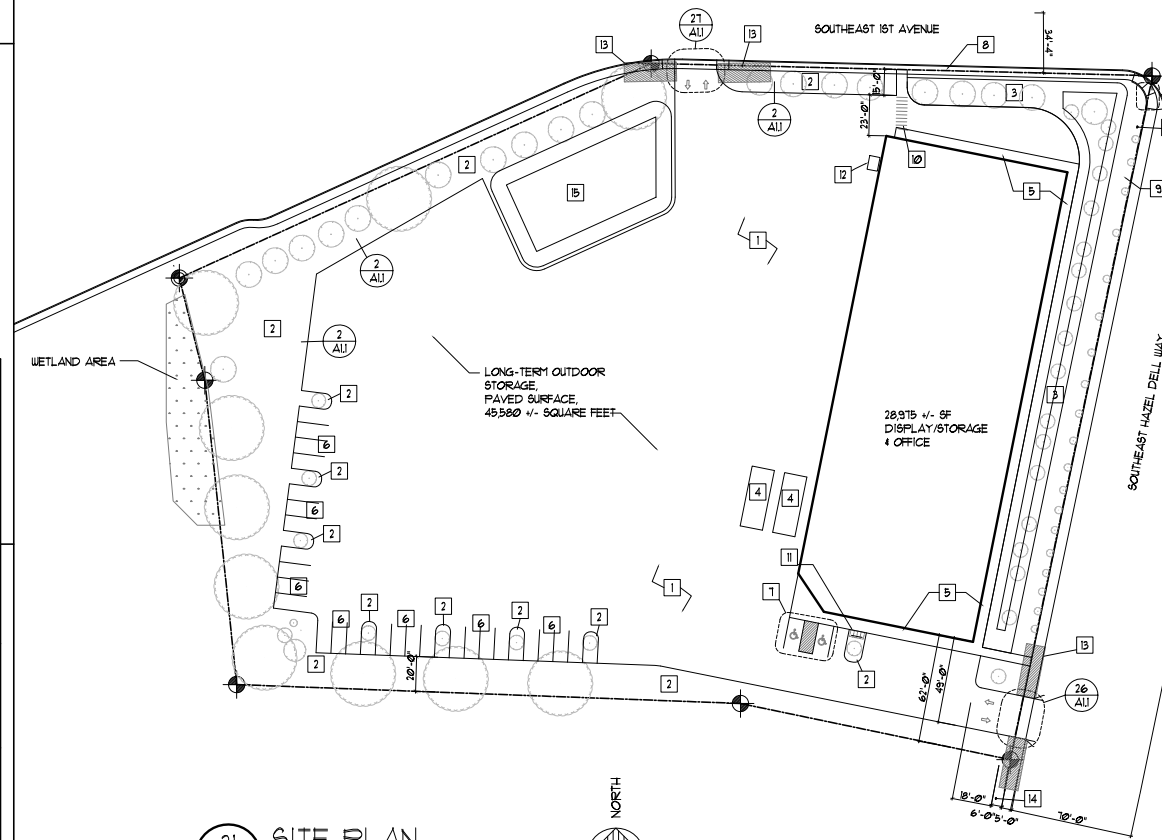
- USE CARE AND CAUTION DURING DEMOLITION TO FIND, IDENTIFY, AND PRESERVE EXISTING UTILITIES. DO NOT DEMOLISH OR ABANDON EXISTING UTILITIES WITHOUT VERIFYING SERVICE FUNCTION AND IMPENDING NEED FOR NEW CONSTRUCTION.
- RE-ROUTE EXISTING UTILITY LINES NECESSARY TO MAINTAIN EXISTING UTILITY SYSTEMS - LANDSCAPE IRRIGATION SYSTEM, EXTERIOR LIGHTING CONDUIT, WATER LINES, ETC. RE-ROUTE WHEN THERE IS A CONFLICT WITH NEW CONSTRUCTION.
- REMOVE DEMOLISHED MATERIALS FROM SITE. VERIFY WITH OWNER PRIOR TO START OF DEMOLITION WORK, ANY SALVAGED MATERIALS DESIRED BY THE OWNER.
- COORDINATE AND SCHEDULE DEMOLITION WORK WITH BUILDING TENANT (IF ANY) TO MAINTAIN BUILDING INGRESS/EGRESS AT ALL TIMES.
- NOTIFY ADJACENT BUILDING TENANTS OF ANY UTILITIES OUTAGES MINIMUM 12 HOURS PRIOR TO THE OCCURRENCE.

SITE PLAN KEY NOTES:

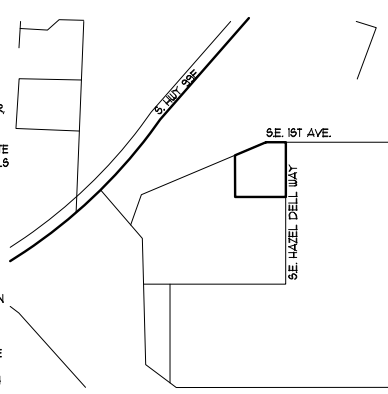
- ASPHALT PAVING. SEE (1) AU
- LANDSCAPING SEE (2) AU
- BIOSWALE
- 13' X 35' LOADING ZONE
- 6'-0" WIDE CONCRETE PEDESTRIAN WALKWAY. SEE (8) AU
- 8'-6" X 18' PARKING STALLS WITH LANDSCAPE ISLANDS
- 11' X 18' & 8'-6" X 18' ADA PARKING W/ 5' X 18' AISLES. SEE (21) AU
- 5' SIDEWALK
- 6' SIDEWALK W/ 5' PLANTER
- 6' BRICK/PAVER CROSSWALK
- BIKE RACK. SEE (11) AU
- GARAGE DUMPSTER ENCLOSURE. VERIFY LOCATION WITH OWNER. SEE (12) AU, (14) AU
- 30' VISION CLEARANCE AREA
- EXISTING FIRE HYDRANT. VERIFY LOCATION. SEE (17) AU
- EXTENDED DRY BASIN. SEE CIVIL PLAN.



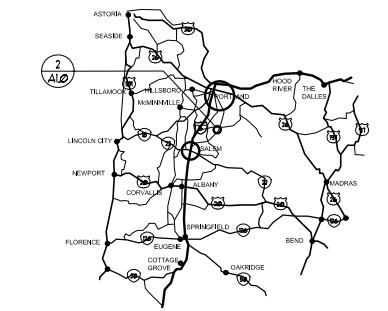
22 DEMOLITION PLAN  
1"=50'



21 SITE PLAN  
OPTION 2  
1"=50'

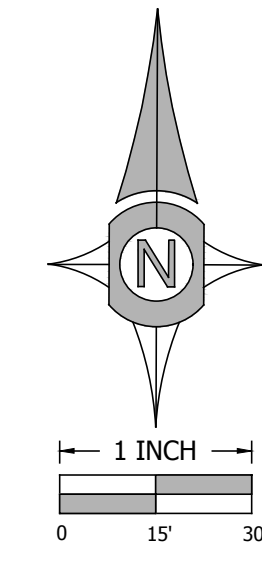
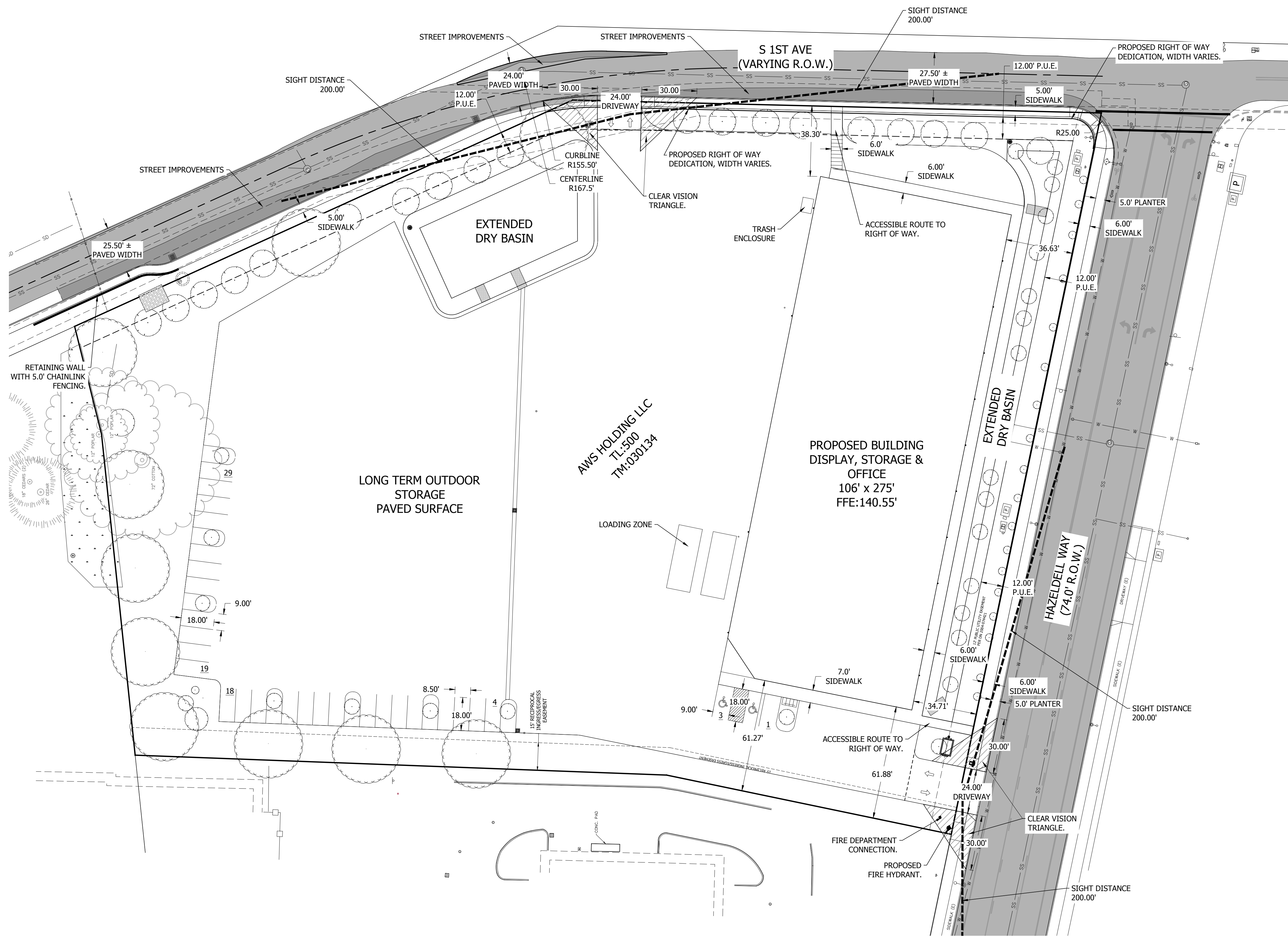


2 VICINITY MAP  
NTS



1 AREA MAP  
NTS

PLOT DATE/TIME: DATE: 10/05/2018 TIME: 09:45 FILE: 1803



**CLIENT:**  
 AWS HOLDINGS LLC  
 12050 SE CANYON ROAD  
 BEAVERTON, OR 97005  
 CONTACT NUMBER

**UDELL ENGINEERING AND LAND SURVEYING, LLC**  
 63 EAST ASH ST.  
 LEBANON, OREGON 97355  
 (541) 451-5125 PH.  
 (541) 451-1366 FAX

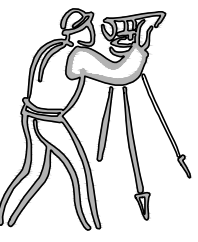
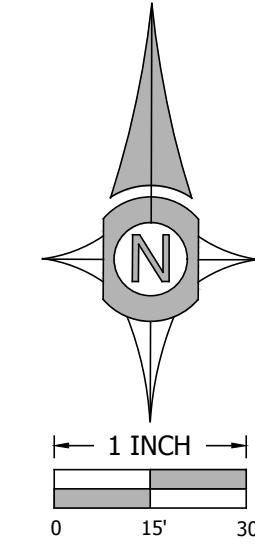
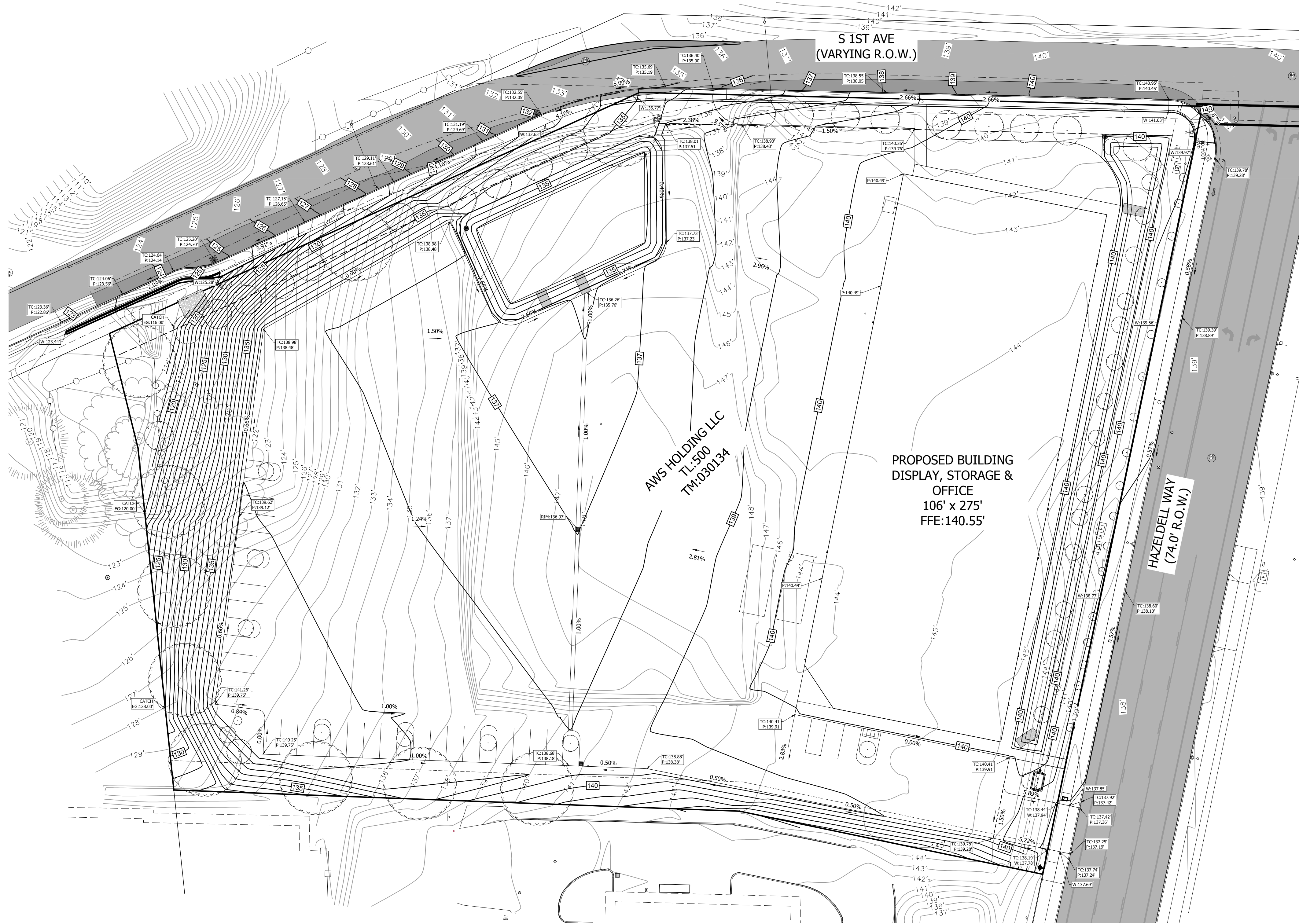
**PRELIMINARY SITE PLAN**  
 1907 SE 1ST AVENUE  
 TAX LOT 500 TAX MAP 31E34  
 CANBY, OREGON

DATE: SEPT. 2018  
 PROJECT: 1907 SE 1ST AVENUE, CANBY, OREGON  
 DRAWN BY: BWP, BP  
 CHECKED BY: WML, BSV

**PLANNING DRAWINGS  
 NOT FOR  
 CONSTRUCTION**

| PLAN REVISIONS | DATE |
|----------------|------|
|                |      |
|                |      |
|                |      |
|                |      |

Sheet **P103**  
 SCALE: SEE BARS SCALE



CLIENT:

AWS HOLDINGS LLC  
12050 SE CANYON ROAD  
BEAVERTON, OR 97005  
CONTACT NUMBER

UDELL ENGINEERING  
AND  
LAND SURVEYING, LLC

63 EAST ASH ST.  
LEBANON, OREGON 97355  
(541) 451-5125 PH.  
(541) 451-1366 FAX

PRELIMINARY GRADING PLAN

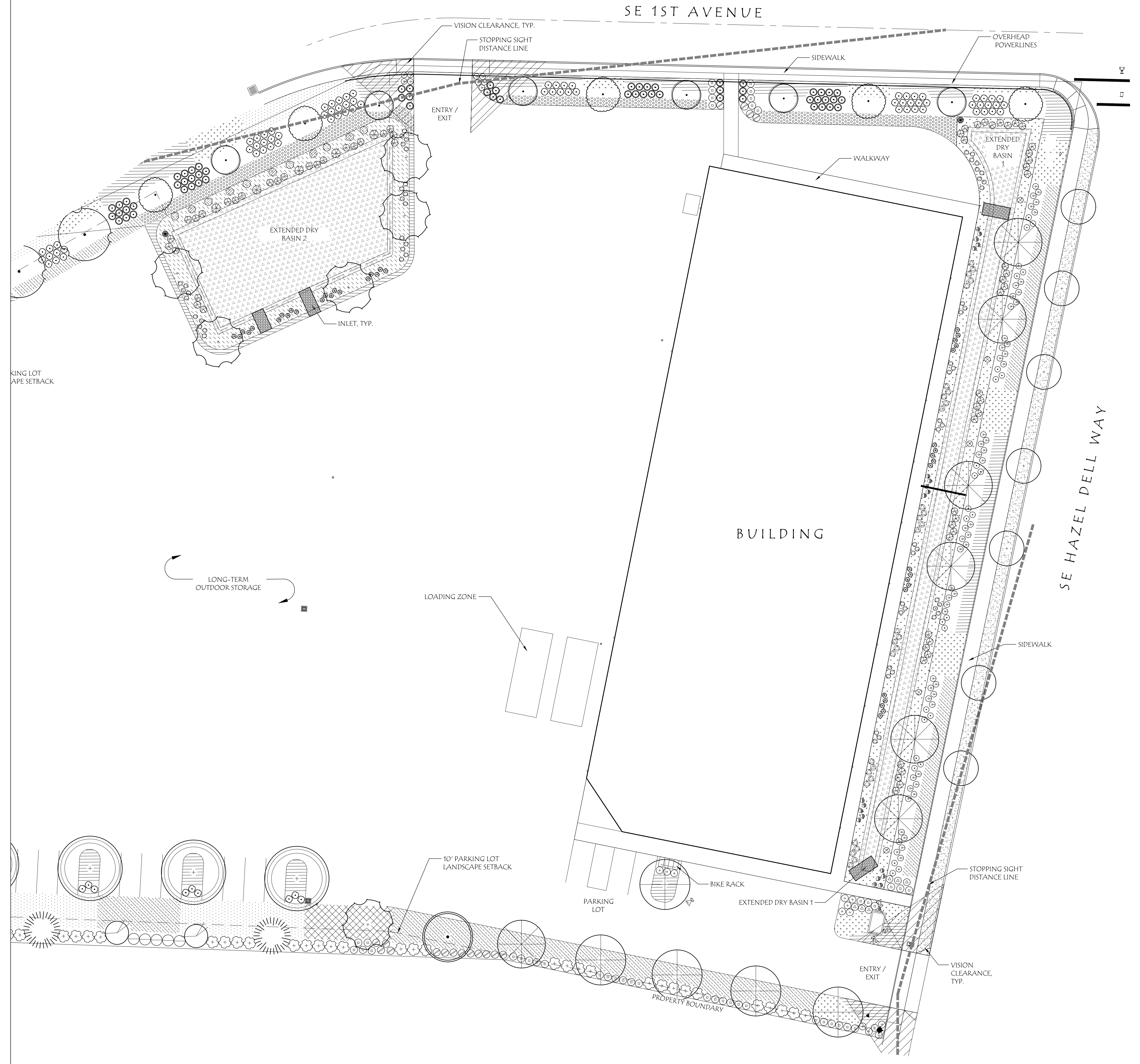
1907 SE 1ST AVENUE  
TAX LOT 500 TAX MAP 31E34  
CANBY, OREGON

DATE: SEPT. 2018  
PROJECT: 1907 SE 1ST AVE, Canby, OR  
SPECIALIST: 3D Model/Grading/Planning/Estimating  
DRAWN BY: BWP, BP  
CHECKED BY: WML, BSW

PLANNING DRAWINGS  
NOT FOR  
CONSTRUCTION

| PLAN REVISIONS | DATE |
|----------------|------|
|                |      |
|                |      |
|                |      |
|                |      |

Sheet **P200**  
SCALE: SEE BARSCALE



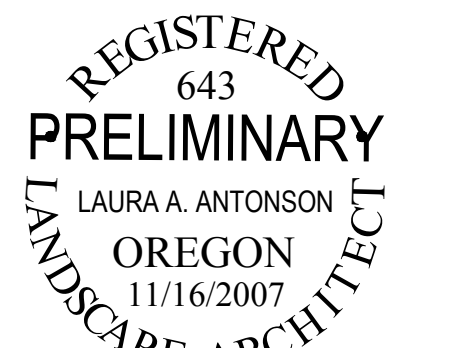
Laurus  
Designs, LLC



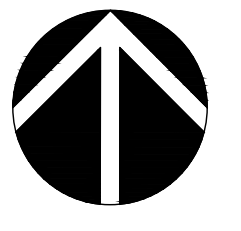
1012 Pine Street  
Silverton, Oregon  
503.784.6494  
laura@laurusdesignsllc.com

Active  
Water  
Sports

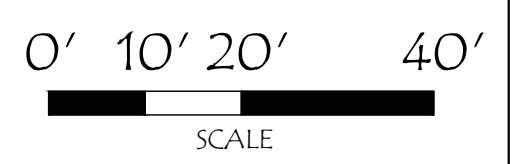
1907 SE 1st Avenue  
Canby, Oregon



Planting Plan



SCALE: 1"=20'-0"



October 8th, 2018

REVISIONS

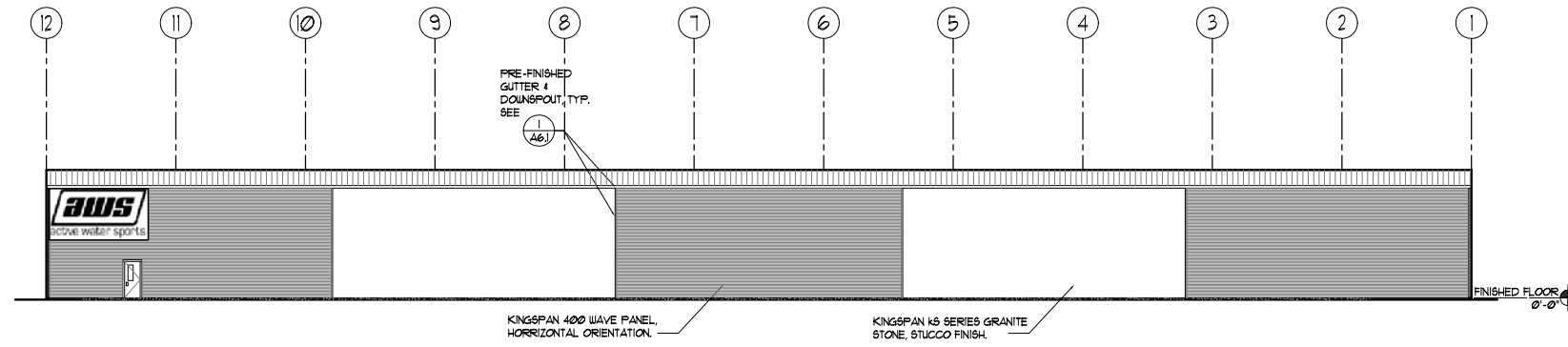
| # | DATE | NOTES | INITIALS |
|---|------|-------|----------|
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|   |      |       |          |
|   |      |       |          |

L1.1

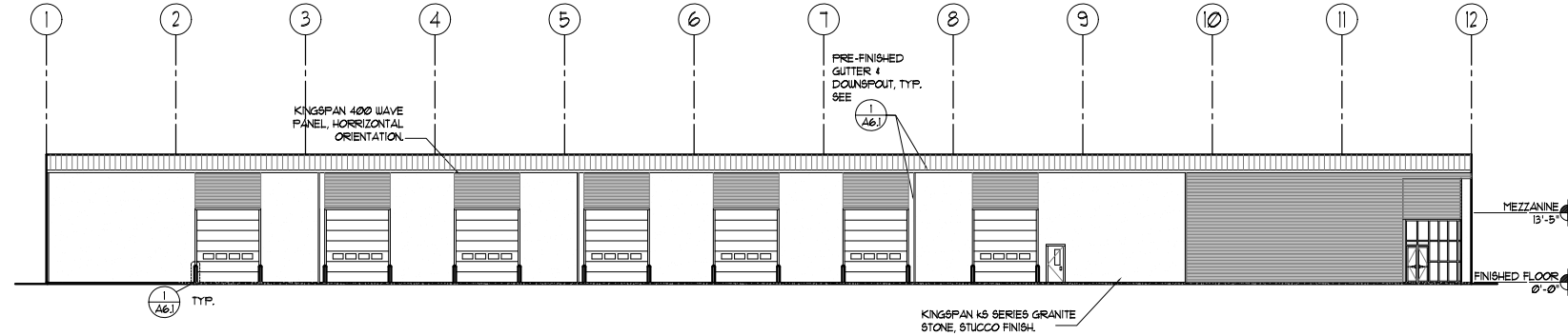
SHEET 1 OF 2

PROJECT # 1202C

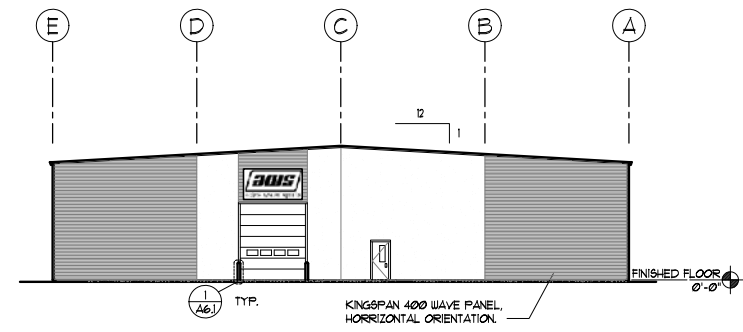
DESIGN REVIEW - NOT FOR CONSTRUCTION



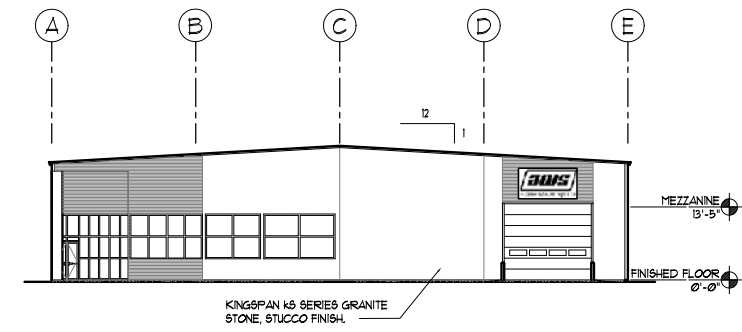
19 EAST ELEVATION  
 A6.1 1/16"=1'-0"



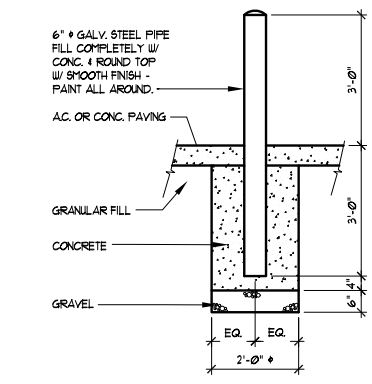
18 WEST ELEVATION  
 A6.1 1/16"=1'-0"



13 NORTH ELEVATION  
 A6.1 1/16"=1'-0"



5 SOUTH ELEVATION  
 A6.1 1/16"=1'-0"



1 BOLLARD DETAIL  
 A6.1 1/2"=1'-0"

STORAGE AND SHOWROOM  
 FOR  
 ACTIVE WATER SPORTS

1907 SOUTH EAST 1ST AVENUE  
 CANBY, OREGON, 97013

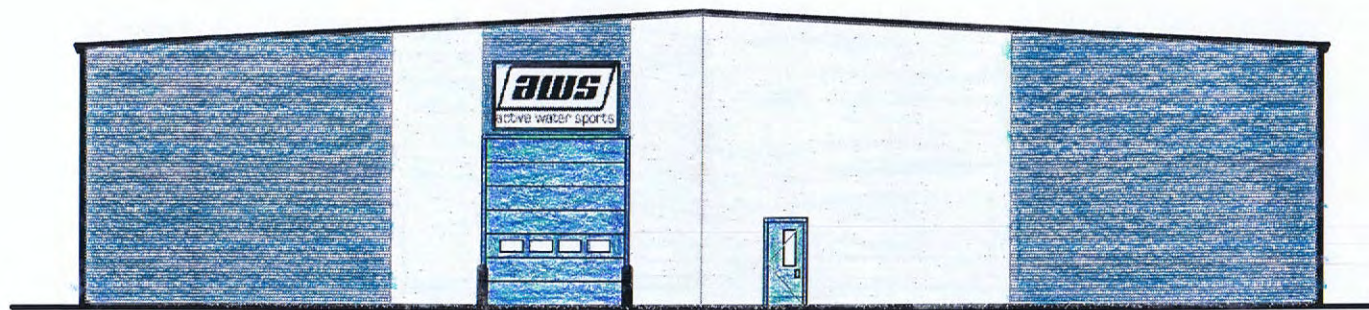
| REVISIONS |
|-----------|
|           |

A PROFESSIONAL CORPORATION

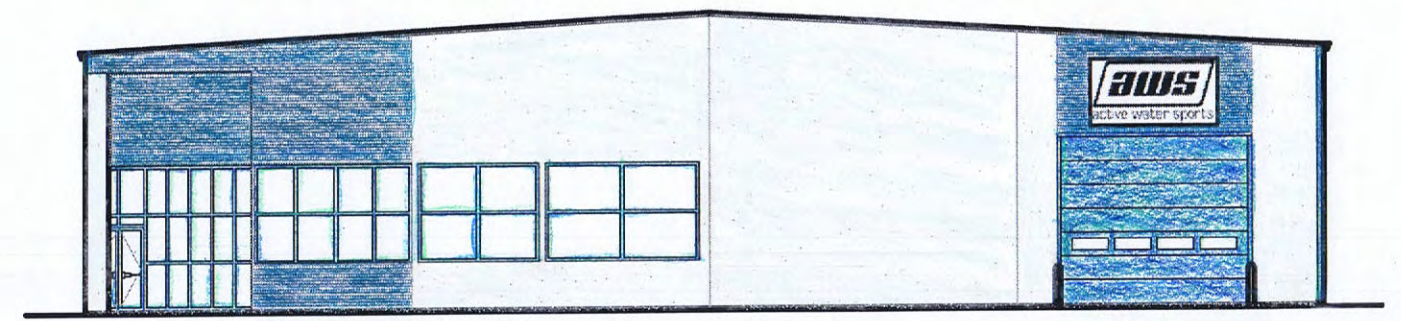
2225 COUNTRY CLUB ROAD  
 WOODBURN, OREGON 97071  
 (503) 982-1211

PROJECT NO.: 1803  
 DATE: SEPT 2018

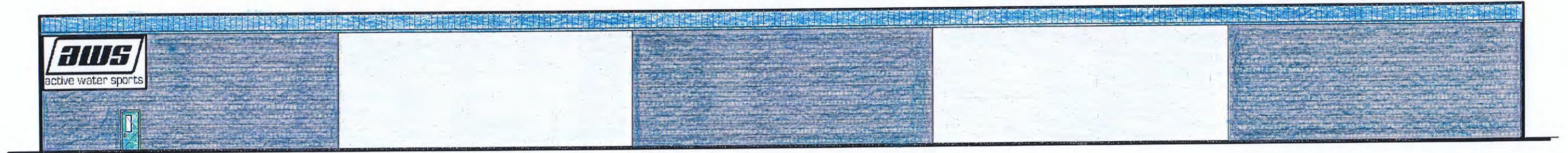
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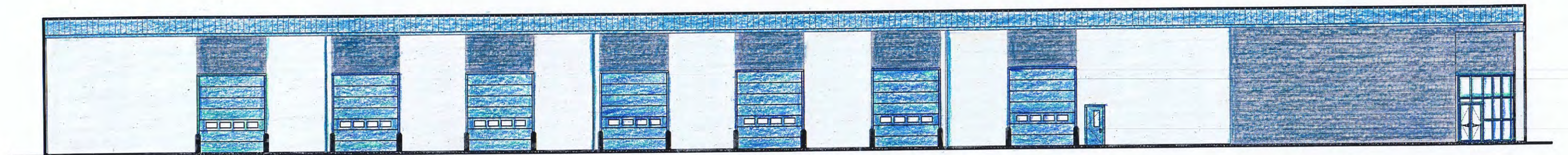
13 NORTH ELEVATION  
A6.1 NTS



5 SOUTH ELEVATION  
A6.1 NTS



19 EAST ELEVATION  
A6.1 NTS



18 WEST ELEVATION  
A6.1 NTS

Attendees:

Charles Burden – [charlesburden626@gmail.com](mailto:charlesburden626@gmail.com)

Michael Kwok – [northwestfurnitureoutlet@gmail.com](mailto:northwestfurnitureoutlet@gmail.com)

Patty Rydquist – [pjrydquist@yahoo.com](mailto:pjrydquist@yahoo.com)

Chris and Kelly Clasen – [k\\_c\\_1@q.com](mailto:k_c_1@q.com)

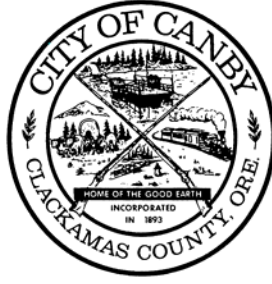
Ron Reimers – [ron@rlreimers.com](mailto:ron@rlreimers.com)

No objections to proposed development were noted.

Patty Rydquist inquired about main entrance and was told it will be the Hazel Dell driveway. She was happy about this.

Charlie and Chris wanted to confirm we would be careful with any excavation and grading near the pond. They were assured we would be.





## **Pre-Application Meeting**

**Active Sports  
April 26, 2018  
10:30 am**

### **Attended by:**

Joe Sheets, Todd Hess Bldg. Co, 503-510-7450  
Matt Radich, Active Water Sports, 503-860-5523  
Greg Waters, Active Water Sports, 503-490-5778  
Shane Hester, Erosion Control, 503-266-0698  
Bryan Brown, Planning Department, 503-266-0702

Hassan Ibrahim, Curran-McLeod Engineering, 503-684-3478  
Thane Landis, LLC, 503-320-9443  
Doug Quan, CU Water Department, 971-563-6314  
Jim Stuart, Canby Utility, 503-263-4322

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

### **ACTIVE WATER SPORTS, Matt Radich**

- We have been trying to find a place for storage and sales for new boats and we found this property and really like the location because it is close to our location in Oregon City. What we would like to do is put an approximate 25,000 sq ft building to be used for paid boat storage, our inventory and sell boats out of this location.

### **CURRAN-MCLEOD ENGINEERING, Hassan Ibrahim**

- Are you merging the two parcels that were owned by the Burden's and the Madeira's? Matt said it was his understanding it was one parcel and Hassan said in your survey it shows an existing property line. I am assuming your building will front S Hazeldell Way and Matt said yes we will be grading the entire site.
- We have an 8 inch water and sanitary sewer stubbed to the site on S Hazeldell Way. If you are going to develop the entire lot I would suggest you make sure the service will accommodate any future site grades.
- We will need a sewer manhole at the end of the line in the public right-of-way (ROW). If you want it on your site we will need to have an easement around it for the city to access and maintain that line. It is very evident where the manhole is located and there is a stub coming out of it and the water is to the west of it. There is a valve and a stop there and Doug said there is a hydrant on the corner of SE 1<sup>st</sup> Avenue and S Hazeldell Way.
- SE 1<sup>st</sup> Avenue needs to be improved to local street standards what we require is half street improvements along the entire frontage plus another lane 8 to 10 ft wide on the other side. You will probably need to take out the asphalt and everything else and replace it with curb, sidewalk and street trees. Bryan said we have a slight issue with the pond on SE 1<sup>st</sup> Avenue and they will be tying in their half street

improvements to a reduced ROW and we agreed to this with the adjacent property owner. Hassan said yes to a narrower width in this section of SE 1<sup>st</sup> Avenue which is supposed to be a 34 ft curb to curb and we know there is a pond on this side of the roadway. We made a deal with the adjacent property owners to go with 12 ft wide lanes and on SE 1<sup>st</sup> Avenue and they will be tying in their half street improvements to the reduced ROW. Hassan said you will do a 5 ft sidewalk and then flare it back. Once you get the topo on the survey and see what restrictions you are encountering, we will let you know our requirements at that point. There is an angle point in the roadway on SE 1<sup>st</sup> Avenue and the minimum centerline radius has to be 165 ft and you may have to give a little ROW. The wordage is “may” and this is to make sure all your improvements are in the ROW or the other option we have allowed in the past is having a sidewalk being in an easement if it needs to be.

- On SE 1<sup>st</sup> Avenue you will build a curb-tight 5 ft sidewalk excluding the curb to the intersection and make the transition to a planter strip and sidewalk at the intersection of S Hazeldell Way.
- We will need ROW dedication around the corner of SE 1<sup>st</sup> Avenue and S Hazeldell Way to make the 30 ft radius the fire department requires.
- On S Hazeldell Way you will need to build 6 ft sidewalks and 5 ft planter along the entire frontage excluding the curb. We have a 74 ft ROW and the curb right now is 25 ft from the center line.
- I would imagine your access will come off of S Hazeldell Way and Matt said for the most part. We have a 200 ft minimum spacing between driveways along this road and you need to demonstrate it. Bryan said the adjacent property “Reimer’s” is doing a shared driveway access and I believe you have to share access to them. The original landowners realized there was a 200 ft spacing problem between the driveways and they set it up for these properties to have shared accesses. Matt asked how they can get confirmation on how wide it is and Bryan said he thought it was on the recorded plat and Hassan said once you survey of the site it will tell you and he thought the document would be separate of the plat.
- We have a 30 ft sight distance at the intersection and nothing above 30 inches in height.
- The driveway will need to be a commercial driveway, 6 inch minimum thickness with welded wire fabric or any kind of reinforcement.
- The storm drainage on-site needs to be disposed of on-site. Private storm drainage does not go into the public storm system. Matt asked if the size of the pond would be determined by how much storm water and Hassan said you will need to have a percolation test to determine it and has to convey a 10 year storm event. Bryan said you will need a registered engineer doing a drainage analysis report to prove what the run off calculation development will be and we know you are sizing it properly. If you are planning on future development of the site and you need to design the pond for the ultimate future expansion. Thane asked about the swale on the neighboring property and on the pipe at the end of the swale, which has water running next to our property, so how does that work? Discussion ensued. Hassan went and looked at the pipe

and said it is collecting water from offsite and once the lot is developed it will become useless.

**CANBY UTILITY, Jim Stuart**

- We have electric power at SE corner of S Hazeldell Way and SE 1<sup>st</sup> Avenue. The overhead power line along SE 1<sup>st</sup> Avenue belongs to Portland General Electric, not Canby Utility, our distribution system is underground. Portland General Electric is not allowed to serve you.
- Basically, all we need from you is a site plan and your load calculations and send them to Gary Stockwell. He will do the design up to the point of your service. Joe said he was thinking 200 amp 122/40 single phase is what we are needing. Jim said once you have your electrical design complete send a copy to Gary and Gary will make a determination on how you will get your service. Joe said Parkin Electric will be doing our design.

**CANBY UTILITY, WATER DEPARTMENT, Doug Quan**

- Joe asked about the fire flow and static pressure for the industrial park. Doug said the static pressure is approximately in the 50 to 60 range and I can put a gauge on it and let you know. Joe said Automatic Fire Protection, our subcontractor did a job on the adjacent property and said they needed a fire pump for their sprinkler system. Doug said our system is a pump system with very low elevation drops from one side of town to the other and I think the lowest I saw in town is 50 psi and that is Timber Park Subdivision at the south end of town, which is at a higher elevation. We are not aware of any fire pumps and the flex building next door did not need a fire pump. They did a fire flow test for the neighboring property and we can get you the data, I will need your email address.
- The water line main is a 12 inch line and will serve any of your needs. You will have to extend the water main on SE 1<sup>st</sup> Avenue from the corner of SE 1<sup>st</sup> Avenue and S Hazeldell Way to the edge of your property on SE 1<sup>st</sup> Avenue. Thane said you want us to put a blow off at the end of the line and Doug said it will be an automatic blow off at the end. Thane asked what type of pipe and Doug stated ductile iron and you will need to install an 8 inch ductile iron pipe from the intersection and the water line is on the north side of SE 1<sup>st</sup> Avenue on the west end of your property, but the cross is on the SW corner of the property and I would cross the street where the angle is located. I want to clarify, you will do an 8 inch ductile iron water main the entire frontage on SE 1<sup>st</sup> Avenue and reduce the 12 inch from Hazeldell Way to an 8 inch main going into SE 1<sup>st</sup> Avenue. You will install the water line and we will have a full-time inspector at the site any time you are working on the water line and we do charge you for the guy's time, hourly. Thane asked about testing and Doug said yes.
- As far as your water service goes, I cannot imagine you will have more than a bathroom and lunchroom and you will probably need a 5/8 by 3/4 meter and the fees are on our website along with our system development charge (SDC). You will get charged for any work we do on the fire service, but there is not SDC for fire. Your double check for your fire sprinkler system needs to be on your property side of

the PUE in a vault. We do the installation of the services to the meter box and you carry it from the meter box in for the domestic service. If they require you to have a fire hydrant we will install the fire hydrant and charge you on a quote basis. There is a fire hydrant on the corner of SE 1<sup>st</sup> Avenue and S Hazeldell Way and one just south of the property line on the adjacent site, they are pouring it in now and I do not know if they will require you to have an FDC hydrant and Canby Fire Department will make that decision. It should be by the time you have an engineer on board to do the fire flow.

**CITY OF CANBY, EROSION CONTROL, Shane Hester**

- I do the erosion control inspections and depending on what time of year you will be building either dust control in the summer and mud and water runoff in the winter, make sure everything stays on site.

**CITY OF CANBY, PLANNING DEPARTMENT, Bryan Brown**

- We generally require a traffic study to be done for a new building in our industrial park. Our process consists of you supplying us a \$500.00 deposit and I work with DKS Associates, which is our consulting traffic engineers. Between us, we decide on what task should be done on the traffic study and they will write up the tasks and give an estimate of a study's cost. At that point, you can have DKS go ahead and finish it or hire your own traffic engineer to do the study, but they have to follow the tasks outlined and DKS will review them at a charge. What we have done in the past is a traffic generation letter to have documentation for the public hearing process showing we looked at the traffic issues because it is always an issue at the public hearings.
- One of the SDC's are for waste water and it is based upon your actual average daily gallons of discharge and with what you described for your plumbing facilities sounds like it will be very similar to a house hold equivalent. It is based upon 155 gallons per day of discharge and I will calculate it for you along with all the other SDC's for the city, we do not calculate SDC's for Canby Utility and you will have to check with them. Matt asked what other SDC's are there and Bryan stated we have parks, waste water, transportation and stormwater. The commercial and industrial operation SDC's is very difficult to have individuals to figure out the information. The difficult one is the parks SDC because we always ask what your employee count will be because it is based upon a calculation of square footage of your building and what we believe the employee occupancy will be. The employee thing is negotiable and we have a methodology for how much a 25,000 sq ft warehouse building would be with 8 or 9 employees. Matt asked about the fee structure on the Canby's website for transportation and if I calculated it right came to \$42,000.00 and Bryan said it is possible because there are two or three categories we can usually place an operation in. You really have to have us think about it and we have not done it on this project because you say it is a warehouse, but then we know it will have a retail section and a typical warehouse could have just a forklift operator and even though you are in an industrial park you are not manufacturing either. As you can see there are different categories and we do not break it down by uses anymore, we now pick an ITE which states is primarily a warehouse and will be less impactful than a business park business.
- We have an industrial overlay zone for the Canby Pioneer Industrial Park and you cannot use metal walls on your buildings unless you can hide them. Joe said we brought these examples today of metal but they look like stucco and we have used it in other industrial parks with the same specifics for no metal buildings. Bryan said we can consider it and if you have any information that would be great. Matt said this is what will be a deal breaker for us if we cannot use this material and we will need to know your decision before we can proceed. Bryan said everyone is doing concrete tilt up

construction, it does not require you to do it, but it is the default everyone is using. Discussion ensued on building materials. Joe gave Bryan the materials for the proposed siding and Bryan will get back to them on if it will work for the code specifics.

- Joe asked Bryan about the height of the building and the setback and said we are proposing 20 ft eaves and Bryan said I do not remember the code right now and I know there is a certain height requiring you to go with a certain setback. Discussion ensued on the height of the building for boat storage. Matt said we are going with the 25 ft setback that was defined by the building height. We do not have to use the sidewalk as the setbacks we use the property line and Bryan said you have to have a separate public utility easement (PUE) and they are normally 12 ft and adjacent to the sidewalk on your private property and is pretty much Canby's standard. These are used by the electric, telephone, cable and gas utilities. Thane asked if the PUE has to be flat or can it be sloped and Bryan said sometimes it has a slope, but we will have to see your plans.
- Matt asked about the employees versus acres and we will not have that count and Bryan said you should be fine because the code states if you are quite sure you will not achieve it then you will need to have a Conditional Use permit. The code stipulates 12 employees per acre and there are very few current uses in the park coming anywhere close to it and we have approved every one of them and unfortunately, it is another application on your narrative explaining the criteria for it. You have the uniqueness of having a CM zone and there are only two properties in the park with that zone. Matt said in the CM zone can we use it also as an RV storage and Bryan said since you are in the CM zone you will be fine and we allow RV storage as long as it is behind landscaping or slatted screen fencing.
- Matt said we will have 3.9 acres for this site and we will improve a couple of acres but we will grade and gravel the entire site because it is the best time to do it. Bryan said two things come to mind is the only area that does not have to be paved is if you can prove it is for long term storage and it is not going to have vehicles coming in and out on a regular basis. It can be an engineered gravel which does not result in mud and blowing dust. It is possible you can do a non-paved storage area, but if it has a lot of traffic coming in and out it has to be paved. Any RV storage lot in Canby having traffic coming in and out are all paved and it is a requirement. You cannot just bring in RV's and store them on a gravel lot and Matt said ours will be storing stuff over the winter. Bryan said the reason I am wavering on this is because we have other RV storage companies in town and they know each other and they have questioned the paving and if you end up with a fairly large area on your site with RV storage and it could cause us problems. These questions will be addressed during the site review process.
- The primary application will be a Site and Design Review and any new building built in the industrial park requires a type 3 Site and Design Review application. It has a point matrix in those requirements and it is aimed at trying to give you flexibility but assure some quality to your development and sometimes it is a little difficult to reach all the points in the matrix and you may even get points for your onsite water quality swale.
- There is a 15% landscaping requirement for industrial sites and Matt asked how that would apply. Bryan said you have your overall lot

area and you have to make sure 15% of the lot remains landscaped and generally speaking you will need an irrigation system or you will have to have faucets within 150 ft of every landscaped area. Joe asked about the paved parking lot landscape requirements and Bryan said having more than 8 parking spaces in a row would be broken up by a landscape island. There is nothing in the code stating you have to have a buffer strip but you do not want a bumper overhanging the neighbor's property line so you place landscaping there to avoid it or bumper blocks. Joe asked about the part of the lot that does not get developed till the future and Bryan said if you are sure you are not developing and this property line does not really exist you can define a development area and if you are going to actually purchase or leasing the property you can state it will be a future development. In an ideal world, if you have some concept of what you are going to do and decide to phase it, you can say phase 2 of the development and you do not have to put a date to it. It would make the approval easier because you had already planned it together and any integration with drives or detention for the storm because there are some advantages to planning the entire site and phasing it. Otherwise, you can say future development and calculate all your landscaping requirements from the defined development boundary.

- Matt asked what we discussed today is this viable and Bryan said it is the perfect use for the zone. We are concerned about you being successful because of the 1<sup>st</sup> Avenue improvements and it has thwarted a lot of people.
- Do you know how large your showroom will be and Matt said two-thirds of this building will be paid seasonal storage for their boats and this side will for all of our new boats. It will not be a heavy traffic area, but we will have a few people.
- Matt asked what are the rules on signage and Bryan said there is something unique about the CM Zone and I am not hundred percent sure but you can have a pole sign and I know you can have wall signs on every side of your building. There is a size limitation and all the specifics are in the sign code and you would need to read it. Generally, in the industrial park, you have to do monument signs and we would definitely prefer them over any pole sign raised off the ground. The ground signs are usually 9 ft tall and 45 sq ft and wall signs have a size limitation based upon on the wall façade of your building.
- Joe asked if there were any roofing limitations and Bryan said they can be metal.

WFG Title 18-150158 COMM

File No.: 18-150158

Clackamas County Official Records 2018-043513  
Sherry Hall, County Clerk 07/13/2018 01:25:00 PM  
D-D Cnt=1 Stn=75 CONNIE \$108.00  
\$20.00 \$16.00 \$10.00 \$62.00

|  |
|--|
| <b>Grantor</b>   |
| The Ann Marie Willey Trust                                       |
| <b>Grantee</b>   |
| AWS Holdings, LLC  |
| <b>After recording return to</b>                                 |
| AWS Holdings, LLC<br>12050 SE Canyon Road<br>Beaverton, OR 97005 |
| <b>Until requested, all tax statements shall be sent to</b>      |
| AWS Holdings, LLC<br>12050 SE Canyon Road<br>Beaverton, OR 97005 |
| Tax Acct No(s): 00797864   |

Reserved for Recorder's Use

**STATUTORY WARRANTY DEED**

Brian D. Chenoweth, as Trustee of the Ann Marie Willey Trust also known as the Ann M. Willey Trust, Grantor(s) conveys and warrants to AWS Holdings, LLC, an Oregon limited liability company, Grantee(s), the real property described in the attached Exhibit A, subject only to those liens and encumbrances set forth on the attached Exhibit B.

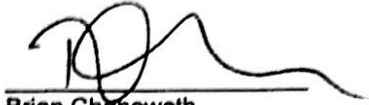
The true consideration for this conveyance is \$675,000.00. (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.



Executed this 13 day of July, 2018

Grantor:



Brian Chenoweth,  
Trustee, the Ann Marie Willey Trust also known as the Anne M. Willey Trust

STATE OF OREGON  
COUNTY OF McHone

This instrument was acknowledged before me this 13 day of July, 2018 by Brian Chenoweth, as Trustee, of the Ann Marie Willey Trust also known as the Ann M. Willey Trust, on behalf of the Trust.



Print Name: Trevor Garrett Cheyne  
Notary Public for Oregon  
My Commission Expires: 10/15/21



**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

A parcel of land located in the Northeast one-quarter of Section 34, Township 3 South, Range 1 East of the Willamette Meridian, in the City of Canby, County of Clackamas and State of Oregon, being more particularly described as follows:

Beginning at the intersection of the Southerly right-of-way line of South 1st Avenue, with the Westerly line of that tract of land deeded to the City of Canby in the Deed recorded October 26, 2004, as Document No. 2004-74420, Clackamas County Deed Records, said intersection being South 89°53'32" West a distance of 2320.79 feet and South 00°06'28" East a distance of 20.00 feet from the Northeast corner of the Philander Lee Donation Land Claim; thence South 10°17'13" West, along said Westerly line of said Document No. 2004-74420 tract, a distance of 401.33 feet to a point; thence North 79°42'47" West, at right angles to said Westerly line, a distance of 158.22 feet to the Southeast corner of that tract of land described in that Deed recorded June 16, 1969 as Document No. 69-11094; thence North 89°20'40" West, along the Southerly line of said Document No. 69-11094 tract, a distance of 289.40 feet to a point on the Westerly line of that tract of land described in the Deed recorded September 6, 1994 as Document No. 94-070622, Clackamas County Deed Records; thence North 07°27'18" West, along said Westerly line a distance of 175.88 feet to an angle point in said Westerly line; thence continuing along said Westerly line, North 15°27'18" West a distance of 60.46 feet to a point on said Southerly right-of-way line of said South 1st Avenue; thence North 64°05'14" East, along said Southerly right-of-way line, a distance of 297.71 feet to an angle point in said Southerly right-of-way line; thence continuing along said Southerly right-of-way line, North 89°53'32" East, a distance of 287.88 feet to the true point of beginning of the parcel of land herein described.

**EXHIBIT "B"**  
**Exceptions**

1. Rights of the public in and to any portion of the herein described premises lying within the boundaries of streets, roads or highways.
  
2. Easement, including the terms and provisions thereof:
  - For : Transmission Line
  - Granted to : Portland General Electric Company, an Oregon corporation
  - Recorded : November 14, 1927
  - Recording No(s) : (book) 190 (page) 557
  - Affects : a portion along 1st Avenue
  
3. Easement, including the terms and provisions thereof:
  - For : right of way
  - Granted to : Portland General Electric Company, an Oregon corporation
  - Recorded : November 2, 1953
  - Recording No(s) : (book) 475 (page) 204
  - Affects : Location not described.
  
4. Easement, including the terms and provisions thereof:
  - For : 12 foot public utility
  - Granted to : City of Canby, a municipal corporation
  - Recorded : August 13, 2004
  - Recording No(s) : 2004-074421
  - Affects : the East lot line

CURRAN-McLEOD, INC.  
CONSULTING ENGINEERS

6655 S.W. HAMPTON STREET, SUITE 210  
PORTLAND, OREGON 97223

November 6, 2018

**MEMORANDUM**

**TO:** Public Comments  
City of Canby

**FROM:** Hassan Ibrahim, P.E.  
Curran-McLeod, Inc.



**RE: CITY OF CANBY  
ACTIVE WATER SPORTS (DR 18-07)**

We have reviewed the submitted preliminary plans on the above noted project and have the following comments:

1. Hazel Dell way is fully improved with 50-foot paved width curb to curb except for the sidewalks and planter strip/street trees. The developer will be required to provide a 5.5 feet of planter/ landscape strip measured from the face of the curb and construct a 6-foot wide concrete sidewalk within the 37-foot half street right of way.
2. SE 1<sup>st</sup> Avenue is classified as a Local Industrial Street in the City Transportation System Plan. The existing right of way is 40 feet (not adequate), the required right of way is 52' to 72' wide. A minimum of 6-foot of right of way dedication is required along the entire site frontage. A half street improvement consisting of 20-foot wide measured from the ROW centerline to the face of the curb including 6-foot wide concrete sidewalks and a 5-foot wide planter strip. The street paved width may narrow in the influence area of the existing pond and wetlands and the sidewalk can also be narrowed to a minimum of 4 feet. Additional right of way dedication may be required at the southwest corner of the intersection to accommodate the dual ADA ramps.
3. The proposed access point on Hazel Dell Way shall be located at a minimum of 200 feet from any other driveway on the same side of the street as per the Industrial Area Master Plan, dated October 1998. The access point on SE 1<sup>st</sup> Avenue shall be a minimum of 50 feet from any other driveway or roadway or 10 feet separation between driveways on local streets on the same side of the street.

4. The Traffic Impact Study prepared by DKS, dated September 19, 2018 alludes to a sight distance restriction on SE 1<sup>st</sup> Avenue at the access point. The sight distance restriction is due to topographic roadway slope and horizontal curvature. A certification of the sight distance will be required by a registered professional engineer prior to occupancy.
5. The sight distance on Hazel Dell W is adequate.
6. Street trees shall be selected from the City approved tree list. The street tree ordinance requires the developer to pay the City \$500 per tree for installation and two (2) year period maintenance, the property owners will take over all of the responsibilities after that date.
7. A demolition permit will be required from Clackamas County prior to demoing the existing structures on-site.
8. Sanitary sewer lines exist on both Hazel Dell Way and SE 1<sup>st</sup> Avenue to serve this site. However, an existing 8-inch public sanitary sewer line is stubbed out on Hazel dell Way.
9. A monitoring manhole will be required at the property line to periodically monitor the flow leaving the site.
10. Private storm drainage discharge shall be disposed on-site, the design methodology shall be in conformance with the City of Canby, June 2012 Public Works Standards.
11. Storm drainage analysis will be required to demonstrate how the storm runoff generated from the new impervious surfaces will be disposed. If drywells (UIC) are used as a means to discharge storm runoff from the private streets, they must meet the following criteria: The UIC structures location shall meet at least one of the two conditions: (1) the vertical separation distance between the UIC and seasonal high groundwater is more than 2.5 feet or (2) the horizontal separation distance between the UIC and any water well is a minimum of 267 feet in accordance of the City of Canby Stormwater Master Plan, Appendix "C", Groundwater Protectiveness Demonstration and Risk Prioritization for Underground Injection Control (UIC) Devices. The storm drainage report shall be in conformance with the requirements as stated in Chapter 4 of the City of Canby Public Works Design Standards dated June 2012.
12. Any existing domestic or irrigation wells shall be abandoned in conformance with OAR 690-220-0030. A copy of Oregon water Rights Department (OWRD) abandonment certificate shall be submitted to the City.

13. Any existing on-site sewage disposal system shall be abandoned in conformance with DEQ and Clackamas County Water Environmental Services (WES) regulations. A copy of the septic tank removal certificate shall be submitted to the City.
14. The traffic impact analysis prepared by Associated Transportation Engineering & Planning, Inc. dated June 15, 2018 concludes that SE 13<sup>th</sup> Avenue and S Ivy Street intersection will continue to function at Level of Service B as a result of this development. No mitigations are needed.

Should you have any questions or need additional information, please let me know.



# City of Canby

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## SITE AND DESIGN REVIEW STAFF REPORT

FILE #: DR 18-08

Prepared for the November 26, 2018 Planning Commission Hearing

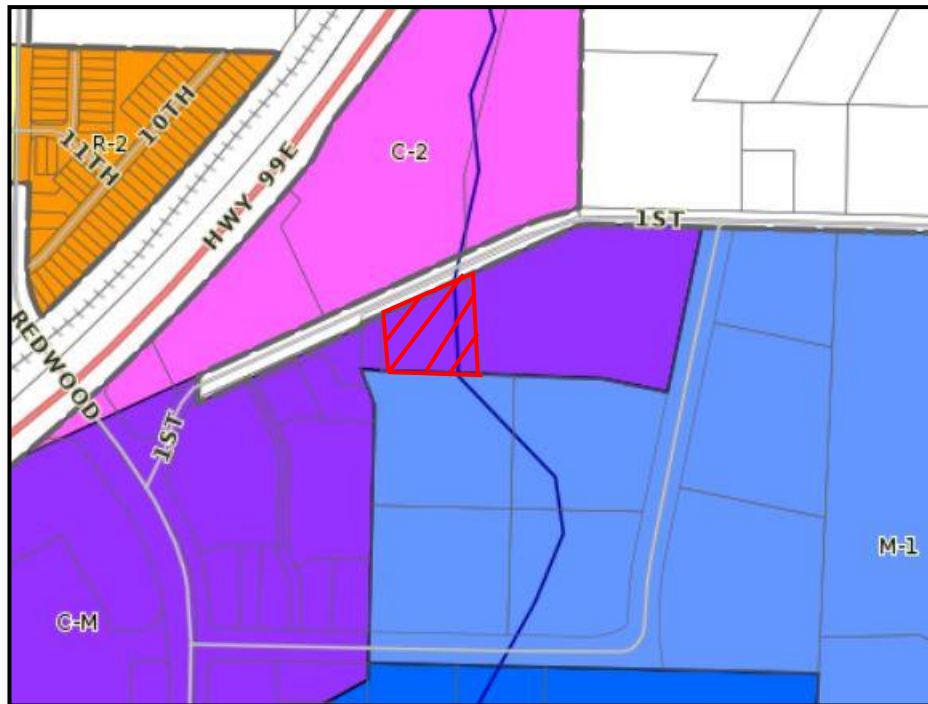
**LOCATION:** 1793 SE 1<sup>st</sup> Avenue

**TAX LOT:** 31E3400600 (Bordered in map below)

**LOT SIZE:** 0.96 acres

**ZONING:** C-M Heavy Commercial Manufacturing Zone/IO Canby Industrial Area Overlay Zone

**OWNER:** Chris & Kelly Clasen



**APPLICANT:** Chris & Kelly Clasen, Lil' Stinky Environmental Service, Inc.

**REPRESENTATIVE:** Todd Iselin, Project Architect; Pat Sisul, Project Engineer

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

**CITY FILE NUMBER:** DR 18- 08

**APPLICANT'S REQUEST:**

The subject parcel is located at 1793 SE 1<sup>st</sup> Avenue in front of the Canby Secure Storage facility. The applicant is seeking site and design approval to construct a 4,732 square foot 2-story building to serve the Lil' Stinky Environmental Service office and vehicle maintenance shop. The approximate 1 acre site has an existing pond which is to remain. This development is expected to involve over 12 employees upon moving the current Oregon City operations to the Canby project site. The site development includes associated required paved parking for 8 vehicles when including 2 interior service bay spaces to meet code parking standards. A secure fence surrounds a planned gravel service vehicle storage yard. The building will utilize Hardie "Reveal Panel" siding which is a fiber cement board allowed within the industrial park and providing a rather attractive 3 tone contrasting color scheme along with 3 large clear panel garage doors, canopy over the front entrance and a wrap-around screen to shield an outdoor courtyard outside of the conference room from direct view from the street and adjacent Secure Storage private drive. A single drive access placed in the optimum location for this property is provided. The existing pond on the site was required by the Department of State Lands to be preserved on-site, with no surrounding site limitations except to filter storm water runoff before entering the pond and prevent erosion into the pond. The subject parcel is zoned C-M, Commercial/Manufacturing, and is correspondingly designated Commercial/Manufacturing in the Canby Comprehensive Plan. The property is bordered on the east by C-M zone which is the site of the proposed Active Water Sports boat sales and storage business, on the south by the M-1 zone that is developed with Canby Secure Storage, a vacant C-M zone properties to the west and C-2 Highway Commercial zone developed with a greenhouse to the north. The property was cleared of thick blackberries several months ago in preparation of this proposed development.

**SECTION I APPLICABLE REVIEW CRITERIA:**

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

- 16.08 General Provisions**
- 16.10 Off-Street Parking and Loading**
- 16.30 C-M Commercial Manufacturing Zone**
- 16.35 I-O Canby Industrial Overlay Zone**
- 16.42 Signs**
- 16.43 Outdoor Lighting Standards**
- 16.46 Access Limitations**



**16.49 Site and Design Review**

**16.89 Application and Review Procedures**

**16.120 Parks, Open Space, and Recreational Land**

**Canby Comprehensive Plan**

**SECTION II REVIEW FOR CONFORMANCE WITH APPLICABLE APPROVAL CRITERIA:**

**16.08 General Provisions:**

**16.08.070 Illegally Created Lots**

In no case shall a lot which has been created in violation of state statute or city ordinance be considered as a lot of record for development purposes, until such violation has been legally remedied. (Ord. 740 section 10.3.05(G), 1984)

**Findings:** The subject property was transferred to the applicant for their use through a restricted Trust Deed assignment. The property is not a part of any previously platted subdivision or City approved partition plat. A boundary survey was performed in 2006. Based on available information, it appears that the property is a remnant from the sale and resulting deed creation of surrounding properties well before 1976 when that was allowed without City review and approval. The subject property can be considered a legal lot for land use purposes.

**16.08.090 Sidewalks Requirements**

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

B. The Planning Commission may impose appropriate sidewalk and curbing requirements as a condition of approving any discretionary application it reviews. (Ord. 740 section 10.3.05(I), 1984)

**Findings:** A sidewalk is indicated on the submitted Sheet C1 along the frontage of this development. It starts at the west boundary as the standard 6' foot width separated by a planter strip from the street curb and transitions near the pond to a curb tight sidewalk at the absolute minimum ADA compliant width of 4' to assist in protecting the pond. The sidewalk installation requirement will be satisfied.

### 16.08.150 Traffic Impact Study (TIS)

A. Purpose. The purpose of this section of the code is to implement Section 660-012-0045(2)(b) of the State Transportation Planning Rule, which requires the city to adopt a process to apply conditions to development proposals in order to minimize adverse impacts to and protect transportation facilities. This section establishes the standards to determine when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Study must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities: what information must be included in a Traffic Impact Study; and who is qualified to prepare the Study.

B. Initial Scoping. During the pre-application conference, the city will review existing transportation data to determine whether a proposed development will have impacts on the transportation system. It is the responsibility of the applicant to provide enough detailed information for the city to make a determination. If the city cannot properly evaluate a proposed development's impacts without a more detailed study, a transportation impact study (TIS) will be required to evaluate the adequacy of the transportation system to serve the proposed development and determine proportionate mitigation of impacts. If a TIS is required, the city will provide the applicant with a "scoping checklist" to be used when preparing the TIS.

C. Determination. Based on information provided by the applicant about the proposed development, the city will determine when a TIS is required and will consider the following when making that determination.

1. Changes in land use designation, zoning designation, or development standard.
2. Changes in use or intensity of use.
3. Projected increase in trip generation.
4. Potential impacts to residential areas and local streets.
5. Potential impacts to priority pedestrian and bicycle routes, including, but not limited to school routes and multimodal street improvements identified in the TSP.
6. Potential impacts to intersection level of service (LOS).

**Findings:** Based on criteria listed in 16.08.150 (C) above, staff determined at the pre-application conference that a TIS would not be needed for this particular development proposal due to its limited size, expected level of traffic generation to be well below our normal trigger of 50 peak hour trips for an off-site intersection analysis. In fact, with DKS assistance we have determined this development will generate less than 40 daily trips and less than 10 peak hour trips on the adjacent roadway. Confirming that this is below the standard the City generally utilizes for doing an off-site traffic impact analysis. However, we received a response notice from our request for comments from Region 1 ODOT recommending that we require a condition of approval for the applicant to submit a traffic impact analysis to assess the impacts of the proposed use on the State highway system. The property is located in close proximity to Hwy 99E but has no direct access with most of the traffic from the site is likely to utilize Sequoia Parkway intersection with 99E. A recent traffic study for the adjacent property to the east on

September, 2018 for Active Water Sports, a larger building and development, also did not warrant an off-site transportation impact analysis but a traffic memorandum was provided for that project. Staff called ODOT and explained the anticipated traffic level and requested they reconsider their request and to let me know their thoughts prior to the public hearing. The City recognizes the desire to have all possible relevant traffic data related to new development in order to best manage possible impacts to 99E, but our ordinance does provide some discretion on when traffic analysis is required or not. We can certainly require the applicant to submit a traffic analysis as a condition of approval if they insist or the Planning Commission believes it to be necessary. Staff will clarify our position upon hearing back from ODOT's at the Planning Commission hearing.

## **16.10 Off Street Parking**

### **16.10.050 Parking standards designated**

Parking for the proposed building can be calculated with the standard for industrial buildings listed in *Table 16.10.050*. This standard states the following:

*Warehousing and Manufacturing: 2.00 spaces per 1,000 gross square feet of office space, plus 1.00 space per 1,000 gross square feet of non-office warehousing space. Minimum of 5 parking spaces overall.*

**Findings:** Table 16.10.050 establishes the minimum required parking spaces based on a formula of 2 spaces for every 1000 square foot of floor space for office and 1 space for each 1,000 square foot for manufacturing or warehouse. The site plan has provided the minimum paved parking with 6 spaces along the front of the building and counting two additional spaces within the interior of the maintenance shop bays to conform to the minimum standard. The maintenance shop is an integral part of this business making use of the maintenance bays as required parking reasonable. They do have space within the fence vehicular storage yard for possible overflow parking to occur. One ADA parking space is provided. The parking standard has been met.

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

A. The minimum number of off-street loading berths for commercial and industrial uses is calculated using the table listed in 16.10.060(A).

**Findings:** Based on the table and total square footage of the proposed buildings which is less than 5,000 square feet, no loading berths are required or proposed with this building. This meets standard.

### **16.10.070 Parking lots and access**

**Findings:** The information provided addressed provisions for parking space size, number, and type listed in 16.10.070 and other requirements for parking lot and access standards. The proposed site access has been determined to conform to driveway and intersection spacing standards for a local street as listed in the Public Works Design Standards.

**16.10.100 Bicycle Parking**

**Findings:** The application does not address the bicycle parking standards listed in *16.10.100*. Approximately 4 bicycle parking spaces are needed to meet both the office and manufacturing (shop) area. They need to be placed on a hard surface nearly as close to the primary entrance as the closest parking space. With a condition of approval, this criterion can be met.

**16.30 C-M (Commercial/Manufacturing Zone)**

**Findings:** The underlying zoning of the property is C-M. Because the site is within the Industrial Overlay (I-O) zone, the development standards of 16.35 supersede those of 16.30.030. Staff agrees with the applicant’s narrative indicating conformance with the Industrial Overlay (I-O) zone development standards of 16.35 which supersede all CM zone development standards. The applicant’s narrative supports evidence that the development standards of 16.35 have been adequately addressed.

**16.35 Canby Industrial Overlay Zone (I-O) - Applicable Criteria:**

**16.35.25 Pre-application review and conditions of approval**

**Findings:** A pre-application meeting was held and the meeting notes are included with this application.

**16.35.30 Uses Permitted Outright**

**Findings:** The proposed use is permitted outright in the C-M zone and subsequently in the I-O zone as allowed under Section 16.35.30.

**16.35.50 Development Standards**

**Findings:** The standards listed in this section focus mostly on the orientation of the building to the roadway and property lines and covers access, right-of-way plantings, lighting, and the type of buildings. The applicant’s submitted narrative and detailed site plan, utility plan, grading plan, and landscape plan adequately addressed conformance with all review criterion in this section.

**Criteria under 16.35.050(J) states the following:** *“Metal building exteriors are prohibited, except that the Planning Commission may approve architectural metal elements that accent and enhance the aesthetics of building entrances and office areas.”* **As previously**

mentioned, the proposed building is constructed with no metal siding using a combination of fiber-cement reveal panels and stained cedar.

**16.35.60 Design Guidelines**

**16.35.70 I-O Design Review Matrix**

**Findings:** Criteria for the buildings, such as building setbacks, placement of new parking spaces, building materials and architectural detail was discussed in the applicant's narrative and design matrix, and staff concludes that the new development meets design criteria. One of the review criteria in the Transportation/Circulation section of the Design Review Matrix is clearly not applicable while a point is earned on the other. The Parking, Landscaping and Building sections achieve the minimum point requirement, although they did not clearly delineate which criteria they believe met the standard. They filled out the standard Site Design Review Menu (Table 16.49.040) which was not necessary since the I-O Design Review Matrix substitutes for that point matrix. This development scores well however on the standard matrix

**16.42.040 Signs**

**Findings:** The applicant is proposing three new wall signs on the building. The signs will be reviewed with submittal of a Sign Permit Application at the time of construction and must meet sign review criteria.

**16.43 Outdoor Lighting Standards**

**Findings:** The applicant submitted a detailed information pertaining to the planned site lighting. A photometric light site plan shows illumination levels across the site from the lighting fixtures planned. They appear to be adequately shielded and within the maximum lumen levels indicated by Table 16.43.070. This standard is met.

**16.46 Access Limitations on Project Density**

**Findings:** As previously mentioned, ingress and egress for the project is from SE 1<sup>st</sup> Avenue by a single access drive. Spacing standards are met as identified in the Canby Public Works Design Standards.

**16.49.040 Site and Design Review - Criteria and Standards**

B. In review of a Type III Site and Design Review Application, the Board shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the following:

1. The proposed site development, including the site plan, architecture, landscaping and graphic design, is in conformance with the standards of this and other applicable city ordinances insofar as the location, height and appearance of the proposed development are involved; and
  2. The proposed design of the development is compatible with the design of other developments in the same general vicinity; and
  3. The location, design, size, color and materials of the exterior of all structures and signs are compatible with the proposed development and appropriate to the design character of other structures in the same vicinity.
  4. The proposed development incorporates the use of LID best management practices whenever feasible based on site and soil conditions. LID best management practices include, but are not limited to, minimizing impervious surfaces, designing on-site LID storm water management facilities, and retaining native vegetation.
  5. The Board shall, in making its determination of compliance with this Ordinances, shall use the matrix in Table 16.49.040 to determine compatibility unless this matrix is superseded by another matrix applicable to a specific zone or zones under this title. An application is considered to be compatible with the standards of Table 16.49.040 if the following conditions are met:
    - a. The development accumulates a minimum of 60 percent of the total possible number of points from the list of design criteria in Table 16.49.040; and
    - b. At least 10 percent of the points used to comply with (a) above must be from the list of LID Elements in Table 16.49.040. (Ord. 1338, 2010).
- D. In review of a Type III Site and Design Review Application, the Board shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the INTENT of the design review standards set forth in this ordinance.

**Findings:** The applicant filed a Type III application, and provided a response to Table 16.35.040 in the I-O zone to demonstrate compliance with the total point menu and meets criterion in “B” above. The table in 16.49.040 is superseded by the I-O zone. Information provided to the file established that the proposal meets the above criteria.

**16.49.065 Bicycle and pedestrian facilities**

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

**Findings:** The applicant did not provide a place for the required 4 bicycle parking spaces as close to the entrance as the nearest parking spaces. A condition of approval will result in conformance. A 5’ wide sidewalk leads from the primary entrance to the public street sidewalk and required to meet that sidewalk criterion along with construction of a sidewalk agreed upon by staff along the entire frontage of the property.

**16.49.070 Landscaping provisions, Authority and intent**

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

**16.49.080 General provisions for landscaping**

**Findings:** The applicant provided scaled landscape plans and detailed plant information and landscaping site percentage of 28% that indicates conformance with all necessary standards. A place for 3 street trees within the sidewalk planter strip are included for which a street tree fee will be due since the City plants those trees. The small paved parking lot negates the need for parking lot landscaping internal to the parking lot but the normal standard is provided within 10 feet of the paved surface.

The grading plan clearly indicates directing storm water runoff to a newly constructed water quality rain garden to assist in filtering pollutants prior to overflow during heavy rain events into the pond. After a review of all information provided, staff concluded that the project meets landscaping standards.

**16.89 Application and Review Procedures**

**16.89.020 Description and Summary of Processes**

All land use and development applications shall be decided by using the procedures contained in this Chapter. Specific procedures for each type of permit are contained in Sections 16.89.030 through 16.89.060. The procedure type assigned to each permit governs the decision-making process for that permit. Additional requirements may be found in the individual chapters governing each permit type. The four types of procedure are described below. Table 16.89.020 lists the City’s land use and development applications and their required procedures.

C. Type III Procedure (Quasi-Judicial/Legislative). Type III decisions are made by the Planning Commission after a public hearing, with appeals reviewed by the City Council. Type III procedures generally use discretionary approval criteria.

**Finding:** The proposed project is subject to a Type III Site and Design Review procedure The required land use application process has been followed. A pre-application meeting was held prior to submittal of the formal public hearing application. Meeting notes are attached. The proposed project is subject to a Type III Site and Design Review procedure as set forth in Chapter 16.89 and subject to criteria and standards in the appropriate Sections of the CMC. Therefore, this proposal is subject to Planning Commission review and decision.

**16.120 Parks, Open Space, and Recreation Land**

**Findings:** The applicant accepts the application of a parks SDC fee prior to issuance of a building permit in lieu of park land dedication with this development project. This standard is met.

**Public Comments:**

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

**Agency Comments:**

Comment were received from ODOT Region 1 and from DirectLink and are attached to this report. Otherwise, comments from the pre-application meeting apply.

**SECTION III STAFF CONCLUSION/RECOMMENDATION:**

Staff concludes that the use is in conformance with the City’s Comprehensive Plan and the Land Development and Planning Ordinance. Additionally, the relevant site and design review standards, the minimum acceptable design review compatibility matrix score within the Industrial Overlay Zone is met, parking and landscape standards are met, a satisfactory preliminary storm water drainage plan is proposed, and the site has demonstrated it can accommodate the proposed use. The necessary public services and utility extensions or connections to adequately serve the site are available or can be made available through future improvements. Staff recommends **approval** of DR 18-08 subject to meeting the conditions of approval listed below.

Approval of this application is based on submitted application materials. Approval is strictly limited to the submitted proposal and is not extended to any other development of the property. Any modification of development plans not in conformance with the approval of application DR 18-08, including all conditions of approval, shall first require an approved modification in conformance with the relevant sections of the Canby Municipal Code.

**SECTION IV CONDITIONS OF APPROVAL:**

**Conditions Unique to this Proposal**

1. The applicant shall file a sign permit for the future planned wall signs that shall be limited to the size and height standards applicable to the I-O (Canby Industrial Area Overlay Zone) as indicated in Section 16.42.050, Table 7, of the sign ordinance. The proposed signs, after found to conform to the sign ordinance, must secure a building permit from Clackamas County Building Inspection prior to their installation.
2. The applicant shall erect 4 bicycle parking spaces in conformance to the standards listed in Section 18.10.100 and show the bike rack on a revised site plan submittal.



3. A street tree fee shall be payable to the City for the installation and one-year maintenance of the 3 street trees indicated on the site plan.
4. The use of drought tolerant plants with no planned irrigation does not negate the standard to maintain live landscaping plant material for the life of the development.

### **Procedural Conditions**

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

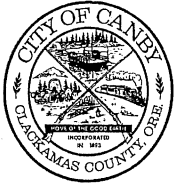
5. The design engineer shall submit to the City of Canby for review and approval at the time of final construction plan approval a storm drainage analysis and report applicable to the defined development area detailing how storm water disposal from both the building and the parking areas is being handled. Any drainage plan shall conform to an acceptable methodology for meeting adopted storm drainage design standards as indicated in the Public Works design standards.
6. A Sediment and Erosion Control Permit will be required from the City prior to commencing site work.
7. Prior to the issuance of a building permit, the installation of public or private utilities, or any other site work other than rough site grading, construction plans must be approved and signed by the City and all other utility/service providers. A Pre-Construction Conference with sign-off on all final construction plans is required. The design, location, and planned installation of all roadway improvements and utilities including but not limited to water, electric, sanitary sewer, natural gas, telephone, storm water, cable television, and emergency service provisions is subject to approval by the appropriate utility/service provider. The City of Canby's preconstruction process procedures shall be followed.
8. Construction plans shall be designed and stamped by a Professional Engineer registered in the State of Oregon.
9. Clackamas County will provide structural, mechanical, grading, and review of Fire & Life Safety, Plumbing, and Electrical permits for this project.

#### **Prior to Occupancy of the Facility:**

9. Prior to occupancy of the facility, all landscaping plant material indicated on the submitted landscape plan shall either be installed or sufficient security (bonding, escrow, etc.) pursuant to the provisions of CMC 16.49.100 (B) if the suitable planting season has passed.

### **Section V Attachments/Exhibits:**

1. Application
2. Applicant narrative
3. Combined Plan Set – Architectural, Civil Drawings, Landscaping, Site Lighting
4. Pre-application Conference Summary
5. Agency/Public Comments



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

# LAND USE APPLICATION

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## SITE AND DESIGN REVIEW

### General Type III

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

Applicant Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Address: \_\_\_\_\_ Email: \_\_\_\_\_  
 City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

Representative Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Address: \_\_\_\_\_ Email: \_\_\_\_\_  
 City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

Property Owner Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Signature: \_\_\_\_\_  
 Address: \_\_\_\_\_ Email: \_\_\_\_\_  
 City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

Property Owner Name: Chris Clasen Phone: (503) 351-8715  
 Signature: [Signature]  
 Address: 19631 Kolue Dr Email: k.c.l@q.com  
 City/State: Oregon City, OR Zip: 97045

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

- 1 All property owners represent they have full legal capacity to and hereby do authorize the filing of this application and certify that the information and exhibits herewith submitted are true and correct.
- 2 All property owners understand that they must meet all applicable Canby Municipal Code (CMC) regulations, including but not limited to CMC Chapter 16.49 Site and Design Review standards.
- 3 All property owners hereby grant consent to the City of Canby and its officers, agents, employees, and/or independent contractors to enter the property identified herein to conduct any and all inspections that are considered appropriate by the City to process this application.

**PROPERTY & PROJECT INFORMATION:**

1793 SE 1st Ave., Canby, OR \_\_\_\_\_  
 Street Address or Location of Subject Property

.96 \_\_\_\_\_  
 Total Size of Property

31 E 34<sup>th</sup> 600 \_\_\_\_\_  
 Assessor Tax Lot Numbers

Bare Land \_\_\_\_\_  
 Existing Use, Structures, Other Improvements on Site

CM \_\_\_\_\_  
 Zoning

Office/shop \_\_\_\_\_  
 Describe the Proposed Development or Use of Subject Property

31 E 34<sup>th</sup> 600 \_\_\_\_\_  
 Comp Plan Designation

| STAFF USE ONLY |                 |                    |           |                   |
|----------------|-----------------|--------------------|-----------|-------------------|
| <u>DR18-08</u> | <u>10/16/18</u> | <u>[Signature]</u> | RECEIPT # | DATE APP COMPLETE |
| FILE #         | DATE RECEIVED   | RECEIVED BY        |           |                   |

**Type III  
Site and Design Review  
Application**

for a  
New Office Building and Site Development

1793 SE First Avenue  
Canby, OR 97013

September, 2018

City of Canby  
Planning Department  
222 NE 2nd Avenue  
PO Box 930  
Canby, OR 97013

**iAISELIN ARCHITECTS, P.C.**

1307 Seventh Street Oregon City, OR 97045 p: 503-656-1942 f: 503-656-0658

## **Contents**

### Narrative:

1. General Project Information
2. Chapter 16.30 Heavy Commercial Manufacturing
3. Chapter 16.35 Canby Industrial Area Overlay (I-O) Zone
  - a. 16.35.040 Canby Industrial Overlay Design Review Matrix
  - b. 16.35.050 Development Standards
4. Chapter 16.49 Site and Design Review
  - a. 16.49.040 Site Design Review Menu
  - b. 16.49.065 Bicycle and Pedestrian Facilities
  - c. 16.49.080 General Provisions for Landscaping
  - d. 16.49.120 Parking Lot Landscaping Standards

### Drawings:

(Separate attachment)

- A1.1 Cover
- A1.2 Main Level Floor Plan
- A1.3 Upper Level Floor Plan
- A2.1 Building Elevations
- A2.2 Building Elevations
- C1 Site Plan
- C2 Grading Plan
- C3 Utility Plan
- Landscape Plan
- Site Lighting Plan

Project: Lil Stinky Environmental Service Office

Property Owner: Lil Stinky Environmental Service, LLC  
 19631 Kolar Drive  
 Oregon City, OR 97045  
 Contact: Chris Clasen  
 503-351-5027  
[chris@lilstinky.com](mailto:chris@lilstinky.com)

Architect: Iselin Architects, P.C.  
 1307 Seventh Street  
 Oregon City, OR 97045  
 Contact: Todd Iselin, Project Architect  
 P: 503-656-1942  
[todd@iselinarch.com](mailto:todd@iselinarch.com)

Civil Engineer: Sisul Engineering  
 375 Portland Avenue  
 Gladstone, OR 97027  
 Contact: Pat Sisul, Project Engineer  
 P: 503-657-0199 F: 503-657-5779  
[patsisul@sisulengineering.com](mailto:patsisul@sisulengineering.com)

Project Description: Construction of a new two-story office building with paved on-site parking, and a gravel vehicle storage yard. The site is currently vacant and contains a small, natural pond near the street.

Zone: C-M, Heavy Commercial Manufacturing  
 Industrial Overlay

Site Area: 42,096 sf

Building Area:

|                 |                           |
|-----------------|---------------------------|
| 1,917 SF        | Main Level Office         |
| 1,710 SF        | Main Level Shop           |
| <u>1,105 SF</u> | <u>Upper Level Office</u> |
| 4,732 SF        | Total                     |

Parking:

|           |                               |   |                 |
|-----------|-------------------------------|---|-----------------|
| Required: | 2/1,000 GSF Office @ 3,022 SF | = | 6 spaces        |
|           | 1/1000 GSF Manufacturing      | = | <u>2 spaces</u> |
|           |                               |   | 8 spaces        |
| Provided: | 5 standard spaces             |   |                 |
|           | 1 ADA space                   |   |                 |
|           | <u>2 garage spaces</u>        |   |                 |
|           | 8 spaces                      |   |                 |

Landscape Area: 11,945 sf (28%)

## **Chapter 16.30 Heavy Commercial Manufacturing**

Business offices, equipment and utility storage and service yards are permitted uses in the C-M zone.

Development Standards:

- A. Minimum lot area: There is no minimum lot area requirement.
- B. Minimum width and frontage: There are no minimum width or frontage requirements.
- C. Minimum yard requirements: There are no minimum yard requirements for this location in the C-M zone.
- D. Maximum building height: The maximum building height of 25' is below the maximum allowed height of 45'.
- E. Maximum lot coverage: The 9% building lot coverage is less than the 60% allowed.
- F. Other regulations:
  - Vision clearances are maintained at either side of the driveway
  - There is no angled parking abutting the curb and the property is not on Highway 99E, so the 8' sidewalk requirement does not apply
  - Overhangs do not encroach within the required setbacks
  - The property does not abut residential zones

**Chapter 16.35 Canby Industrial Area Overlay (I-O) Zone**

**Industrial Overlay Design Review Matrix  
Table 16.35.040**

| CRITERIA   | Possible Scores |
|--|-----------------|
| <b>Parking</b>   |                 |
| Parking areas located to the side or rear of buildings as viewed from public right-of-way: <50% of parking spaces=0; 50%-75%=1; 75%-100%=2.  | 0 1 2           |
| Increase minimum interior parking lot landscape over the base 15%: 15%-18%=0; 18%-22%=1; >22%=2.   | 0 1 2           |
| Increase the base number of trees required by 16.49.120 (all landscape islands must contain 1 tree, 1 tree for every 40' along the required setback): 100%-105% of base requirement=0; 105%-110% of base requirement=1; >110%=2;<br>(# of trees proposed/# of trees required x100=% of base requirement) | 0 1 2           |
| Number of parking spaces provided: (% of required minimum): >110%=0; 110%-105%=1; 105%-100%=2. See Table 16.10.050 for required parking.<br>(# of spaces proposed/# of spaces required x100=% of required minimum)   | 0 1 2           |
| <b>Minimum Acceptable Score</b>  | <b>4 points</b> |

4 points

|  |                |
|--|----------------|
| <b>Transportation/Circulation</b>  |                |
| Design private, on-site pedestrian pathways: 6' painted ways=0; 6' brick/paver ways=1; 6' brick/paver & raised concrete ways=2               | 0 1 2          |
| Number of pedestrian connections between the street sidewalk and internal circulation system: One connection = 0 Two or more connections = 1 | 0 1 2          |
| <b>Minimum Acceptable Score (some provisions may not apply)</b>  | <b>2points</b> |

NA\*

|   |  |
|---|--|
| <b>Landscaping</b>  |  |
| Trees installed at 3 inch caliper: <25% of trees=0; 25%-50%=1; 50%- |  |

|   |                 |
|---|-----------------|
| 100%=2.   | 0 1 2           |
| Usable outdoor amenity provided with development (e.g., water features, plazas, seating areas, and similar features): no=0; yes=1; yes and for public use =2. | 0 1 2           |
| Amount of grass (less grass is better) (% of total landscaped area)>50%=0; 25%-50%=1; <25%=2  | 0 1 2           |
| <b>Minimum Acceptable Score</b>   | <b>3 points</b> |

3 points

| <b>Building Appearance and Orientation</b>  |                 |
|---|-----------------|
| Building orientation at or near the street: parking or drive separates building from street=0; at least 20% of elevation within 5 feet of minimum setback=1; at least 20% of elevation is at minimum setback=2. | 0 1 2           |
| Building entrances visible from the street: no=0; yes=1.  | 0 1             |
| Buildings use quality materials: concrete, wood, or wood siding=0; concrete masonry, stucco, or similar material=1; brick or stone=2.   | 0 1 2           |
| Articulation and/or detailing to break up large building surfaces and accentuate the building entrance(s): no=0; yes=2.   | 0 2             |
| <b>Minimum Acceptable Score</b>   | <b>4 points</b> |

4 points

*\* Based on the small scale of the proposed development, the Transportation/Circulation requirements do not seem applicable as they are for larger, campus type industrial developments. There is a single pedestrian connection to the public sidewalk for the 221' of street frontage, which will provide adequate access for the anticipated amount of pedestrian traffic to this property. The sidewalk will be 5' wide concrete and raised 6" above the vehicular paved surface.*

16.35.050 Development Standards:

- A. Minimum lot area: There is no minimum lot area requirement.
- B. Minimum width and frontage: There are no minimum width or frontage requirements.
- C. Minimum yard requirements:
  - a. Street: 20' (buildings up to 25' in height) 22' minimum provided
  - b. Interior side: 10' 10' minimum provided
- D. Maximum building height: The maximum building height of 25' is below the maximum allowed height of 45'.
- E. Maximum lot coverage: The 9% building lot coverage is less than the 60% allowed.
- F. Street access: A single curb cut to First Street is proposed.
- G. Street ROW improvements: Proposed per civil drawings.
- H. Building orientation: A continuous sidewalk connects the building entrance to the public sidewalk. The connection is direct, but is angled to minimize the slope and meet ADA standards.
- I. ROW plantings: Street trees and ground cover are proposed in the ROW per civil and landscape drawings.



- J. Metal building exteriors: No metal siding is proposed. Siding will be a combination of fiber-cement reveal panels and stained cedar.
- K. Lighting:
- L. Shared access: No shared access is proposed.
- M. Landscape irrigation: No landscape irrigation is proposed. All plant materials utilized are drought tolerant and will be hand watered until they are sufficiently established.
- N. Other regulations: Refer to requirements for C-M zone and Site and Design Review.

## Chapter 16.49 Site and Design Review

### 16.49.40 Criteria and Standards

The proposed development complies with all requirements of the City of Canby Code of Ordinances and is compatible in use, scale, design and appearance with other developments in the area.

Refer to specific items noted in the Design Review Matrix.

**Table 16.49.040 Site Design Review Menu**

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

| Design Criteria   | Possible Points                    |                                     |   |          |          | Points |
|---|------------------------------------|-------------------------------------|---|----------|----------|--------|
|   | 0                                  | 1                                   | 2   | 3        | 4        |        |
| <b>Parking</b>  |                                    |                                     |   |          |          |        |
| Screening of parking and/or loading facilities from public right-of-way               | Not screened                       | Partially screened                  | Fully screened  | -        | -        | 2      |
| Parking lot lighting provided   | No                                 | Yes                                 | -   | -        | -        | 1      |
| Parking location (behind building is best)  | Front                              | Side                                | Behind  | -        | -        | 1      |
| Number of parking spaces provided (% of minimum required)                             | >120%                              | 101-120%                            | 100%  | -        | -        | 2      |
| <b>Screening of Storage Areas and Utility Boxes</b>                                   | <b>0</b>                           | <b>1</b>                            | <b>2</b>  | <b>3</b> | <b>4</b> |        |
| Trash storage is screened from view by solid wood fence, masonry wall or landscaping. | No                                 | Yes                                 | -   | -        | -        | 1      |
| Trash storage is located away from adjacent property lines.                           | 0 - 10 feet from adjacent property | 11 - 25 feet from adjacent property | >25 feet from adjacent property   | -        | -        | 2      |
| Utility equipment, including rooftop equipment, is screened from view.                | Not screened                       | Partially screened                  | Fully screened  | -        | -        | 2      |
| <b>Access</b>   | <b>0</b>                           | <b>1</b>                            | <b>2</b>  | <b>3</b> | <b>4</b> |        |
| Distance of access to nearest intersection.   | ≤70 feet                           | 71 - 100 feet                       | >100 feet   | -        | -        | 2      |
| Pedestrian walkways from public street/sidewalks to building entrances.               | One entrance connected.            | -                                   | Walkways connecting all public streets/sidewalks to building entrances. | -        | -        | 2      |
| Pedestrian walkways from parking lot to building entrance.                            | No walkways                        | Walkway next to building only       | Walkways connecting all parking areas to building entrances             |          |          | 2      |

| Design Criteria  | Possible Points   |  |   |          |   |
|--|---|--|---|----------|---|
|  | 0   | 1  | 2   | 3        | 4   |
| <b>Tree Retention</b>  |   |  |   |          |   |
| Percentage of trees retained   | <10%  | 10-50%   | 51-75%                                    | >75%     | -   |
| Replacement of trees removed   | <50%  | ≥50%   | -   | -        | -   |
| <b>Signs</b>   | <b>0</b>  | <b>1</b>   | <b>2</b>                                  | <b>3</b> | <b>4</b>  |
| Dimensional size of sign (% of maximum permitted)                                      | >75%  | 50-75%   | <50%                                      | -        | -   |
| Similarity of sign color to building color   | Not similar   | Somewhat similar   | Similar                                   | -        | -   |
| Pole sign used   | Yes   | No   | -   | -        | -   |
| <b>Building Appearance</b>   | <b>0</b>  | <b>1</b>   | <b>2</b>                                  | <b>3</b> | <b>4</b>  |
| Style (similar to surroundings)  | Not similar   | Somewhat similar (1 or 2 points possible depending on level of similarity) |   | -        | -   |
| Color (subdued and similar to surroundings is better)                                  | Neither   | Similar or subdued   | Both                                      | -        | -   |
| Material (concrete, wood and brick are best)   | Either 1 or 2 points may assigned at the discretion of the Site and Design Review Board |  |   |          |   |
| Size of building (smaller is better)   | >20,000 square feet   | ≤20,000 square feet  | -   | -        | -   |
| Provision of public art (i.e. murals, statues, fountains, decorative bike racks, etc.) | No  | -  | -   | -        | Yes   |
| <b>Landscaping</b>   | <b>0</b>  | <b>1</b>   | <b>2</b>                                  | <b>3</b> | <b>4</b>  |
| Number of non-required trees provided  | -   | At least one tree per 500 square feet of landscaping.                      | -   | -        | -   |
| Amount of grass (less grass is better) (% of total landscaped area)                    | >50%  | 25-50%   | <25%                                      | -        | -   |
| <b>Low Impact Development (LID)</b>  | <b>0</b>  | <b>1</b>   | <b>2</b>                                  | <b>3</b> | <b>4</b>  |
| Use of pervious paving materials (% of total paved area)                               | <10%  | -  | 10-50%                                    | 51-75%   | >75%  |
| Provision of park or open space area   | None  | -  | Open space (Generally not for public use) | -        | Park (public or privately owned for public use) |

3

NA

1

1

2

2

1

1

0

1

2

0

0

|                                     |          |          |          |          |          |
|-------------------------------------|----------|----------|----------|----------|----------|
| <b>Low Impact Development (LID)</b> | <b>0</b> | <b>1</b> | <b>2</b> | <b>3</b> | <b>4</b> |
|-------------------------------------|----------|----------|----------|----------|----------|

| Design Criteria  | Possible Points       |                              |                             |                         |                       |                        |
|--|-----------------------|------------------------------|-----------------------------|-------------------------|-----------------------|------------------------|
|  | <25% drought tolerant | -                            | 25-50% drought tolerant     | 51-75% drought tolerant | >75% drought tolerant |                        |
| Use of drought tolerant species in landscaping (% of total plants)   | <25% drought tolerant | -                            | 25-50% drought tolerant     | 51-75% drought tolerant | >75% drought tolerant | 4                      |
| Provision of additional interior parking lot landscaping (% of minimum required)   | 100%                  | 101-110%                     | 111-120%                    | >120%                   | -                     | 1                      |
| Provision of an eco-roof or rooftop garden (% of total roof area)  | <10%                  | -                            | -                           | 10-50%                  | >50%                  | 0                      |
| Parking integrated within building footprint (below-grade, structured parking, or tuck-under parking) (% of total on-site parking) | <10%                  | -                            | -                           | 10-50%                  | >50%                  | 0                      |
| Disconnecting downspouts from city stormwater facilities   | None                  | Some downspouts disconnected | All downspouts disconnected | -                       | -                     | 2                      |
| Shared parking with adjacent uses or public parking structure (% of total required parking spaces)                                 | None                  | <50%                         | ≥50%                        | -                       | -                     | 0                      |
| Provision of rain gardens/bioretention areas for stormwater runoff (% of total landscaped area)                                    | None                  | -                            | 10-50%                      | 51-75%                  | >75%                  | 4                      |
| <b>Total Possible Points = 71, 60%=42.6 points, 10%=7.1 points</b>   |                       |                              |                             |                         |                       | <b>43 points total</b> |

16.49.065 Bicycle and Pedestrian Facilities

A new public sidewalk will be provided along the full First Street frontage of the property. A 5' wide site sidewalk will connect the building entrance to the public sidewalk.

16.49.080 General Provisions for Landscaping

A total of 28% of the site will be landscaped. Three existing, mature trees, located in the northeast corner of the site will be retained. These trees are remote from the development area and will not be impacted by the building construction or site work, including the rain garden, which will be in excess of 20' away from the nearest tree.

16.49.120 Parking Lot Landscaping Standards

The proposed development contains parking for a total of 8 vehicles, two of which are located within the building shell, and covers a paved area of approximately 2,656 sf and is therefore exempt from parking lot landscaping requirements. Additional paved area is provided specifically for vehicle and equipment maneuvering and storage.

Although there is no requirement for parking lot landscaping, a total of 521 sf of landscaped area is provided adjacent to and within 10' of the paved parking area.





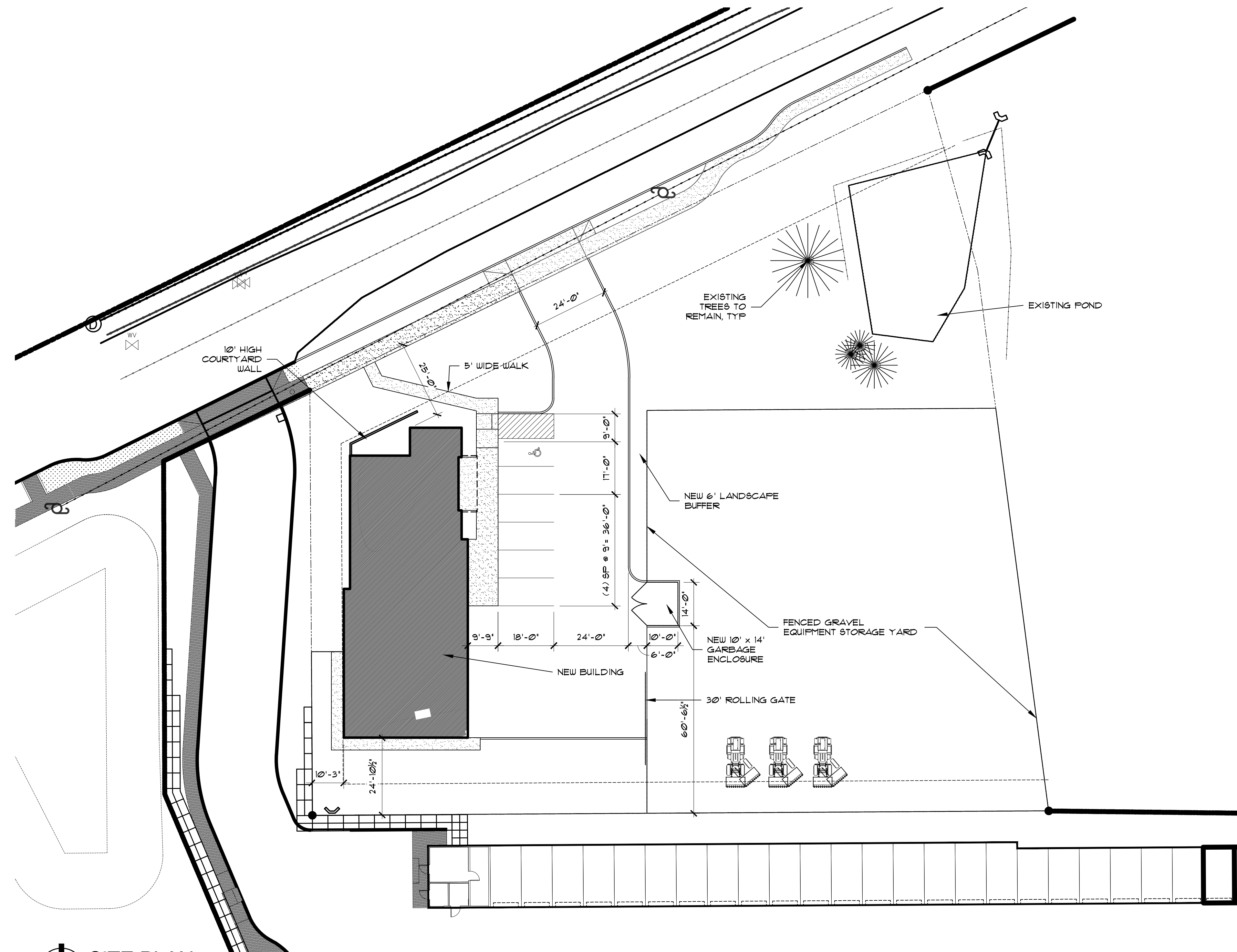


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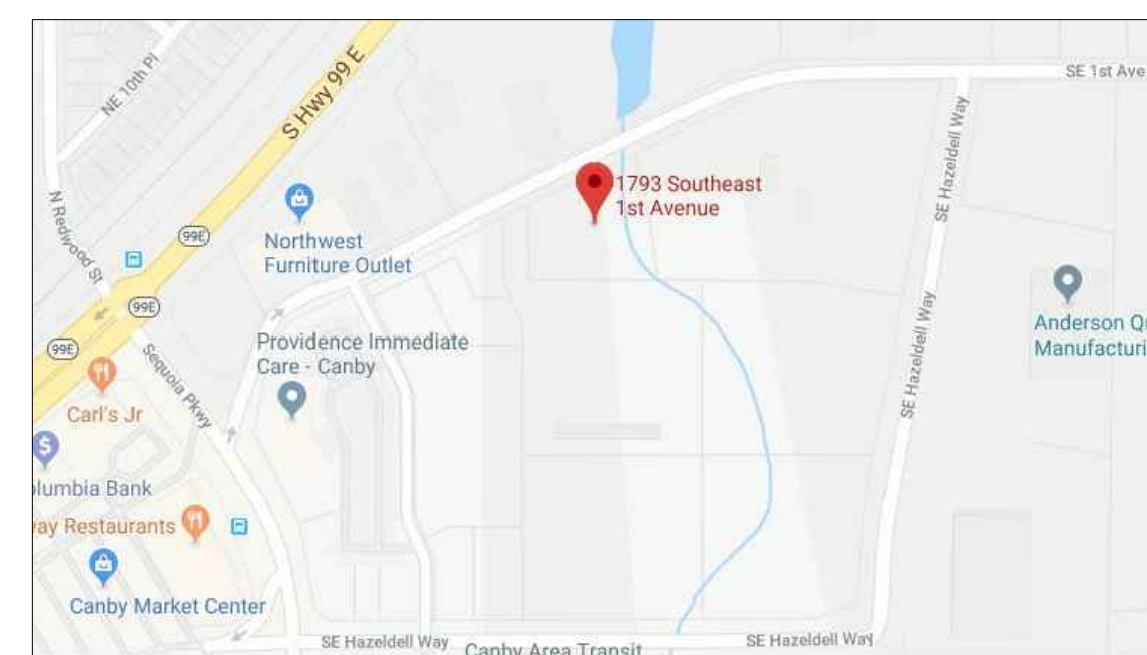
NOT FOR  
PRELIMINARY  
CONSTRUCTION

**DESIGN  
REVIEW**



**SITE PLAN**  
REFER TO CIVIL AND LANDSCAPE PLANS FOR ADDITIONAL DETAIL

1" = 20'



**VICINITY MAP**

NT5

NEW OFFICE AND SHOPS FOR  
**LIL STINKY ENVIRONMENTAL**

1793 SE FIRST AVE.  
CANBY, OR 97013

PROJ. NO. : 1823  
FILE : A-SIT  
DATE : 9/21/2018

SHEET #

**A1.1**

SITE PLAN





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**DESIGN  
REVIEW**

NEW OFFICE AND SHOPS FOR  
**LIL STINKY ENVIRONMENTAL**

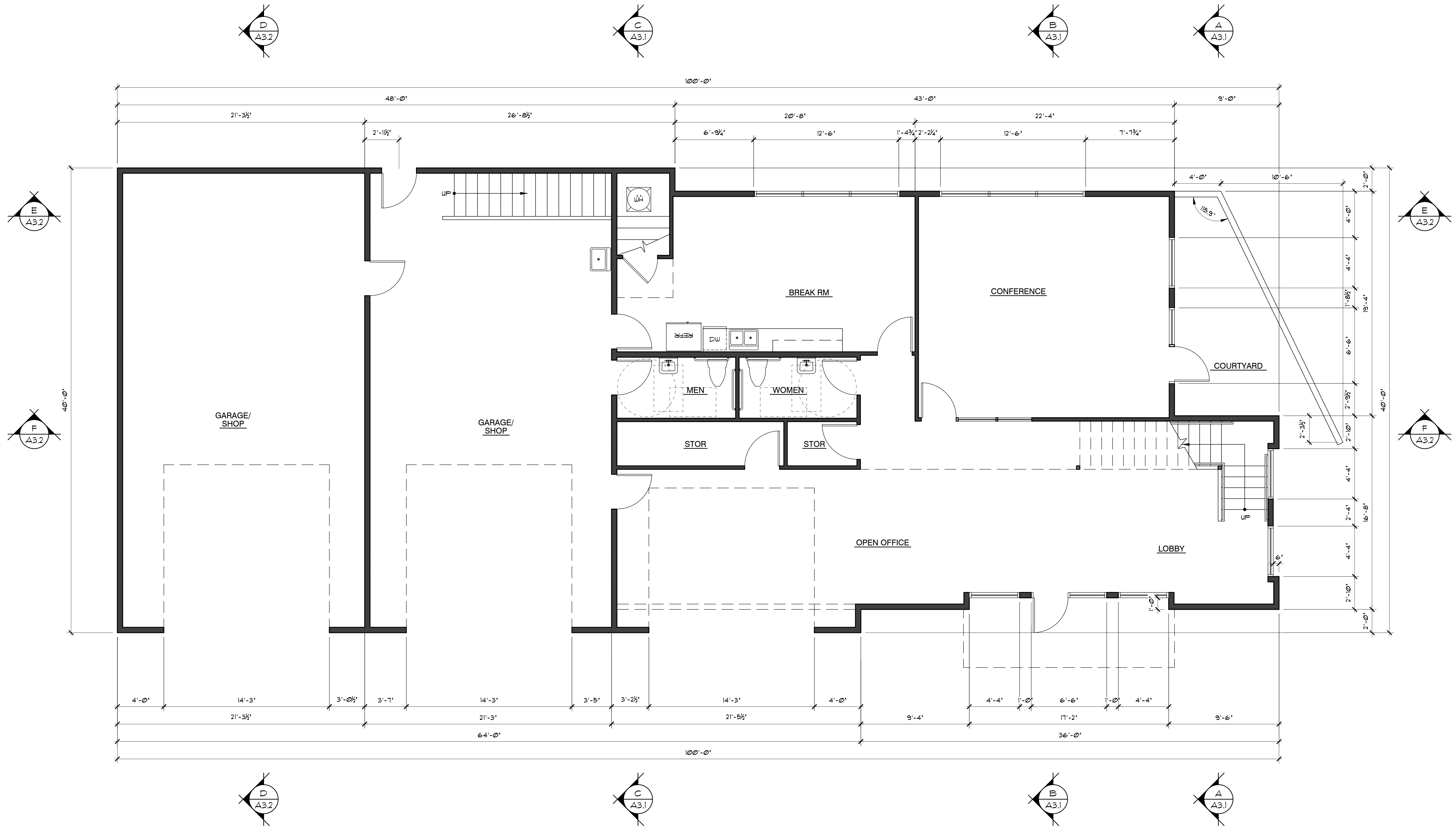
1793 SE FIRST AVE.  
CANBY, OR 97013

PROJ. NO. : 1823  
FILE : A-FP  
DATE : 9/21/2018

SHEET #

**A1.2**

MAIN LEVEL PLAN



**MAIN LEVEL FLOOR PLAN**

1/4" = 1'-0"

K:\2018 Projects\1823 Lil Stinky\Other\Drawings\1823 A-FP.dwg, 4/2, 9/21/2018 10:52:52 AM



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**DESIGN  
REVIEW**

NEW OFFICE AND SHOPS FOR  
**LIL STINKY ENVIRONMENTAL**

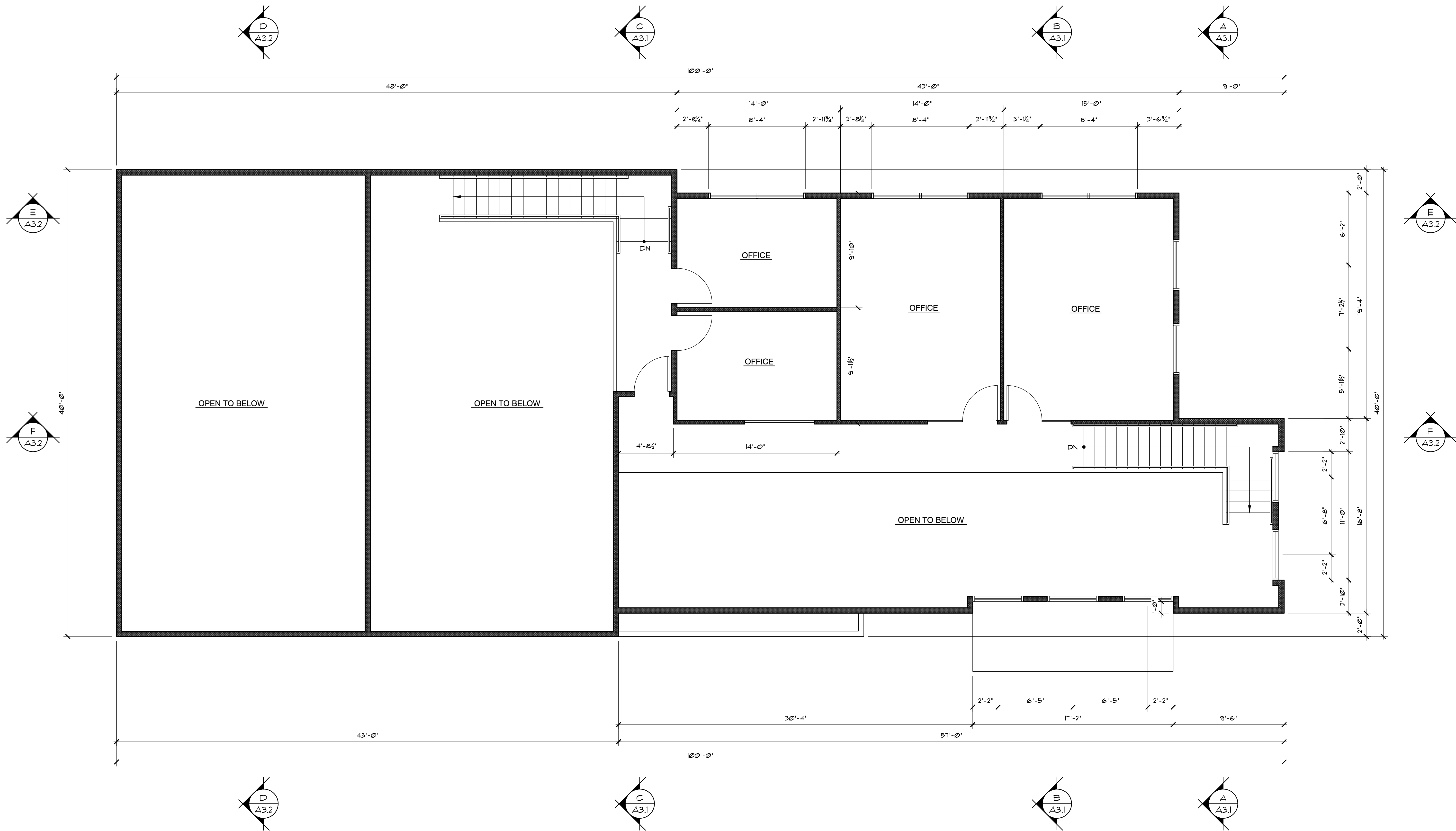
1793 SE FIRST AVE.  
CANBY, OR 97013

PROJ. NO. : 1823  
FILE : A-FP  
DATE : 9/21/2018

SHEET #

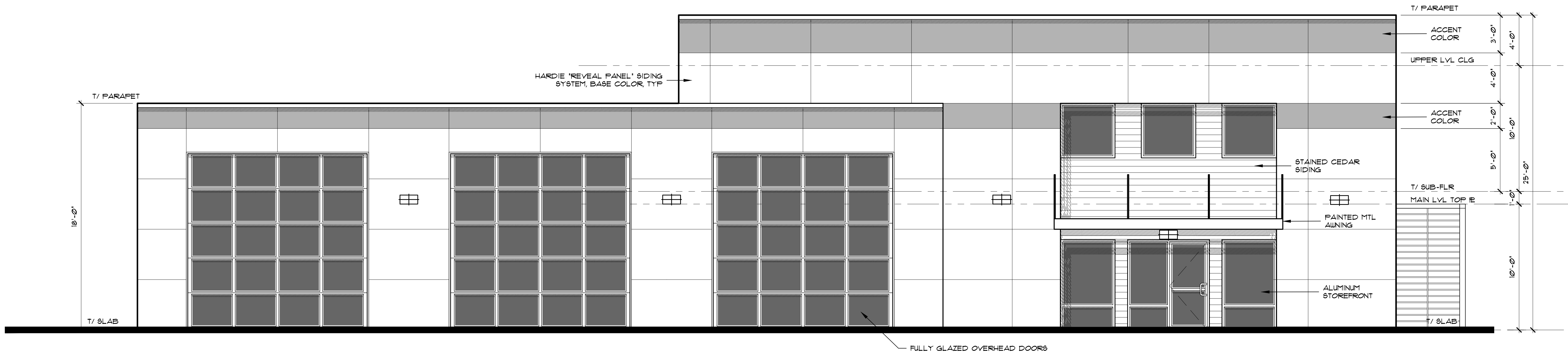
**A1.3**

UPPER LEVEL PLAN



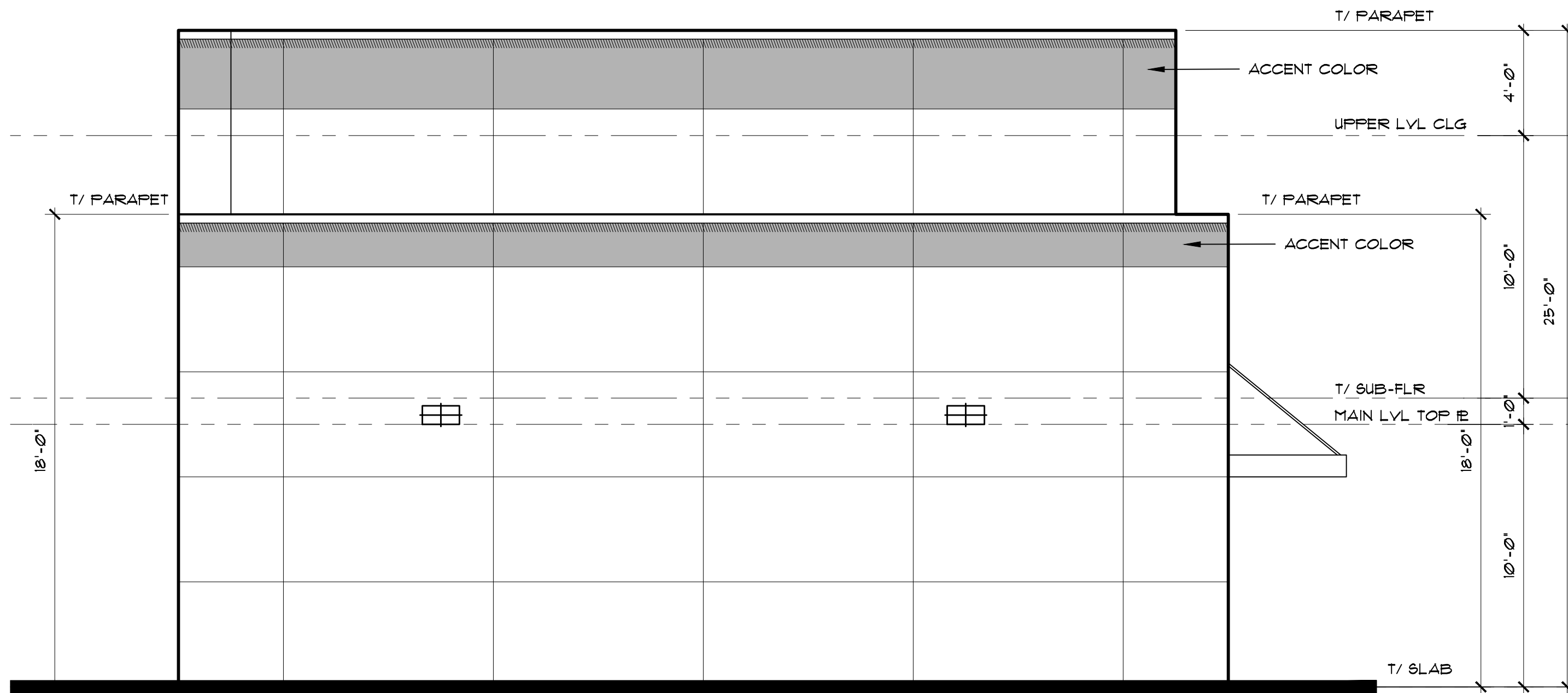
UPPER LEVEL FLOOR PLAN

1/4" = 1'-0"



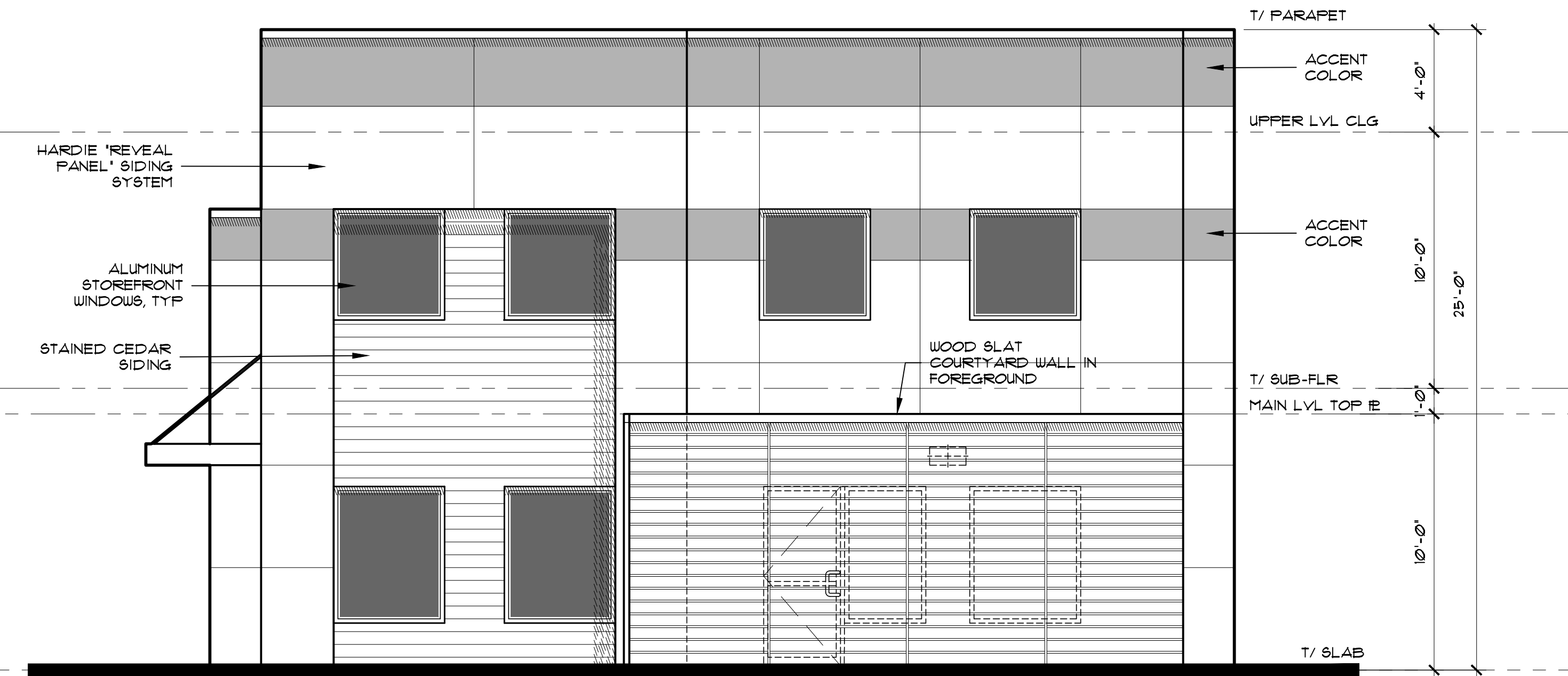
EAST ELEVATION

1/4" = 1'-0"



SOUTH ELEVATION

1/4" = 1'-0"



NORTH ELEVATION (SE 1ST AVENUE)

1/4" = 1'-0"



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**DESIGN  
REVIEW**

NEW OFFICE AND SHOPS FOR  
**LIL STINKY ENVIRONMENTAL**

1793 SE FIRST AVE.  
CANBY, OR 97013

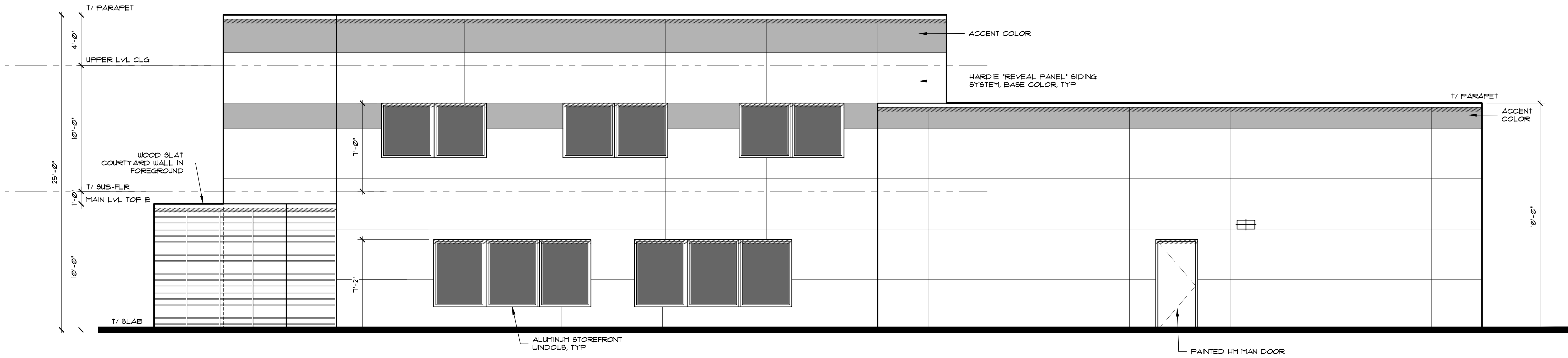
PROJ. NO. : 1823  
FILE : A-ELV  
DATE : 9/21/2018

SHEET #

**A2.1**

ELEVATIONS

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WEST ELEVATION

1/4" = 1'-0"



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CONSTRUCTION

**DESIGN  
REVIEW**

NEW OFFICE AND SHOPS FOR  
**LIL STINKY ENVIRONMENTAL**

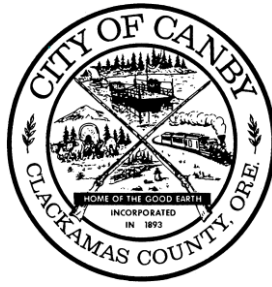
1793 SE FIRST AVE.  
CANBY, OR 97013

PROJ. NO. : 1823  
FILE : A-ELV  
DATE : 9/21/2018

SHEET #

**A2.2**

ELEVATIONS



## **Pre-Application Meeting**

**1793 SE 1<sup>st</sup> Avenue  
July 18, 2017  
10:30 am**

### **Attended by:**

Tim Gettel, Wave Broadband, 503-307-0029  
Gary Stockwell, Canby Utility, Electric, 503-263-4307  
Bob Miller, Exodus Contracting, 971-645-2383  
Chris Clasen, Owner, 503-351-8715  
Shane Hester, Public Works, Erosion Control, 503-266-0698

Hassan Ibrahim, Curran-McLeod Engineering, 503-684-3478  
Bryan Brown, Planning Department, 503-266-0702  
David Riener, Realtor for Lil' Stinky, 971-263-3735  
Kelly Clasen, Owner, 503-351-5027

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

### **OWNER, Chris Clasen**

- We provided everyone with the print to show what we plan on doing with the property. It would be a combination office/shop scenario for our small business. We install and pump septic systems and we would utilize the shop for working on our trucks.
- Our goal is to not modify the natural features too much around the pond area.
- We would level the site enough to use it for parking and building.

### **CURRAN-MCLEOD ENGINEERING, Hassan Ibrahim**

- On SE 1<sup>st</sup> Avenue the code requires half street improvements along the site frontage. The cross section for the site improvements are at the property next to you. I did not look at the assessors map to see how much right-of-way there is on your site. We will need a minimum from center line right-of-way to the new property line, which is 28 1/2 ft encompassing 17 ft half street, curb width, 4-1/2 ft planter strip, 6 ft sidewalk and 1/2 ft buffer behind it. This half street improvement will include street lights.
- The closest sanitary sewer is at the pump station and it looks like you have to pull it to the westerly property line. You can ask the city to do an advanced financing district (AFD) to compensate you for this portion of the sewer you are building, which does not front your site. It will include these surrounding properties and they would pay you the cost of the AFD for the sanitary sewer. The way the AFD's work is you have 10 years to recover your costs with (2) five year extensions, so if nobody develops within those time limitations you are out of luck. A question was asked about utilizing a small pump station at the street and where are they pumping to and Hassan said because it was such a long distance and was not economically feasible to extend the sanitary sewer we allowed them and they provided a gravity stub in the event this sewer extends they will connect to it. Currently they take it all the way up to this manhole. Chris asked if they could piggy-back onto the pump station and Hassan said we need to talk about your question internally. Bryan said between Curt and me,

we discussed the value of a sewer line extended across the whole frontage of the site, is that what you are meaning by the AFD? Hassan said no, you take it all the entire way and there is about 150 ft gap between the pump station and his easterly property line. Bryan said this is where the AFD would come in and Hassan said yes. Bryan said it would serve them and Hassan stated the Burden property, Canby Self Storage and the medical building may benefit from it. Discussion ensued on which property would hook up to the sewer line. Hassan and Bryan said they will discuss this more and get back to you. Hassan suggested for them to contact Clackamas County Plumbing Department and see if they will allow you to connect to the existing forced main and you might have to build something like they did.

- All stormwater is to be disposed on site and as far as the public there is the pond here and you might be able to go to the pond or to the adjacent culvert.
- The driveway approach has to be commercial with 6 inch thick concrete with reinforcement.
- Hassan said he was not absolutely certain, but I think there is gas in the street and they will go in the trench with electric. The contact person for NW Natural is Darrell Hammond, 503-585-6611, extension 8035.
- It was asked if there was water in the roadway and Hassan said yes, at least to the water hydrant. You will need to contact Doug Quan, Canby Utility, Water Department, 503-266-1156.

#### **CANBY UTILITY, ELECTRIC DEPARTMENT, Gary Stockwell**

- We will require a trench line along the frontage in conjunction with the street improvements all the way to other property line. At some junction I would set a vault, transformer and serve your building.
- We install the street lights with the street improvements and I would develop a cost at that time and there is no set fee it is what your effect will be on the system. The mini storage is a single phase service and it would be a lot less expensive than if you wanted a 3-phase, commercial style service. Chris asked if Gary could give him an estimate on the costs and Gary said approximately \$10 to \$15 thousand for commercial single phase service like a class 320 and up. The street light will raise the cost a bit depending on the lumens for the roadway.
- You will need to supply us with the trench, grades, staking and backfill.
- Gary stated the city will want you to have sidewalks from property line to property line and Chris said we did not draw the sidewalk from property line to property line because of the pond and there is no area to construct it. Gary said one way or the other we will get to the property line whether you swing out in the right-of-way and then back. Hassan said once you get to the design point we will see if we need to bump it out for the sidewalks. We will see what the Department of State Lands or Corp of Engineers say if the pond is a wetland and if there is no other way around it and we will have to work together.

#### **WAVE BROADBAND, Tim Gettel**

- Our main line runs right in front of the property and if you let us know when the trench line is open we can drop conduit from our main line to the side of your building. We share the trench with other utilities.

**CITY OF CANBY, PUBLIC WORKS, EROSION CONTROL, Shane Hester**

- You will need to apply for an Erosion Control permit and you can get it through the Planning Department.
- You will need to keep barriers up to not disturb the pond with your dirt and be very cognizant when you work near it.
- I will be your inspector.

**CITY OF CANBY, PLANNING DEPARTMENT, Bryan Brown**

- The city is in charge of the system development charges (SDC) for the sewer and if they have not paid a SDC, which they would not have since we did not start charging until 1991. You cannot get credit for something that has never been paid.
- The applications you need to apply for the land use are Site and Design Review type 3 and what that entails is you go through a public hearing process with the Planning Commission and I calculated based on the acreage of your site of 1.95 acres. The cost for the Site and Design Review application is \$1,955.00, but you will get that at half price because the second application you submit we give you the lowest cost one at half price. The other application is a Conditional Use permit and every developer in the Pioneer Industrial plan area a development requirement to have 12 employees per acre and I would not imagine you will have 12 employees when you develop this site. Therefore, the code reads you need a Conditional Use permit and it is pretty common and they all have been approved. What they are trying to avoid is someone building a massive 100,000 sq ft warehouse with one employee, they want more employees in the industrial park and we have not run across this situation yet. That application is \$2,080.00 and you would add the half price for the Site and Design review at \$977.50. That will be the cost of your land use applications.
- The time frame usually takes about a month and half to two months to get final approval and the appeal process.
- I did a real quick study of the SDC's before I came to today's meeting and there is always some question on which category you fit in and I am pretty sure the ones I chose are the most conservative cost wise for you. The stormwater is \$173 per thousand square feet and comes to \$692.00 since you have a 4,000 sq ft building. The sanitary sewer is based upon an estimate the city will try to figure it out, but we need you to provide an estimate of the average daily volume of waste water discharge you will have. You will take that volume and divide it by 155, which is gallons per day and times it by \$2,790.00 and that is what your fee will be. The transportation SDC will be \$9,555.96 and is based upon square footage of your building. The parks SDC is based upon \$426.61 per employee and we generally use a methodology for determining your employees and if you can bring us absolute certainty of what your employee count will be we will use it, but otherwise we estimated you would have 5.7 employees for the size of the building. Therefore, your total park SDC will be \$2,431.67.
- The design you have has a couple of problems and the first would be seeing a single driveway rather than two. In the code it states you cannot have a parking lot or drive isle within the first 20 ft of the setback and you are showing it in the first 20 ft and basically you have a 20 ft setback for you building and the front 20 ft are only good for landscaping and a drive coming into your parking lot. You will have to redesign it and there is a matrix in the

code for you to earn a certain number of points. To earn those points you have to comply with no parking lot in the first 20 ft.

- The overly district does not allow metal building walls and the purpose is for quality construction. We do allow metal roofs and metal accents and it is more difficult for small operations for concrete tilt ups and it is what the majority of the buildings in the industrial park. You can use concrete blocks or wood.
- You will need to provide a minimum of seven parking spaces and generally you need to pave the surface having vehicular movements on a regular basis. If you had something of an outdoor storage yard you could potentially get approval to do non-dusty gravel or engineered aggregate, something other than the normal paving. You will need to do an analysis for the paved area showing a solution for stormwater retention of the hard surfaced areas. If you meet the distance from any water well you can use a drywell. Chris asked about the pond and Bryan said Kelly stated the state came out and looked and what did they tell you? Chris said as long as we are not cutting below the high water line they do not care what we do. There biggest concern was they wanted to limit the amount of yards of material we can dig into the high water line and Bryan said they are basically protecting the pond. Chris said she did not care about what we did as far as grading or anything as long as it is above the high water line, fill or cut as long as it does not interfere with the pond itself. Bryan asked if she mentioned potentially using it for detention or stormwater and Chris said it would be up to the city. Bryan asked Hassan if he had any ideas about it and Hassan said no and as far as I know they can charge to it as long as they have a pretreatment structure before it goes into the pond.
- There are some provisions in the code criteria for parking and what you will end up doing is go through the applicable chapters of our code and I can share them with you if you keep going on the process. The code states to put the parking to the side or the rear and I am thinking you may have to end up redesigning this so it is not in the front. If you do this you will have a single entrance coming in and out. You have a 10 ft setback from your interior property lines for your building and then 20 ft for a building.
- You will need to provide a narrative to the Planning Commission on how you feel like your design and your project meets all the code criteria.
- You have a 10 ft setback from your interior property lines for your building and then 20 ft for a building 25 ft in height and if it is over that it is a 35 ft from SE 1<sup>st</sup> Avenue setback.
- You have a 60% lot coverage with you building and I know you will not get anywhere near that, so it is not an issue.
- The landscaping will be a minimum or 15% of the site and you get extra points if you have a higher percentage. Normally, landscaping is irrigated and there are instances where you can get approval from the Planning Commission with drought tolerant plants and you have to realize you have to keep them alive and if they die you have to replace them.
- No loading bays required because of the size.
- I am going to wave the traffic study, which we did one similar size and I do not think we will get much benefit from this particular site.
- You are required one bike cycle rack.





# City of Canby

## **PUBLIC HEARING NOTICE & REQUEST FOR COMMENTS**

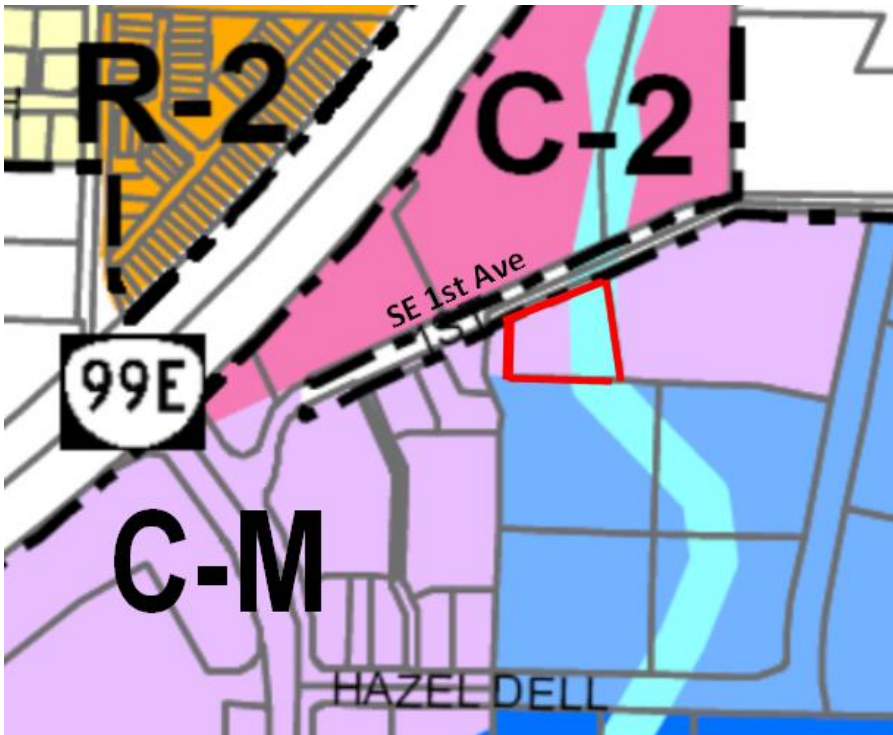
City File No.: DR 18-08 LIL STINKY ENVIRONMENTAL

**PLANNING COMMISSION PUBLIC HEARING DATE:**

**MONDAY, NOVEMBER 26, 2018**

**7 PM, CITY COUNCIL CHAMBERS**

The purpose of this Notice is to invite you to a Planning Commission Public Hearing and to request your written comments regarding a Site & Design Review (Type III) application (**DR 18-08 Lil Stinky Environmental**). Applicant proposes to develop a new two-story office building with paved on-site parking and a gravel vehicle storage yard.



**Location:** 1793 SE 1<sup>st</sup> Ave (See property outlined in red on map at left).

**Tax Map & Lot#:** 31E34 00600

**Lot Size & Zoning:** 42,096 SF (.96 acres),

C-M Commercial/Manufacturing Zone

**Property Owners:** Chris & Kelly Clasen

**Applicant:** Chris & Kelly Clasen

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

**City File Number:** DR 18-08

**Contact:** David Epling, Associate Planner at 503-266-0686

**Comments due** – If you would like your comments to be incorporated into the City’s Staff Report, please return the Comment Form by Wednesday, November 14, 2018. Written and oral comments can also be submitted up to the time of the Public Hearing or be delivered in person during the Public Hearing.

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

**Where can I send my comments?** Written may be mailed to the Canby Planning Department, P O Box 930, Canby, OR 97013; delivered in person to 222 NE 2<sup>nd</sup> Ave; or emailed to [PublicComments@canbyoregon.gov](mailto:PublicComments@canbyoregon.gov).

**How can I review the documents and staff report?** Weekdays from 8 AM to 5 PM at the Canby Planning Department. The staff report will be available for inspection starting Friday, November 16, 2018, and can be viewed on the City’s website: [www.canbyoregon.gov](http://www.canbyoregon.gov). Copies are available at \$0.25 per page or can be emailed to you upon request.

### **Applicable Canby Municipal Code Chapters:**

- 16.08 General Provisions
- 16.10 Off Street Parking
- 16.30 C-M Commercial/Manufacturing Zone
- 16.35 Industrial Overlay Designation
- 16.42 Signs
- 16.43 Outdoor Lighting Standards
- 16.46 Access Limitations on Project Density
- 16.49 Site & Design Review
- 16.89 Application & Review Procedures

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





# Oregon

Kate Brown, Governor

## Department of Transportation

Region 1 Headquarters  
123 NW Flanders Street  
Portland, Oregon 97209  
(503) 731.8200  
FAX (503) 731.8259

November 14<sup>th</sup>, 2018

ODOT #8718

## ODOT Response

|  |  |
|--|--|
| <b>Project Name:</b> Lil' Stinky Environmental   | <b>Applicant:</b> Chris and Kelly Clasen |
| <b>Jurisdiction:</b> City of Canby               | <b>Jurisdiction Case #:</b> DR 18-08     |
| <b>Site Address:</b> 1793 SE 1st Ave., Canby, OR | <b>State Highway:</b> OR 99E             |

The site of this proposed land use action is in the vicinity of OR 99E. ODOT has permitting authority for this facility and an interest in ensuring that this proposed land use is compatible with its safe and efficient operation.

### ODOT RECOMMENDED LOCAL CONDITIONS OF APPROVAL

#### Traffic Impacts

- The applicant shall submit a traffic impact analysis to assess the impacts of the proposed use on the State highway system. The analysis must be conducted by a Professional Engineer registered in Oregon. **Contact the ODOT Traffic representative identified below and the local jurisdiction to scope the study.**

**Please send a copy of the Notice of Decision including conditions of approval to:**

ODOT Region 1 Planning  
Development Review  
123 NW Flanders St  
Portland, OR 97209

[Region1\\_DEVREV\\_Applications@odot.state.or.us](mailto:Region1_DEVREV_Applications@odot.state.or.us)

|   |   |
|---|---|
| Development Review Planner: Marah Danielson | 503.731.8258,<br>marah.b.danielson@odot.state.or.us |
| Traffic Contact: Avi Tayar, P.E.            | 503.731.8221<br>Abraham.tayar@odot.state.or.us      |

## Laney Fouse

---

**From:** DANIELSON Marah B  
<Marah.B.DANIELSON@odot.state.or.us>  
**Sent:** Thursday, November 15, 2018 3:54 PM  
**To:** DANIELSON Marah B; TAYAR Abraham \* Avi;  
PublicComments  
**Subject:** RE: ODOT Case # 8718 Lil' Stinky Environmental

ODOT has received information from the City of Canby that the proposed development would generate 40 trips per day and 10 trips in the PM peak hour. Based on this information, ODOT has determined that a traffic impact analysis is not needed.

Please let me know if you have any questions.

Thank you,

Marah Danielson, Senior Planner  
ODOT R1 Development Review Program  
(503) 731-8258  
[marah.b.danielson@odot.state.or.us](mailto:marah.b.danielson@odot.state.or.us)

**From:** Marah.B.Danielson@odot.state.or.us <Marah.B.Danielson@odot.state.or.us>  
**Sent:** Wednesday, November 14, 2018 3:07 PM  
**To:** DANIELSON Marah B <Marah.B.DANIELSON@odot.state.or.us>; TAYAR Abraham \* Avi  
<Abraham.TAYAR@odot.state.or.us>; [publiccomments@canbyoregon.gov](mailto:publiccomments@canbyoregon.gov)  
**Subject:** ODOT Case # 8718 Lil' Stinky Environmental

Hello City of Canby,  
Attached are ODOT comments on the DR 18-08 Lil Stinky Environmental development proposal. Please let me know if you have any questions.

Sincerely,  
Marah Danielson, Senior Planner  
ODOT Development Review Program  
503.731.8258  
[marah.b.danielson@odot.state.or.us](mailto:marah.b.danielson@odot.state.or.us)



# City of Canby

## CONDITIONAL USE STAFF REPORT

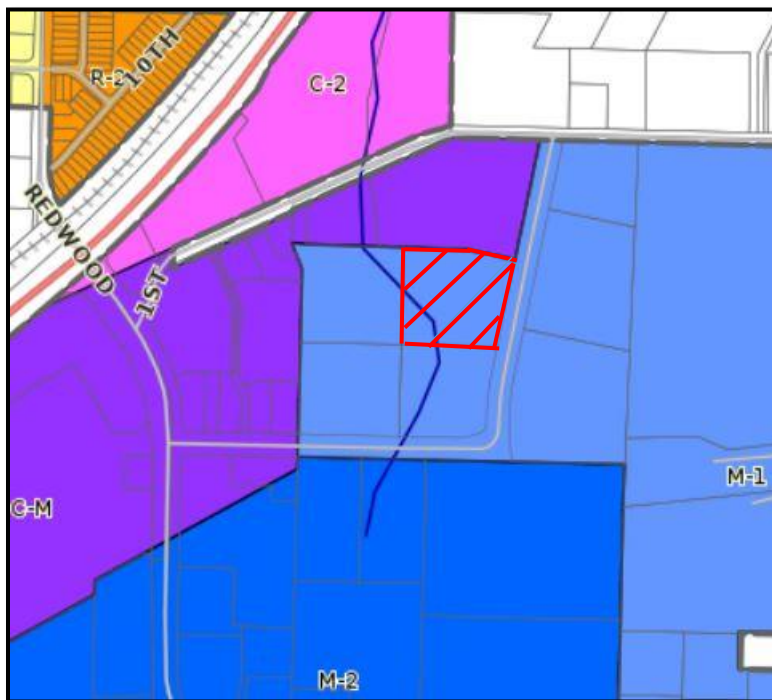
FILE #: CUP 18-05

Prepared for the November 26, 2018 Planning Commission Hearing

**LOCATION:** 138 S. Hazel Dell Way (Bordered area in map below)

**ZONING:** M-1 Light Industrial Zone/I-O Canby Industrial Area Overlay Zone

**TAX LOT:** 31E3403800



**LOT SIZE:** 2.41 acres

**OWNER:** OCI Reimers

**APPLICANT:** Trisha Kinney

**APPLICATION TYPE:** Conditional Use Permit (Type III)

**CITY FILE NUMBER:** CUP 18-05

**I. APPLICANT'S REQUEST:**

The applicant is requesting permission to use one of the spaces in an existing approved “flex-space” building located in the Pioneer Industrial Park as a physical fitness training business. The activity will occupy one of the units approved under DR 17-05/CUP 17-02 as a “flex space” industrial building. The parcel is located on the west side of S Hazel Dell Way approximately 400 feet south of SE 1<sup>st</sup> Avenue. According to the submitted site plan, the proposed use will occupy the unit in the southernmost part of the building.

**II. APPLICABLE CRITERIA:**

- 16.08 General Provisions
- 16.10 Off-street Parking and Loading
- 16.16 R-1 Low Density Residential Zone
- 16.46 Access Standards
- 16.89 Application & Review Procedures

**1. 16.08.070. Illegally created lots**

In no case shall a lot which has been created in violation of state statute or city ordinance be considered as a lot of record for development purposes, until such violation has been legally remedied. (Ord. 740 section 10.3.05(G), 1984)

**Findings: The subject property was legally created as Parcel 3, Burgen No. 2 Subdivision.**

**2. 16.10 Off-Street Parking and Loading**

**Findings: Parking spaces were reviewed for this site as part of approved Site and Design Review Application. The parking requirement Table under 16.10.050 indicated that the same number of parking spaces are required for a commercial amusement use as for an industrial/office use per 1000 square feet. Subsequently, based on the number of spaces approved for the building, it appears that adequate parking is available for the applicant’s proposed use. However, the applicant stated concerns in the submitted narrative because the property owner leased only 4 spaces for the use. A graveled area that will be developed with a future building, is available for overflow parking at this time and could provide a short-term solution.**

**3. 16.32 M-1 Light Industrial Zone**

**Findings: The business known as, Canby CrossFit and Conditioning, can be reviewed in the M-1 zone as a conditional use under Section 16.32.020(A) “Commercial Recreational Uses.” The proposed use must be in compliance with criteria listed under Section 16.50.010 of the conditional use chapter. The applicant filed a Conditional Use Application under this section of the chapter to comply with the Canby Municipal Code. The criteria is addressed in the conditional use section below.**

**4. 16.46. Access Standards**

**Findings: The access to the existing building was approved under DR 17-05/CUP 17-02 and the proposed use appears consistent with the standards that were approved under the previous case.**

## **5. 16.50.010. Authorization to Grant or Deny Conditional Uses**

In judging whether or not a conditional use permit shall be approved or denied, the Planning Commission shall weigh the proposal's positive and negative features that would result from authorizing the particular development at the location proposed and to approve such use, shall find that the following criteria are either met, can be met by observance 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:** The property is listed as Light Industrial in the Canby Comprehensive Plan and correspondingly zoned Light Industrial. The proposed request is listed in the Light Industrial zone as a conditional use and is therefore consistent with the intent of the Comprehensive Plan which is to provide development opportunities without creating conflicts with surrounding permitted uses. The applicable policies in the Comprehensive Plan reflect this type of use at the location and is consistent with land use and traffic policies.

The exterior siding, color, material, and appearance of the building was approved under the previous land use case. The use will occupy one of the approved flex spaces in the building and should not change the appearance of the structure or modify the conditions of approval. Although not an industrial use, the request is listed under conditional uses for the zone and should not create a negative impact on industrial uses common to Pioneer Industrial Park.

Sewer, water, and electricity has been extended to the new building and the structure met all Public Works and utility standards during the building permit process. Additionally, the applicant must meet any required Change of Use Permit or Building Code regulations to establish the use in the existing building.

Based on the size and location of the existing building, the recreational use will not alter the character of the surrounding area or impact uses permitted in the zone. The lot size can easily accommodate the increased intensity of use without a significant loss of open space, air, and light which are typical components regulated by zoning. The development standards for an M-1 zone are met – including setbacks, height, and maximum impervious coverage as part of the previous land use approval. Subject to approval of any required change of use or building permits, the proposal can meet criteria listed above.

### **III. AGENCY AND PUBLIC COMMENTS:**

Comments were solicited from the public, City departments, and applicable reviewing agencies. Summary of comments are included in the staff report, and complete agency

and public comments are part of the file. All comments from citizens and agencies received to date are attached to the file and will be presented to the Planning Commission.

Agencies/public had not commented at the time this report was completed.

#### **IV. CONCLUSION**

1. Staff concludes that the conditional use is in conformance with the City's Comprehensive Plan and Land Development and Planning Ordinance subject to meeting any Public Works and Building Code standards.
2. Staff concludes that the site can easily accommodate the proposed use.
3. Staff concludes that public service and utility provision to the site is available or can be made available for this particular use through the existing building or from services at the street.
4. Staff concludes that the conditional use will not alter the character of the surrounding area in a manner which substantially limits or precludes the use of surrounding properties as they exist today or for uses permitted in the zone.

#### **V. RECOMMENDATION**

Based on the application submitted and the facts, findings and conclusions of this report, but without benefit of a public hearing, staff recommends that the Planning Commission **approve** CUP 18-05 with the following conditions:

1. The applicant shall contact Clackamas County Building Inspection and obtain any required Change of Use Permit or any other necessary building permits prior to establishing the use on the property.

#### **Attachments:**

1. Application and applicant narrative
2. Conditional Use Permit Site plan and elevations
3. Agency and citizen comments.





City of Canby  
 Planning Department  
 222 NE 2<sup>nd</sup> Avenue  
 P.O. Box 930  
 Canby, OR 97013  
 Ph: 503-266-7001  
 Fax: 503-266-1574

**LAND USE APPLICATION**

**Conditional Use Process Type III**

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

Applicant Name: Trisha Kinzey Phone: 503 688 4487  
 Address: 9461 S Alder Creek Lane Email: Trisha@CanbyCrossfit.com  
 City/State: Canby OR Zip: 97013

Representative Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Address: \_\_\_\_\_ Email: \_\_\_\_\_  
 City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

Property Owner Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Signature: \_\_\_\_\_  
 Address: \_\_\_\_\_ Email: \_\_\_\_\_  
 City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

Property Owner Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Signature: \_\_\_\_\_  
 Address: \_\_\_\_\_ Email: \_\_\_\_\_  
 City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

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

- 1 All property owners represent they have full legal capacity to and hereby do authorize the filing of this application and certify that the information and exhibits herewith submitted are true and correct.
- 2 All property owners understand that they must meet all applicable Canby Municipal Code (CMC) regulations, including but not limited to CMC Chapter 16.49 Site and Design Review standards.
- 3 All property owners hereby grant consent to the City of Canby and its officers, agents, employees, and/or independent contractors to enter the property identified herein to conduct any and all inspections that are considered appropriate by the City to process this application.

**PROPERTY & PROJECT INFORMATION:**

138 S Hazel Dell Way Total Size of 31E3403800  
 Street Address or Location of Subject Property Property Assessor Tax Lot Numbers  
OCI Reimers  
Suites 107 & 108  
 Existing Use, Structures, Other Improvements on Site Zoning Comp Plan Designation  
Gym/CrossFit  
 Describe the Proposed Development or Use of Subject Property

| STAFF USE ONLY |                 |                    |              |                   |
|----------------|-----------------|--------------------|--------------|-------------------|
| <u>CU18-05</u> | <u>10/18/18</u> | <u>[Signature]</u> | <u>#1741</u> |                   |
| FILE #         | DATE RECEIVED   | RECEIVED BY        | RECEIPT #    | DATE APP COMPLETE |

**Conditional Use Permit for property at**  
138 Hazel Dell Way, Canby OR 97013

October 16th 2018  
Canby CrossFit Strength & Conditioning  
Owners, Dan and Trisha Kinney  
503-688-4487

City Of Canby Planning Commission,

My name is Trisha Kinney and my husband Dan and I have been residents of Canby for over 15 years. We are both small business owners here in Canby, and are excited to open yet another business here in Canby. Canby CrossFit Strength & Conditioning will be a small training facility for small group classes and one on one personal training. We are very excited about taking occupancy of this location as we have been patiently looking for this exact property type in Canby for over a year now. This property gives us the correct size and the simple industrial feel we were looking for with the concrete floors, high ceilings and roll up garage doors. The type of fitness studio we are offering is a no frills, gritty but effective workout studio. The area of this particular location is also a plus for us, typical gyms like ours are known to reside in industrial warehouse type areas.

We believe that Canby CrossFit will fit perfectly in this location and be well received in the community and surrounding businesses. Our business will operate the majority of its classes early mornings, 5 and 6 am, evenings and Saturdays. We will not be a disturbance to surrounding businesses, instead, offer them a place to workout before and after work to create community in the local area of businesses.

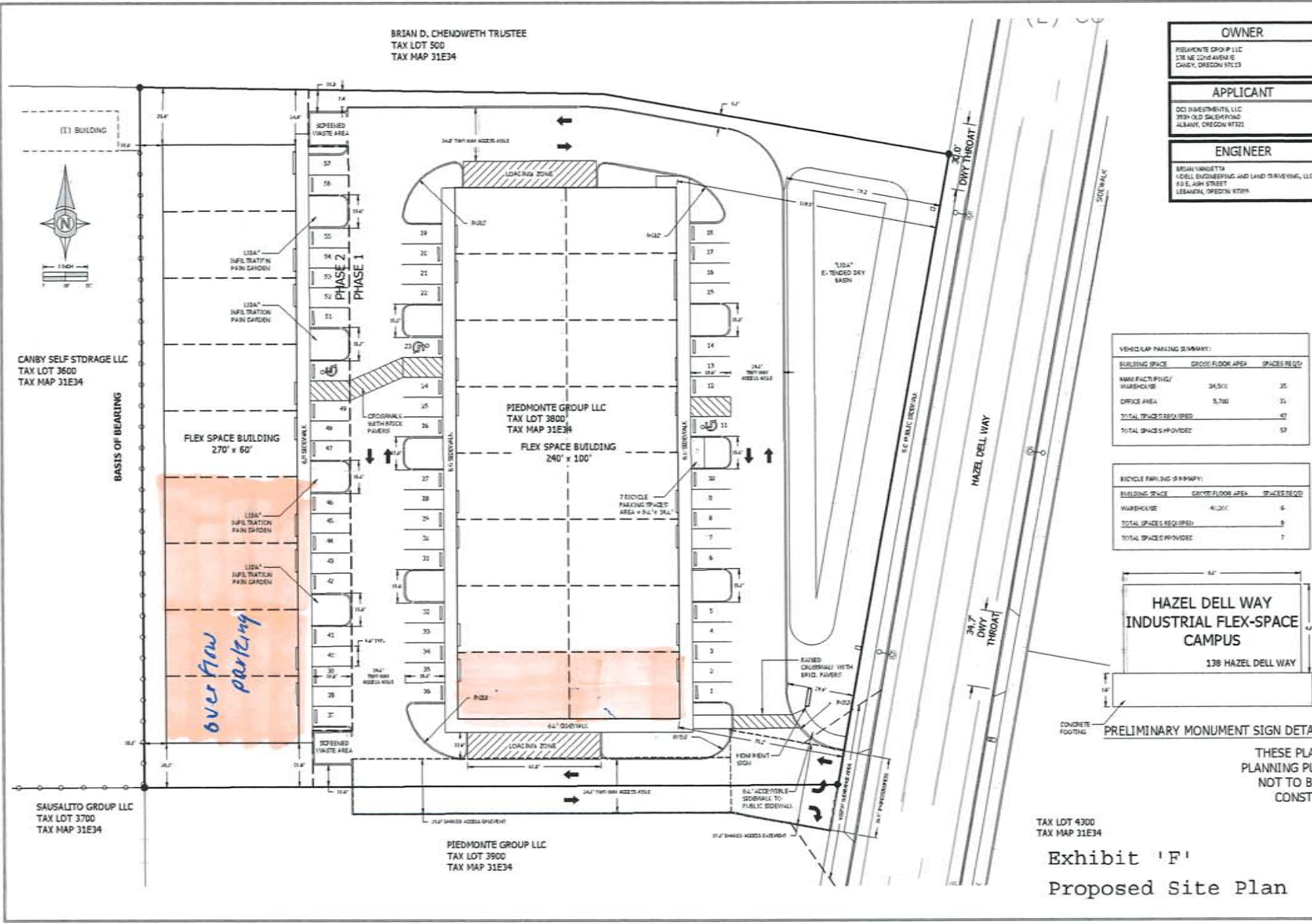
The site will work perfectly for our use and not at all alter the character of the surrounding areas. We do not intend on altering or changing anything about the site except for flooring and gym equipment. As there is already an existing CrossFit gym in the same zoning in Canby that has been there for over two years with no complaints from surrounding businesses.

Typical with this type of property parking could be a concern. We will have 4 spaces, plus, per the owner there will be an additional graveled parking overflow for the length of our lease until development of additional building... so this should not pose any problem with parking concerns. Without this conditional use permit we will not be able to open this business in Canby or be forced to wait for another perfect warehouse space to either be built or open up in Canby. We believe that our business fills a very big need in our community.

With a Sincere "Thank you" for your careful consideration!

Dan and Trisha Kinney  
Canby CrossFit Strength & Conditioning

Two handwritten signatures in blue ink. The top signature is a cursive 'Trisha' and the bottom signature is a cursive 'Dan'.



**OWNER**  
 PIEDMONTE GROUP LLC  
 138 NE 22ND AVENUE  
 CANBY, OREGON 97103

**APPLICANT**  
 OCI INVESTMENTS, LLC  
 3939 OLD SALEM RD., SUITE #100  
 ALBANY, OREGON 97321

**ENGINEER**  
 BRIAN VANDETTA  
 UDELL ENGINEERING AND LAND SURVEYING, LLC  
 63 E. 4TH STREET  
 LEBANON, OREGON 97028



**CLIENT:**  
 OCI INVESTMENTS, LLC  
 3939 OLD SALEM RD., SUITE #100  
 ALBANY, OREGON 97321  
 (503) 979-7729

**UDELL ENGINEERING AND LAND SURVEYING, LLC**  
 63 EAST 4TH ST.  
 LEBANON, OREGON 97028  
 (503) 461-1566 FAX

**PROPOSED SITE PLAN**  
 OCI INVESTMENTS INDUSTRIAL FLEX SPACE DEVELOPMENT  
 CANBY, OREGON

**VEHICLE PARKING SUMMARY:**

| BUILDING SPACE         | GRADE FLOOR AREA | SPACES REQ'D |
|------------------------|------------------|--------------|
| MAIN FACTORY/WAREHOUSE | 24,500           | 35           |
| DRIVE AREA             | 5,700            | 11           |
| TOTAL SPACES PROVIDED  |                  | 47           |
| TOTAL SPACES REQUIRED  |                  | 53           |

**BICYCLE PARKING SUMMARY:**

| BUILDING SPACE        | GRADE FLOOR AREA | SPACES REQ'D |
|-----------------------|------------------|--------------|
| WAREHOUSE             | 41,200           | 6            |
| TOTAL SPACES PROVIDED |                  | 6            |
| TOTAL SPACES REQUIRED |                  | 7            |



PRELIMINARY MONUMENT SIGN DETAIL

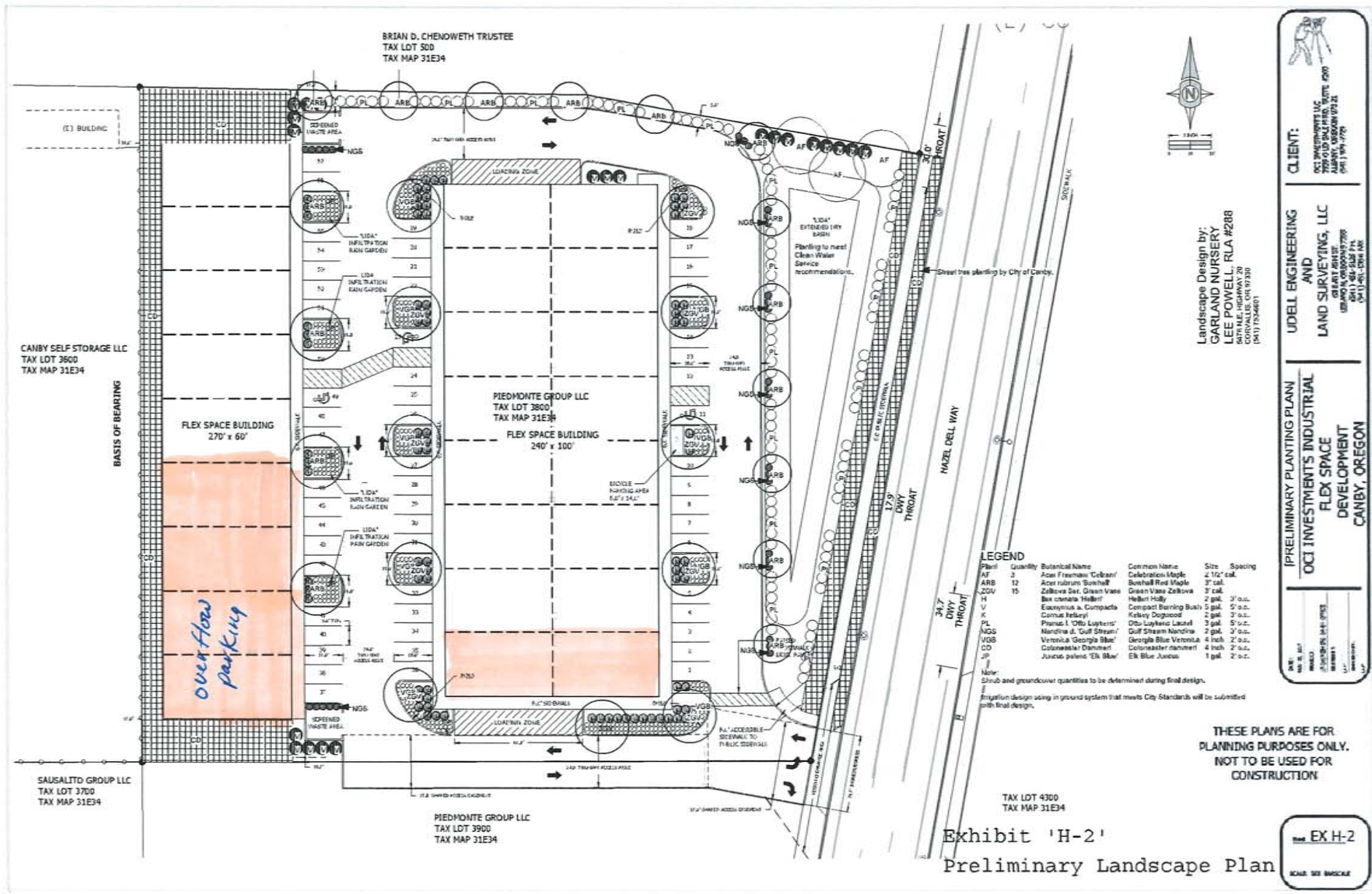
THESE PLANS ARE FOR PLANNING PURPOSES ONLY. NOT TO BE USED FOR CONSTRUCTION

TAX LOT 4300  
 TAX MAP 31E34

Exhibit 'F'  
 Proposed Site Plan

DATE: MAY 20, 2014  
 PROJECT: 22-0000000000000000  
 DRAWN BY: [blank]  
 CHECKED BY: [blank]

Scale: SEE SCALE



Landscape Design by:  
**GARLAND NURSERY**  
 LEE POWELL, RLA #288  
 CORVALLIS, OR 97330  
 (503) 753-6801

**CLIENT:**  
 OCI INVESTMENTS LLC  
 7200 OLD SALEM RD., SUITE 4000  
 PORTLAND, OREGON 97205  
 (503) 744-7400

**UJELL ENGINEERING AND LAND SURVEYING, LLC**  
 68101 100TH AVE SE  
 SUITE 1000  
 BELLEVUE, WA 98006  
 (206) 881-5828 FAX  
 (206) 481-2000 FAX

**PRELIMINARY PLANTING PLAN**  
 OCI INVESTMENTS INDUSTRIAL  
 FLEX SPACE  
 DEVELOPMENT  
 CANBY, OREGON

DATE: 08.15.2017  
 DRAWN: JACOBSON, JACOBSON  
 CHECKED: JACOBSON, JACOBSON  
 PROJECT: 17-00000000000000000000

THESE PLANS ARE FOR  
 PLANNING PURPOSES ONLY.  
 NOT TO BE USED FOR  
 CONSTRUCTION

Exhibit 'H-2'  
 Preliminary Landscape Plan

NO. EX-H-2  
 SCALE: SEE BASIS



CLIENT:  
 OCT INVESTMENTS, LLC  
 4000 CLACKAMIN RD, SUITE #200  
 AMBURN, OREGON 97001  
 (541) 979-7729

UDELL ENGINEERING  
 AND  
 LAND SURVEYING, LLC  
 2111 1ST AVE. S.E.  
 LEWISBURG, OREGON 97351  
 (541) 461-5125 PH.  
 (541) 461-1306 FAX

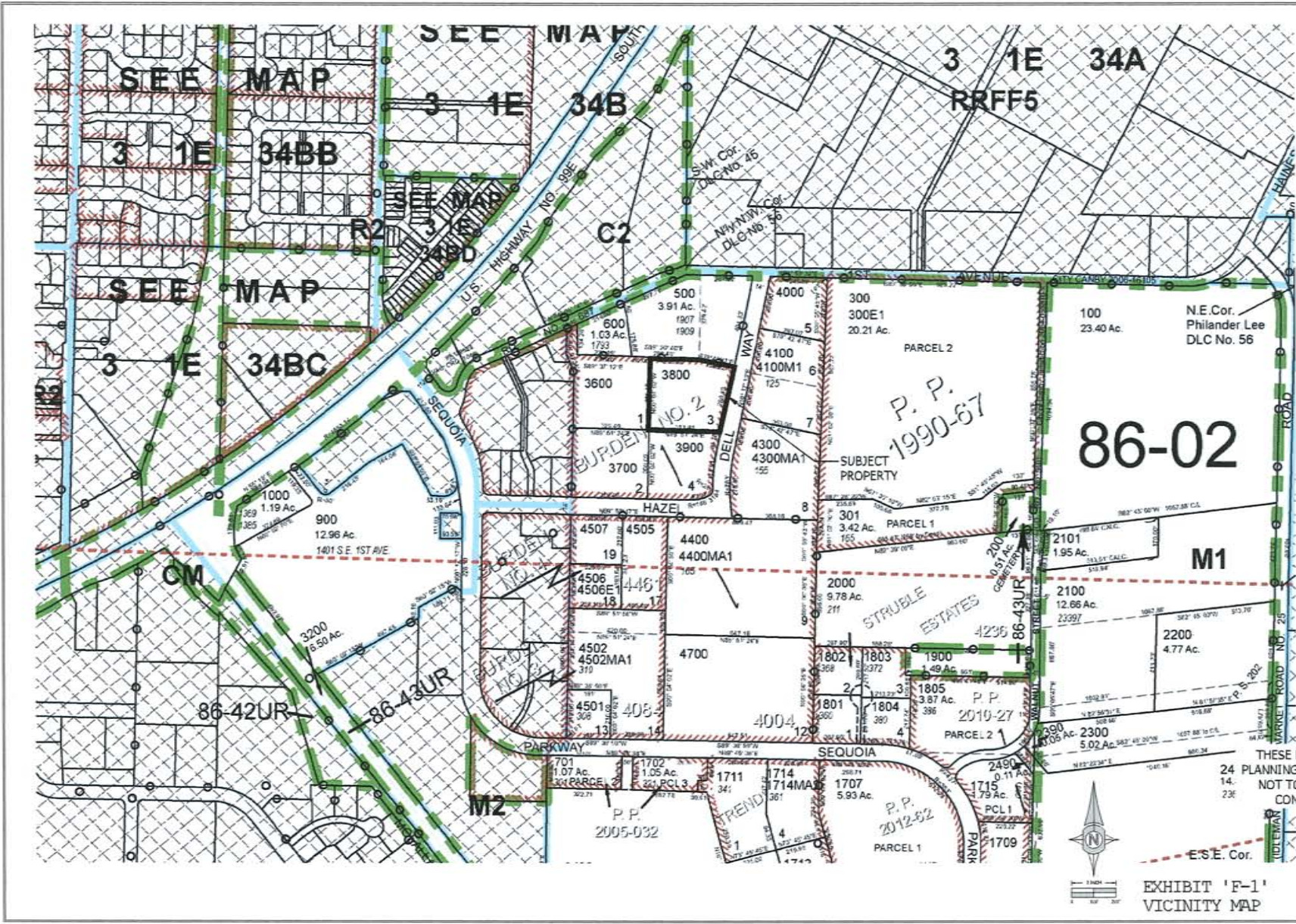
VICINITY MAP  
 OCT INVESTMENTS INDUSTRIAL  
 FLEX SPACE  
 DEVELOPMENT  
 CANBY, OREGON

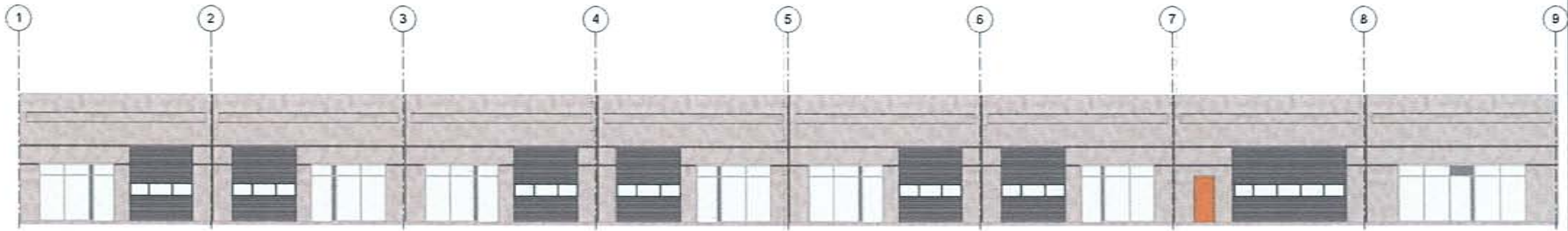
DATE: 08/11/2011  
 PROJECT: 11-000000000000000000  
 DRAWN BY: J. DEWITT  
 CHECKED BY: J. DEWITT  
 CADD FILE: 11-000000000000000000

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 24 PLANNING PURPOSES ONLY.  
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 NOT TO BE USED FOR  
 CONSTRUCTION

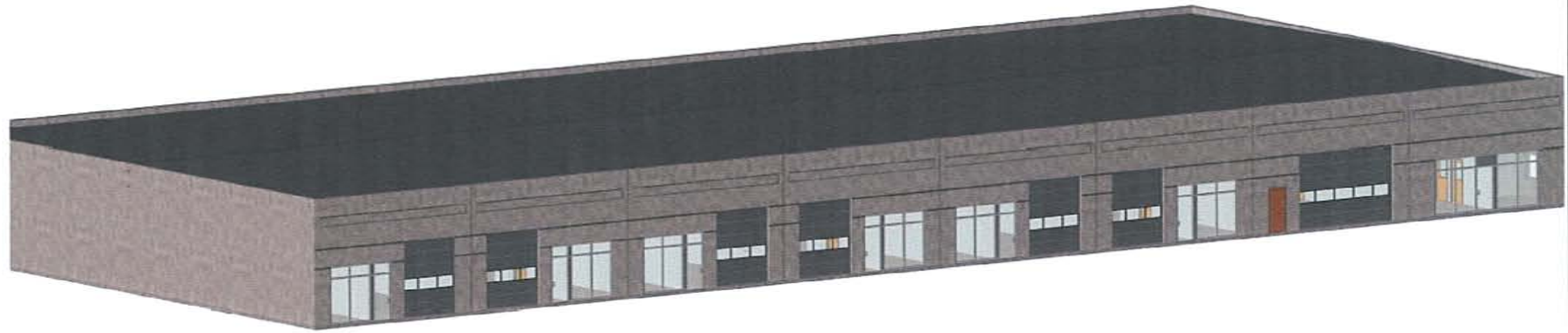
EX 'F-1'

SCALE: SEE BARS/SCALE





2 South - For Client  
A002  
1/8" = 1'-0"



1 3D - FOR CLIENT  
A002  
1/8" = 1'-0"

**PILLAR**  
CONSULTING  
GROUP, INC.



85 W. 20th ST.  
CRYSTALLINE, CT 06108  
SALF. 860-2927  
WWW.PILLAR-INC.COM

No. Description Date

**RENDERINGS**  
OCI CANBY COMMERCIAL PARK  
OCI INVESTMENTS, ALBANY, OR

PRELIMINARY

Project Number: 2017010  
Date: 05/11/17  
Drawn by: NCS  
Checked by: JTS

**A002**

Scale: 1/8" = 1'-0"



# City of Canby

## PUBLIC HEARING NOTICE & REQUEST FOR COMMENTS FORM

City File No.: **CUP 18-05**

Project Name: **KINNEY CROSSFIT GYM**

**PUBLIC HEARING DATE: MONDAY, NOVEMBER 26, 2018**

The purpose of this Notice is to invite you to the Planning Commission Public Hearing and to request your written comments regarding a Conditional Use application (CUP 18-05). The applicant is proposing to open a CrossFit gym in the new OCI Reimers building located in the Canby Pioneer Industrial Park at 138 S Hazel Dell Way. **The Planning Commission will meet at 7:00 PM, Monday, November 26, 2018.**



**Location:** 138 S Hazel Dell Way

**Lot Size & Zoning:**

**Property Owner:** Ron Reimers, OCI Reimers

**Applicant:**

**Application Type:** Conditional Use Permit (Type III)

**City File Number:** CUP 18-05

**Contact:** David Epling, Associate Planner, [eplingd@canbyoregon.gov](mailto:eplingd@canbyoregon.gov), 503-266-0686

**Comments due** – If you would like your comments to be incorporated into the City’s Staff Report, **please return the Comment Form by Wednesday, November 14, 2018.** Written and oral comments can also be submitted up to the time of the Public Hearing and may also be delivered in person during the Public Hearing.

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

**Where can I send my comments?** Written and oral comments can be submitted up to the time of the Public Hearing and may also be delivered in person during the Public Hearing. Prior to the Public Hearing comments may be mailed to the Canby Planning Department, P O Box 930, Canby, OR 97013; delivered in person to 222 NE 2<sup>nd</sup> Ave; or emailed to [PublicComments@canbyoregon.gov](mailto:PublicComments@canbyoregon.gov).

**How can I review the documents and staff report?** Weekdays from 8 AM to 5 PM at the Canby Planning Department. The **staff report will be available for inspection starting Friday, November 16, 2018** and can be viewed on the City’s website: [www.canbyoregon.gov](http://www.canbyoregon.gov). Copies are available at \$0.25 per page or can be emailed to you upon request.

### Applicable Canby Municipal Code Chapters:

- 16.08 General Provisions
- 16.10 Off-Street Parking & Loading
- 16.32 M-1 Light Industrial Overlay Zone
- 16.35 I-O Canby Industrial Overlay Zone
- 16.42 Signs
- 16.50 Conditional Uses
- 16.89 Application & Review Procedures

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



# CITY OF CANBY –COMMENT FORM

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

- By mail:** Planning Department, PO Box 930, Canby, OR 97013
- In person:** Planning Department at 222 NE Second Street
- E-mail:** [PublicComments@canbyoregon.gov](mailto:PublicComments@canbyoregon.gov)

Written comments to be included in Planning Commission packet are due by Wednesday, November 16, 2018. Written and oral comments can be submitted up to the time of the Public Hearing and may also be delivered in person during the Public Hearing.

**Application: CUP 18-05 Kinneys' CrossFit Gym**

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**COMMENTS:**

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NAME: \_\_\_\_\_

EMAIL: \_\_\_\_\_

ORGANIZATION/BUSINESS/AGENCY: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE # (optional): \_\_\_\_\_

DATE: \_\_\_\_\_

**PLEASE EMAIL COMMENTS TO**  
**[PublicComments@canbyoregon.gov](mailto:PublicComments@canbyoregon.gov)**  
**Thank You!**

***AGENCIES: Please check one box and fill in your Name/Agency/Date 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
- No Comments

**NAME:** \_\_\_\_\_

**AGENCY:** \_\_\_\_\_

**DATE:** \_\_\_\_\_



# City of Canby

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***Application: CUP 18-05 Kinneys' CrossFit Gym***

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**COMMENTS:**

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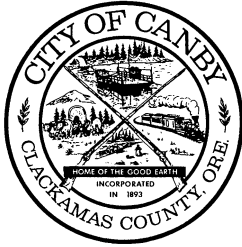
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NAME: \_\_\_\_\_  
EMAIL: \_\_\_\_\_  
ORGANIZATION/BUSINESS/AGENCY: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
PHONE # (optional): \_\_\_\_\_  
DATE: \_\_\_\_\_

**PLEASE EMAIL COMMENTS TO**  
**[PublicComments@canbyoregon.gov](mailto:PublicComments@canbyoregon.gov)**  
***Thank You!***

- AGENCIES: Please check one box and fill in your Name/Agency/Date 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
  - No Comments

**NAME:** \_\_\_\_\_  
**AGENCY:** \_\_\_\_\_  
**DATE:** \_\_\_\_\_



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

|  |   |   |
|--|---|---|
| <b>A REQUEST FOR APPROVAL OF</b>       | ) | <b>FINDINGS, CONCLUSION &amp; FINAL ORDER</b> |
| <b>ANNEXATION AND ZONE CHANGE</b>      | ) | <b>ANN 18-04/ZC 18-05</b>                     |
| <b>FOR PROPERTY LOCATED AT 1268 N.</b> | ) | <b>SWELLAND</b>                               |
| <b>REDWOOD STREET</b>                  | ) |   |

**NATURE OF THE APPLICATION**

The Applicants sought approval for an annexation/zone change application ANN 18-04/ZC 18-05 to annex 5.03 acres of real property described as Tax Lots 31E34B00400, Clackamas County, Oregon. The property is zoned Clackamas County RRF-5 and is requested to be zoned City R-1.5, Medium Density Residential.

**HEARINGS**

The Planning Commission considered applications ANN 18-04/ZC 18-05 after the duly noticed hearing on November 26, 2018 during which the Planning Commission recommended by a /0 vote that the City Council approve ANN 18-04/ZC 18-05 per the recommendation contained in the staff report.

**CRITERIA AND STANDARDS**

In judging whether or not the annexation and zone change applications shall be approved, the Planning Commission determines whether criteria from the *City of Canby Land Development and Planning Ordinance* are met, or can be met by observance of conditions. Applicable criteria and standards were reviewed in the Planning Commission staff report dated November 14, 2018 and presented at the November 26, 2018 public hearing of the Planning Commission.

**FINDINGS AND REASONS**

The Planning Commission considered applications ANN 18-04/ZC 18-05 at a public hearing held on November 26, 2018 during which the staff report was presented, including all attachments. Staff recommended that the Planning Commission forward a recommendation of approval to the City Council for the proposed annexation and new zoning designation.

After hearing public testimony, and closing the public hearing, the Planning Commission made no additional findings beyond those contained in the staff report to arrive at their decision and support their recommendation.

**CONCLUSION**

In summary, the Planning Commission adopted the findings contained in the staff report, concluded that the annexation/zone change meets all applicable approval criteria, and approved Files ANN 18-04/ZC 18-05 as stated below. The Planning Commission’s order is reflected below.

**ORDER**

Based on the application submitted and the facts, findings, and conclusions of the staff report, and the supplemental findings from the public hearing, the Planning Commission recommended to the City Council **APPROVAL** of annexation and zone change applications **ANN 18-04/ZC 18-05** as follows:

1. ANN 18-04/ZC 18-05 be approved and,
2. Upon annexation, the zoning of the subject properties be designated as R-1.5 as indicated by the Canby Comprehensive Plan Map.

**I CERTIFY THAT THIS ORDER** approving **ANN 18-04/ZC 18-05 SWELLAND ANNEXATION & ZONE CHANGE** which was presented to and **APPROVED FOR RECOMMENDATION TO THE CITY COUNCIL** by the Planning Commission of the City of Canby.

**DATED** this 26th day of November, 2018.

\_\_\_\_\_  
 John Savory  
 Planning Commission Chair

\_\_\_\_\_  
 Bryan Brown  
 Planning Director

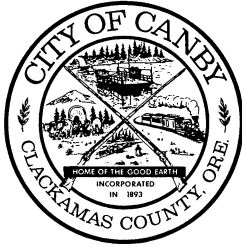
\_\_\_\_\_  
 Laney Fouse, Attest  
 Recording Secretary

**ORAL DECISION: November 26, 2018**

| <i>Name</i>              | <i>Aye</i> | <i>No</i> | <i>Abstain</i> | <i>Absent</i> |
|--------------------------|------------|-----------|----------------|---------------|
| <i>John Savory</i>       |            |           |                |               |
| <i>John Serlet</i>       |            |           |                |               |
| <i>Larry Boatright</i>   |            |           |                |               |
| <i>Derrick Mottern</i>   |            |           |                |               |
| <i>Tyler Hall</i>        |            |           |                |               |
| <i>Shawn Varwig</i>      |            |           |                |               |
| <i>Andrey Chernishov</i> |            |           |                |               |

**WRITTEN DECISION: November 26, 2018**

| <i>Name</i>              | <i>Aye</i> | <i>No</i> | <i>Abstain</i> | <i>Absent</i> |
|--------------------------|------------|-----------|----------------|---------------|
| <i>John Savory</i>       |            |           |                |               |
| <i>John Serlet</i>       |            |           |                |               |
| <i>Larry Boatright</i>   |            |           |                |               |
| <i>Derrick Mottern</i>   |            |           |                |               |
| <i>Tyler Hall</i>        |            |           |                |               |
| <i>Shawn Varwig</i>      |            |           |                |               |
| <i>Andrey Chernishov</i> |            |           |                |               |



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

|                                       |   |   |
|---------------------------------------|---|---|
| <b>A REQUEST FOR SITE AND DESIGN</b>  | ) |   |
| <b>REVIEW AND CONDITIONAL USE</b>     | ) | <b>FINDINGS, CONCLUSION &amp; FINAL ORDER</b> |
| <b>PERMIT FOR ACTIVE WATER SPORTS</b> | ) | <b>DR 18-07/CUP 18-06</b>                     |
| <b>1907 SE 1<sup>ST</sup> AVENUE</b>  | ) |   |

**NATURE OF THE APPLICATION**

The Applicant has sought an approval for a Site and Design Review DR 18-07 and Conditional Use Permit CUP 18-06 to construct a commercial/storage building with a total of 29,975 square feet to provide work space and storage space for a retail boat/storage business on property addressed as 1907 1<sup>st</sup> Avenue otherwise described as Tax Lot 31E34 00500, City of Canby, Clackamas County, Oregon. The property is zoned Commercial Manufacturing (C-M) and Canby Industrial Area Overlay (I-O) Zone under the Canby Municipal Code (“CMC”).

**HEARINGS**

The Planning Commission considered application **DR 18-06/CUP 18-06 Active Water Sports** after the duly noticed hearing on October 26, 2018 during which the Planning Commission by a \_\_\_/\_\_\_ vote approved **DR 18-07/CUP 18-06**. These findings are entered to document the specifics of the approval.

**CRITERIA AND STANDARDS**

In judging whether or not a Site and Design Review and Conditional Use Permit application shall be approved, the Planning Commission determines whether criteria from the Code are met, or can be met by observance of conditions, in accordance with Chapter 16.49.040 Site and Design Review, 16.50 Conditional Uses and other applicable code criteria and standards reviewed in the Staff Report prepared for and presented at the October 26, 2018 meeting of the Canby Planning Commission.

**FINDINGS AND REASONS**

The Staff Report was presented by staff with a recommendation for approval of the Site and Design Review and Conditional Use Permit applications (without benefit of the public hearing) along with Conditions of Approval in order to ensure that the proposed development will meet all required City of Canby Land Development and Planning Ordinance approval criteria.

After holding the public hearing where written and oral testimony was received from the applicant, other proponents, those who were neutral, and opponents in attendance; the Planning Commission closed the public hearing and moved into deliberation where they utilized the findings and conditions listed in the staff report along with the overall presentation record at the public hearing to make the following findings beyond those contained in the staff report to arrive at their decision and support their recommended conditions of approval and the exact wording thereof:

-

## **CONCLUSION**

In summary, the Planning Commission adopted the findings contained in the Staff Report along with the modifications indicated above, concluded that the Site and Design Review and Conditional Use Permit application meets all applicable approval criteria, and recommended that File DR 18-07 and CUP 18-06 be approved with the Conditions of Approval stated below. The Planning Commission decision is reflected in the written Order below.

## **ORDER**

The Planning Commission concludes that based on the record on file including testimony of the applicant and public at the public hearing, that the application will meet the requirements for Site and Design Review and Conditional Use Permit approval. Therefore, **IT IS ORDERED BY THE PLANNING COMMISSION** of the City of Canby that **DR 18-07/CUP 18-06** is approved, subject to the following conditions of approval:

### **Conditions of Approval**

Staff concludes that, with conditions, the application will meet the requirements for site and design review and conditional use permit approval. The city will not approve the building permit until all applicable conditions of approval are either met or shown to be met on the final construction plans. Staff has concluded the following conditions of approval are appropriate to assure conformance with applicable review criterion:

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

1. The applicant shall file a sign permit for the future planned wall signs that shall be limited to the size and height standards applicable to the I-O (Canby Industrial Area Overlay Zone) as indicated in Section 16.42.050, Table 7, of the sign ordinance. The proposed signs, after been found to conform to the sign ordinance, must secure a building permit from Clackamas County Building Inspection prior to their installation.
2. The project must be in conformance with the applicable findings and suggestions outlined by the City Engineer in his memorandum dated, .
3. The applicant shall correct the sight distance issues at the driveway access onto SE 1<sup>st</sup> Avenue or eliminate the access point.

### **Procedural Conditions**

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

4. The design engineer shall submit to the City of Canby for review and approval at the time of final construction plan approval a storm drainage analysis and report applicable to the defined development area detailing how storm water disposal from both the building and the parking areas is being handled. Any drainage plan shall conform to an acceptable methodology for meeting adopted storm drainage design standards as indicated in the Public Works design standards.
5. A Sediment and Erosion Control Permit will be required from the City prior to commencing site work.
6. Prior to the issuance of a building permit, the installation of public or private utilities, or any

other site work other than rough site grading, construction plans must be approved and signed by the City and all other utility/service providers. A Pre-Construction Conference with sign-off on all final construction plans is required. The design, location, and planned installation of all roadway improvements and utilities including but not limited to water, electric, sanitary sewer, natural gas, telephone, storm water, cable television, and emergency service provisions is subject to approval by the appropriate utility/service provider. The City of Canby's preconstruction process procedures shall be followed.

7. Construction plans shall be designed and stamped by a Professional Engineer registered in the State of Oregon.
8. Clackamas County will provide structural, mechanical, grading, and review of Fire & Life Safety, Plumbing, and Electrical permits for this project.

**Prior to Occupancy of the Facility:**

9. Prior to occupancy of the facility, all landscaping plant material indicated on the submitted landscape plan shall either be installed and irrigated with a fully automatic design/build irrigation system as proposed, or with sufficient security (bonding, escrow, etc.) pursuant to the provisions of CMC 16.49.100 (B).



**I CERTIFY THAT THIS ORDER** approving **DR 18-07 Active Water Sports** which was presented to and **APPROVED** by the Planning Commission of the City of Canby.  
**DATED** this 26th day of November, 2018.

\_\_\_\_\_  
 John Savory  
 Planning Commission Chair

\_\_\_\_\_  
 Bryan Brown  
 Planning Director

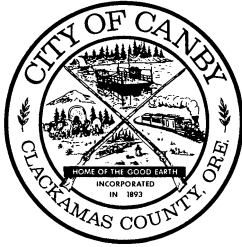
\_\_\_\_\_  
 Laney Fouse, Attest  
 Recording Secretary

**ORAL DECISION: November 26, 2018**

| <i>Name</i>              | <i>Aye</i> | <i>No</i> | <i>Abstain</i> | <i>Absent</i> |
|--------------------------|------------|-----------|----------------|---------------|
| <i>John Savory</i>       |            |           |                |               |
| <i>John Serlet</i>       |            |           |                |               |
| <i>Larry Boatright</i>   |            |           |                |               |
| <i>Derrick Mottern</i>   |            |           |                |               |
| <i>Tyler Hall</i>        |            |           |                |               |
| <i>Shawn Varwig</i>      |            |           |                |               |
| <i>Andrey Chernishov</i> |            |           |                |               |

**WRITTEN DECISION: November 26, 2018**

| <i>Name</i>              | <i>Aye</i> | <i>No</i> | <i>Abstain</i> | <i>Absent</i> |
|--------------------------|------------|-----------|----------------|---------------|
| <i>John Savory</i>       |            |           |                |               |
| <i>John Serlet</i>       |            |           |                |               |
| <i>Larry Boatright</i>   |            |           |                |               |
| <i>Derrick Mottern</i>   |            |           |                |               |
| <i>Tyler Hall</i>        |            |           |                |               |
| <i>Shawn Varwig</i>      |            |           |                |               |
| <i>Andrey Chernishov</i> |            |           |                |               |



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

|  |   |
|--|---|
| <b>A REQUEST FOR SITE AND DESIGN )</b><br><b>REVIEW FOR LIL STINKY )</b><br><b>ENVIRONMENTAL )</b><br><b>1773 SE 1<sup>ST</sup> AVENUE )</b> | <b>FINDINGS, CONCLUSION &amp; FINAL ORDER</b><br><br><b>DR 18-10</b><br><b>CHRIS &amp; KELLY CLASEN</b> |
|--|---|

**NATURE OF THE APPLICATION**

The Applicant has sought an approval for a Site and Design Review DR 18-08 to construct a 4,732 square foot 2-story building to serve the Lil’ Stinky Environmental Service office and vehicle maintenance shop. The approximate 1 acre site has an existing pond which is to remain. This development is expected to involve over 12 employees upon moving the current Oregon City operations to the Canby project site at 1793 SE 1<sup>st</sup> Avenue. otherwise described as Tax Lot 31E3400600, City of Canby, Clackamas County, Oregon. The property is zoned Commercial Manufacturing (C-M) and Canby Industrial Area Overlay (I-O) Zone under the Canby Municipal Code (“CMC”).

**HEARINGS**

The Planning Commission considered application **DR 18-08 LIL STINKY ENVIRONMENTAL** after the duly noticed hearing on November 26, 2018 during which the Planning Commission by a \_\_\_/\_\_\_ vote approved **DR 18-08** . These findings are entered to document the specifics of the approval.

**CRITERIA AND STANDARDS**

In judging whether or not a Site and Design Review and Conditional Use Permit application shall be approved, the Planning Commission determines whether criteria from the Code are met, or can be met by observance of conditions, in accordance with Chapter 16.49.040 Site and Design Review and other applicable code criteria and standards reviewed in the Staff Report prepared for and presented at the November 26, 2018 meeting of the Canby Planning Commission.

**FINDINGS AND REASONS**

The Staff Report was presented by staff with a recommendation for approval of the Site and Design Review application (without benefit of the public hearing) along with Conditions of Approval in order to ensure that the proposed development will meet all required City of Canby Land Development and Planning Ordinance approval criteria.

After holding the public hearing where written and oral testimony was received from the applicant, other proponents, those who were neutral, and opponents in attendance; the Planning Commission closed the public hearing and moved into deliberation where they utilized the findings and conditions listed in the staff report along with the overall presentation record at the public hearing to make the following findings beyond those contained in the staff report to arrive at their decision and support their recommended conditions of approval and the exact wording thereof:

•

## **CONCLUSION**

In summary, the Planning Commission adopted the findings contained in the Staff Report along with the modifications indicated above, concluded that the Site and Design Review application meets all applicable approval criteria, and recommended that File DR 18-08 be approved with the Conditions of Approval stated below. The Planning Commission decision is reflected in the written Order below.

## **ORDER**

The Planning Commission concludes that based on the record on file including testimony of the applicant and public at the public hearing, that the application will meet the requirements for Site and Design Review and Conditional Use Permit approval. Therefore, **IT IS ORDERED BY THE PLANNING COMMISSION** of the City of Canby that **DR 18-08 LIL STINKY ENVIRONMENTAL** is approved, subject to the following conditions of approval:

### **Conditions of Approval**

Staff concludes that, with conditions, the application will meet the requirements for site and design review and conditional use permit approval. The city will not approve the building permit until all applicable conditions of approval are either met or shown to be met on the final construction plans. Staff has concluded the following conditions of approval are appropriate to assure conformance with applicable review criterion:

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

1. The applicant shall file a sign permit for the future planned wall signs that shall be limited to the size and height standards applicable to the I-O (Canby Industrial Area Overlay Zone) as indicated in Section 16.42.050, Table 7, of the sign ordinance. The proposed signs, after found to conform to the sign ordinance, must secure a building permit from Clackamas County Building Inspection prior to their installation.
2. The applicant shall erect 4 bicycle parking spaces in conformance to the standards listed in Section 18.10.100 and show the bike rack on a revised site plan submittal.
3. A street tree fee shall be payable to the City for the installation and one-year maintenance of the 3 street trees indicated on the site plan.
4. The use of drought tolerant plants with no planned irrigation does not negate the standard to maintain live landscaping plant material for the life of the development.

### **Procedural Conditions**

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

5. The design engineer shall submit to the City of Canby for review and approval at the time of final construction plan approval a storm drainage analysis and report applicable to the defined development area detailing how storm water disposal from both the building and the parking

areas is being handled. Any drainage plan shall conform to an acceptable methodology for meeting adopted storm drainage design standards as indicated in the Public Works design standards.

6. A Sediment and Erosion Control Permit will be required from the City prior to commencing site work.
7. Prior to the issuance of a building permit, the installation of public or private utilities, or any other site work other than rough site grading, construction plans must be approved and signed by the City and all other utility/service providers. A Pre-Construction Conference with sign-off on all final construction plans is required. The design, location, and planned installation of all roadway improvements and utilities including but not limited to water, electric, sanitary sewer, natural gas, telephone, storm water, cable television, and emergency service provisions is subject to approval by the appropriate utility/service provider. The City of Canby's preconstruction process procedures shall be followed.
8. Construction plans shall be designed and stamped by a Professional Engineer registered in the State of Oregon.
9. Clackamas County will provide structural, mechanical, grading, and review of Fire & Life Safety, Plumbing, and Electrical permits for this project.

**Prior to Occupancy of the Facility:**

9. Prior to occupancy of the facility, all landscaping plant material indicated on the submitted landscape plan shall either be installed or sufficient security (bonding, escrow, etc.) pursuant to the provisions of CMC 16.49.100 (B) if the suitable planting season has passed.

I CERTIFY THAT THIS ORDER approving **DR 18-08 LIL STINKY ENVIRONMENTAL** which was presented to and **APPROVED** by the Planning Commission of the City of Canby.  
**DATED** this 26th day of November, 2018.

\_\_\_\_\_  
 John Savory  
 Planning Commission Chair

\_\_\_\_\_  
 Bryan Brown  
 Planning Director

\_\_\_\_\_  
 Laney Fouse, Attest  
 Recording Secretary

**ORAL DECISION: November 26, 2018**

| <i>Name</i>              | <i>Aye</i> | <i>No</i> | <i>Abstain</i> | <i>Absent</i> |
|--------------------------|------------|-----------|----------------|---------------|
| <i>John Savory</i>       |            |           |                |               |
| <i>John Serlet</i>       |            |           |                |               |
| <i>Larry Boatright</i>   |            |           |                |               |
| <i>Derrick Mottern</i>   |            |           |                |               |
| <i>Tyler Hall</i>        |            |           |                |               |
| <i>Shawn Varwig</i>      |            |           |                |               |
| <i>Andrey Chernishov</i> |            |           |                |               |

**WRITTEN DECISION: November 26, 2018**

| <i>Name</i>              | <i>Aye</i> | <i>No</i> | <i>Abstain</i> | <i>Absent</i> |
|--------------------------|------------|-----------|----------------|---------------|
| <i>John Savory</i>       |            |           |                |               |
| <i>John Serlet</i>       |            |           |                |               |
| <i>Larry Boatright</i>   |            |           |                |               |
| <i>Derrick Mottern</i>   |            |           |                |               |
| <i>Tyler Hall</i>        |            |           |                |               |
| <i>Shawn Varwig</i>      |            |           |                |               |
| <i>Andrey Chernishov</i> |            |           |                |               |

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

|   |   |   |
|---|---|---|
| <b>A REQUEST FOR A CONDITIONAL USE</b>  | ) | <b>FINDINGS, CONCLUSION &amp; FINAL ORDER</b> |
| <b>PERMIT TO ESTABLISH A COMMERCIAL</b> | ) | <b>CUP 18-05</b>                              |
| <b>RECREATIONAL BUSINESS AT</b>         | ) | <b>CROSSFIT – TRISHA KINNEY</b>               |
| <b>138 S. HAZEL DELL WAY</b>            | ) |   |

**NATURE OF APPLICATION**

The applicant is requesting permission to use one of the spaces in an existing approved “flex-space” building located in the Pioneer Industrial Park as a physical fitness training business. The activity will occupy one of the units approved under DR 17-05/CUP 17-02 as a “flex space” industrial building. The parcel is located on the west side of S. Hazel Dell Way approximately 400 feet south of SE 1<sup>st</sup> Avenue. According to the submitted site plan, the proposed use will occupy the unit in the southernmost part of the building.

**HEARINGS**

The Planning Commission held a public hearing to consider application CUP 18-05 after the duly noticed hearing on November 26, 2018. These findings are entered to document the specifics of the approval.

**CRITERIA AND STANDARDS: 16.50 Conditional Uses**

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

- A. The proposal will be consistent with the policies of the Comprehensive Plan and the requirements of this title and other applicable policies of the City.
- B. The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features.
- C. All required public facilities and services exist to adequately meet the needs of the proposed development.
- D. The proposed use will not alter the character of the surrounding areas in a manner which substantially limits or precludes the use of surrounding properties for the uses listed as permitted in the zone.

**Other Applicable Criteria:**

- 16.08 General Provisions
- 16.10 Off-street Parking and Loading
- 16.32 M-1 Light Industrial Zone
- 16.46 Access Standards

- 16.89 Application & Review Procedures

### **FINDINGS AND REASONS**

The Planning Commission deliberated on input presented at the November 26, 2018 meeting. The Planning Commission utilized the findings and conditions listed in the staff report along with the presentation record at the public hearing as support for their decision and recommended conditions of approval and the exact wording thereof.

### **CONCLUSION**

The Planning Commission of the City of Canby concludes that, based on the findings and conclusions contained in the November 14, 2018 staff report and Commission deliberations at the November 26, 2018 public hearing:

1. That the conditional use is in conformance with the City's Comprehensive Plan and Land Development and Planning Ordinance subject to meeting Public Works and Building Code Standards
2. That the site can easily accommodate the proposed use.
3. That public service and utility provision to the site is available or can be made available through agreed upon future lateral extensions from the existing home or from services at the street.
4. That the conditional use will not alter the character of the surrounding area in a manner which substantially limits or precludes the use of surrounding properties as they exist today or for uses permitted in the zone.

### **ORDER**

IT IS ORDERED BY THE PLANNING COMMISSION of the City of Canby that CUP 18-05 is APPROVED with the following conditions:

1. The applicant shall contact Clackamas County Building Inspection and obtain any required Change of Use Permit or any other necessary building permits prior to establishing the use on the property.

**I CERTIFY THAT THIS ORDER** approving **CUP 18-05 CROSSFIT-KINNEY** which was presented to and **APPROVED** by the Planning Commission of the City of Canby.  
**DATED** this 26th day of November, 2018.

\_\_\_\_\_  
 John Savory  
 Planning Commission Chair

\_\_\_\_\_  
 Bryan Brown  
 Planning Director

\_\_\_\_\_  
 Laney Fouse, Attest  
 Recording Secretary

**ORAL DECISION: November 26, 2018**

| <i>Name</i>              | <i>Aye</i> | <i>No</i> | <i>Abstain</i> | <i>Absent</i> |
|--------------------------|------------|-----------|----------------|---------------|
| <i>John Savory</i>       |            |           |                |               |
| <i>John Serlet</i>       |            |           |                |               |
| <i>Larry Boatright</i>   |            |           |                |               |
| <i>Derrick Mottern</i>   |            |           |                |               |
| <i>Tyler Hall</i>        |            |           |                |               |
| <i>Shawn Varwig</i>      |            |           |                |               |
| <i>Andrey Chernishov</i> |            |           |                |               |

**WRITTEN DECISION: November 26, 2018**

| <i>Name</i>              | <i>Aye</i> | <i>No</i> | <i>Abstain</i> | <i>Absent</i> |
|--------------------------|------------|-----------|----------------|---------------|
| <i>John Savory</i>       |            |           |                |               |
| <i>John Serlet</i>       |            |           |                |               |
| <i>Larry Boatright</i>   |            |           |                |               |
| <i>Derrick Mottern</i>   |            |           |                |               |
| <i>Tyler Hall</i>        |            |           |                |               |
| <i>Shawn Varwig</i>      |            |           |                |               |
| <i>Andrey Chernishov</i> |            |           |                |               |