

**CANBY CITY COUNCIL
CITY COUNCIL WORK SESSION
September 4, 2013**

Presiding: Mayor Brian Hodson

Council Present: Traci Hensley, Clint Coleman, Tim Dale, Greg Parker, and Ken Rider

Staff Present: Greg Ellis, City Administrator; Joseph Lindsay, City Attorney; Bret Smith, Chief of Police; and Kim Scheafer, City Recorder.

Others Present: None.

Mayor Hodson called the Work Session to order at 6:00 p.m. in the City Hall Conference Room.

The Council met in a Work Session to discuss a proposed secondhand dealers ordinance.

Joseph Lindsay, City Attorney, said a pawn shop recently opened in Canby and the City wanted more local control over those types of facilities. He had altered some of the existing County ordinance by making the penalties harsher and taking out other types of regulated property. The point was trying to catch stolen items taken to pawn shops by making the pawn shop answer to the City with a stiffer penalty involved and put the hearing in front of the City instead of the County.

Bret Smith, Chief of Police, stated the City needed a better way of managing these types of businesses other than through the County. It made people more accountable and allowed the Police Department to identify the stolen items and suspects in a timely manner. The current pawn shop owner was doing a good job of having an honest business. There was a burglary that happened in Wilsonville where the stolen gold was pawned in Canby at a gold and silver place. That incident started them thinking how to hold people responsible. They were building on an ordinance that already existed but with stronger penalties and requirements.

There was discussion regarding how the ordinance would hold people responsible especially those stores who were expanding their businesses to buying gold and those that put out "we buy gold" signs, checking for these types of businesses through the business license procedure, how much crime had increased with second hand stores, added expenses to the City and added work to the police force, and the judicial review process.

Mr. Lindsay would bring this ordinance back to Council in October.

Mayor Hodson adjourned the Work Session at 6:50 p.m.

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
September 4, 2013**

Presiding: Mayor Brian Hodson

Council Present: Traci Hensley, Clint Coleman, Tim Dale, Greg Parker, and Ken Rider

Staff Present: Greg Ellis, City Administrator; Joseph Lindsay, City Attorney; Bryan Brown, Planning Director; Angie Lehnert, Associate Planner; and Kim Scheafer, City Recorder.

Others Present: Steve Able, Mike Connors, Bob Cornelius, Bev Doolittle, Dawn Depner, Ryan Oliver, Jason Padden, Todd Rocha, Gwen Polgar, Roger Skoe, Jake Tate, Lee Leighton, Ben Loren, Kyle Knowlden, Djeryl Hawkins, Dennis Daling, Vicki Lang, Dave Kimmel, Jim Coombes, Brent Ahrend, and Lee Leighton.

CALL TO ORDER: Mayor Hodson called the Regular Meeting to order at 7:30 p.m. in the Council Chambers followed by the opening ceremonies.

COMMUNICATIONS: None.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS: Troop 400 was in attendance to earn merit badges.

Bev Doolittle, Executive Director Canby Chamber of Commerce, said in 2004 the County assisted all communities to do a Tourism Action Plan. The current Tourism Action Plan was updated to include the visioning plan. There was \$20,000 to do tourism projects and applications were currently being accepted. She explained how Canby was the first in the County to have a bike map and geocaching. There was also a pool of \$60,000 for a higher caliber community project.

MAYOR'S BUSINESS: Mayor Hodson thanked Council President Dale for running the meeting on August 21. He attended the Canby Fire District meeting. He thanked staff for getting the crosswalks done in time for school. He wished Kim Scheafer, City Recorder, and Councilor Parker a happy birthday.

COUNCILOR COMMENTS & LIAISON REPORTS: Councilor Hensley served pancakes at the Canby's Big Weekend event. She announced the Kiss Summer Goodbye Party on September 7. A School Board meeting would be held September 5 and volunteers were needed for the Teacher Adoption Program.

Councilor Coleman attended Canby's Big Weekend and watched the video of the last Planning Commission meeting. He would be attending a Rodeo Board meeting on September 5 and there would be a Traffic Safety Committee meeting on September 13.

Councilor Dale had also helped serve pancakes at Canby's Big Weekend. BPA was increasing the price of wholesale power and Canby Utility was also increasing rates. The rate hearing would be held on September 10. He explained the Energy Efficiency Savings program that replaced light bulbs for free.

Councilor Parker encouraged people to attend the Kiss Summer Goodbye event. The Bike and Pedestrian Committee was updating bike route information. The next Bridging Cultures lunch would be held on September 7.

Councilor Rider said Richard Ball, the president of the SW Neighborhood Association, had passed away. He wanted to extend condolences from the Council to his family.

CONSENT AGENDA: **Councilor Dale moved to adopt the minutes of the August 21, 2013 City Council Regular Meeting. Motion was seconded by Councilor Hensley and passed 5-0.

PUBLIC HEARING: Fred Meyer DR 12-03/ZC 12-02/TA 12-01 -

Mayor Hodson read the public hearing script. No new evidence would be allowed.

Conflict of Interest

Councilor Hensley – No conflict, plan to participate.

Councilor Coleman – No conflict, plan to participate.

Mayor Hodson – No conflict, plan to participate.

Councilor Dale – No conflict, plan to participate.

Councilor Parker – His family carried an insurance policy with Oliver Insurance, owner of the property. He planned to participate.

Councilor Rider – No conflict, plan to participate.

Ex Parte Contact

Councilor Hensley – Drove by the site daily, but drew no conclusions.

Councilor Coleman – None, drew no conclusions.

Mayor Hodson – The current landowner was his insurance agent and served on the Chamber Board with him. He did not have any discussions regarding this topic and had drawn no conclusions.

Councilor Dale – Familiar with the site, drew no conclusions.

Councilor Parker – Familiar with the site, drew no conclusions.

Councilor Rider – Familiar with the site, drew no conclusions.

Staff Report: Angie Lehnert, Associate Planner, gave an overview of the application for the site located on 99E and Locust. It was zoned for C-2 and in the Core Commercial (CC) Zone of the Downtown Overlay Zone. The applicant was proposing a six unit fuel dispensing station. She then gave a history of the application process. Last summer Fred Meyer applied for a site and design review for the fuel station and a text amendment and zone change because it was in the CC area of the Downtown Overlay Zone which was for pedestrian oriented uses and not auto oriented uses. The applicant was requesting to shift to the Outer Highway Commercial (OHC) subarea of the Downtown Overlay Zone. The text amendment and zone change was a Type IV application, needing approval of the Council because it changed Code. The site and design review was a Type III application that needed approval of the Planning Commission. A revised traffic study and written materials were put together addressing the LUBA issues. On July 17 the Council sent the application back to the Planning Commission to review the LUBA issues and revised designs for the appeal. On July 22, the Planning Commission recommended approval of the three applications as a re-consolidated application. She then reviewed the design revisions in response to the appeal of the design review. There was an addition of trellises along the site to meet the building lot frontage standard, the driveway along 2nd was shifted west by 12 feet to give more room for trucks exiting the property, there would be a three foot buffer for the trellis from trucks and cars, the landscape plan would include vines for the trellises, and some of the tree and shrub species were changed, and the proposed signage was changed to better meet the Sign Code by installing a pole sign and eliminating most of the wall signs along the canopy. The City's response to issues raised in the appeal were: flexibility of the review of the design standards by the Planning Commission which was allowed by Code, the Planning Commission found the

proposed canopy was not a building making the overlay zone standards unapplicable, the original and revised traffic study were properly prepared and adequate, the City Traffic Engineer recommended a condition of a potential future restriction of the driveway to be right in, right out only, the request to submit all construction ready plans from utility agencies is impractical at the Planning Commission level as these are done at the building permit stage, that the goal-post rule that requires the site and design review to be reviewed under CC standards rather than OHC zone standards wouldn't apply because the application was submitted as a consolidated package, and the City did not have a Site and Design Review Board to review the application. The two issues LUBA wanted the City to consider were: if the application significantly affected any transportation facility and to consider any potential pedestrian refuge crossing conflicts. The revised traffic study was done more in depth and the potential restriction of the driveway addressed the crossing conflict. The traffic study recommendations were to optimize the traffic signals along Highway 99E particularly at Ivy Street and to consider curb extensions on SE 2nd and Knott. The City's Traffic Engineer stated ODOT monitored the traffic signals and the curb extension would require more consultation. Staff recommended adding a condition of approval concerning the curb extension, if approved by applicable agencies and neighboring property owners, and the applicant was responsible for the design and construction of the curb extension if approved. It was up to the Council whether to add the curb extension to the conditions of approval. She then reviewed the proposed conditions of approval and Planning Commission's findings.

There was discussion regarding whether there was a need for traffic calming measures and the curb extension on 2nd Avenue.

Mayor Hodson opened the public hearing at 8:29 p.m.

Applicant: Steven Abel, Stoel Rives LLP, was representing the applicant, Fred Meyer. The Planning Commission had forwarded a recommendation for approval of the application. The whole package was before Council that night, the text amendment, zone change, and site and design review. The application had to meet the text amendment criteria and design review criteria based on the zone change from CC to OHC. There were two issues at LUBA. The first was the question of changing from CC to OHC, did they do enough analysis to demonstrate all of the possible uses available on the OHC zone and did it cause a significant impact to the transportation system. Because of the amount of density allowed in the CC zone, they could have developed larger than what could be done in the OHC zone and the number of trips generated would be higher in the CC zone than the OHC zone. The second issue was taking a look at the crosswalk. They did not see it as a mandatory requirement, but aspirational requirement, and he suggested the City make that finding but also say the transportation impact analysis demonstrated a potential right in, right out scenario or the no access at 99E was an acceptable mitigation and therefore the crosswalk going in had no impact on the system.

Lee Leighton, Westlake Consultants Inc., presented the Council with copies of the slides that were presented to the Planning Commission regarding the LUBA remand issues and site and design review. There was an overview of the site including an aerial photo and photographs of the site. He discussed the site plan which was based on introducing a concept of a wall in the form of a garden arbor. This would create a good relationship to the street when pedestrians walked by and would be partly transparent. The wall was placed in compliance with the setback requirements and would be safer for pedestrians because it would discourage people from walking through the site. The canopy would be over the fueling structure and the size complied with the Floor to Area

Ratio requirement. Plants would climb up the trellises and would be a garden landscape feature and there would be dense plantings with 465 plant specimens called out in the planting plan. He then discussed the pole sign and stormwater design.

Brent Ahrend, Traffic Engineer with Mackenzie, reviewed copies of slides that were presented to the Planning Commission regarding the transportation analysis. These changes were the revising of the trip generation, adding additional study intersections, addressing the Highway 99E pedestrian crossing, reviewing access scenarios, and preparing a neighborhood through trip study. All intersections were operating at level service D or better. The existing volumes on 2nd and Ivy were 2200 trips and with the full access scenario it would increase to 2536. The right in, right out could be done by installation of a median by ODOT, installation of a pedestrian crossing on Locust, or closure of the access and in that case the left turn would be rerouted to Ivy for access to 99E. The Neighborhood Through Trip Study showed a need for curb extensions at 2nd and Locust, especially with a no access scenario. The crossing would help reduce the travel speeds, discourage cut through traffic, and increase pedestrian safety. He explained the table showing the different uses and how the number of trips would be less for a fuel facility in an OHC overlay than a CC overlay.

Mike Connors, Hathaway Koback Connors LLP, objected that this information was new because there was never an evaluation of fuel facilities pump numbers. The ability to get more fuel pumps in different zones was not in the record previously.

Mr. Ahrend said the table was in their July 9 letter. The proposed OHC overlay did not generate any more trips than the existing CC overlay and therefore no additional analysis was needed because there was no additional impact.

Joseph Lindsay, City Attorney, stated if the Council agreed it was new information it could be part of the findings that it was evidence that was not considered.

OPPONENTS:

Mr. Connors, spoke on behalf of Save Downtown Canby. He submitted a letter for the record dated September 4 that was a summary of their position. The issues they raised were legitimate and significant. During the previous public hearings, they had brought up the concern that the applicant had not done a sufficient Transportation Planning Rule analysis showing the differences between the two overlay zones nor had they adequately analyzed the pedestrian crosswalk. LUBA affirmed those were issues missing from the application. Fred Meyer had revised the site and design review plans because they realized these were legitimate issues. The changes were to better comply with the criteria. The Transportation System Plan predicted that Pine and Highway 99E and Ivy and Highway 99E would fail in the future. Any additional traffic potentially introduced to the system would trigger the need for improvement of the intersections. The City did not have any funds available to make the improvements. They could not look the other way if it was what they were required to do legally and needed to be held accountable. On the design issues, the Council needed to make sure the downtown overlay the Council adopted as the vision for the downtown area was complied with. This was one of the initial projects being reviewed under that criteria and would set a precedent. On the amendment application, LUBA remanded it back because the applicant had failed to adequately address the Transportation Planning Rule. The second time the applicant looked at it, they created a table saying the CC would result in more dense buildings. However the test was what was the most traffic intensive use. The applicant and

Mr. Conner's Traffic Engineer both concluded the most traffic intensive use was a fuel station. There was nothing in the record about what different types of gas stations could be developed under the two overlays. Mr. Conner's Planner looked at the two overlay zone standards to determine what was the most intensive gas station allowed and determined the OHC could have 18 fueling positions and CC could only have 9. The reason for the amendment was Fred Meyer wanted 12, which was not allowed in CC. The most intense traffic use that could be allowed under either overlay was a gas station and there was only one bit of evidence that showed the different kinds of gas stations that could be developed under the two different design standards. There was significantly more fueling positions in the OHC overlay and as a result there would be more traffic. Any more traffic further degraded the projected failing intersections. Under the Transportation Planning Rule further analysis needed to be done and the applicant had to demonstrate what would be the impact and what type of mitigation could they propose in order to fix the additional impacts. He did not like to object, but there was no other evidence in the record on that issue. Regarding the pedestrian crosswalk, it was an issue raised under the amendments. The TPR requires looking out through the end of the planning period which under Canby's Transportation System Plan was 2030. The applicant did not evaluate the impacts of the pedestrian crosswalk based on the conditions in the year 2030. They based it on the conditions for when they projected the store would open. On the Site and Design Review there was a procedural issue, questioning whether or not the applications were consolidated. It was their position that these were not consolidated as they were not processed as part of the same procedures. One application was a Type IV procedure that had been to LUBA and had been remanded to Council and the other application was a Type III which was a Planning Commission decision with appeal to the Council. The applicant wanted it consolidated because that was the only way they could rely on the proposed zone change. It was their choice to allow the applications to be split and the consolidation had been rejected by LUBA. The applicant had made some improvements and addressed some of the issues, but had not addressed all of them adequately because they could not comply with all of them.

One thing they could not comply with was 40% of the lot frontage had a building within the minimum ten foot setback. They were not proposing a building, but a trellis which did not satisfy the building frontage requirement. A trellis did not meet the definition or intent of a building. The applicant had changed their position on the fuel canopy and said it was a building and met the FAR standards. The Planning Commission had found the fuel canopy was not a building. Regarding the updated traffic impact analysis, he had submitted his clients' position that the applicant had made some improvements and addressed some of the issues but there were still deficiencies. There was evidence that showed a different kind of fuel station could be developed under the two zones and both parties agreed a fuel station was the most traffic intensive use. The applicant wanted more fuel stations on the property but had not adequately addressed the development standards. With respect to the evidence about the number of fuel positions, the applicant never introduced any evidence in the record, in fact to the contrary their position had been the fuel facilities would be exactly the same. They never produced any evidence that showed how they came about to any conclusion nor did they ever rebut his planner's evidence about different number of fuel facilities that could be developed under the two overlay zones. He was objecting to Mr. Ahrend's suggestion that there was evidence in the record that suggested the contrary. The proper procedure would be to strike it from the record and make a finding that any new evidence was not accepted or relied on by the City Council.

There was no other testimony of either opponents or proponents.

REBUTTAL:

Mr. Abel said when there was an allegation of new evidence, the other party's remedy was to keep the record open to allow the opportunity for rebuttal. The remedy was not to strike it but to ask for a continuance or for the record to be held open for an opportunity to rebut it. Mr. Conners had not done that. He read from the July 9 memo, stating the number of fueling positions that could be located at the site would only depend on the setback requirements of the CC and OHC overlay zones. With a minimum ten foot setback in the proposed OHC overlay zone, less area would be available for fuel dispensers and vehicle queuing than in the current CC zone with no minimum setback. It was unlikely that eliminating the ten foot setback would allow sufficient area for additional fuel dispenser lanes so they had assumed no change between the two overlay zones. Mr. Conners might disagree with the factual question of how to calculate the analysis but the Council weighed the evidence and statements made by the applicant and what was said before the Planning Commission as part of this proceeding. It should be put up against what LUBA asked for in its opinion. He read what LUBA had said on this issue, that it required further analysis under the TPR to evaluate the square footage and traffic generation capacity of the most intensive use allowed in the C2 zone that could be reasonably constructed on the subject property given the different footprint, height, setback, and floor to area ratio that would apply to the subareas. That was the analysis his consultants did, what could reasonably be constructed. If that analysis showed that constructing the use under the OHC standards would increase traffic generation compared to constructing the use under the CC standards then further analysis was necessary. If not then the City could conclude that no further analysis was necessary and the TPR was satisfied. That was the evidence the applicant had brought the Council. The OHC zone provided for less traffic generation than the CC zone. Regarding the question about the consolidated process, they were processed separately as Canby's Code required. Severing the pieces of the application to process them in accordance to Code did not deconsolidate an application. It was before the Council in one proceeding and for one decision. Mr. Conners' definition of a building did not exist in the Code. A building meant a structure built for the shelter or enclosure of persons, animals, or property of any kind. It was a broad definition that allowed for trellises. This was a complete application that met all of the Code criteria and he requested approval of the application.

Mayor Hodson closed the public hearing at 9:21 p.m.

Councilor Coleman said his questions had been answered. He thought the applicant brought forward sufficient evidence for him to feel comfortable with the application.

Mayor Hodson asked if the Council wanted to change the recommendations. The first issue regarding queuing, ODOT already monitored and it would be adjusted as need be, and the second issue was construction of a curb extension on 2nd and Knott. He asked Bryan Brown, Planning Director, if they needed to include it in the recommendations.

Bryan Brown, Planning Director, said having an obligation to a development project that might occur two to three years in the future was difficult. They had time during the construction to gather input from the neighborhood whether they wanted a curb extension or not. If not, then one should not be put in and if they do, then they could get input for the design and installation. The City's Traffic Engineer said it was a sufficient way to calm traffic.

Mayor Hodson said there was substantial pedestrian traffic from students walking home from

school and bikers. It was a well-used path rather than walking on 99E. He asked if the Council wanted to keep the condition or reword it.

Councilor Parker thought it was reasonable to include as they could not predict everything that would happen on 2nd Avenue.

Councilor Dale thought traffic would increase on 2nd Avenue. He would be inclined to have some traffic mitigation there.

Mayor Hodson asked if it had to be a curb extension or could it be “appropriate mitigation”.

Mr. Brown said the applicant proposed the curb extension.

Councilor Hensley did not want to commit to a curb extension without further study.

Councilor Rider thought at minimum a stop sign could be installed.

Councilor Parker thought it was not something they could write language for that night and the application needed to rise or fall based upon its merits as it was. He suggested setting up an escrow account for a mitigation study.

Mr. Lindsay suggested setting aside the amount of money it would take for a curb extension for a legitimate traffic calming mechanism for future use.

Councilor Parker suggested setting aside money for a curb extension or an amount equal to for a mitigation study and the mitigation itself.

****Councilor Hensley moved to approve DR 12-03/TA 12-01/ZC 12-02 with the revised designs and the submitted application materials addressing the LUBA remand issues to include appropriate funds to analyze and implement traffic calming measures on 2nd Avenue and placing funds in escrow to do so. Motion was seconded by Councilor Parker and passed 5-0.**

RESOLUTIONS & ORDINANCES: None.

NEW BUSINESS: Amendment to Employment Contract with City Attorney – Mayor Hodson said this item was being removed from the Agenda and would be discussed at a future executive session.

ADMINISTRATOR’S BUSINESS & STAFF REPORTS: None.

CITIZEN INPUT: None.

ACTION REVIEW:

1. Approved the Consent Agenda.
2. Approved DR 12-03/TA 12-01/ZC 12-02 with the revised designs and the submitted application materials addressing the LUBA remand issues to include appropriate funds to analyze and implement traffic calming measures on 2nd Avenue and placing funds in escrow to do so.

There was no Executive Session.

Mayor Hodson adjourned the meeting at 9:45 p.m.



Kimberly Scheafer, MMC
City Recorder



Brian Hodson
Mayor

Assisted with Preparation of Minutes - Susan Wood



Fred Meyer Canby Fuel Facility

City of Canby Planning Commission Hearing
July 22, 2013

MACKENZIE.

Changes to Transportation Analysis

- Trip Generation
- Additional Intersections
- Highway 99E Pedestrian Crossing
- Neighborhood Through-Trip Study

Traffic Impact Analysis Intersections

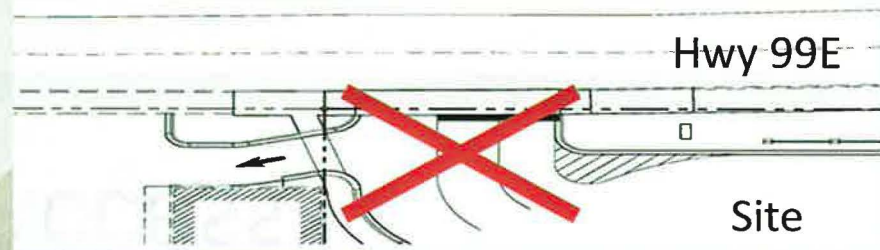
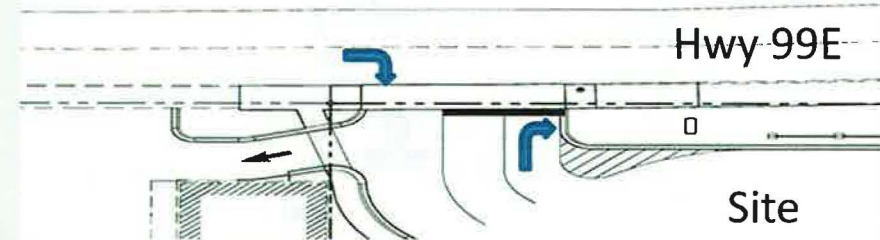
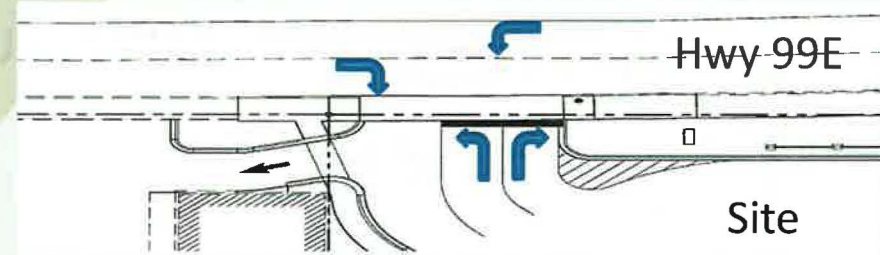
- Hwy 99E/S. Ivy St.
- Hwy 99E/Site Access
- Hwy 99E/S. Locust St.
- Hwy 99E/S. Pine St.
- SE 2nd Ave/S. Ivy St.
- SE 2nd Ave/Site Access
- SE 2nd Ave/S. Locust St.

Access Management Plan

- Hwy 99E/S. Knott St.
- Hwy 99E/Domino's Site West Access
- Hwy 99E/Domino's Site East Access (shared with the proposed Fred Meyer Fuel site access; considered aligned with Hulbert's Flowers Site West Access)
- Hwy 99E/Hulbert's Flowers Site West Access (considered aligned with Domino's Site East Access)
- Hwy 99E/Hulbert's Flowers East Access (considered aligned with S. Locust Street)
- Hwy 99E/76 Fuel West Site Access
- Hwy 99E/76 Fuel East Site Access
- Hwy 99E/Napa West Site Access

Access Scenarios to Hwy 99E

- Full Access
- Right-In/Right-Out
- No Access



Full Access

- Proposed configuration; consolidates existing Domino's driveway
- Approved by ODOT
- All intersections operate at LOS "D" or better, meeting mobility stds.
- Max. total daily traffic on SE 2nd Avenue: 2,536
(existing: 2,180)



Right-In/Right-Out

- Possible future limitation
 - Canby TSP Ped Crossing
 - Median Installation
- Left turns re-reroute to Ivy and Locust Streets
- All intersections operate at LOS “D” or better, meeting mobility stds.
- Max. total daily traffic on SE 2nd Avenue: 2,731
(existing: 2,180)



No Access

- Possible future limitation
- All site traffic enters and exits via Ivy and Locust Streets
- All intersections operate at LOS “D” or better, meeting mobility stds.
- Max. total daily traffic on SE 2nd Avenue: 2,896
(existing: 2,180)



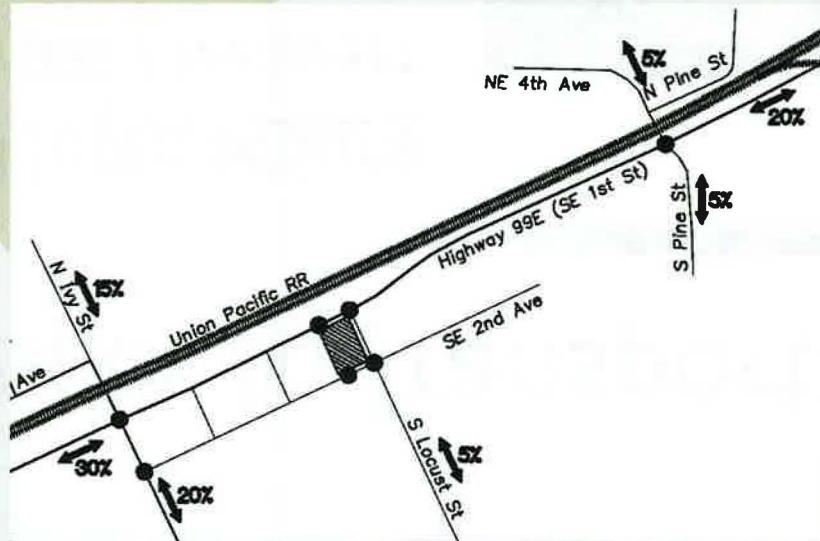
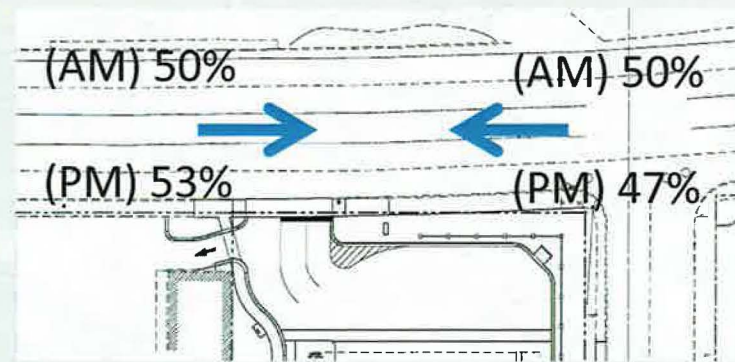
Changes to Transportation Analysis

- Trip Generation

- Removed “Shared” Trips
- Revised Trip Distribution:
 - 30% Pass-By Trips
 - 70% Primary Trips

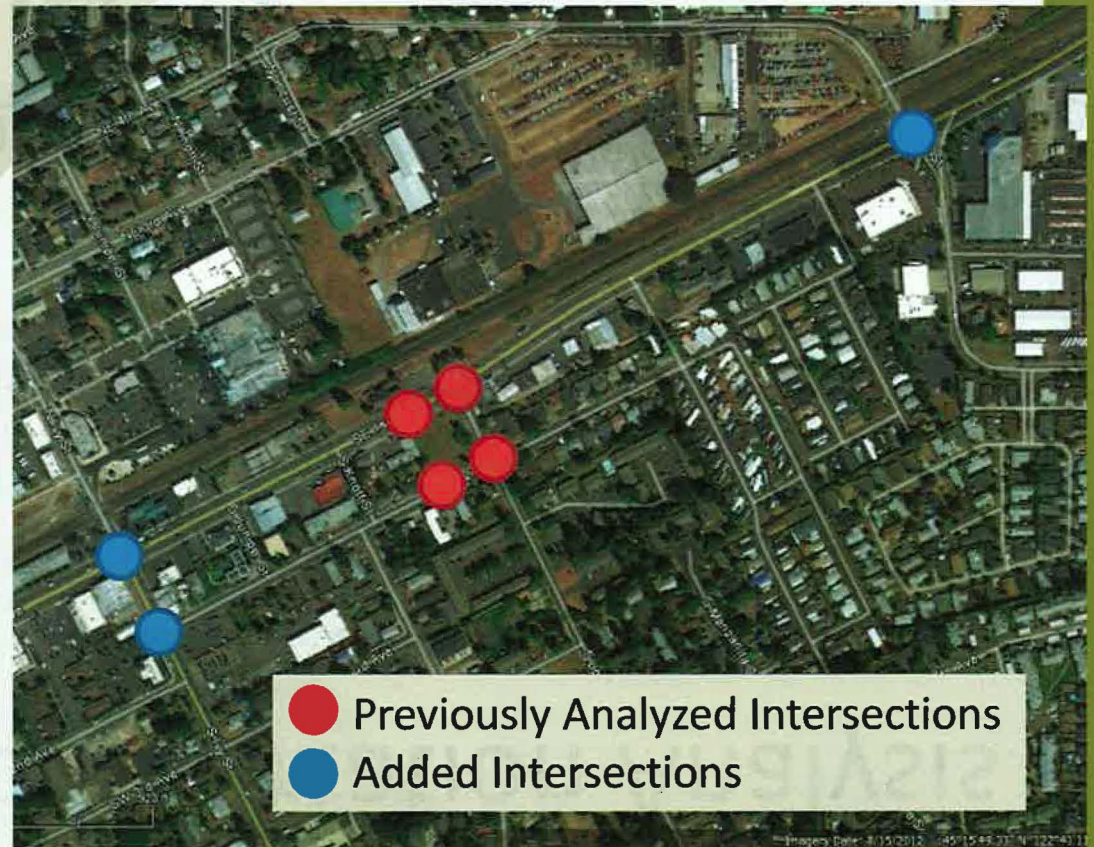
- Primary Trip Distribution

- Pass-By Trip Distribution



Changes to Transportation Analysis

- Added Intersections
 - Highway 99E / Ivy Street
 - SE 2nd Avenue / Ivy Street
 - Highway 99E / Pine Street
- All intersections will operate at LOS “D” or better.
- Recommend ODOT optimize 99E/Ivy signal to better manage queues



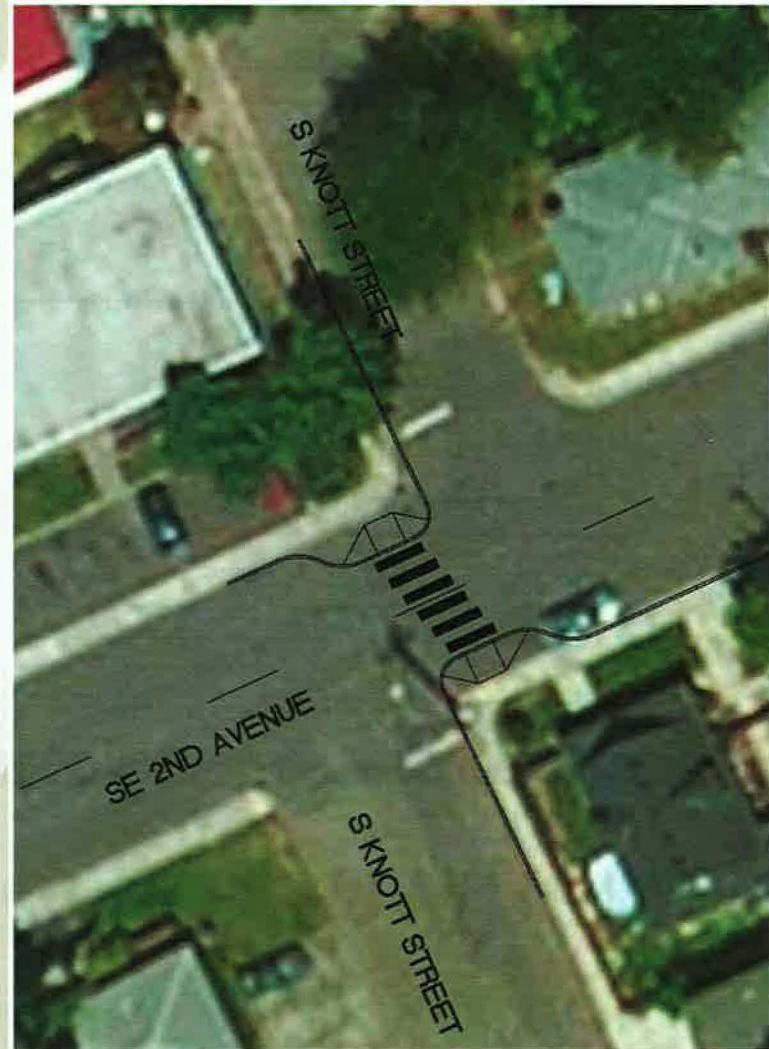
Changes to Transportation Analysis

- Highway 99E Pedestrian Crossing
 - Fuel site development can accommodate pedestrian crossing.
 - Crossing would impact entering left turns.
 - All intersections operate at LOS “D” or better in all access scenarios.



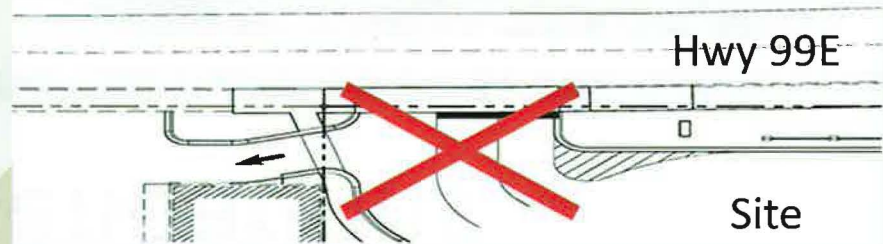
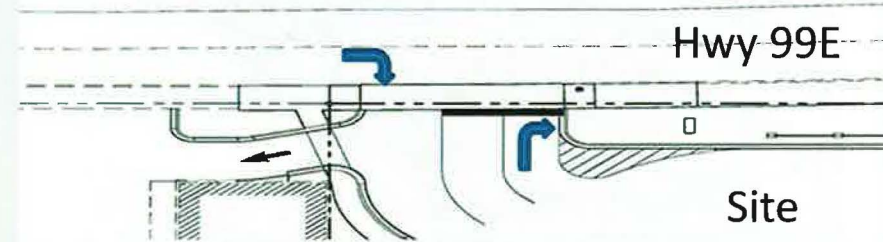
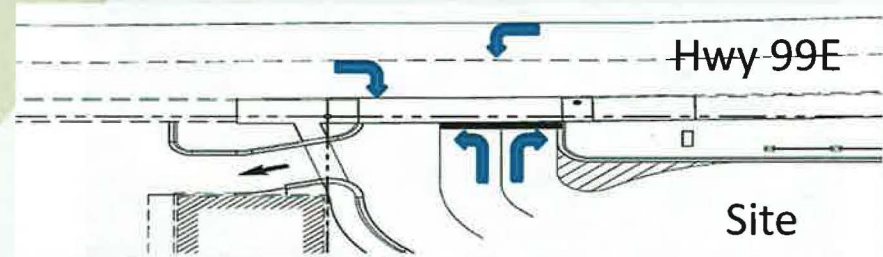
Changes to Transportation Analysis

- Neighborhood Through-Trip Study:
 - Existing volumes on SE 2nd Avenue exceed 1,200 ADT
 - Site trips add fewest trips in Full Access scenario
 - Site trips add most trips in No Access scenario
 - Recommend curb extensions at Knott Street



Analysis Summary

In all three access scenarios, the TIA/AMP demonstrates satisfactory future operations at site driveways and critical street intersections.



Recommendations

- **1. Optimize traffic signal timing along Highway 99E to better manage weekday PM peak hour queues, particularly at Ivy Street.**
- **2. Construct curb extensions at SW 2nd & Knott Street, to reduce vehicle speeds, discourage cut-through traffic, and improve pedestrian safety.**



Significant Effect?

- The C-2 base zone regulates the list of allowed uses, which includes fuel stations.
- The purpose of the Downtown Canby Overlay Zone is to upgrade the quality of construction rather than to preclude uses allowed by the base zoning.
- Because OHC requires a minimum street setback of ten feet but CC does not, the CC overlay zone allows larger buildings than the OHC overlay.
- Different maximum height limits also allow larger buildings in the CC overlay:
 - CC: 60 feet / 4 floors
 - OHC: 45 feet / 3 floors

Significant Effect?

- Pro-forma comparisons including on-site parking show that, for any given land use, a **larger building can be built in CC** than in OHC.
- There is a corresponding **reduction** of potential vehicle trips in OHC.
- For a fueling station, the ten-foot setback difference is not enough to allow additional fueling lanes, so there is **no effect** on fuel station size/capacity.

Significant Effect?

Trip Generation Comparison – PM Peak Hour							
Use	Source	Trip Rate		CC Overlay		OHC Overlay	
		Total	New (less pass-by)	Size/units	New Trips	Size/units	New Trips
Fuel	Survey	20.46/position	14.32/position	12 Positions	172	12 Positions	172
Office	ITE 710	1.49/1000 SF	1.49/1000 SF	54,000 SF +/-	80	39,000 SF +/-	58
Medical Office	ITE 720	3.57/1000 SF	3.57/1000 SF	36,000 SF +/-	129	31,700 SF +/-	113
Retail	ITE 820	3.71/1000 SF	2.45/1000 SF	54,000 SF +/-	132	39,000 SF +/-	95
Department Store	ITE 875	1.87/1000 SF	1.23/1000 SF	54,000 SF +/-	67	39,000 SF +/-	48

Significant Effect?

The Applicant's supplemental evidence demonstrates that the change from CC to OHC overlay zoning will not significantly affect existing or planned transportation facilities.

Highway Ped Crossing at Locust St.

- ODOT has permitted a full-access driveway on SW Highway 99E (in addition to a full-access driveway on SE 2nd Avenue)
- A 99E pedestrian crossing on the west leg of the Locust Street intersection would conflict with the full-access driveway on Hwy 99E.



Highway Ped Crossing at Locust St.

Satisfactory system functioning in both the *Right-In, Right-Out* and *No 99E Access* scenarios shows that a crossing could be added without causing unacceptable transportation system performance.



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VIA HAND DELIVERY

September 4, 2013

City Council
City of Canby
PO Box 266-9404
Canby, OR 97013

Re: Fred Meyer Fuel Station
Text Amendment/Zone Change Application No. TA 12-01/ZC 1201
Site and Design Review Application No. DR 12-03
Save Downtown Canby

Dear Mayor and Councilors:

As you know, this firm represents Save Downtown Canby ("SDC"), a group of local business owners concerned about the above-referenced Site and Design Review application (the "SDR Application") and Text Amendment/Zone Change application (the "Amendment Application") filed by Fred Meyer Stores, Inc. (the "Applicant") for a new Fred Meyer fuel station. For the reasons provided in this letter, the Planning Commission erred in recommending that the City Council approve the Amendment Application and the SDR Application.

The Planning Commission erred in concluding that the Amendment Application and SDR Application are consolidated applications because they have been processed separately subject to different procedures. As a result of the Planning Commission's determination, it is unclear what procedures apply to the hearing tonight. The Planning Commission also erred in concluding that the Applicant adequately addressed the Transportation Planning Rule ("TPR") on remand. SDC demonstrated that the proposed Outer Highway Commercial overlay zone ("OHC") will allow for a more traffic intensive use than the current Core Commercial overlay zone ("CC") and therefore the proposed amendments will violate the TPR. While the Applicant attempted to address some of the deficiencies with the SDR Application, the Planning Commission erred in concluding that the Applicant resolved all of the issues and demonstrated compliance with all of the applicable approval standards. Therefore, the City Council should deny both applications.

A. The Planning Commission erred in concluding that the SDR Application and the Amendment Application have been consolidated applications all along or can be re-consolidated at this stage.

The Planning Commission erroneously concluded that the SDR Application and the Amendment Application remained consolidated applications pursuant to ORS 227.175(2) notwithstanding the fact that the applications have been processed separately.¹ The Planning Commission adopted this finding, which was drafted by the Applicant, because the Applicant now wishes it had not split the applications and is attempting to undo its previous decision. The Planning Commission erred in concluding that the applications are consolidated for several reasons.

The applications cannot be consolidated because they have been processed separately, subject to different procedures, and are at completely different stages of review. Although ORS 227.175(2) gives an applicant the option of processing multiple applications pursuant to a consolidated procedure, the Applicant elected to process the applications separately in this case. The City Council and LUBA already rendered a final decision on the Amendment Application, while the City Council has not even reviewed the SDR Application. The Amendment Application was processed first pursuant to the Type IV procedures that apply to amendments. CMC 16.89.060. The SDR Application was processed after the City approved the Amendments pursuant to the Type III procedures that apply to site plan review applications. CMC 16.89.060. Consolidated applications must be processed using the same procedures. The Amendment Application is being reviewed on remand from LUBA, which is subject to different procedures than the City Council's initial review of the SDR Application. It is not merely a matter of the applications being processed on different timelines as the Planning Commission's findings suggest. The applications have been processed under completely separate and different procedures, and therefore cannot be deemed consolidated applications.

LUBA already rejected the Applicant's claim that the applications are consolidated. LUBA specifically concluded that they were not consolidated since the City and the Applicant chose to process the two applications separately. *Save Downtown Canby v. City of Canby*, __ Or LUBA __ (LUBA No. 2012-097, dated June 4, 2013) Slip Op. p.4. Since the Applicant did not appeal LUBA's decision, that conclusion is conclusive. The Planning Commission's determination that the applications are consolidated is inconsistent with LUBA's decision.

The City Staff and Planning Commission acknowledged that the applications were split apart and have not been processed as consolidated applications. The City Planning Director explained at the July 17th City Council meeting that "there is desire on the Applicant's part to basically re-consolidate all of the applications because they got split apart" when the Planning Commission chose to review them separately. The July 8th Staff Report and the City staff testimony at the July 22nd hearing recommended that the Planning Commission "re-consolidate" the applications. The Planning Commission's motion was to "approve the re-consolidated DR 12-03/TA 12-01/ZC 12-02 application." There would be no reason for the City Staff and Planning Commission to characterize the action as a re-consolidation of the applications if they remained consolidated all along. When it drafted the proposed findings, the Applicant chose to drop the

¹ The Planning Commission inadvertently referred to ORS 227.175(1).

reference to re-consolidation of the applications because the Applicant realized that the applications cannot be re-consolidated once they have been split apart. Neither ORS 227.175(2) nor the City's code allow for applications to be re-consolidated. It is especially problematic since the Amendment Application is back on remand from LUBA while the City Council has not even reviewed the SDR Application.

While the City Council may consider both applications at the September 4th hearing, it would err to characterize and review them as consolidated applications. The Applicant cannot rely on the applications being treated as consolidated applications for purposes of avoiding the goal-post rule problem under ORS 227.178(3)(a) as explained in Section D.1 below. The City Council must consider the applications separately and adopt two separate decisions.

B. It is not clear what procedures apply to the City Council hearing.

Given the Planning Commission's decision to treat the applications as consolidated applications at this stage of the process, it is unclear what procedures apply to the City Council's September 4th public hearing. SDC requested clarification from the City staff and City attorney regarding the applicable procedures for the September 4th hearing via email on August 28th and 29th, but neither identified the applicable procedures. The City attorney advised SDC that the City Council would decide the procedures at the September 4th hearing. By failing to identify the applicable procedures in advance of the hearing, the City created a procedural error. SDC will be substantially prejudiced if the City Council chooses a procedure that disadvantages SDC and/or was not anticipated by SDC.

One thing that does appear to be clear about the procedures is that no new evidence should be allowed to be submitted at this stage. The City Council previously refused to allow new evidence for purposes of the appeal of the SDR Application, which led to the remand to the Planning Commission, so presumably it will again not allow new evidence on that application. The City Council's decision on the Amendment Application is based on the Planning Commission record and therefore no new evidence can be submitted. CMC 16.89.060(F).

C. The Amendment Application.

LUBA remanded the City's decision approving the Amendment Application on two grounds. First, LUBA determined that the Applicant failed to provide sufficient evidence that the proposed change from the CC overlay to the OHC overlay will not change the trip generation potential for the property. *Save Downtown Canby v. City of Canby*, Slip Op. p.2-6. Second, LUBA determined that the Applicant failed to consider the effect of the Hwy 99E pedestrian crossing on the Amendment Application. *Id.* Slip Op. p.8. The Applicant failed to adequately address both remand issues as explained below.

1. The Amendment Application violates the TPR.

LUBA agreed with SDC that the Applicant failed to adequately demonstrate that the proposed change from the CC overlay to the OHC overlay will not allow for a more traffic intensive development on the property. LUBA explained:

“[O]ne approach to determining whether the rezone from CC to OHC could generate additional traffic and thus requires further analysis under the TPR would be evaluate the square footage and hence the traffic generation capacity of the most traffic intensive use allowed in the C-2 zone that could reasonably be constructed on the subject property, given the different footprint, height, setback, and floor area ratios that would apply in the two sub-areas. If that analysis showed that constructing the use under the OHC standards would increase traffic generation compared to constructing the use under the CC standards, then further analysis is necessary under the TPR. If not, then the city could conclude that no further analysis is necessary, and the TPR is satisfied.

However, the record and the city's findings do not address these questions.” *Save Downtown Canby v. City of Canby*, Slip Op. p5. (Emphasis added).

To determine if the proposed amendments will significantly affect transportation facilities, the Applicant is required to compare the most traffic intensive development allowed by the proposed OHC overlay to the most traffic intense development allowed under the existing CC overlay. *Griffiths v. City of Corvallis*, 50 Or LUBA 588, 595-96 (2005); *Mason v. City of Corvallis*, 49 Or LUBA 199, 219 (2005). If the most traffic intense development allowed under the OHC overlay zone results in *any* additional traffic than compared to the CC overlay zone, the Amendment Application significantly affects the transportation facilities because it will further degrade intersections that are projected to fail within the planning period. OAR 660-012-0060(1)(c)(C). The TSP concludes that the majority of the OR 99E intersections, including the Ivy Street intersection less than three blocks from the property, will exceed mobility and capacity standards by the end of the planning period. TSP p.4-12.

The Planning Commission erred in relying exclusively on the Applicant’s supplemental analysis because it does not compare the most traffic intensive uses allowed under the two overlay zones. Both the Applicant and the SDC’s traffic engineers agreed that a fuel station is the most traffic intensive development that could be developed under both overlay zones. The Applicant’s traffic engineer, however, never analyzed how the different design and development standards might influence the type of fuel station that could be reasonably developed under each overlay zone.

SDC is the only one that considered the impact of the different design and development standards in the two overlay zones on a fuel station development. As explained in the letter from Dave Kimmel at PDG Planning Development Group, dated July 22, 2013, the different design and development standards in the CC and OHC overlay zones significantly affect the type of fuel station that can be developed. Under the CC overlay zone, a fuel station will be limited to eight (8) fueling positions. In contrast, the OHC overlay zone can accommodate 18 fueling positions with a design similar to the one proposed by the Applicant. Since SDC was the only party to analyze the effect of the different design and development standards on the most traffic intensive use allowed, this is not a battle of the experts. It is uncontroverted evidence that the change from CC to OHC overlay would allow for a significantly more traffic intensive use.

The difference in the number of fueling positions that can be accommodated in the two overlay zones significantly increases the traffic generation potential. As explained in the Zone Change Analysis memorandum from Todd Mobley at Lancaster Engineering, dated July 22, 2013, the additional fuel stations allowed under the OHC overlay zone demonstrates that the proposed amendments will significantly increase the traffic generation potential. Therefore, the additional traffic impacts from the proposed amendments will further degrade these failing intersections and significantly affect the transportation system pursuant to OAR 660-012-0060(1)(c)(C). The Applicant cannot demonstrate compliance with the TPR until it provides a detailed analysis to determine if and how these impacts can be mitigated.

2. The Applicant failed to consider the impacts of the Hwy 99E pedestrian crossing through the end of the planning period.

LUBA agreed with SDC that the Applicant failed to consider the effect of the Amendment Application on the Hwy 99E pedestrian crossing listed in the TSP. *Id.* Slip Op. p.8. Although the Applicant addressed the potential impact of the Hwy 99E pedestrian crossing on the proposed fuel station as part of the Updated TIA, the Applicant made one critical error. The Updated TIA does not consider the impacts through the end of the planning period as required by the TPR.

Under the TPR, the traffic impacts must be “measured at the end of the planning period identified in the adopted transportation system plan.” OAR 660-012-0060(1)(c); *Rickreall Community Water Association v. Polk County*, 53 Or LUBA 76, 102 (2006), *aff’d* 212 Or App 497 (2007). The “planning period” is defined as the “twenty-year period beginning with the date of adoption of a TSP.” OAR 660-012-0005(22). The City’s TSP was adopted in December 2010, so therefore the planning period is through December 2030. Since the Updated TIA does not measure the impacts through the end of the planning period, the Applicant failed to adequately address this issue. As explained in the attached Revised Transportation Impact Analysis letter from Mike Ard at Lancaster Engineering, dated July 22, 2013, this analysis is inadequate to address the TPR end of the planning period requirement.

D. The SDR Application.

The SDR Application was remanded by the City Council to address the Applicant’s revised site plan. Although the remand was supposed to be limited to the revised site plan, the Applicant also provided an updated Traffic Impact Analysis (“Updated TIA”) that attempts to address the deficiencies with the prior TIA. Both the revised site plan and the Updated TIA are still deficient. Moreover, the Planning Commission erred in reviewing the SDR Application based on the proposed OHC overlay zone. Since the SDR Application was processed separately from the Amendment Application, ORS 227.178(3)(a) requires the City to review the SDR Application based on the CC overlay zone in effect when the SDR Application was filed.

1. The SDR Application must be reviewed under the CC overlay zone requirements and cannot rely on the proposed amendments.

There is a reason why the Applicant is attempting to re-consolidate the SDR Application and the Amendment Application. The fixed goal-post rule requires the City to review all land use

applications based on the acknowledged Comprehensive Plan and CMC provisions in effect on the date the application is filed. ORS 227.178(3)(a). The only exception to this rule is if the applications are processed as consolidated applications pursuant to ORS 227.175(2). Since the City and the Applicant chose to split the applications and process them separately, the exception does not apply. *Columbia Riverkeeper v. Clatsop County*, 58 Or LUBA 190, 206-08 (2009); *NE Medford Neighborhood Coalition v. City of Medford*, 53 Or LUBA 277, 282, *aff'd* 214 Or App 46 (2007). As previously explained, the Applicant cannot get around this problem by attempting to re-consolidate the applications. Moreover, the statutes and cases do not recognize re-consolidated applications as an exception to the fixed goal-post rule.

Since the SDR Application cannot rely on the proposed amendments and therefore must comply with the CC overlay zone standards, the Applicant failed to demonstrate compliance with these standards. The Applicant has the burden of proof and failed to provide any evidence demonstrating compliance with the CC overlay zone approval standards. Additionally, Mr. Kimmel's letter and CC overlay concept site plan demonstrates that the SDR Application does not comply with these standards because it does not comply with the minimum building frontage coverage, pedestrian-oriented and other requirements. This also explains why the Applicant is pursuing the proposed amendments in the first place. If the proposed design complied with the CC overlay zone requirements, the Applicant would not be pursuing the Amendment Application.

2. The revised site plan does not address all of the deficiencies.

Even if the Applicant could rely on the OHC overlay zone, the SDR Application still does not comply with the approval standards as noted in SDC's appeal. The Applicant's revised site plan finally acknowledges that the SDR approval standards are in fact mandatory and the previous site plan did not comply with several of them. While the Applicant addressed some of the deficiencies, the Applicant still falls short on a number of the approval standards. It is unclear what appeal issues the Applicant attempted to address or why the Applicant believes its revisions address these deficiencies. Nor did the Planning Commission provide any explanation. Regardless, it is clear that the revised site plan still does not meet all approval standards set forth in SDC's appeal.

With respect to the development standards set forth in CMC 16.41.050, the revised site plan still does not comply with the minimum floor-area-ratio standards, the minimum setback requirements and the parking area setback and lot frontage requirements. Therefore, the revised site plan does not comply with CMC 16.41.050 for the reasons stated in item #3 of SDC's appeal. Moreover, the Applicant's reliance on the proposed trellis to satisfy some of these requirements is erroneous because the trellis does not qualify as a building. A "building" is defined as "a structure built for the shelter or enclosure of persons, animals, chattel or property of any kind." CMC 16.04.090. The trellis is a wall, not a building, and is not intended to shelter or enclose anything. Since the Planning Commission concluded that the fuel canopy does not qualify as a building, even though it does in fact provide shelter for the fuel pumps and customers using the facility, clearly a trellis cannot qualify. Finally, the use of a trellis as a substitute for a traditional building is inconsistent with the intent of the development standards.

With respect to the site and design review standards set forth in CMC 16.41.070, the revised site plan failed to address CMC 16.49.040(1)(A)-(D), does not comply with the window coverage, building entrance/orientation and architectural standards set forth in CMC 16.41.070(A)(2), Standards (1)-(3), and continues to rely on the flawed point matrix for purposes of demonstrating compliance with CMC Table 16.49.040. Therefore, the revised site plan does not comply with CMC 16.41.070 for all the reasons stated in item #4 of SDC's appeal.

The revised site plan addresses the problem with the monument sign, but the signs still violate the sign standards for the reasons stated in SDC's appeal. Therefore, the revised site plan does not comply with the sign standards for all the reasons stated in item #5 of SDC's appeal.

The revised site plan does not address any of the remaining items in SDC's appeal. Therefore, these appeal issues remain valid and have not been resolved.

3. The Updated TIA is still deficient.

Although the Updated TIA addresses some of the deficiencies we previously noted, there remains a number of significant errors and omissions as explained in the Revised Transportation Impact Analysis letter from Mike Ard at Lancaster Engineering, dated July 22, 2013. The SDR Application cannot be approved until these deficiencies are adequately resolved.

Conclusion

For the reasons provided above, the City Council must deny both the SDR Application and the Amendment Application. We appreciate your attention to this matter.

Very truly yours,

HATHAWAY KOBACK CONNORS LLP

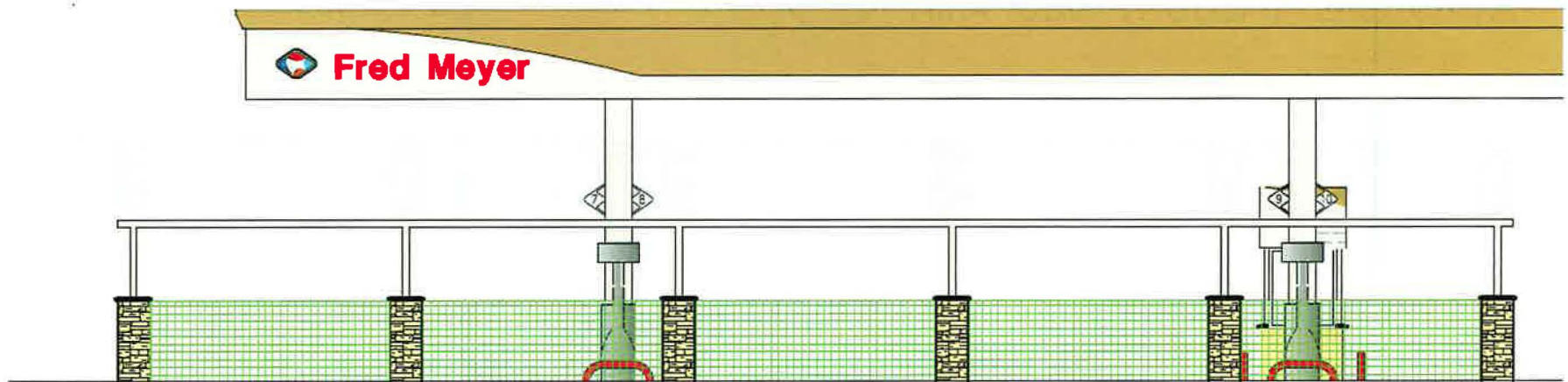


E. Michael Connors

EMC/df

cc: Save Downtown Canby

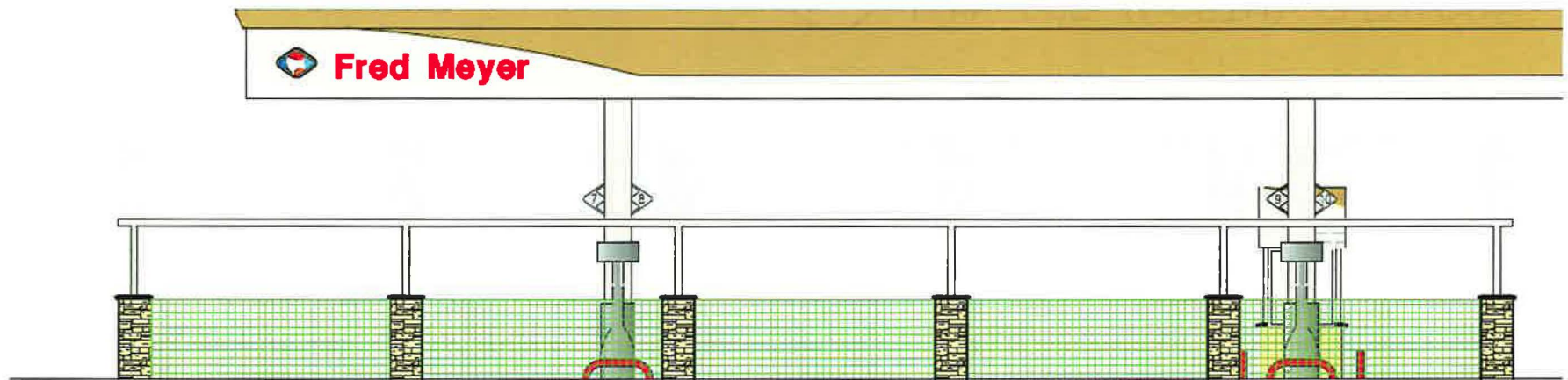
Fred Meyer



1 HWY 99E (NORTH) ELEVATION

LUBA Remand Issues and Site Design Review
Canby Planning Commission
July 22, 2013

Fred Meyer



1 HWY 99E (NORTH) ELEVATION

Site Design Review

Canby Planning Commission

July 22, 2013



Northeast

East

Southeast

South

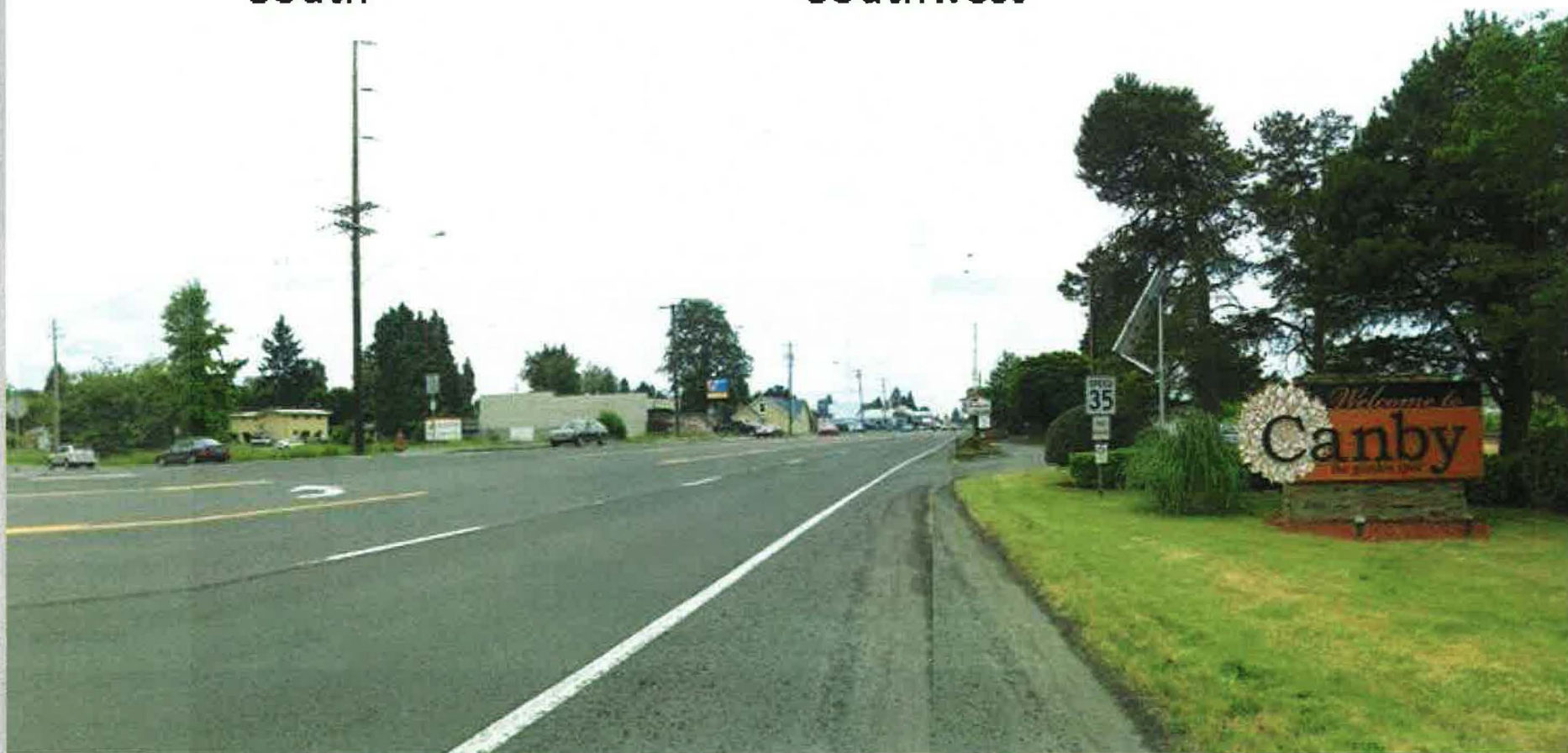
Southwest

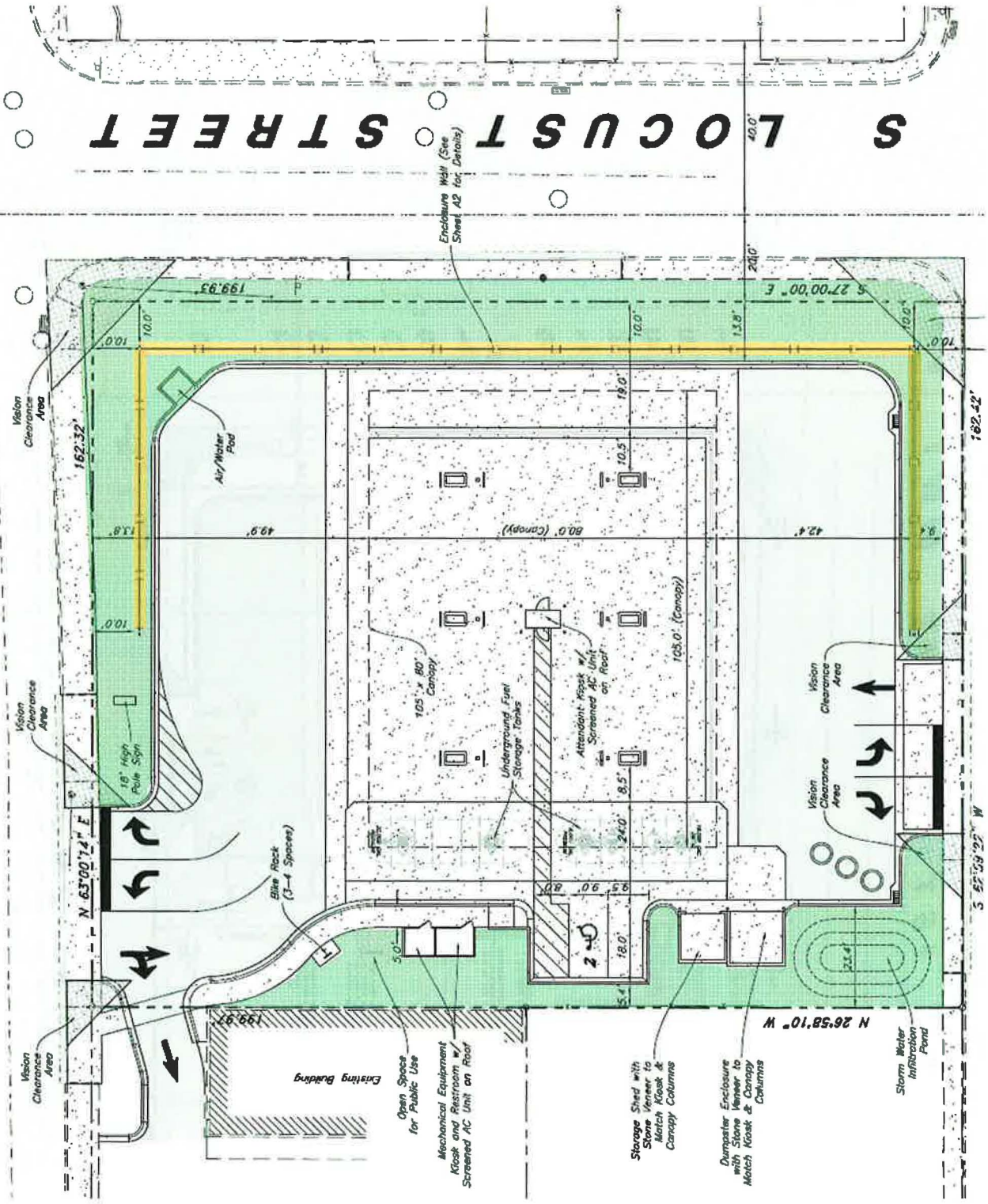


Photo montage: from north side of Highway 99, west of the Locust Street intersection

South

Southwest





4"x4" Square Steel
Tubing. Stucco Texture
Painted Metal (TYP)
Color: Oyster Shell
("Light Tan")

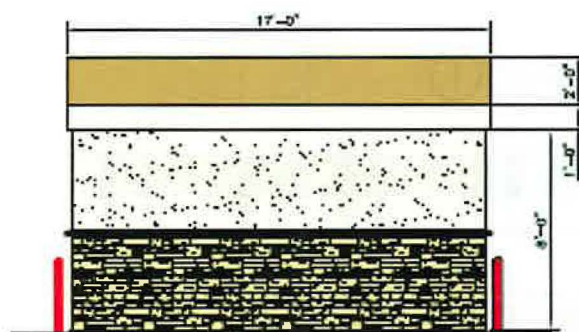
4' Tall Green Screen
Trellis Panels. Width
Varies (See Site Plan)
Mount to Stone Column
Base

18" Square Column Base,
Kodiak Stone Veneer (TYP)
Color: Almond Buff ("Light
Brown")

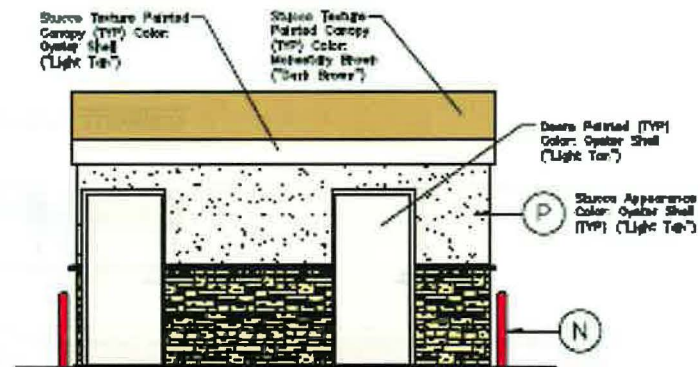
4

ENCLOSURE WALL DETAIL

SCALE: 1/2"=1'-0"



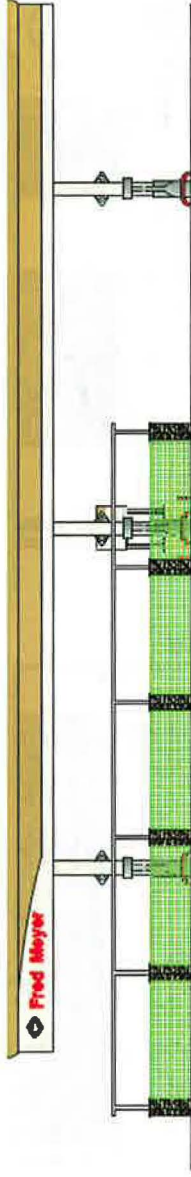
Kodiak Stone Veneer (TYP)
Color: Almond Buff ("Light
Brown")



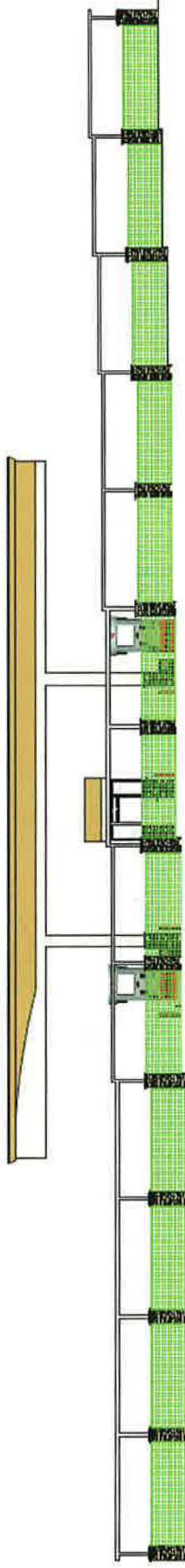
8

EQUIPMENT BUILDING & RESTROOM

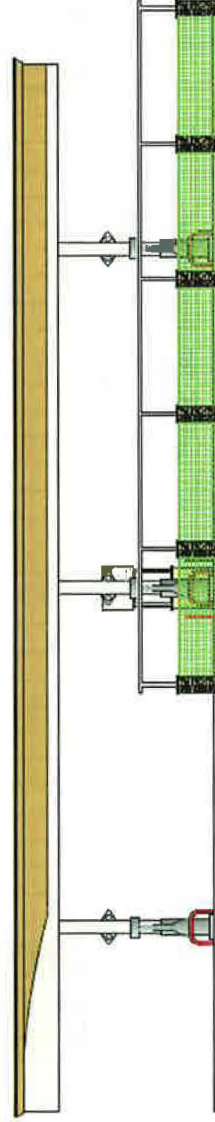
1/4"=1'-0"



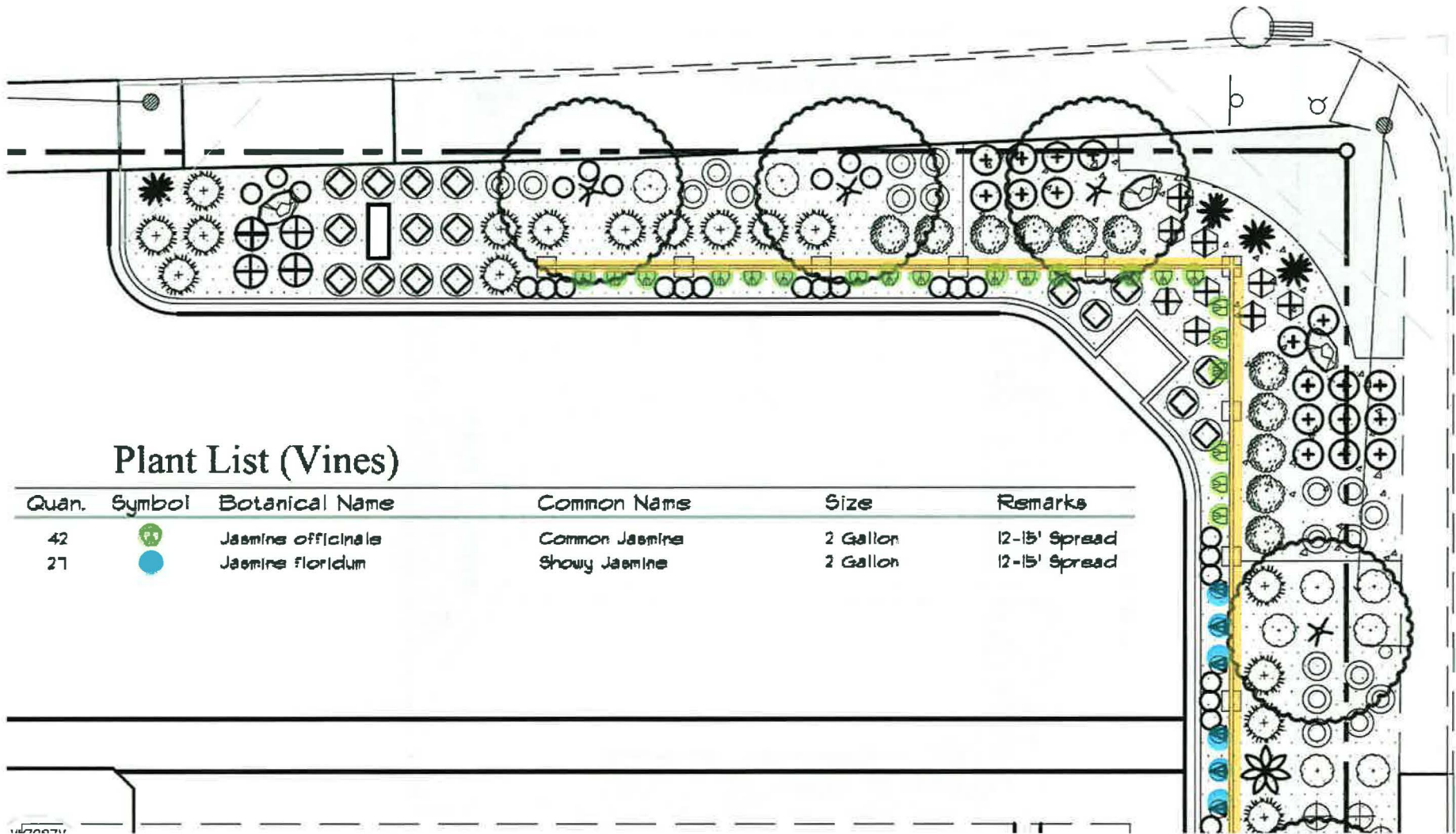
1 HWY 99E (NORTH) ELEVATION
SCALE: 1/8"=1'-0"



2 LOCUST STREET (EAST) ELEVATION
SCALE: 1/8"=1'-0"



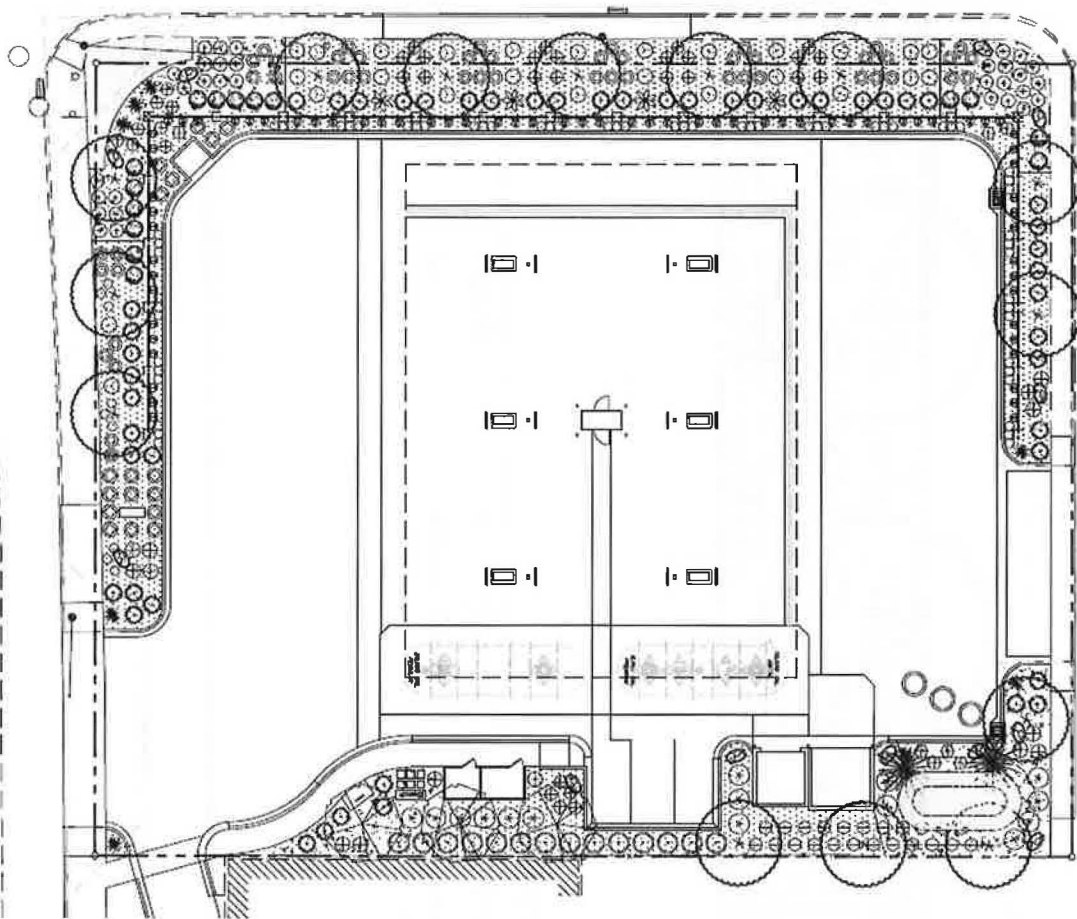
3 2ND AVENUE (SOUTH) ELEVATION
SCALE: 1/8"=1'-0"






SE 1ST AVENUE (HWY 99E)

LOCUST STREET

SE 2ND AVENUE



Plant List (TREES)

Quan.	Symbol	Botanical Name	Common Name	Size	Remarks
2		<i>Cedrus atlantica</i> 'Fastigiata'	Columnar Blue Atlas Cedar	6' Min. Height B & B	Full Throughout Mature Height - 30 Ft.
14		<i>Tilia euchlora</i>	Crimean Linden	3" Caliper 12'-14' Height	Full Head Crown Mature Height - 50 Ft.
3		<i>Zelcova serrata</i> 'Mueashino'	Mueashino Zelcova	3" Caliper 12'-14' Height	Full Head Crown Mature Height - 45 Ft.



Plant List (SHRUBS)

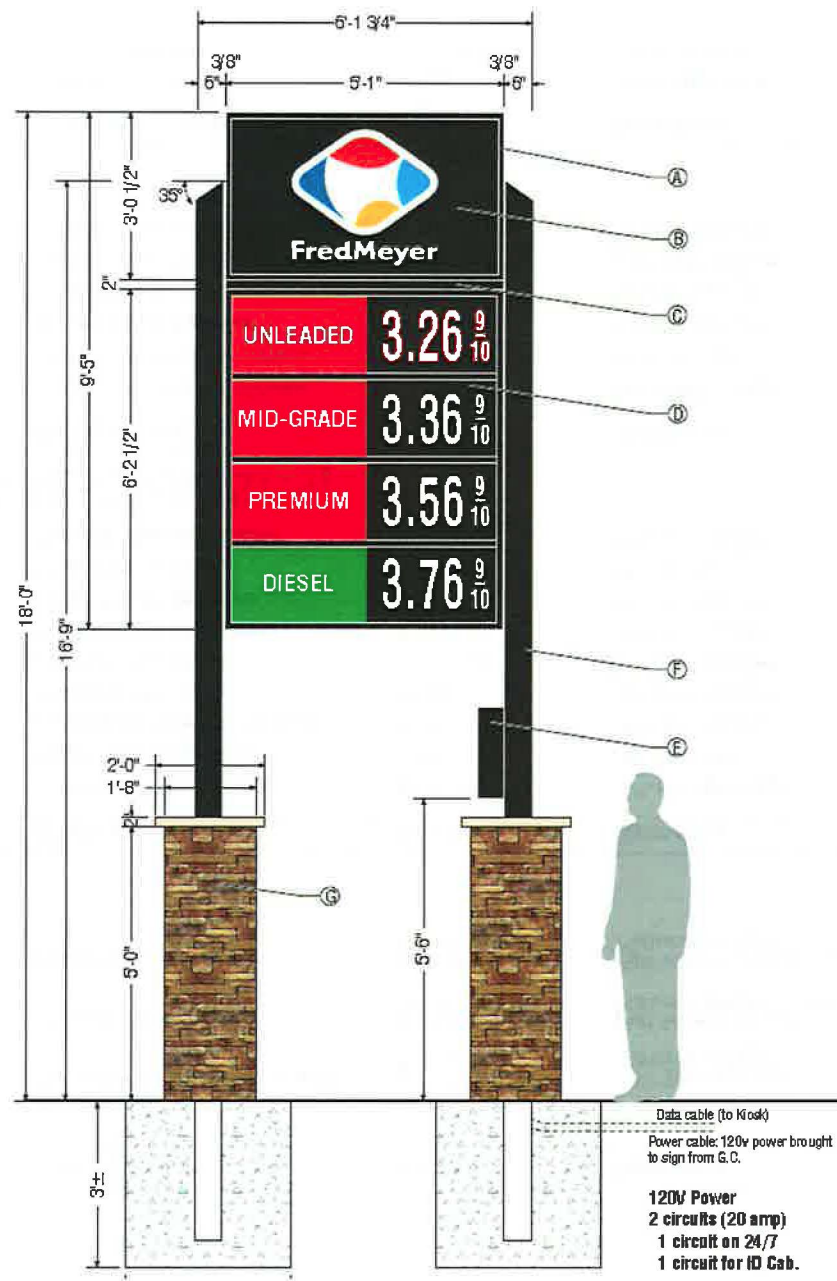
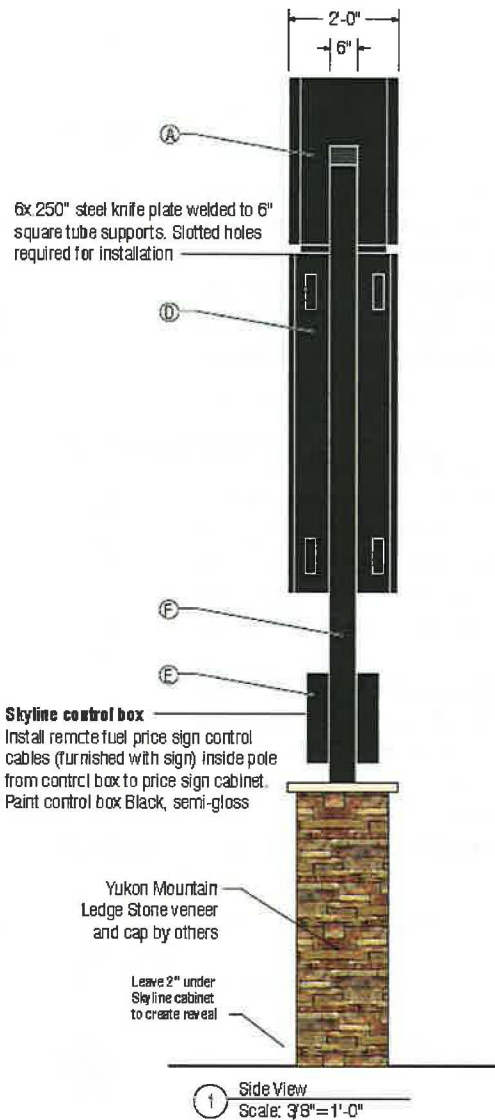
Quan.	Symbol	Botanical Name	Common Name	Size	Remarks
51		<i>Buxus microphylla</i> 'Winter Gem'	Winter Gem Boxwood	5 Gallon	15"-18" Spread
15		<i>Euonymus alatus</i> 'Compacta'	Dwarf Burning Bush	5 Gallon	18"-24" Height
26		<i>Mahonia aquifolium</i> 'Compacta'	Compact Oregon Grape	5 Gallon	15"-18" Height
14		<i>Photinia fraseri</i>	Fraser's Photinia	5 Gallon	18"-24" Height
4		<i>Physocarpus opul.</i> 'Diablo'	Diablo Ninebark	5 Gallon	18"-24" Height
32		<i>Spiraea bumalda</i> 'Goldmound'	Goldmound Spiraea	5 Gallon	15"-18" Height
17		<i>Spiraea japonica</i> 'Neon Flash'	Neon Flash Spiraea	5 Gallon	15"-18" Height
15		<i>Syringa patula</i> 'Miss Kim'	Miss Kim Lilac	5 Gallon	15"-18" Height
8		<i>Yucca filamen.</i> 'Golden Sword'	Golden Sword Yucca	5 Gallon	15"-18" Height

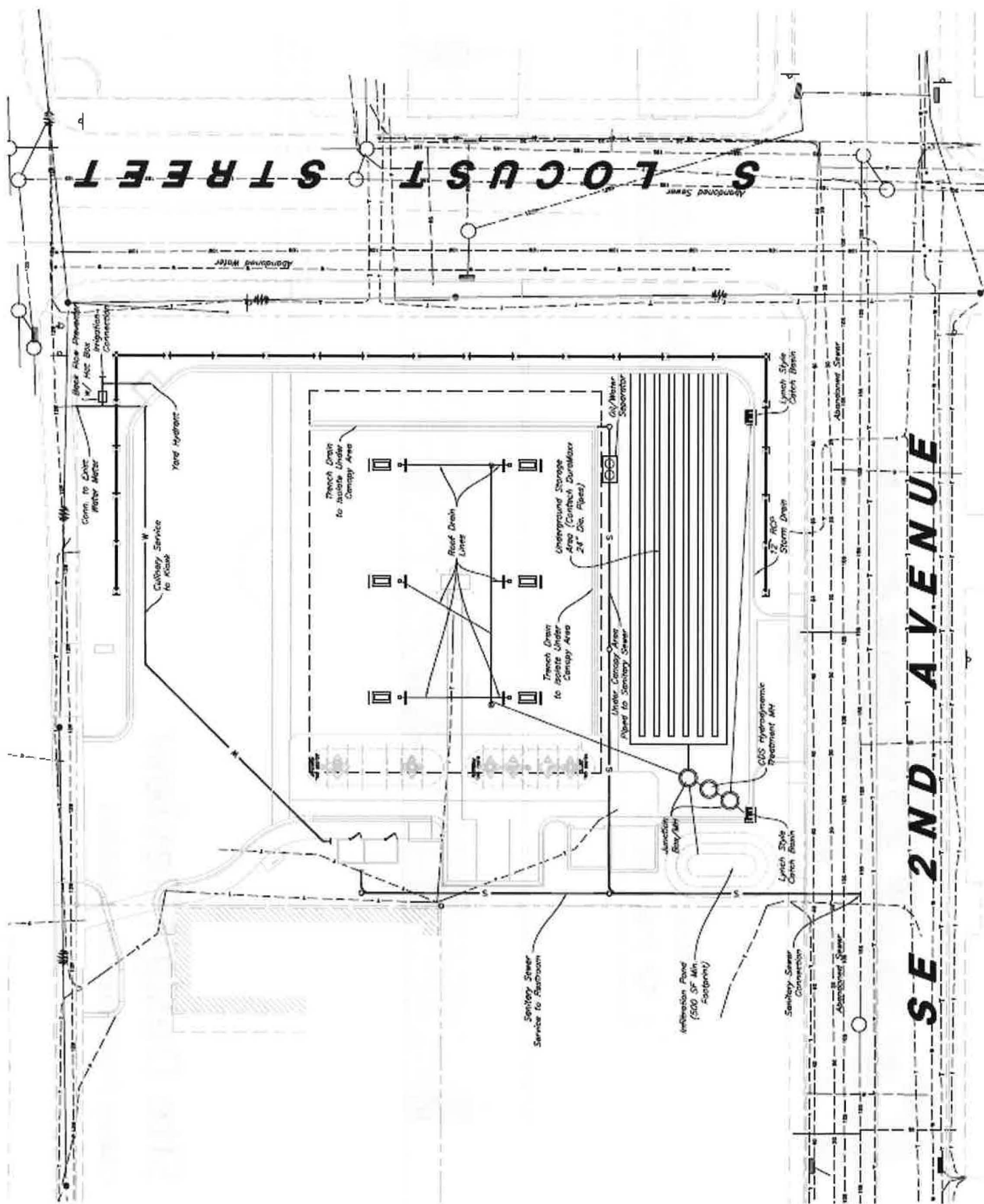
Plant List (ORNAMENTAL GRASSES)

Quan.	Symbol	Botanical Name	Common Name	Size	Remarks
23		<i>Calamagrostis a.</i> 'Foerster'	Foerster Feather Grass	5 Gallon	24"-30" Height
15		<i>Calamagrostis a.</i> 'Overdam'	Overdam Feather Grass	5 Gallon	18"-24" Height
69		<i>Festuca ovina</i> 'Elijah Blue'	Elijah Blue Fescue	2 Gallon	12"-15" Height
25		<i>Helictotrichon sempervirens</i>	Blue Oat Grass	2 Gallon	15"-18" Height
14		<i>Miscanthus sinensis</i> 'Gracillimus'	Gracillimus Maiden Grass	5 Gallon	24"-30" Height
49		<i>Pennisetum alopec.</i> 'Hameln'	Dwarf Fountain Grass	2 Gallon	12"-15" Height

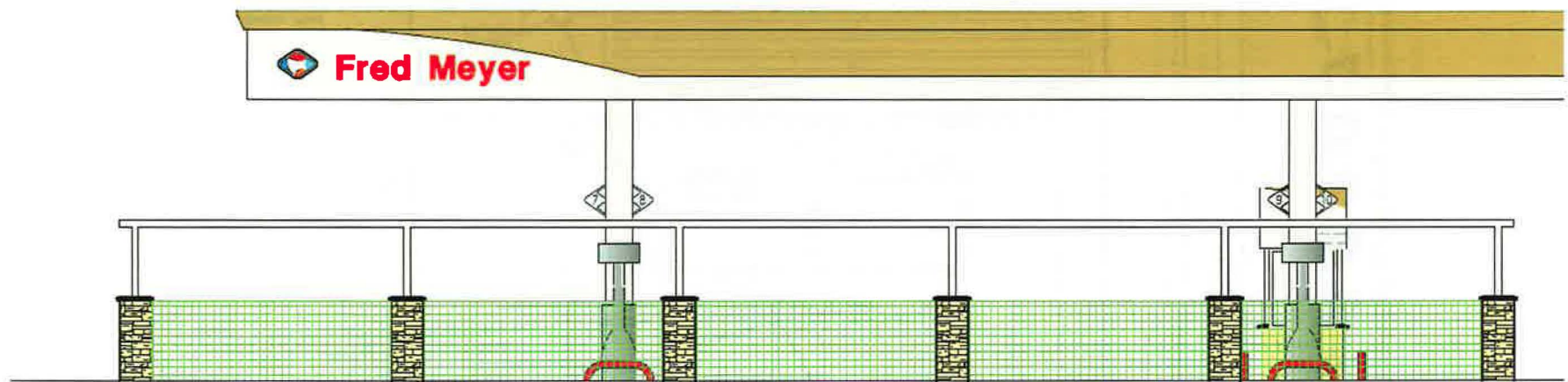
Plant List (Vines)

Quan.	Symbol	Botanical Name	Common Name	Size	Remarks
42		<i>Jasmine officinale</i>	Common Jasmine	2 Gallon	12'-15' Spread
27		<i>Jasmine floridum</i>	Showy Jasmine	2 Gallon	12'-15' Spread





Fred Meyer



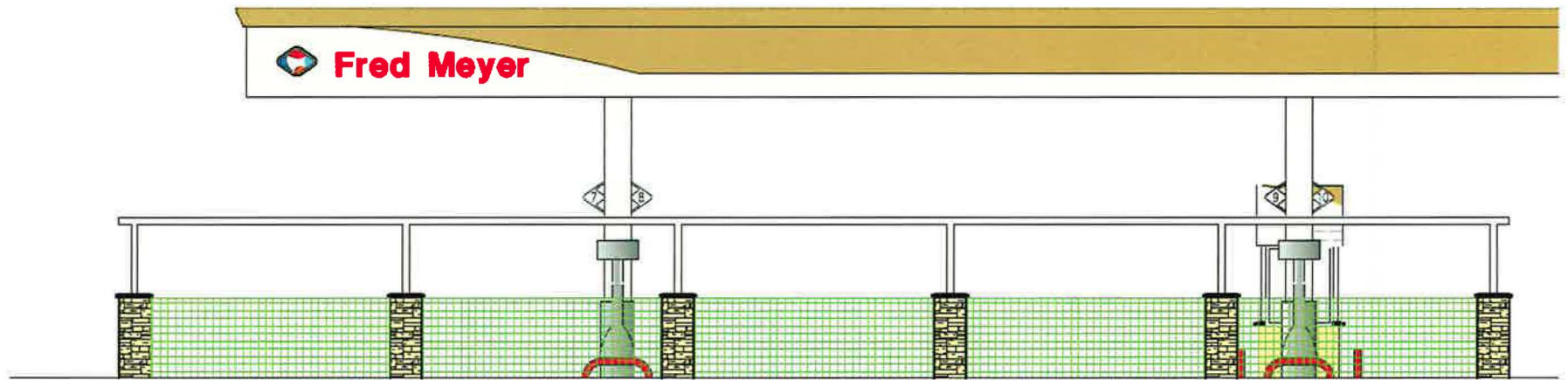
1 HWY 99E (NORTH) ELEVATION

Site Design Review

Canby Planning Commission

July 22, 2013

Fred Meyer



① HWY 99E (NORTH) ELEVATION

LUBA Remand Issues and Site Design Review
Canby Planning Commission
July 22, 2013

Canby Community



Tourism Action Plan

Prepared For:

**Canby Chamber of Commerce
City of Canby**

*with assistance from
Clackamas County Tourism Development Council*

April 2004

Updated July 2013

Introduction

The following *Canby Community Tourism Action Plan* has been prepared based on three workshop sessions held on October 15 and 30 and November 4, 2003. In addition, a follow-up meeting on April 26, 2004 discussed visitor project priorities and the challenge of community organizations and local government to implement them. A total of 21 participants were involved in this community visitor planning process representing various city departments, city elected offices, visitor industry attractions and hospitality services, visitor destination organizations, and several community advocacy groups (participant listing attached). The purpose and ensuing benefits of the process were five-fold:

1. A clear understanding of the community visitor situation
2. An identification of visitor product investment opportunities
3. A determination of the community visitor positioning vis-à-vis the destination brand
4. A specification of visitor projects to advance community visitor growth
5. An enhanced destination team development among respective communities and the county.

In June and July of 2005 the Canby Tourism Action Plan was reviewed by a group of people representing the tourism and related interests in the greater Canby area. This has resulted in the updated Canby Tourism Action Plan in this report. The Plan was again reviewed and updated in Spring 2009 in an effort to remain current and applicable to changing conditions. To keep current with this plan it was updated Summer of 2013.

The *Action Plan* is to be used as a directional and guideline document for various organizations and/or individuals interested in economic development and sustainable visitor growth in Canby and surrounding area, especially the City of Canby, Canby Chamber of Commerce, various community advocacy groups and the Clackamas County Tourism Development Council. Its strategic intent is to enhance the community visitor experience, to reinforce visitor communications and to give proper support to visitor projects advancing these former initiatives, and subsequently increasing visitor economic impact.

Details on the components of the *Action Plan* follow.



Visitor Destination Situation

Given the SWOT (strengths-weaknesses-opportunities-threats) analyses below, it was generally found:

- A solid foundation of unique Canby strengths are apparent with great potential to capitalize on new opportunities in agri-tourism, event and Willamette River development in the city and region
- Some weaknesses are being addressed but more attention is required on public accessibility and better signage to hospitality support services and entertainment
- Basic marketing/promotional activities are present but there is need to develop partnerships and packages along with visitor industry programming



Product Development SWOT Analysis

Strengths

(present advantages)

- Location on Highway 99E
- Historic depot museum adjacent to rail tracks
- Flower nurseries, gardens and mixed farming in area
- Site of Clackamas County Fairgrounds
- Canby ferry
- Proximity to Aurora airport and its various activities such as Fathers Day Celebration, Van's Homecoming (kit planes).
- First Friday art activities
- Quality sports fields with possible upgrade plans host numerous (baseball and soccer) & tournaments.
- Public pool available for private activities in addition to open to visitors during regular hours
- Upgraded community public transportation system with connections to Molalla, Wilsonville and Oregon City
- Pedestrian friendly downtown with independent retailers and restaurants
- Canby Kids activity programs
- Numerous festivals and events including Wine & Art, Spring Garden, Saturday Market, Gardenpalooza, Giant Pumpkin Festival, Clackamas County Fair, Dahlia Festival, Flock & Fiber, General Canby Day, 3 on 3 Basketball Tournament, Cruise In, Quilt Show
- Cultural activities including Fine Arts Center and Community Theater
- Vietnam War Memorial Park

Weaknesses

(present disadvantages)

- Railway and highway divides community
- Access to/from Highway 99E sometimes blocked by trains
- Limited quality commercial lodging
- Restricted access/poor signage for Town Center as well as Gateways and various attractions
- Under maintained and utilized community parks
- Lack of evening entertainment and some visitor support services
- Town Center not well identified
- Need more amenities for bicyclists – bike racks
- Lack of well-funded Parks and Recreation District = lack of cohesion and coordination among various organizations who are planning activities.
- Lack of transportation to/from airport

Opportunities

(potential advantages)

- Continued downtown revitalization, integrate with City of Canby Economic Development
- Willamette River park/trail development (Emerald Necklace)
- Better display and interpretation of historic museum collections
- Fairground events better connected to community
- Event coordination, especially sports and heritage-based
- Walking, biking and driving tours of area
- Restaurant potential for a family-friendly chain that would appeal to visitors as recognized for quality/variety offerings
- Agri tourism tie-in to Silverton's Oregon Gardens and attractions around and just outside of Canby
- Tie-in events with those at Aurora airport
- Park and Recreation department with stabilized funding to coordinate programs (i.e. Lake Oswego and Wilsonville)

Threats

(potential disadvantages)

- Distance perception from Portland
- Length of off-season (November–March)
- Oregon Department of Transportation negotiations on highway/sign changes
- Resident lack awareness of tourism and its potential
- Loss of community 'sense of place'
- Need for destination product knowledge
- Lack of city labor pool/resources to do expansion and maintenance of sports and recreation facilities and programs

Marketing SWOT Analysis

Strengths

(present advantages)

- Clackamas County Tourism Development Council partnership
- Strong Chamber of Commerce visitor collateral materials
- Independent promotions by Agri tourism ventures
- Cooperative local media
- Community has an “open for business” development message
- Updated visitor website
- Agri tourism theme carried out consistently in signage and printed materials

Weaknesses

(present disadvantages)

- Need for information/event clearinghouse
- Not effectively using local cable television access
- Inconsistent business hours of operation
- Tourism experiences not being packaged for visitor
- Lack of partnerships/cross-marketing with nearby destinations like Molalla, Wilsonville, Aurora,

Opportunities

(potential advantages)

- Destination brand promotion and reinforcement
- Information at Aurora airport, especially about car rentals
- Tourism experience packaging and programming
- More cooperative promotions
- Greater participation by variety of partners in planning and implementing tourism plans
- Website continued upgrade with additional links and tie-ins to other marketing partners and possible Intranet project to allow calendar of event updates, coupon opportunities etc.
- Reinforcement of identity as an Agri-tourism destination and cross-promotion with other Agri-tourism areas
- Brochure distribution and visitor information sites throughout city area where visitors can access 24/7, sites such as Fairgrounds, ferry, and Thrift way.
- Tie in with Wilsonville area retirement communities for festival/event attendance.
- Public visitor signage/information in key places (location challenge)
- Cohesive and ongoing Public Relations efforts

Threats

(potential disadvantages)

- Continued minimal marketing/promotion budgets
- Full understanding of visitor development among stakeholders
- Technology advances are good, but need resources to keep up with it and utilize to full marketing potential

Challenges

The top challenges facing the Canby visitor destination are as follows:

1. Commitment of a cohesive destination team to develop and promote
2. Support and integration of Agri tourism as the visitor market positioning in order to deliver main visitor message
3. Community acceptance of visitor industry value and benefits
4. Need for new visitor funding sources
5. Keeping up with best marketing delivery methods.



Critical Success Factors

For the Canby visitor destination to prosper, the following factors need to be acted upon:

- Endorsement of the *Canby Tourism Action Plan* by city and affected business/community groups
- Formation and consistent functioning of a community visitors committee to lead efforts in visitor growth
- Identification and seeking of funding sources for visitor and recreational development

Visitor Destination Experiences

The following product opportunities by visitor market were identified for the Canby community.

Business Travel—*Commercial*



Type

Product Opportunity

Corporate/Government

- ❖ Improved quality and quantity of lodging and more varied dining experiences
- ❖ Enhanced guest/visitor communication offerings such as recreational and business center services

Meeting/Retreat

- ❖ Inventory and evaluation of existing public meeting space
- ❖ More evening entertainment options
- ❖ Packaging for leisure stay-over with auto rentals available

Leisure Travel—*Vacation/Holiday*



Type

Product Opportunity

Cultural/Heritage/Arts/Agri-tourism

- ❖ Upgrading of attractions and hospitality services with better interpretation, good signage, improved parking and ADA accessibility
- ❖ Further linkages among attractions

Shopping/Antiquing

- ❖ More and improved quality of shops with downtown focus and theme

Outdoor Recreation/Sports

- ❖ Improved fields and facilities in order to build on reputation

Festival/Events

- ❖ Evaluation and integration of current events with attention to creating synergy with local residents and visitors participating
- ❖ Improvements to selective parks and other event venues

VFR Travel—*Visit Friends and Relatives*



Type

Product Opportunity

Local Residents

- ❖ Value added dining offers to lure locals
- ❖ Better informed and visitor friendly
- ❖ Distinct image promotion

Referred Visitors

- ❖ Incentives to tell others back home
- ❖ Portland resident market potential

Visitor Destination Future Direction

A visitor destination vision statement for the Canby community was prepared as follows:

In 2020

Showcasing the seasonal abundance from its farms and nurseries, the Canby community is the recognized provider of authentic Agri tourism attractions, arts and culture, events and services within the Portland region.

Visitor Market Positioning

The destination images of the Canby area were identified as such:

- Agriculturally based community
- Safe and secure ‘hometown’
- Family and youth friendly orientation
- Rivers, ferry and nurseries
- Sports events

Given the above images, the unique appeals for the community were considered to be:

- Agricultural heritage with focus on seasonal experiences
- Country setting with rivers, ferry and railway
- Flower nurseries.

To reinforce these appeals, the positioning of the Canby visitor destination would include the following additional elements:

- Close but visibly separate from the metro Portland area and part of Oregon’s Mt. Hood Territory
- Warm and welcoming invitation
- Treasures of the fields to be discovered (Oregon’s Garden Spot; Canby’s ‘Home of the Good Earth’).

A visitor market positioning statement for the Canby community was then composed as follows:

Canby, nestled on the banks of three rivers and on an historic railway route, is a traditional yet progressive agricultural community offering a quaint ‘hometown’ marketplace experience.



Visitor Destination Activities and Accountability

The projects to be undertaken to realize the destination vision for the Canby community are as follows.

Project	Status	Cost	Lead Organization(s)
Formation of Community Visitors Organization			
❖ Regularly scheduled meetings to track progress implementing the TAP and identifying next steps			Canby Chamber of Commerce
❖ activities to be initiated: selection locations for signs, select visitor information kiosk style and locations, develop tour packages, customer service training			City of Canby Visitor Industry Partners
Creation and enhancement of Community Events that help create overnight stays and tie to theme of Agri-tourism			
❖ coordinate cooperative promotion of selected events			Festival and event organizers
❖ explore formation of an event/festival foundation and/or Parks & Recreation entity			Clackamas County Fair Board and staff
❖ provide resources including financial support for events that meet vision of TAP and positioning of Canby as Agri tourism destination			Not-for-Profit Groups Canby Chamber of Commerce
❖ Coordinate and promote art and events that can build community cohesiveness and attract tourism			
Revitalization of Downtown Canby as it relates to being a visitor destination			
❖ updated study for new lodging facility and support recruitment of developer/operator			City of Canby
❖ focus on 1st Avenue and store front improvements			Economic Development Department
❖ plan streetscaping that ties to Agri tourism theme			Canby Main Street Program
❖ public art display and promotions esp. in relation to Agri tourism theme			Canby Historical Society Canby Chamber of Commerce
❖ relocation of Depot Museum to downtown proper and redeveloped as a more substantial attraction			Canby Livability Coalition
❖ explore more efficient method to involve community and merchants in area activity promotions			
Community Sports Facility Upgrading			
❖ facilities assessment			City of Canby Canby School District
❖ Continue pursuing options to provide a complex to offer opportunities for recreation/programs			Canby Area Parks & Recreation District
Clackamas County Fairgrounds Redevelopment			
❖ facility modernization & grounds maintenance			Clackamas County Fairgrounds Board
❖ support expansion of events at fairgrounds that create overnight stays and tie to Agri-tourism theme			
Development of Community Recreational Parks			
❖ Completion of Emerald Necklace trail and park			
❖ Willamette Wayside 100 acre site to be developed over 10 year period			City of Canby
❖ Tie parks and rivers to other visitor experiences through packaging, signage, web site and printed materials			Canby Area Parks & Recreation District
❖ Upgrade parks in order to provide expanded recreation opportunities for all ages, abilities, ethnicities and interests			

List of Visitor Destination Action Plan Participants

1. Mark Adcock, City of Canby
2. Linda Bell, Clackamas County Tourism Development Council *
3. Pam Casciato, Canby Arts Association
4. Bill Cassel, Canby Business Revitalization and Development/Canby Herald *
5. Catherine Comer, City of Canby Economic Development****
6. Walt Daniels, City Council
7. Beverly Doolittle, Canby Chamber of Commerce ****
8. Jon Dragt, Vietnam Memorial ****
9. Craig Finden, Canby Business Revitalization and Development
10. Leo & Julie Garre, The Flower Farmer *
11. Gary Gray, Columbia River Bank
12. Lila Gottman, General Canby Day *
13. Mike Jones, Willamette Broadband
14. Vicki Lang, Canby Historical Society/Depot Museum ****
15. Matt Madeira, Canby Kids **
16. Georgia Newton, City Council
17. Wendy Popkin, Clackamas County Tourism Development Council **
18. Charles Riordan, Oregon Department of Aviation
19. Beth Saul, City of Canby **
20. Peggy Sigler, Canby Historical Society/Depot Museum
21. Deborah Sommer, Canby School District
22. Kitty Thiel, Canby Community Education
23. Melody Thompson, City of Canby Mayor
24. Terry Tolls, T.N. Tolls Company
25. Nancy Wilmes, G&R Travel
26. Margaret Yochem, Canby Area Transit
27. Erin Burckhard, CBD****
28. Heidi Feely, Slice of Summer**
29. Chris Keady **
30. Marlene Dopp, Community Garden**
31. Nick Gitts, Swan Island Dahlias**
32. Maxine Ele, Best Western**
33. Kathy Jacoby, Fir Point Farms****
34. Jim Huges, Fir Point Farms**
35. Joan Monen, The Wild Hare *****
36. Carole Risley, Canby Arts Association *****
37. JillMarie Wiles, Canby Livability *****
38. Jamie Stickel, Canby Main Street *****

- 39. Heather Schloe, Swan Island Dahlias *****
- 40. Laurie Bothwell, Clackamas County Event Center *****
- 41. Bill Cassel, Canby Herald *****
- 42. AnnaLouise Sterry *****
- 43. Heather Steach, Friends of the Library *****
- 44. Kathy Best, Key Bank *****

* indicates participation in both original and 2005 sessions

** indicates participation in 2007 update

*** indicates participation in 2008 update

**** indicates 2009 update

***** indicates 2013 committee