



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

**A REQUEST FOR DESIGN REVIEW  
APPROVAL OF A 12 UNIT MULTIFAMILY  
PROJECT IN THE HIGH DENSITY (R-2)  
RESIDENTIAL ZONE**

)  
)  
)  
)  
)  
)  
)

**FINDINGS, CONCLUSION & FINAL ORDER**

**DR 21-04  
STATE STREET HOMES**

**NATURE OF THE APPLICATION**

The subject property is approximately 0.44 acres in size and rectangular in shape. The property contains an existing structure which is proposed to be demolished to accommodate the new proposed development. The property is largely grass with some areas of mature trees that are proposed for removal to accommodate the new development.

The property is vacant and does not have a physical address; it can be identified as Clackamas County Assessor’s Map & Tax Lot 41E04BA00200. The site does not have frontage on SW 3rd Avenue and is proposed to take access via an existing easement across Tax Lot 100 adjacent to the north.

The applicant is proposing to develop two buildings with 12 total residential units, approximately 10,588.5 square feet on a 0.44-acre site. The proposed development will be accessed off of SW 3rd avenue by the means of an existing easement. Both buildings will be 3-stories in height, approximately 5,294.25 SF, and each are composed of three (3) 2 bedroom / 2 bathroom units and three (3) 1 bedroom / 1 bathroom units – essentially creating 6 apartment units of different configuration per proposed structure.

The proposed development will have required improvements including: landscaping, parking, fire turnaround areas, stormwater facilities, street lighting, an improved access easement area and approach.

**HEARINGS**

The Planning Commission considered application **DR 21-04** after the duly noticed hearing on May 10, 2021 during which the Planning Commission moved to continue the hearing to June 14, 2021 at the request of the applicant. At the hearing on June 14, 2021 the Planning Commission moved to approve the application (**DR 21-04 – State Street**) by a 5/1 verbal vote in affirmation. These Findings are entered to document the approval.

## **CRITERIA AND STANDARDS**

In judging whether or not the aforementioned application 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 code criteria and standards were reviewed in the Staff Report dated May 10, 2021 and the Supplemental Memorandum dated June 4, 2021.

## **FINDINGS AND REASONS**

The Staff Report was presented, and written and oral testimony was received at the public hearing. The Planning Commission listened to a variety of public concerns and indicated their belief that the project met the approval criteria and that certain impacts could be mitigated by the conditions of approval stated at the hearing and in the staff report.

Staff recommended two additional conditions of approval as stated below:

- The applicant shall construct a 5-foot wide ADA accessible, rollable, fire rated for weight, and concrete sidewalk or other acceptable pedestrian path to be determined by the Planning Department and / or Public Works within the easement or 'flag pole' area of the property and adjust the curb cut of the approach to the easement area so that it is consistent with City standards.
- The applicant shall clearly designate the location of the recreation area on a copy of the plan submitted for construction, demonstrating compliance with the minimum square footage required per the code.

## **CONCLUSION**

In summary, the Planning Commission reviewed the staff report, supplemental memorandum, and public hearing testimony and determined that the project as proposed met the applicable approval criteria.

## **ORDER**

The Planning Commission concludes that, with the following conditions, the applications meet the approval criteria. Therefore, it is ordered by the Planning Commission of the City of Canby that **State Street (DR 21-04)** is approved subject to the stated conditions of approval included in this document.

## **CONDITIONS OF APPROVAL**

### **Access:**

1. The driveway access on SW 3<sup>rd</sup> Avenue shall be a commercial driveway approach and shall be constructed consistent with the City of Canby standard detail drawing No. 104.
2. The driveway approach on SW 3<sup>rd</sup> Avenue shall be a reconstructed to most current ADA guidelines.

3. The access width, surfacing and turnaround shall meet the approval of the Canby Fire District.
4. ~~A demarcated 5-foot pedestrian walking surface shall be provide within the 20-foot paved area or within the 26-foot access easement area itself. The path shall be at grade and constructed of concrete, pavers, brick or other differentiated material from the asphalt vehicle travel surface. (Replaced by Condition # 29)~~
5. The applicant shall provide a private stop sign at the egress point of the private access easement with a striped line stop bar that is consistent with Canby Public Work's Standards.

**Public and Utility Improvements:**

6. An 8-inch sanitary sewer shall be extended from SW 3<sup>rd</sup> Avenue to serve this development. The City will be responsible for the maintenance of the 8-inch line only. All the branched lateral maintenance and ownership shall be the responsibility of the development. The developer shall provide a blanket maintenance easement to the City of Canby over the entire width of the easement to enable the City to maintain the sewer line.
7. Any new water services shall be constructed in conformance with Canby Utility requirements.
8. Any new electrical connection, trenching or extension shall be conducted in conformance with DirectLink and Canby Utility.
9. Public improvements shall comply with all applicable City of Canby Public Works Design Standards. (Public Works / City Engineer).
10. All private storm drainage shall be disposed of onsite. A final drainage report shall be submitted with the final construction plans (Public Works / City Engineer).
11. No private storm drainage discharge shall be allowed to discharge into SW 3<sup>rd</sup> Avenue.

The applicant shall 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, they must meet the following criteria:

- a. The UIC structures' location shall meet at least of the two conditions:
  - i. The vertical separation distance between the UIC and seasonal high groundwater is more than 2.5 feet, or
  - ii. The horizontal separation distance between the UIC and any water well is a minimum of 267 feet in accordance with the City of Canby Stormwater Master Plan, Appendix "C", *Groundwater Protectiveness Demonstration and Risk Prioritization for Underground Injection Control Devices*.

The storm water drainage report and design methodology shall be in conformance with the requirements as stated in Chapter 4 of the City of Canby Public Works Design Standards dated December 2019. (Public Works / City Engineer).

**Project Design / Process:**

12. The project shall substantially comply with the submitted narrative and plans. Any deviation from the plans may require additional land use review (Planning).
13. A narrative with accompanying materials shall be provided during the final certificate of occupancy process that demonstrates how the project is consistent with the

conditions of approval stated in this report (Planning).

14. A pre-construction conference request is required prior to the start of any improvement on the property. This includes review and redlines of all public and private utilities, landscaping, parking, and signage, lighting and building components. All redlines required by Public Works, the City Engineer or Planning Staff must be substantially addressed prior to the start of work (Planning).
15. An erosion control permit is required prior to any site disturbance and grading required for predevelopment phasing of the proposal (Planning).
16. All landscaping must meet the requirements of Chapter 16.49 for longevity, planting types, irrigation requirements and general coverage (Planning).
17. A lighting plan demonstrating compliance with Chapter 16.43 is required with the building permit submittal.
18. All proposed lighting shall meet the standards described in Chapter 16.43 and must have cut-off shielding and be installed as described in the manufactures specifications sheets.
19. The applicant shall work with Canby Utility and the Canby Public Works Department in order to provide the appropriate connections to all required utilities prior to site plan approval (Planning).

#### **Legal Lot / Easement**

20. The applicant shall provide a copy of the recorded access easement that benefits Tax Lot 200 through 100 demonstrating permanent, non-revocable access. A maintenance agreement if established, shall be provided demonstrating the responsibilities of each party for repair and regular maintenance of the private driveway.
21. The developer/builder of the proposed buildings shall consult with Canby Disposal regarding final architectural plans and design considerations for solid waste pickup. (Canby Disposal)

#### **Building Permits:**

22. Pursuant to 16.49.060 Time limit on approval, Site and Design Review Board approvals shall be void after twelve (12) months unless: A building permit has been issued and substantial construction pursuant thereto has taken place, as defined by the state Uniform Building Code; or The Planning Department finds that there have been no changes in any Ordinances, standards, regulations or other conditions affecting the previously approved project so as to warrant its resubmittal. (Ord. 848, Part III, section 4, 1091) (Planning).
23. The project applicant shall apply for a City of Canby Site Plan Permit, Clackamas County Building permits, and a City of Canby Erosion Control Permit prior to project construction (Planning).
24. Clackamas County Building Services will provide structural, electrical, plumbing, and mechanical plan review and inspection services (Planning).
25. The applicant shall submit sign applications to the City for any future signs. Proposed signs shall conform to provisions of Chapter 16.42 of the CMC and shall secure a building permit from Clackamas County Building Services prior to their installation if applicable (Planning).

**Prior to Occupancy:**

26. Prior to occupancy of the structures, all landscaping plant material indicated on the submitted landscape plan shall either be installed and irrigated as proposed, or sufficient security (bonding, escrow, etc.) shall be provided pursuant to the provisions of CMC 16.49.100 (B). (Planning)
27. All parking striping, wheel stops, ADA space requirements and signage shall be installed (Planning).
28. All pedestrian infrastructure including sidewalks, pathways and striping shall be installed (Planning).

**Conditions Added / Clarified at Hearing by Planning Commission**

29. The applicant shall construct a 5-foot wide ADA accessible, rollable, fire rated for weight, and concrete sidewalk or other acceptable pedestrian path to be determined by the Planning Department and / or Public Works within the easement or 'flag pole' area of the property and adjust the curb cut of the approach to the easement area so that it is consistent with City standards.
30. The applicant shall clearly designate the location of the recreation area on a copy of the plan submitted for construction, demonstrating compliance with the minimum square footage required per the code.