

City of Canby

Staff Report File #: DR 22-05/LLA 22-05 Backstop Brewing

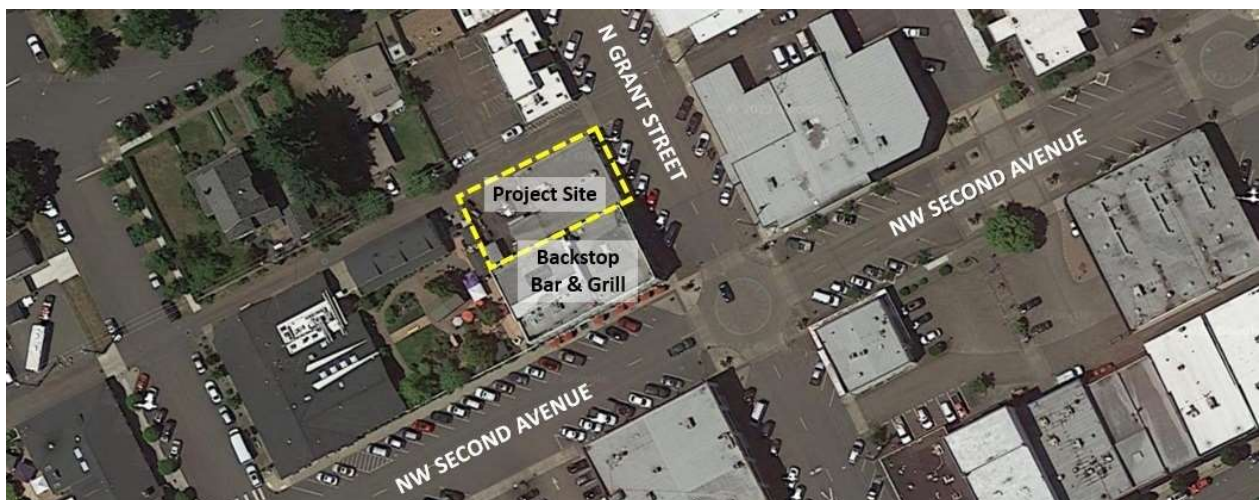
HEARING DATE: January 9, 2023
STAFF REPORT DATE: December 30, 2022
TO: Planning Commission
STAFF: Ryan Potter, AICP, Planning Manager

Applicant Request

The project applicants, Ken and Lori Arrigotti, request Planning Commission approval to construct a two-story, 11,230-square-foot building, including a restaurant/bar and brewery/taproom, that would be an extension of the existing Backstop Bar & Grill next door. The building would include a basement work space and an outdoor dining terrace on the second floor. It would replace an existing one-story building that formerly housed the Canby Herald newspaper.

Approval of the proposed project requires Planning Commission approval of Site and Design Review Application DR 22-05 and Lot Line Adjustment Application LLA 22-05 for an associated lot consolidation.

Vicinity Map



Staff Recommendation

Based on the application submitted and the facts, findings, and conclusions of this Staff Report, Planning Staff recommend **Approval** of Applications DR 22-05 and LLA 22-05 pursuant to the conditions of approval identified in Section V of this Staff Report.

Property/Owner Information

Location: 211 and 241 N Grant Street
Tax Lots: 31E33CC03000 and 31E33CC03100¹
Property Size: 0.1 acre
Comprehensive Plan: DC, Downtown Commercial
Current Zoning: C-1, Downtown Commercial; Downtown Canby Overlay (DCO) Zone
Owner: Ken and Lori Arrigoti
Applicant: Ken and Lori Arrigoti
Representative: Lundin Cole Architects, PC – Ted Lundin
Application Types: Site and Design Review (DR) and Lot Line Adjustment (LLA)
City File Numbers: DR 22-05; LLA 22-05

Attachments

- A. Land Use Application
- B. Project Narrative and Response to Code Criteria
- C. Project Drawings and Renderings
- D. Transportation Impact Analysis
- E. Pre-Application Conference Meeting Minutes
- F. Neighborhood Meeting Minutes
- G. Public and Agency Comments

Existing Conditions

The project site is currently comprised of two parcels. The first is the former Canby Herald Building, which is a one-story, urban-scaled building that sits directly on the sidewalk of N Grant Street and also directly abuts the public alley to the north. A small paved loading area at the rear of the building is accessed from the alley and can accommodate 1 to 2 parked cars. The proposed project would largely be located on this parcel and would require the demolition of the existing building.

The second parcel is home to the existing two-story Backstop Bar & Grill, which includes a restaurant and bar on the first story, an event space on the second floor (the Antonia Ballroom), and a basement. The building was built in 1912 and has been used for a variety of land uses before the current use. Upon implementation of the proposed project, the Backstop building would be left largely intact. However, a minor portion of its current underlying parcel extends behind the Canby Herald building to the alley. This portion of the parcel, which is currently an extension of the aforementioned alley-side paved parking area, would be part of the project site for the proposed project.

As indicated above, the project site is a highly urbanized site with both buildings directly abutting heavily-used, downtown-style sidewalks along N Grant Street and NW 2nd Avenue. Both these street segments have angled street parking. The project site has no existing trees or vegetation.

As the project site is located in Canby's downtown core, it is generally surrounded by other parcels that are also zoned C-1, Downtown Commercial, and similarly feature commercial uses.

¹ The project site includes the entirety of 31E33CC03000 and only a minor portion of 31E33CC03100.

However, the Country Side Living assisted living facility and its outdoor yard space are located directly to the west of the project site and there are two single-family homes to the northwest across the alley. Commercial uses to the east and south include a retail butcher shop, bookstore, mortgage office, cocktail bar, law offices, and an insurance agent. All of these uses are located on parcels zoned C-1, Downtown Commercial, and like the project site, are located in the Downtown Canby Overlay (DCO) Zone.

Project Overview

Backstop Bar & Grill is a thriving business that serves as an anchor of western downtown Canby. The owners are seeking to expand their operations to include a restaurant and bar, brewery, and tap room in a space next to their existing restaurant. The proposed project is a two-story building that would house these uses along with a large second-story outdoor dining terrace and a finished basement.

Proposed Building

The proposed building would mimic the scale and massing of the Backstop Bar & Grill next door. However, it would have its own entrance from N Grant Street, a facade that would feature extensive glazing and the aforementioned second-floor patio. The three floors would be connected by both stairs and an elevator. An interior connection would allow customers to move between the new uses and the existing business. As shown on the applicant’s renderings, the building is generally oriented toward N Grant Street and the public realm, with more opaque walls facing to the north and west.

The table below summarizes which uses would inhabit each floor of the proposed building:

Floor	Proposed Use
Basement	<ul style="list-style-type: none"> • Work space • Freezer • Cooler
First (Ground Floor)	<ul style="list-style-type: none"> • Main entrance • Tap room • Brewery • Cooler • Restrooms • Trash/recycle room with loading berth
Second	<ul style="list-style-type: none"> • Restaurant with bar • Dining patio • Kitchen • Video game room • Restrooms

The proposed project would not feature off-street parking due to its location in the downtown core and no requirement to provide off-street parking. A loading berth on the building’s rear elevation would be accessed from the existing alley to the immediate north. For additional information regarding the proposed project design, see Attachment C to this Staff Report.

Lot Consolidation

The subject property is currently comprised of two parcels. The proposed building would occupy the entirety of one parcel (214 N Grant Street; the former Canby Herald Building) and the back portion of 211 N Grant Street (a narrow strip of land that extends behind the former Herald Building). Therefore, a lot consolidation (considered a lot line adjustment) is required to ensure that the new building complies with minimum setback requirements. For this reason, a lot consolidation (City File LLA 22-05) is a component part of the proposed project.

Analysis and Findings

I. Applicable Criteria

Applicable criteria used in evaluating this application are listed in the following sections of the City of Canby's Land Development and Planning Ordinance:

- 16.08 General Provisions
- 16.10 Off-street Parking and Loading
- 16.22 C-1 Downtown Commercial Zone
- 16.41 Downtown Canby Overlay (DCO) Zone
- 16.42 Signs
- 16.43 Outdoor Lighting Standards
- 16.49 Site and Design Review
- 16.58 Lot Line Adjustment
- 16.88 General Standards and Procedures
- 16.89 Application and Review Procedures
- 16.120 Parks, Open Space, and Recreational Land

II. Facts and Findings

The following analysis evaluates the proposed project's conformance with applicable approval criteria and other municipal code sections, as listed above in Section I. Sections of the Canby Municipal Code (CMC) are analyzed in the order that they appear in the code.

Section 16.08.070: *Illegally Created Lots*

This section of the CMC establishes that in no case shall a lot 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.

Finding 1: The submitted application materials include documentation demonstrating that the subject property is comprised of legally created lots eligible for development: Tax Lots 31E33CC03000 and 31E33CC03100. For this reason, Planning Staff find that this request is consistent with applicable provisions of the CMC.

Section 16.08.150: *Traffic Impact Study*

This section of the CMC outlines requirements for studying the transportation impacts of a proposed project.

Finding 2: Scoping performed for the proposed project—based on the type, scale, and location of the project—determined that a Transportation Impact Analysis (TIA)² would be required to analyze traffic impacts of the project. This report is attached to this Staff Report as Attachment D. Note that the paragraphs below only summarize the findings of the TIA; please see the TIA for detailed analysis. Furthermore, note that the TIA analyzes a more intense previous version of the project that included a three-story building. Therefore, in some regards, traffic impacts are overstated.

As discussed in the TIA, project-related vehicle trips were added to four intersections in the vicinity of the subject property to analyze the project's potential impacts. These include the four-way stop adjacent to the project site and three signalized intersections along Highway 99E (see Page 6 of the TIA).

The proposed project is expected to generate approximately 748 total weekday daily trips, including approximately 39 trips during the AM peak hour and 97 trips during the PM peak hour. This number of trips is not expected to significantly contribute to congestion on roadways or intersections in the immediate area. The TIA acknowledges that the study intersections do experience congestion during peak hour periods. However, the project's contribution to this congestion would be marginal and none of the study intersections are expected to fall below mobility standards with or without the project. Note that consistency with the CMC in regards to traffic generation is determined based on adopted mobility standards and not perceptions of traffic volume or congestion.

As with all development projects of this scale, the proposed project would pay System Development Charges (SDCs), which the City uses to build improvements to its street network.

For the above reasons, Planning Staff finds that this request is consistent with applicable provisions of the CMC.

Section 16.08.160: Safety and Functionality Standards

The City will not issue any development permits unless the proposed development complies with the City's basic transportation safety and functionality standards, the purpose of which is to ensure that development does not occur in areas where the surrounding public facilities are inadequate. At the time of development permit application submittal, the applicant shall demonstrate that the property has or will have the following:

- A. Adequate street drainage;
- B. Provides safe access and clear vision at intersections;
- C. Public utilities are available and adequate to serve the project;
- D. Access onto a public street with the minimum paved widths as stated in Subsection E below.
- E. Adequate frontage improvements as follows:
 1. For local streets and neighborhood connectors, a minimum paved width of 16 feet along the site's frontage.

² Alternatively called a Traffic Impact Study (TIS).

2. For collector and arterial streets, a minimum paved width of 20 feet along the site's frontage.
 3. For all streets, a minimum horizontal right-of-way clearance of 20 feet along the site's frontage.
- F. Compliance with mobility standards identified in the Transportation System Plan (TSP). If a mobility deficiency already exists, the development shall not create further deficiencies. (Ord 1340, 2011)

Finding 3: The adequacy of public utilities to serve the proposed project was discussed at the pre-application conference held on February 23, 2022. Electricity, water, gas, internet, and sanitary sewer service currently serve the project site and this infrastructure can be modified to serve the proposed project. Unlike most of Canby, the project site is served by stormwater conveyance infrastructure. See Section V of this Staff Report for conditions of approval related to utility infrastructure.

The project site is urban in character; both existing buildings directly abut the sidewalk on N Grant Street. While the proposed project does not trigger entirely new frontage improvements, it is likely that project construction would require replacement of some of the existing sidewalks (i.e., related to excavation activities). Overall, N Grant Street is already built to reflect its preferred street section: two-way traffic with angled/diagonal parking. The existing angled street parking would remain. Any physical impacts to the alley abutting the site would need to be resolved to allow continued use of that facility.

As discussed above under the response to Subsection 16.08.150, traffic generated by the proposed project would not result in significant traffic impacts in the immediate area; the project would not "create further deficiencies" where existing deficiencies exist.

For the above reasons, Planning Staff finds that this request is consistent with applicable provisions of the CMC.

Chapter 16.10: Off-Street Parking and Loading

This chapter of the CMC identifies requirements for vehicular parking, bicycle parking, and loading facilities when new development occurs.

Finding 4: Section 16.10.010(B) of the CMC explicitly exempts development within the downtown core from the responsibility to provide off-street parking:

- B. No off-street parking shall be required for any use permitted outright within the C-1 zone in the rectangular area bounded by N. Ivy Street on the east, NW First Avenue on the south, N. Elm Street on the west, and NW Third Avenue on the north.

For this reason, no off-street parking is required to serve the proposed project and much of this code chapter is not applicable, as noted by the submitted project narrative. The N Grant Street frontage of the project site features existing angled public street parking, including an ADA-accessible parking space.

Subsection 106.10.060 requires commercial uses with between 5,000 and 25,000 square feet of floor area to provide a minimum of one loading berth. The proposed project provides one berth, which would serve both the existing Backstop Bar & Grill and the new building (together 22,613 square feet); therefore, this requirement is met. The loading berth would be accessed from the public alley, obscuring its visibility from public views to the extent feasible.

Planning Staff find that site access at the project site would remain consistent with Subsection 16.10.070 of the CMC. As under existing conditions, sidewalks would directly connect ground floor entrances of the building with the public right-of-way.

Although Subsection 16.10.100 of the CMC identifies minimum bicycle parking requirements for specific land uses, it also identifies a special requirement for the Downtown Commercial Zone: four spaces per block. As discussed in the applicant's project narrative, bike racks for four bicycles would be installed at the block's southeast corner (the intersection of NW 2nd Avenue and N Grant Street), which is within 50 feet of the entrances to both the existing and proposed buildings. Therefore, this requirement is satisfied.

For the above reasons, Planning Staff finds that this request, as conditioned, is consistent with applicable provisions of the CMC.

Chapter 16.22: C-1 Downtown Commercial Zone

Lists of allowable uses, and development standards for those uses, are generally found in the respective chapters for each zoning district. The project site is zoned C-1, Downtown Commercial.

Finding 5: As listed in Section 16.22.010 of the CMC, uses permitted outright in the C-1 zone include a broad range of commercial, retail, office, and public uses, with residential uses allowed as part of mixed-use development.

The proposed project would feature a restaurant with bar and brewery/tap room. These uses are permitted outright in the C-1 Zone as they fall into the following categories: "restaurant," "drinking place," and "brew pub." Planning Staff note that brew pubs are allowed only when the floor space used for the manufacturing of beverages does not exceed 7,000 square feet. The proposed brewery/tap room is well below this maximum, with approximately 4,210 square feet dedicated to that use.

The proposed project is generally consistent with the development standards required of land uses in the C-1 zone, as summarized below:

- **Lot Layout.** No minimum lot area, minimum lot width, or yard/setback requirements apply.
- **Building Height.** At 34 feet, 6 inches tall, the proposed building is considerably shorter than the maximum allowed 45 feet. No freestanding signs are proposed.
- **Sidewalks.** In this zone, sidewalks are required to be a minimum width of 11 feet "unless existing building locations or street widths necessitate a more narrow design." The subject property has existing 8-foot-wide sidewalks which would be retained by the proposed project. The project is designed to align the proposed building's front façade with that of the existing Backstop Bar & Grill building, maintaining a consistent wall plane along N Grant Street. As identified above, the code allows for this deviation in sidewalk width because the block has an established urban form. Planning Staff note that the entrance to the new building would be recessed 3 feet from the front elevation, creating 11 feet of width at that location.
- **Overhangs.** Overhangs are required to not exceed two feet, but awnings are exempted from this requirement. The proposed building features no roof overhangs over the sidewalk. However, the proposed project includes 16 new

permanent five-foot-deep metal awnings over the sidewalk, including 12 around the existing Backstop Bar & Grill building (seven along NW 2nd Avenue, five along N Grant Street) and four on the new building (all along N Grant Street). The CMC contains no definition of “awning,” therefore, it is reasonable that rigid permanent metal awnings would be included in the caveat to overhang restrictions.

- **Street Orientation.** As required, the building is proposed to be “oriented to the street” with its entrance and extensive glazing along the N Grant Street frontage.

Design Review Matrix

Chapter 16.22 provides a design review matrix for projects in the C-1 zone (see Table 16.22.40 in the CMC), which replaces the general design review matrix shown in Chapter 16.49. A minimum of 65 percent of total possible points is required and a minimum of one point in each category must be achieved.

The applicant’s project narrative identifies a self-scoring of 26 out of 29 points, which is 89.6 percent (see Pages 17-19 of the project narrative). Planning Staff score the project higher, at 22 out of 23 points (95.6 percent; 21 points plus 1 bonus point). Below is a summary of the ways in which Staff scored the project differently:

- Staff believe that the glazing on the building’s “storefront area” represents 70% or more of the façade (two points given instead of one).
- Staff don’t believe the City’s “recommended color palette” is sufficiently available to hold applicants to this criterion. Therefore, as with other design review projects, Staff have reduced the number of possible points accordingly (no points possible, no points given).
- Staff don’t believe the eight-foot sidewalks with a small three-foot inset qualify for a “usable pedestrian space such as a plaza...” beyond what is provided by a normal sidewalk (minus one bonus point).
- Bonus points are not counted in the total possible points (subtraction of four points from “points possible” which naturally raises any project score).

Planning Staff note that 95.6 percent is an abnormally high score, underscoring the proposed building’s close adherence to the code’s vision for urban-scaled buildings in Downtown Canby (further discussed below under Chapter 16.41).

For the above reasons, Planning Staff finds that this request, as conditioned, is consistent with applicable provisions of the CMC.

Chapter 16.41: Downtown Canby Overlay (DCO) Zone

The Downtown Canby Overlay (DCO) Zone establishes a detailed purpose statement for the zone, encouraging a dense mix of pedestrian-friendly uses, buildings that complement each-other architecturally, and an attractive and safe overall environment for visitors and residents. This chapter generally permits land uses which are permitted by the underlying zone districts, but replaces selected development standards and provides supplementary design standards.

The project site is in the “Core Commercial” subarea of the overlay zone (see Figure 11 on Page 16.41 of the CMC).

Finding 6: As indicated above, the proposed project is consistent with the range of land uses permitted in the C-1 Zone. No conditional or prohibited uses are proposed.

Development standards identified in Section 16.41.050 and the project's consistency with those standards are summarized in the bullets below:

- **Setbacks.** Buildings in the Core Commercial subarea are required to be set back a maximum of 10 feet from the street, with a minimum of 60 percent of the building at the minimum setback, which is zero feet. The proposed building is designed to sit directly on the N Grant Street sidewalk, with no front setback. Therefore, this criterion is met.
- **Floor Area Ratio.** Buildings in the Core Commercial subarea are required to have a minimum floor-area-ratio (FAR) of 0.80, a maximum building footprint of 30,000 square feet, and a maximum building height of 60 feet. The proposed multi-story building meets all of these criteria. In particular, the building footprint covers the entirety of the project site and features a second story, generating a FAR of 1.95. As discussed above, the new building is 34 feet, 6 inches tall, well below the maximum height of 60 feet.
- **Screening.** Exterior garbage and recycling collection areas and mechanical equipment are required to be screened. Whenever possible, these facilities are encouraged to be located away from public review.

The proposed project's garbage and recycling facilities would be located inside the building and accessed from the alley, away from public view, set back approximately 80 feet from N Grant Street.

Mechanical equipment would be screened and/or roof-mounted behind the building's parapets. In particular, the proposed ground-floor electrical cabinet, electrical meters, and natural gas meters are located in the same recess as the building's loading berth, which is along the alley as far away from N Grant Street as possible. The building's second-story roof features a 42-inch parapet to screen rooftop mechanical equipment.

- **Parking.** The proposed project does not include onsite parking and is not required to do so. Standards found in this subsection do not apply.

Design Standards

Chapter 16.41 devotes considerable attention to the physical appearance and design of buildings in downtown. Design standards identified in Section 16.41.070 and the project's consistency with those criteria are summarized in the bullets below:

- **Pedestrian Oriented Ground Floors.** Design standards in this section are intended, in part, to "help create an active, inviting street and sidewalk-facing storefronts and entryways that are friendly and easily accessible to passerby." As required, the proposed building has a high level of visible transmittance, with large windows along its first-floor façade facing N Grant Street. This effect is enhanced by the second-story dining terrace, which provides additional sight lines between the public realm and the building's operations.

In the Core Commercial subarea, transparent windows are required to comprise a minimum of 60 percent of a primary ground-level street-facing façade's length, and 60 percent of the wall plane's area (50 percent is required for secondary

facades). As indicated in the applicant's project narrative, the proposed elevation facing N Grant Street would feature windows and doors on 77 percent of its length. The proposed project would dramatically increase the amount of transparency and sight lines into the building compared to the existing Canby Herald building.

The same subsection of this chapter also requires 50 percent of the length and 25 percent of the area of alley-facing facades to be windows. As discussed in the applicant's materials (see Page 31 of the project narrative), these requirements would be met, with 55 percent of the façade's length and 33 percent of its area featuring windows.

- **Building Entries and Doors.** As required, the proposed building has a prominent entry oriented to and directly connected to the sidewalk. This entrance is recessed, features transparent glass, flanking glass windows, a transom window above, and projecting metal canopies. All these features add to the entrance's prominence along the street. These criteria are met.
- **Transition Areas.** This subsection of the CMC identifies special design standards for buildings that span more than 75 percent of a city block. Although the proposed building would be directly attached and internally linked to the existing Backstop Bar & Grill building, the two buildings together would still be significantly less than 75 percent of the entire block, which extends west to N Fir Street. Furthermore, the existing Backstop building's footprint and building mass is proposed to remain, preventing the two structures from being unified by a common arcade, courtyard, or plaza. Regardless, because the proposed building would not comprise 75 percent of its block, this standard does not apply.
- **Cohesive Architectural Elements.** This subsection of the CMC identifies a comprehensive list of required or encouraged architectural elements. The proposed building features a series of grouped, mullioned windows creating distinct "architectural bays". On both the N Grant Street and alley-facing elevations, these architectural bays are each 12 feet wide and create the type of repeating architectural rhythm encouraged by the code.

As shown on the applicant's color elevations and perspective renderings, the proposed building features a distinct "base, middle, and top" demarcated with windows, architectural details, decorative cornices, trellis structures (on the dining terrace), cantilevered awnings, a clear dividing line between stories, and a differently-colored second-floor roof parapet. This criterion is exceedingly met.

- **Corners.** Unlike the existing Backstop Bar & Grill building next door, the project site isn't on a true street corner. Therefore the building is not required to be chamfered or feature a plaza or arcade. However, the building does have an alley on one side, increasing visibility of its secondary side elevation. The project architects have made this feel more like a corner building with a "strong identity" (language per the CMC) by wrapping glazing and architectural details from the front to the side, extending down a third of the building length along the alley. The second-story dining terrace also extends to this same corner, adding visual interest and "activating" it with areas that will be regularly used by customers. This criterion is exceedingly met.

- **Materials.** As discussed in the applicant’s project narrative, the proposed project would feature a broad range of materials, including stucco, cementitious siding, wood, glass, aluminum, and steel. Staff concur that these materials will appear durable and permanent.
- **Colors.** This subsection intends to promote building colors in downtown that complement the surrounding environment. The code “strongly encourages” applicants to use colors in the Sherwin-Williams “Arts and Crafts” color palette. As discussed in the applicant narrative, the applicant team is in possession of this color palette and has deliberately chosen colors that are both consistent with the palette and complementary of those used on the existing Backstop Bar & Grill next door. The chosen colors appear to predominantly feature warm gray tones, which are complementary to the colors of many other buildings in Downtown Canby. This criterion is met.

For the above reasons, Planning Staff finds that this request is consistent with applicable provisions of the CMC.

Chapter 16.42: Signs

This chapter of the CMC identifies standards for the location, number, size, and design of signage.

Finding 7: The submitted exhibits show signage on the proposed building’s east-facing N Grant Street elevation, including horizontal lettering reading “Backstop Brewing” and vertical lettering reading “Arrigottis”. These signs both generally appear to comply with signage requirements, which limit wall signs to a specific maximum percentage of a building façade’s area and an overall total area. In the Commercial Core, this is eight percent of the primary elevation (or a total of 60 square feet) and six percent of a secondary elevation (or a total of 30 square feet).

However, Planning Staff understand the shown signage to be conceptual placeholders, included on the exhibits for illustrative purposes. Therefore, approval of the proposed project does not extend to future signage. Applications for any future signage would be processed separately from the land use approval. Chapter 16.42 identifies requirements that will apply to those proposed signs; Section V of this Staff Report includes a condition related to the approval of future signs.

For the above reasons, Planning Staff finds that this request, as conditioned, is consistent with applicable provisions of the CMC.

Chapter 16.43: Outdoor Lighting Standards

The purpose of this chapter is to provide regulations for outdoor lighting that will minimize glare and light trespass, among other goals. The chapter identifies requirements related to the placement, shielding, height, and intensity of outdoor light fixtures. Because of the project site’s context, it is in Lighting Zone 2, as defined by Chapter 16.43. This zone is intended for “High-density urban neighborhoods, shopping and commercial districts, industrial parks and districts.”

Finding 8: The application submittal does not include a photometric study or lighting plan, nor does it identify the locations or types of all proposed exterior lighting fixtures. Section V of this Staff Report includes a condition requiring that a lighting plan be submitted prior to release of building permits. This condition also requires the project

applicant to give special consideration to lighting that will be visible to existing residential uses to the west and northwest, including Country Side Living, an assisted living facility for seniors immediately adjacent to the project site. Planning Staff note that the proposed project's customer activity areas (the taproom, restaurant/bar, and second-story dining terrace) are generally oriented toward the front of the building and N Grant Street. Conceptually, this design limits the amount of lighting necessary on the western and northern building elevations.

For the above reasons, Planning Staff finds that this request, as conditioned, is consistent with applicable provisions of the CMC.

Chapter 16.49: Site and Design Review Criteria

Chapter 16.49 of the CMC provides the following review criteria to be used in the design review process.

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 Low Impact Development (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 stormwater management facilities, and retaining native vegetation.
5. The Board shall, in making its determination of compliance with this Ordinance, 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.
6. Street lights installation may be required on any public street or roadway as part of the Design Review Application.

Finding 9: Planning Staff find that the proposed project, including the chosen architectural style, materials, and colors, is compatible with the surrounding context of the project site, which is located in an established part of Downtown Canby. In particular,

the proposed building would match the scale and street orientation of the existing adjacent building.

Specific subsections of Section 16.49 are analyzed below:

- **LID Best Management Practices.** Because the project site is in an urban downtown environment and would replace an existing urban-scaled building that covers the entirety of its underlying parcels, minimal opportunities for LID best management practices exist. The site features no trees, vegetation, or open spaces. LID best management practices are not applicable to the proposed project.
- **Site and Design Review Matrix.** The site and design review matrix provided in Subsection 16.49.040 applies to most locations in the City but is superseded by a more specific matrix for projects in the C-1 Zone (see analysis under Chapter 16.22 in this Staff Report).
- **Bicycle and Pedestrian Facilities.** The submitted materials demonstrate compliance with standards related to pedestrian facilities. The existing 8-foot-wide sidewalk on N Grant Street would be preserved (or replaced if necessary). As discussed above under Chapter 16.10, the proposed project would install bike racks to accommodate bicycle parking as required.
- **Landscaping.** The project site is a fully urbanized downtown location in the C-1 Zone; the proposed project would replace the existing footprint of the former Canby Herald building. Accordingly, the proposed project would not feature landscaping, trees, or surface parking. No landscape plan is required and the landscape calculation forms found in the Site and Design Review application do not apply.

Finding 10: For the above reasons, Planning Staff finds that this request is consistent with applicable provisions of the CMC.

Chapter 16.58: Lot Line Adjustment

This chapter tasks the City Planner and/or City Engineer with reviewing proposed lot line adjustments and determining whether the following criteria are met. Note that the proposed lot consolidation is considered a lot line “adjustment” in the City’s code and applications. Individual findings are provided below for the four applicable criteria:

- A. Each of the remaining parcels and any structures located thereon shall be in full compliance with all regulations of this title, including the setback requirements of Division III. Except, however, that lot line adjustments are permitted on nonconforming lots and lots with nonconforming structures provided that the nonconforming lots and structures will be no less in conformity as a result of the lot line adjustment.

Finding 11: The proposed building would straddle the existing property line between the two existing affected parcels. Therefore, a lot consolidation is required to accommodate construction of the proposed project. With approval of the lot consolidation, the consolidated property and its buildings would be consistent with applicable building setbacks.

- B. No new lots or parcels will be created as a result of the lot line adjustment without receiving approval as a partition or subdivision.

Finding 12: The proposed lot consolidation would not create new lots or parcels, it would only remove an existing lot line.

- C. If the City Planner or city engineer deems it necessary to assure the accuracy of recorded information, a survey may be required of the applicant. Such a survey will be at the applicant's cost.

Finding 13: At this time, Planning Staff see no reason to require a survey beyond that required by Clackamas County.

- D. Lot line adjustments shall not be permitted where the result will be the creation of additional building sites in known hazardous locations or where the appropriate development or extension of public facilities will be impaired as a result.

Finding 14: Neither of the two existing parcels are in known hazardous locations. As discussed in the pre-application conference for the proposed project, existing public facilities and utilities are adequate to provide service to the consolidated project site.

For the above reasons, Planning Staff finds that this request is consistent with applicable provisions of the CMC to the extent feasible.

Chapter 16.120: Parks, Open Space, and Recreational Land

This section of the CMC requires dedication of parkland or payment of system development charges (SDCs) to compensate for the increased demand for recreational amenities generated by new land uses.

Finding 15: The proposed project does not dedicate public park space. If approved, the City will provide the applicant with an itemized summary of applicable SDCs, which includes Parks SDCs.

For the above reasons, Planning Staff finds this request is consistent with applicable provisions of the CMC.

III. Public and Agency Comments

Notice of this application and the opportunity to provide comment was forwarded to property owners and residents within a 500-foot radius and also to the appropriate public agencies and departments. Comments received by Planning Staff are included as Attachment G to this Staff Report.

One public comment was received from a member of the public:

- **James M. Hunsaker, December 19, 2022.** This commenter identified the project applicant as a “huge asset to the community.” The commenter is a neighboring property owner and is supportive of the proposed project.

The comments below (edited and paraphrased for clarity) were received from partner agencies, departments, and utility providers:

City of Canby Consulting Engineer

- The applicant needs to coordinate with all applicable utility providers.
- The proposed building needs a new oil/water separator.

- The existing sewer lateral should be inspected by video camera, either by City of Canby Public Works or by a contractor of the applicant's choice. If done by a contractor, Public Works needs to view the video.
- The alley needs to be repaved after all utilities are installed.

City of Canby Public Works Department

- The storm system in the alley needs to be extended to the east for the capture of storm water.

Canby Fire District

- Canby Fire provided a number of standard conditions; see Attachment G to this Staff Report.
- The existing Backstop Bar & Grill building along with the new brewery building will need to be sprinkled.

Canby Utility – Electricity

- The electric overhead line will be disconnected and the new service will go underground.
- Canby Utility will need to know if this new building will be addressed differently.

Canby Utility – Water

- There are three water services at the corner of the alleyway. All three are 1-inch copper services and one is metered and the other two are not.
- Canby Utility will need to know what the project's water needs will be and this will determine meter sizes.

DirectLink – Internet and Telephone

- DirectLink will need to know if the new building will be addressed differently from the primary Backstop Building. If the applicant uses multiple suite addresses, they will need recorded with the County.

IV. Conclusion

Staff has reviewed the applicant's project narrative and submitted application materials and finds that the application listed above conforms to the applicable review criteria and standards, subject to the conditions of approval noted in Section V of this Staff Report. Planning Staff recommend that the Planning Commission **Approve** Site and Design Review Application DR 22-05 and Lot Line Adjustment Application LLA 22-05 subject to the identified conditions of approval.

V. Conditions of Approval

Public and Utility Improvements:

1. All public improvements shall comply with applicable City of Canby Public Works Design Standards. Street improvements, if any, shall be designed and constructed (or bonded) to the satisfaction of the City Engineer. (Public Works/City Engineer)
2. All improved sidewalks must be designed and/or reconstructed so that they meet current ADA standards. (Public Works/City Engineer)
3. Sanitary sewer service shall be extended to serve the facility to the satisfaction of the City Engineer and Public Works Department. (Public Works/City Engineer)

4. Water and electric service shall be extended to serve the facility to the satisfaction of the City Engineer and Canby Utility. Water services shall be constructed in conformance with Canby Utility requirements. (Public Works/City Engineer)
5. Any alterations or modifications to the public alley adjacent to the building shall be shown on submitted construction drawings and shall be designed to the satisfaction of the City Engineer and Public Works Department. The alley shall be repaved after all utilities are installed. (Public Works/City Engineer)
6. A grease trap is required for this development. The developer shall coordinate with the Wastewater Treatment Plant staff and Public Works to satisfy the grease trap requirements. (Public Works)
7. The existing sewer lateral shall be inspected by video camera, either by City of Canby Public Works or by a contractor of the applicant's choice. If done by a contractor, Canby Public Works needs to view the video. (Public Works)
8. All Utility System Development Charges must be paid in order to start construction. (Canby Utility)
9. Water services and fire protection shall be constructed in conformance with Canby Utility and Canby Fire District requirements, including the standard conditions identified by Canby Fire in the "Utility Notes" dated December 20, 2022 (see Attachment G to the Staff Report). The applicant shall coordinate directly with these agencies. (Canby Fire)
10. The new building shall feature interior fire sprinklers. (Canby Fire)
11. The applicant shall demonstrate how the storm runoff generated from the new impervious surfaces will be disposed. 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)
12. Any existing onsite 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. (City Engineer)

Lot Consolidation/Plat Approval:

13. The project applicant shall meet the County Surveyor's procedure requirements for the adjustment survey and recording of deeds to receive the County's final implementation approval. (Clackamas County Surveyor)
14. New deeds shall be prepared and recorded with the Clackamas County Clerk. A copy of the new recorded deeds shall be provided to the Canby Planning Department. (Planning/Clackamas County Clerk)
15. The applicant is responsible for obtaining approval from utility providers for the relocation, vacation, and/or addition of public utility easements, if necessary. Easements must be recorded on the new deed. (Planning)

Project Design/Site Plan Approval:

16. A lighting plan shall be submitted to the City concurrently with final design drawings. Building lighting along the west- and northwest-facing elevations of the building shall be sufficiently shielded, consistent with the CMC, to minimize adverse impacts to existing residential uses, including Country Side Living to the immediate west. All proposed lighting shall meet the standards described in Chapter 16.43 and must have cut-off shielding. (Planning)
17. The developer shall consult with Canby Disposal regarding final architectural plans and design considerations for solid waste pickup. (Canby Disposal)
18. 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. (Public Works)

Building Permits:

19. Pursuant to Subsection 16.49.060 of the Canby Municipal Code, 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)
20. An erosion control permit will be required from the City of Canby prior to any on-site disturbance. Erosion control plans shall demonstrate that construction activities will not discharge materials or pollutants into the in-street storm drain. (Planning)
21. The project applicant shall apply for a City of Canby Site Plan Permit, Clackamas County Building permits (including grading permits), and a City of Canby Erosion Control Permit prior to project construction. (Planning/Public Works)
22. Clackamas County Building Services will provide structural, electrical, plumbing, and mechanical plan review and inspection services. (Clackamas County Building Services)
23. Construction plans shall be designed and stamped by a Professional Engineer registered in the State of Oregon. (City Engineer)
24. Signage applications shall be submitted to the City prior to installation of any signs (including wall and blade 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:

25. 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 Staff Report. (Planning)
26. Prior to occupancy, all parking striping, wheel stops, ADA space requirements and signage, and all pedestrian infrastructure (including sidewalks, pathways and striping) shall be installed. (Planning)