



AGENDA
CANBY CITY COUNCIL
REGULAR MEETING – 7:30 PM
EXECUTIVE SESSION - 8:30 PM

March 16, 2022

Hybrid/Virtual Meeting/Council Chambers
Council Chambers - 222 NE 2nd Avenue, 1st Floor

Register here to attend the meetings virtually:

https://us06web.zoom.us/webinar/register/WN_Z2TlqCZXQO64bj91sJI6Jw

The meetings can be viewed on CTV Channel 5 and YouTube:

<https://www.youtube.com/channel/UCn8dRr3QzZYXoPUEF4OTP-A>

Mayor Brian Hodson

Councilor Christopher Bangs
Councilor David Bajorin
Council President Traci Hensley

Councilor Sarah Spoon
Councilor Greg Parker
Councilor Shawn Varwig

REGULAR MEETING – 7:30 PM

1. CALL TO ORDER

- a. Invocation
- b. Pledge of Allegiance

2. **CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS:** This is an opportunity for audience members to address the City Council on items not on the agenda. If you are attending in person, please complete a testimony/comment card prior to speaking and hand it to the City Recorder. Each person will be given 3 minutes to speak. Staff and the City Council will make every effort to respond to questions raised during citizens input before the meeting ends or as quickly as possible thereafter. *****If you would like to speak virtually please email or call the Deputy City Recorder by 4:30 pm on March 16, 2022 with your name, the topic you'd like to speak on and contact information: benhamm@canbyoregon.gov or call 503-266-0720. Once your information is received, you will be sent instructions to speak.**

3. VIETNAM VETERANS DAY PROCLAMATION

Pg. 1

4. **PUBLIC HEARING**
 - a. Appeal of Planning Commission decision on Conditional Use and Design Review applications for Old Mac Steel Processing Facility on Sequoia Pkwy and 13th Ave. **** If you are present in the Council Chambers you may speak in person. If you prefer to speak virtually please email or call the Deputy City Recorder by 4:30 pm on March 16, 2022 with your name and contact information: benhamm@canbyoregon.gov or call 503-266-0720.** Pg. 2

5. **CONSENT AGENDA:** This section allows the City Council to consider routine items that require no discussion and can be approved in one comprehensive motion. An item may be discussed if it is pulled from the consent agenda to New Business.
 - a. Approval of the Minutes of the January 19, 2022 City Council Regular Meeting. Pg. 286

6. **ORDINANCE & RESOLUTION**
 - a. Consider **Ordinance No. 1569**, An Ordinance Authorizing the City Administrator to Contract with or Expend Budgeted Funds to Canby Utility for the Undergrounding of Power on S. Ivy Street. (*Second Reading*) Pg. 289
 - b. Consider **Resolution No. 1363**: A Resolution authorizing the City Administrator to execute documents to relinquish real property to the Oregon Department of Transportation. Pg. 297

7. **OLD BUSINESS**
 - a. Update on Dog Park. Pg. 302

8. **MAYOR’S BUSINESS**

9. **COUNCILOR COMMENTS & LIAISON REPORTS**

10. **CITY ADMINISTRATOR’S BUSINESS & STAFF REPORTS**
 - a. Bi-Monthly Reports Pg. 304

11. **CITIZEN INPUT**

12. **ACTION REVIEW**

13. **ADJOURN**

Executive Session – 8:30 PM
 (Will begin after the City Council Meeting ends but not before 8:30 PM)

EXECUTIVE SESSIONS ARE CLOSED TO THE PUBLIC. Representatives of the news media and designated staff may attend Executive Sessions. Representatives of the news media are specifically directed not to report on any of the deliberations during the Executive Session, except to state the

general subject of the session as previously announced. No Executive Session may be held for the purpose of taking final action or making any final decision.

1. CALL TO ORDER

2. EXECUTIVE SESSION: ORS 192.660 (2) (h) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

3. ADJOURN EXECUTIVE SESSION

*The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Maya Benham at 503-266-0720. A copy of this Agenda can be found on the City's web page at www.canbyoregon.gov.

Vietnam Veterans Day

WHEREAS, on January 12, 1962, United States Army pilots lifted more than 1,000 South Vietnamese service members over jungle and underbrush to capture a National Liberation Front stronghold near Saigon. Operation Chopper marked America's first combat mission against the Viet Cong, and the beginning of one of our longest and most challenging wars. Through more than a decade of conflict that tested the fabric of our Nation, the service of our men and women in uniform stood true. Fifty four years after that fateful mission, we honor the more than 3 million Americans who served, we pay tribute to those we have laid to rest, and we reaffirm our dedication to showing a generation of veterans the respect and support of a grateful Nation;

WHEREAS, the Vietnam War is a story of service members of different backgrounds, colors, and creeds who came together to complete a daunting mission. It is a story of Americans from every corner of our Nation who left the warmth of family to serve the country they loved. It is a story of patriots who braved the line of fire, who cast themselves into harm's way to save a friend, who fought hour after hour, day after day to preserve the liberties we hold dear. From Ia Drang to Hue, they won every major battle of the war and upheld the highest traditions of our Armed Forces;

WHEREAS, eleven years of combat left their imprint on a generation. Thousands returned home bearing shrapnel and scars; still more were burdened by the invisible wounds of post-traumatic stress, of Agent Orange, of memories that would never fade. More than 58,000 laid down their lives in service to our Nation. Now and forever, their names are etched into two faces of black granite, a lasting memorial to those who bore conflict's greatest cost; and

WHEREAS, our veterans answered our country's call and served with honor, and on March 29, 1973, the last of our troops left Vietnam. Yet, in one of the war's most profound tragedies, many of these men and women came home to be shunned or neglected -- to face treatment unbecoming their courage and a welcome unworthy of their example. We must never let this happen again. Today, we reaffirm one of our most fundamental obligations: to show all who have worn the uniform of the United States the respect and dignity they deserve, and to honor their sacrifice by serving them as well as they served us. Over half a century after those helicopters swept off the ground and into the annals of history, we pay tribute to the fallen, the missing, the wounded, the millions who served, and the millions more who awaited their return. Our Nation stands stronger for their service, and on Vietnam Veterans Day, we honor their proud legacy with our deepest gratitude.

NOW, THEREFORE, I, Brian Hodson, by virtue of the authority vested in me as Mayor of the City of Canby, do hereby proclaim March 29, 2022 as Vietnam Veterans Day. I call upon all Americans to observe this day with appropriate programs, ceremonies, and activities that commemorate the anniversary of the Vietnam War.

Given unto my hand this 16th day of March 2022.

Brian Hodson
Mayor



MEMORANDUM

DATE: March 8, 2021 for March 16, 2021 City Council Hearing
TO: Mayor and City Council
FROM: Brianna Addotta AICP, Associate Planner
RE: Appeal of Planning Commission decision on Conditional Use and Design Review applications for Old Mac Steel Processing Facility on Sequoia Pkwy. and 13th Ave.

Background

The Canby Planning Commission voted to deny a project 7-0 at their January 10, 2022 meeting. The project is a proposal for a 98,000 square foot building and 8 acre laydown yard designed to accommodate storage, processing and distribution of steel bar and tubing at the property located at the northeast corner of SE 13th Avenue and S Sequoia Parkway. Processing facilities are allowed outright in the Light Industrial (M-1) zone. A Conditional Use application was also required because the proposal would not provide the minimum employment density of 3 employees an acre required in the Industrial Area Overlay. The file numbers for this project are DR 21-13 and CUP 21-01. The duly noticed meeting included a public hearing and presentation by planning staff summarizing the staff report dated December 29, 2021.

Because planning Staff recommended approval with conditions in the staff report, revised findings were crafted and incorporated into the final findings for the decision, which were then approved and signed off by Planning Commission Chair Jason Padden. A notice of the decision and final findings was distributed to all parties of the record including the applicant on January 28, 2022, beginning the 12 day appeal period. The applicant submitted an application to appeal the Planning Commission decision on February 4, 2022.

The final findings of the Planning Commission decision are listed below. Staff will discuss how the applicant has proposed to address each of these findings later in this memo.

1. Employment Density
Properties in the I-O Overlay require an employment density minimum of three employees per acre. The proposal forecast 13-17 employees on the 12.3 acre site, a density of 1 to 1.5 employees per acre. Commissioners determined a project with employment density that low would not add economic vitality to the Industrial park.
2. Unclear Noise Impact

Noise decibel level and frequency information was not provided in sufficient detail to address whether the use is allowed outright in the M-1 zone as described in 16.32.010.A.1. Commissioners asserted a noise study addressing ODEQ standards is necessary to determine compliance.

Appeal Review Criteria

Per Section 16.89.050(l)(2) of the Land Development & Planning Ordinance (Chapter 16 of the Municipal Code [CMC]), an appeal of a Type III decision:

“...shall be limited to the specific issues raised during the comment period and public hearing process unless the hearings body allows additional evidence or testimony concerning any other relevant issue. The hearings body may allow additional evidence if it determines that such evidence is necessary to resolve the case. The purpose of this requirement is to limit the scope of appeals by encouraging persons to be involved in the public hearing. Only in extraordinary circumstances should new issues be considered by the hearings body on an appeal.” (Emphasis added by Staff)

The same section of the Municipal Code states that the City Council shall overturn the decision of the Planning Commission only when one or more of the following findings are made:

- a. That the Commission did not correctly interpret the requirements of this title, the Comprehensive Plan, or other requirements of law;
- b. That the Commission did not observe the precepts of good planning as interpreted by the Council; or
- c. That the Commission did not adequately consider all of the information which was pertinent to the case.

Summary of Appeal Application

For full application and narrative, see Attachment A to this memorandum.

The applicant has provided the following new information in order to address the two final findings for denial.

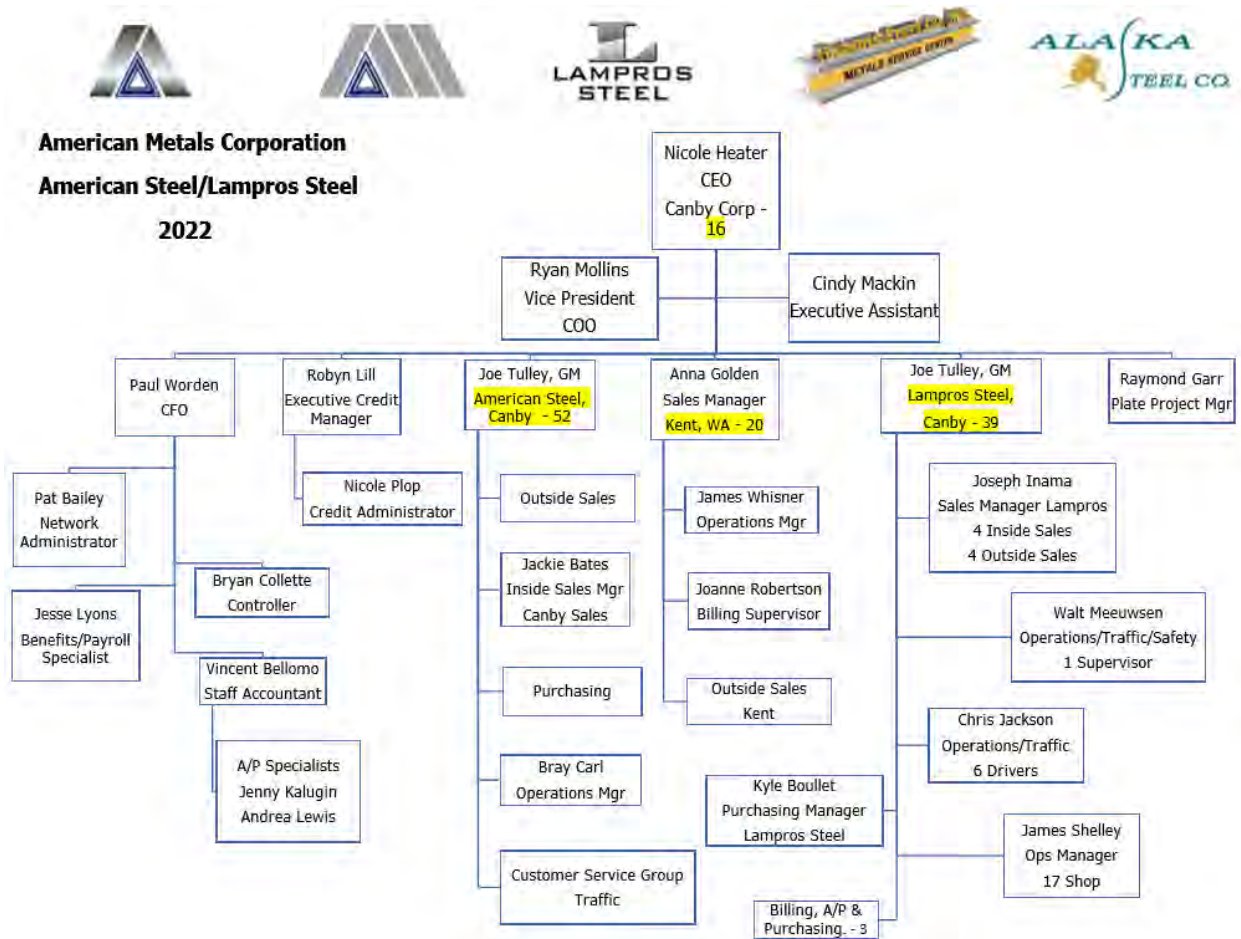
1. Employment Density

Following the Planning Commission decision, the applicant team worked with American Steel’s Human Resources group to further define their employee allocation amongst their existing facility in the Industrial Park and the proposed facility. Their findings show more than 3 employees per acre, removing the requirement for a Conditional Use permit. A summary of revised employee count methodology from the applicant is provided below.

The American Metals Corporate Headquarters located at 525 S Sequoia Parkway, employs over 100 full time employees that work for both American Steel and Lampros Steel. Several employees were relocated to Canby from the current location in North Portland in preparation for the relocation to Canby. There are also 10 full time truck drivers employed full time that would use the Lampros site as their hub. The existing

American Steel facility employs 52 staff members along with 16 corporate employees for a total of 68 located on the 10.14 acre site requiring a minimum of 31 employees. The proposed Lampros Steel facility would employ 39 employees on 12.31 acres, which requires a minimum 39 total employees at time of occupancy.

The applicant has provided an American Metals Corporation 2022 organizational chart with employment allocation, shown below.



2. Unclear Noise Impact

The noise impact information presented to Planning Commission was deemed too general to accurately address whether DEQ standards would be met as required in CMC 16.32.010.A.1.

The applicant team has provided a more detailed explanation of operations on site, as well as a noise study conducted by a licensed acoustical engineer. The noise study is attached to this memo the last item in Attachment A and details compliance with ODEQ noise standards.

The noises generated from the proposed facility would be generated from auto, truck and forklift traffic, movement and staging of materials via overhead cranes, railcar movement to and from the site, and processing equipment such as saws.

The facility would operate in two shifts, Monday through Friday 5am to 11am, with occasional Saturday shifts (about 4 times annually). The majority of activity on site will occur during the day (7am to 5pm), including loading, staging, and deliveries. Deliveries between the new and existing American Steel facility would occur 1 to 2 times daily between 5am and 8pm. The saw will operate between the hours of 7am and 10pm, approximately 2.5 hours outside and 4.5 hours inside in a work day. One weekly delivery by Oregon Pacific R/R Co. (OPR) would occur on site, typically between the hours of 7am and 5pm. Twice weekly deliveries are anticipated up to four times annually to accommodate peak demand season.

The applicant team has also proposed additional design elements to reduce noise travel from the site.

Site Plan Revisions

- Increased setback from Sequoia Parkway from 17.5 to 25 feet.
- Site grading along the interior fence line of the perm parallel to the rail spur will be increased to 2.5:1, increasing the angle of diffraction.

Landscape Plan Revisions

- The landscape plan has been revised to incorporate denser evergreen screening along Sequoia Parkway. It includes a combination Leyland Cypress, Hogan Cedars and other complimenting shrubbery. The plantings will be specified with an 8-10 foot height at initial planting, spaced out at approximately 15 feet and staggered to overlap along the berm. With a growth rate of approximately 2 feet per year, the trees should reach a matured height of approximately 18 to 20 feet in height within 5 years, providing screening and additional noise buffering of the storage yard.

Exterior Saw Shed Revisions

- The design of the saw shed which houses the steel band saw within the storage area beneath the exterior crane way has been redesigned to move the saw access opening to the east side of the shed. The shed will also be designed to incorporate a sound barrier under the exterior metal sheeting with sound proofing material between the structural framing members.

Staff Recommendation

Should the Mayor and City Council agree to consider the additional information provided by the applicant, Staff believe the information is sufficient to address Planning Commission's final findings of denial. Permitting new information will allow the city council to find, "That the Commission did not adequately consider all of the information which was pertinent to the case."

Staff do not recommend remanding this decision back to Planning Commission because additional information and sufficient clarification has been provided for City Council to determine whether the original findings have been addressed. The applicant has waived the state mandated 120 day timeline for a limited duration in order to put forth a good faith effort to refine their proposal in response to the findings and are entitled to judicial efficiency to the extent possible.

Therefore, staff recommend Council overturn the Planning Commission's decision and approve APP22-01.

Council Action

The Planning Commission denied the applicant's request based on a series of findings that responded to approval criteria found in the Municipal Code for the two application types (Design Review and Conditional Use) involved. Both these findings and those originally prepared by planning staff recommending approval of the project are included as attachments to this memorandum as Attachment B and C, respectively.

There are three possible actions that the City Council may take in regards to the appeal of the Planning Commission's decision. These are:

1. Uphold the Planning Commission's denial of the request and affirm the Planning Commission's final written findings.
2. Overturn the Planning Commission's denial of the request based on one or more of the findings listed above (see a–c under "Appeal Review Criteria").
3. Remand the decision back to the Planning Commission.

Sample language: *"I move to approve Option ___ as indicated in the Council Staff Memorandum dated May 21, 2021."* [Note that choices 2 or 3 (or a combination of these) require the Council to identify findings that support their decision.]

Attachments:

- A. Project Applicant's Appeal Application and Materials
- B. Planning Commission Findings, Conclusion & Final Order for Applications DR 21-10 & CUP 21-02
- C. Planning Commission Packet from January 10, 2022 Hearing, including:
 - a. Staff Report dated December 29, 2021 for the January 10, 2022 Hearing
 - b. Written Comments received for January 10, 2022 Hearing
 - c. Applicant Submittal for Applications DR 21-10 & CUP 21-02

Attachment A: Appeal Application and Materials

February 3, 2022

CANBY CITY COUNCIL

City of Canby Development Services
222 NE 2nd Avenue
Canby, OR 97013

Re: APPEAL of Notice of Decision/Final Order for DR 21-10 & CUP 21-02
Project: American Steel Expansion (aka – Project Old Mac)

Dear Council:

On behalf of American Steel, please accept this letter and the accompanying documents as our formal request for APPEAL of the decision of Denial regarding the Findings, Conclusion and Final Order for DR 21-10 / CUP 21-02, Project Old Mac.

In addition to this cover letter, please find attached;

- Appeal Application and fee (\$1980)
- Notice of Decision dated January 28, 2022
- Response to Decision Findings
- Revised Site Plan and Landscape Plans (Shts. G1.0 & L1.0-1.2, L2.0 & L3.0)
- Cross-Section at Sequoia Parkway
- American Metals Corporation (American Steel/Lampros Steel) 2022 Organization Chart
- Noise Study Proposal
- Letters of Support

The City of Canby Planning Commission issued a unanimous decision to Deny the proposed project due to the following concerns;

1. Employment Density
2. Unclear Noise Impact

During the course of the hearing, it was apparent that the Planning Commissioners primary concerns were related to the potential noise impacts to the surrounding neighbors and specifically the residents of the Timber Park subdivision immediately west of the subject property. Although Planning Staff recommended approval of the proposed development, we were not able to effectively convince the Planning Commission that the developments operations would not adversely impact the nearby residents and that the project would add economic vitality to the industrial park.

Following discussions with American Steel's Human Resources group, the employee count that will be assigned to the proposed facility will meet the employee density requirement (3employees/acre) as outlined in Section 16.35.040 of the CDC. This will negate the need for the Conditional Use Approval which was included with the original application and provided reason for Denial by the Planning Commission. Please refer to the narrative in the attached Response to Findings and the accompanying employee Organizational Chart for clarity on the employee count.

In regards to the Unclear Noise Impacts, we have engaged an acoustical consultant to conduct a detailed noise study for the project that will demonstrate that the proposed operations will be in compliance with the City of Canby Noise Ordinance and Oregon DEQ standards. The noise study was initiated via proposal dated January 12th with noise readings conducted at a similar facility in Woodland WA on January 27th and additional noise readings conducted at American Steels facility in Canby OR on February 1st. Although preliminary results of the study will be discussed in the attached Response to Findings, the formal report will be completed by mid-February and submitted as a supplement to the formal appeal.

To further mitigate noise concerns, we have incorporated modifications to the site plan, landscape plan and exterior saw shed. American Steel will also be adjusting their operations to minimize early morning or late evening noise. Please refer to the narrative in the attached Response to Findings and the accompanying plans/documents for a detailed summary of these efforts.

We are also including several letters of support for the project from members of the City of Canby that know American Steel's commitment to the community and their long-standing reputation of being valued business partners within the City and the Canby Pioneer Industrial Park.

We respectfully request the City Council's review and approval of the appeal.

Sincerely,
VLMK Engineering + Design



GREG BLEFGEN, PE, SE

Sr. Principal

cc: Nicole Heater, American Steel



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

LAND USE APPLICATION

Appeal of Planning Commission Decision Process Type III

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

Applicant Name: VLMK Engineering + Design Phone: 503.222.4453
 Address: 3933 SW Kelly Avenue Email: jenniferk@vlmk.com
 City/State: Portland, Oregon Zip: 97239

Representative Name: _____ Phone: _____
 Address: _____ Email: _____
 City/State: _____ Zip: _____

Property Owner Name: American Metals Corp dba American Steel Phone: 503-651-6711
 Signature: *Nicole Heater*
 Address: 525 Sequoia Parkway Email: nicole.heater@american-steel.com
 City/State: Canby, Oregon Zip: 97015

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

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

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

FILE NUMBER OF DEVELOPMENT BEING APPEALED: _____

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

APPEAL OF PLANNING COMMISSION DECISION – TYPE III
Instructions to Appellant

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

Applicant City
Check Check

- | | | |
|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | One (1) paper copy of application. The City may request further information at any time before deeming the application complete. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Payment of appropriate fees – cash, credit card or check only. Refer to the city’s Master Fee Schedule for current fees. Checks should be made out to the <i>City of Canby</i> . |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | A written statement of appeal shall clearly state the nature of the decision being appealed and the reasons why the appellant is aggrieved. The reasons why the appellant is aggrieved shall be provided in regards to the criteria and standards in 16.89.050 (I) (2) (c). |

APPEAL OF A PLANNING COMMISSION DECISION–APPLICATION PROCESS

Appeal. The Planning Commission’s decision on a Type III decision or Type II appeal may be appealed to the City Council as follows:

1. The following have legal standing to appeal:
 - a. The applicant;
 - b. Any person who was mailed notice of the decision;
 - c. Any other person who participated in the proceeding by testifying or submitting written comments; and
 - d. The City Council, on its own motion.

2. Procedure.
 - a. A Notice of Appeal shall be filed in writing, on forms provided for the purpose by the Planning Director, within 10 days of the date the Notice of Decision was mailed.
 - b. The Notice of Appeal shall be accompanied by all required information and fees.
 - c. The appeal shall be limited to the specific issues raised during the comment period and public hearing process unless the hearings body allows additional evidence or testimony concerning any other relevant issue. The hearings body may allow additional evidence if it determines that such evidence is necessary to resolve the case. The purpose of this requirement is to limit the scope of appeals by encouraging persons to be involved in the public hearing. Only in extraordinary circumstances should new issues be considered by the hearings body on an appeal.

3. The City Council shall overturn the decision of the Planning Commission only when one or more of the following findings are made:
 - a. That the Commission did not correctly interpret the requirements of this title, the Comprehensive Plan, or other requirements of law;
 - b. That the Commission did not observe the precepts of good planning as interpreted by the Council; or
 - c. That the Commission did not adequately consider all of the information which was pertinent to the case.

4. The Council's action on an appeal shall be governed by the same general regulations, standards, and criteria as apply to the Commission in the original consideration of the application.

Any decision of the Planning Commission may be appealed to the City Council unless otherwise specified in this Title. Such appeals will be processed using the Type III procedures unless otherwise specified in this Title. The decision of the City Council regarding a Type IV decision, appeal of a Planning Commission decision, or any other process contained within this title, is the final decision of the City.



CITY OF CANBY RECEIPT

Development Services Department
222 NE 2nd Avenue
Canby, OR 97013
503-266-7001

DATE 2/3/2022
RECEIPT# 2862
RECEIVED BY RP/EB

APPLICANT OR COMPANY NAME	VLMK Engineering + Design
APP NO # OR COMPANY ADDRESS	3933 S Kelly Ave., Portland, OR 97239
CITY FILE # & PROJECT	APP 22-01 Appeal of Old Mac (DR 21-10/CUP 21-02) Appeal Fee
DESCRIPTION	Note: Check was received 1/27/22

PAYMENT	Check #	Cash:	
QTY	LINE ITEM DESCRIPTION		UNIT PRICE
LINE TOTAL			
1	Land Use Application 510		\$1,980.00
			\$0.00
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THANK YOU FOR YOUR PAYMENT!			TOTAL
			\$1,980.00



City of Canby

Planning Department

January 28, 2022

Sent Via Email

Jennifer Kimura
Nicole Heater

Jenniferk@vlmk.com

Nicole.Heater@american.steel.com

VLMK Engineering & Design
3933 S Kelly Avenue
Portland, OR 97239

RE: Notice of Decision/Final Order for DR 21-10 / CUP 21-02 Old Mac Steel Processing Facility

The Canby Planning Commission hereby provides notice that a decision to DENY **DR 21-10 / CUP 21-02 Old Mac Steel Processing Facility** has been rendered. The enclosed Findings, Conclusions and Final Order is your notice of the official action of the City of Canby Planning Commission.

According to ORS 227.175, this decision may be appealed to the City Council within twelve (12) days of the date this notice was mailed. To do so, you must file an application for appeal with the Planning Director. If no appeal is taken within the specified period, and if no appeal is initiated by action of the City Council, the decision of the Planning Commission shall be final.

The application for appeal shall clearly state the nature of the decision being appealed and the reasons why the appellant is aggrieved. A \$1,980 fee must be enclosed with your appeal application.

If you have any further questions or concerns, please contact the Planning office at 503-266-7001.

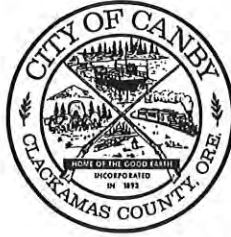
Sincerely,

Brianna Addotta
Associate Planner

Attachment: Signed Final Findings

CERTIFICATE OF MAILING

This Notice of Decision was postmarked and placed in the mail and/or emailed on January 28, 2022 and sent to all parties with standing.
The appeal period will end on Monday, February 7, 2022
Brianna Addotta, AICP - Associate Planner



BEFORE THE PLANNING COMMISSION
OF THE CITY OF CANBY

SITE AND DESIGN REVIEW AND)	FINDINGS, CONCLUSION & FINAL ORDER
CONDITIONAL USE FOR)	DR 21-10 / CUP 21-02
CONSTRUCTION OF A 98,000 SQUARE)	OLD MAC
FOOT STEEL PROCESSING FACILITY)	

NATURE OF THE APPLICATION

Conditional Use and Design Review for construction of a 95,000 square foot building and 8 acre laydown yard designed to accommodate the storage, processing and distribution of steel bar and tubing at the property located at the northeast corner of SE 13th Avenue and S Sequoia Parkway. The employment density forecast was 13-17 employees for the 12.3 acre site.

HEARING

The Planning Commission considered applications **DR 21-10 / CUP 21-02** after the duly noticed hearing on January 10, 2022 during which the Planning Commission denied by a 7/0 vote **Old Mac Steel Processing Facility**. These Findings are entered to document the denial.

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 December 30, 2021 and presented at the January 10, 2022 meeting of the Canby Planning Commission.

FINDINGS AND REASONS

The Staff Report was presented, and written and oral testimony was received at the public hearing. Staff recommended approval of the Site and Design Review application and applied Conditions of Approval in order to ensure that the proposed project will meet all required City of Canby Land Development and Planning Ordinance approval criteria. During the hearing, Planning Commissioners voiced the following regulations as unaddressed by the applicant team:

1. Employment Density

16.35.040 Conditional uses.

- A. Any proposed site development, change in use, land division, or other action that results in any of the following requires conditional use approval in the I-O zone:
 - 1. Less than 3 employees per developed acre. For the purposes of this section only, "developed" means all areas used for buildings, landscaping, vehicle maneuvering and parking areas, outdoor storage, and other areas occupied by the use. For the purposes of this section only, employees means full-time equivalents unless the City specifically allows other interpretations;
- B. To approve a conditional use in the I-O zone, the Planning Commission shall find that each of the following additional criteria are either met, or can be met by observance of conditions, unless it is not applicable:
 - 1. The proposed use is compatible with the industrial nature of the park and will have minimal negative impact on the development and use of surrounding properties;
 - 2. The proposed use does not pose a threat to public health or safety; and
 - 3. The proposed use is beneficial to the overall economic diversity and vitality of the City.

The I-O Overlay requires an employment density minimum of 3 employees per acre. The proposal forecast 13-17 employees on the 12.3 acre site, a density of 1 to 1.5 employees per acre. Commissioners determined a project with employment density that low would not add economic vitality to the Industrial Park.

2. Unclear Noise Impact

Noise decibel level and frequency information was not provided in sufficient detail to address whether the use is allowed outright in the M-1 zone as described in 16.32.010.A.1. Commissioners asserted a noise study addressing ODEQ standards is necessary to determine compliance.

16.32.010 Uses permitted outright in the M-1 zone shall be as follows:

- A. Manufacturing, fabricating, processing, compounding, assembling or packaging of products made from previously prepared materials such as cloth, plastic, paper, metal, wood (but not including sawmills or lumber mills), the operation of which will not result in:

1. The dissemination of dusts, gas, smoke, fumes, odors, atmospheric pollutants or noise which exceed Oregon Department of Environmental Quality standards;
2. Danger by reason of fire, explosion or other physical hazard;
3. Unusual traffic hazards.

DETERMINATION

The Planning Commission determined that DR 21-10 / CUP 21-02 does not contain satisfactory material necessary to assure the proposed development is consistent with Design Review and Conditional Use criteria. Therefore, it is ordered by the Planning Commission of the City of Canby that DR 21-10 / CUP 21-02 be DENIED.

I CERTIFY THAT THIS ORDER denying DR 21-10 and CUP 21-02 Old Mac, was presented to and DENIED by the Planning Commission of the City of Canby on the 10th day of January, 2022.


 Jason Padden
 Planning Commission Chair


 Don Hardy
 Planning Director


 Brianna Addotta for Laney Fouse Lawrence, Attest
 Recording Secretary

ORAL DECISION: January 10, 2022

<i>Name</i>	<i>Aye</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
<i>Jason Padden</i>		X		
<i>Jason Heib</i>		X		
<i>Jeff Mills</i>		X		
<i>Michael Hutchinson</i>		X		
<i>Chris Calkins</i>		X		
<i>Judi Jarosh</i>		X		
<i>Dan Ewert</i>		X		

WRITTEN DECISION: January 24, 2022

<i>Name</i>	<i>Aye</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
<i>Jason Padden</i>		X		
<i>Jason Heib</i>		X		
<i>Jeff Mills</i>		X		
<i>Michael Hutchinson</i>		X		
<i>Chris Calkins</i>		X		
<i>Judi Jarosh</i>		X		
<i>Dan Ewert</i>		X		

**DR 21-10 and CUP 21-02 Old Mac
 Findings, Conclusion, & Final Order
 Signature Page**

RESPONSE TO FINDINGS

<i>Project Name:</i>	Old Mac – Lampros Steel	<i>Applicant:</i>	VLMK Engineering + Design
<i>Project Address:</i>	SE 13 th Ave. at S. Sequoia Pkwy. Canby, OR 97013	<i>Contact:</i>	503.222.4453 Greg Blefgen

1. Employment Density

16.35.040 Conditional uses.

- A. Any proposed site development, change in use, land division, or other action that results in any of the following requires conditional use approval in the I-O zone:
 1. Less than 3 employees per developed acre. For the purposes of this section only, “developed” means all areas used for buildings, landscaping, vehicle maneuvering and parking areas, outdoor storage, and other areas occupied by the use. For the purposes of this section only, employees means full-time equivalents unless the City specifically allows other interpretations;
- B. To approve a conditional use in the I-O zone, the Planning Commission shall find that each of the following additional criteria are either met, or can be met by observance of conditions, unless it is not applicable:
 1. The proposed use is compatible with the industrial nature of the park and will have minimal negative impact on the development and use of surrounding properties;
 2. The proposed use does not pose a threat to public health or safety; and
 3. The proposed use is beneficial to the overall economic diversity and vitality of the City.

The I-O Overlay requires an employment density minimum of 3 employees per acre. The proposal forecast 13-17 employees on the 12.3 acre site, a density of 1 to 1.5 employees per acre. Commissioners determined a project with employment density that low would not add economic vitality to the Industrial Park. For the purposes of this application, the full site before dedication is 12.31 acres with the minimum of 3 employees per acre requiring a total of 37 employees. The previous application referenced 13-15 employees over 2 sifts operating from 5:30 am- 11pm with expansion to 17 employees in the future.

Company Overview - American Metals Corporation

To provide clarity, the project was named ‘Project Old Mac’ at the onset of the preliminary planning efforts to mitigate employee concerns about their potential relocation from Lampros Steels Portland facility to Canby, OR. Similar to American Steel, Lampros Steel is division of the American Metals Corporation whose corporate headquarters are located in Canby, OR (Fed. EIN# 80-473-1610, NAICS 323510).

The American Steel name is used on the Canby, OR and Kent, WA facilities. Lampros Steel was purchased by American Metals in 2010 with all three of these entities sharing inventory, employees and trucking.

American Metals Corporate and American Steel moved their entities to Canby, OR in 2008 with the intent of growing their operations. The purchase of Lampros Steel increased American Steel's footprint in the distribution of Structural Steel.

Moving the Lampros Steel warehouse from Portland to Canby improves the corporations warehousing and distribution efficiencies. The new (proposed) Lampros Steel facility in Canby will warehouse/process the structural items (steel tubing, bar, channel, wide-flange beams...etc) with steel plate/coil products being kept at American Steel's current facility.

Bringing both facilities closer together reflects American Metal Corporations intent to grow their family of businesses in Alaska (Alaska Steel), Washington (American Steel & Haskins Steel) and California (American Metals & Crest Steel).

Findings:

Upon further correspondence with the Human Resources department at American Metals Corporation, it became apparent that the employee count noted in the narrative submitted with the SDR application was not accurate as it did not include a significant number of employees that work for Lampros Steel in full time capacity. The American Metals Corporate headquarters located at 525 Sequoia Pkwy, Canby, is home to over 100 employees that work for both American Steel and Lampros Steel.

Several Lampros Steel employees were relocated to Canby from the current location in North Portland in preparation for the shutdown of operations and relocation to Canby. These employees have been working at the Corporate headquarters in Canby and will continue to work for Lampros Steel in Canby. Additionally, there are over 10 truck drivers employed full time that are based at the Lampros facility in Canby. These drivers begin and end the shift at the Lampros facility and will transport to and from the site as noted in the traffic section of the SDR narrative. The employee count for this new Lampros facility has been updated to reflect the full staff to be 39 employees, exceeding the 3/acre development standard of 37 employees for the 12.3acre site.

As an attachment to the appeal submittal, we have included the American Metals Corporation 2022 Organizational Chart which illustrates the allocation of staff between the American Steel and Lampros Steel facilities. The American Steel facility employs 52 staff members along with 16 corporate employees for a total of 68 located on the 10.14 acres site requiring a minimum of 31 employees. Lampros Steel at 12.31 acres requires a minimum of 37 employees and is proposing 39 total employees at time of occupancy. Both facilities meet the 3 employees per acre requirement and therefore, Conditional Use approval is not required.

2. Unclear Noise Impact

16.32.010 Uses permitted outright in the M-1 zone shall be as follows:

- A. Manufacturing, fabricating, processing, compounding, assembling or packaging of products made from previously prepared materials such as cloth, plastic, paper, metal, wood (but not including sawmills or lumber mills), the operation of which will not result in:
 - 1. The dissemination of dusts, gas, smoke, fumes, odors, atmospheric pollutants or noise which exceed Oregon Department of Environmental Quality standards;

2. Danger by reason of fire, explosion or other physical hazard;
3. Unusual traffic hazards.

Noise decibel level and frequency information was not provided in sufficient detail to address whether the use is allowed outright in the M-1 zone as described in 16.32.010.A.1. Commissioners asserted a noise study addressing ODEQ standards is necessary to determine compliance.

[Canby Noise Ordinance | Noise Sources & Operations | Noise Study](#)

As noted in the Staff Report, the City of Canby Noise Ordinance outlines exceptions to sounds caused by business operations in the commercial and industrial zones. The applicable exceptions exempt sounds caused by 'railroad activities' (9.48.050.A.3) and sounds caused by business operations in the commercial and industrial zones, provided the sounds 'result from the lawful commercial business activity or manufacturing operations' (9.48.050.A.10).

Following the Planning Commissions denial of our application, planning staff directed us to Section 16.32.010.A.1 of the development code which notes that uses permitted in the M-1 zone shall not emit noise which exceed Oregon DEQ standards. American Steel's proposed operations at the Lampros Steel facility will comply with the DEQ and City of Canby Noise standards.

The noise sources at the new facility will include; sounds from auto, truck and forklift traffic; sounds from the movement/staging of materials via overhead craneways; sounds from rail car movement to and from the site; and sounds from processing equipment (ie; saws).

The facility will operate with 2-shifts, Monday - Friday from 5am – 11pm with occasional Saturday shifts (less than 4x/yr). Trailers will be loaded during daytime hours (7am – 5pm) and staged in the building. Trucks will be staged in the yard (truck parking located at the east end of the site), driven into the building, connected to trailers and depart the facility via the drive at SE 13th. Lampros Steel will have 5 fleet trucks that will make 1-2 deliveries a day beginning at 5am and returning to the yard, typically by 8pm. In addition to the 5-10 fleet truck deliveries/day, Lampros will load 4-8 client trucks for same day delivery throughout day time hours (8am – 5pm).

The following summarizes Lampros Steel's current operations;

- We pick 55 line items/day or about 3 picks/hr
- 10 picks/day are saw orders
- Of the 55 line items/day, 20 would be from the outdoor craneway and 35 from inside
- The saws will operate between the hours 7am – 10pm.
- The time when the saw is actually cutting is 6.5hrs/day, 2.5hrs of it outside and 4.5hr inside. They currently employ 2 operators during the day and 1 at night for 3 saws.

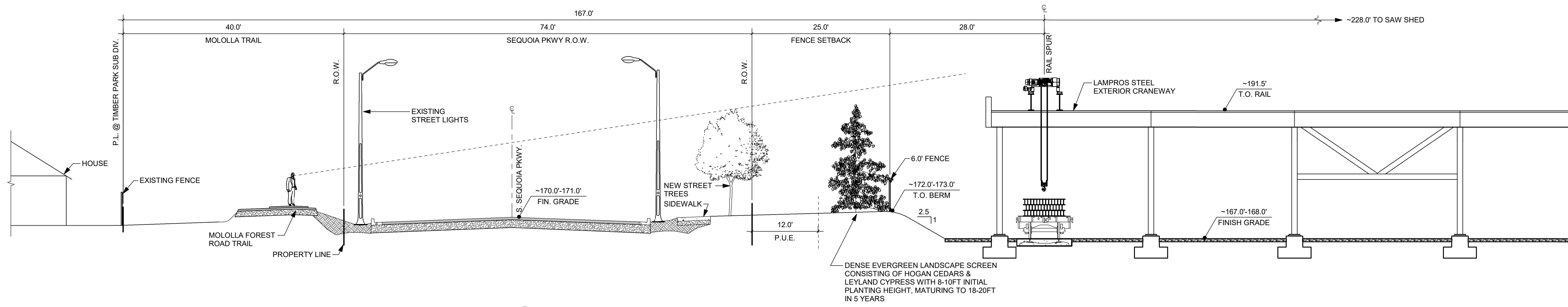
Rail service is provided by OR Pacific R/R Co. (OPR). OPR typically operates Monday – Friday from 7am – 5pm. They run 'through' trains on Monday's and Friday's and switch cars at client locations daily from 8am – 4pm. Lampros Steel will have 1 delivery per week on average with upto 2 deliveries/wk at peak demand (less than 4x/yr). As noted in the attached letter, rail service to the new facility will have less noise impact compared to the existing American Steel location as the trains will not have to enter the signal circuit at Township, thereby eliminating the need for gate crossing and train horn sounds.

With exception of the staging of the steel on the saw conveyor line, onto the truck trailers and on top of the existing stacks, the crane operations do not create significant sound impacts. All craneways and at least 2 of the 4 saws planned will be new equipment

Findings: American Metals has contracted with an acoustical engineering consultant to conduct a noise study of a similar sister facility (PDM Steel) in Woodland, WA. The report will demonstrate that the sound levels that Lampros expects to generate will be lower than the maximums outlined in the development code and DEQ standards. To further mitigate sound transference from exterior equipment, we have revised the site plan, landscape plan and the shed encompassing the exterior saw (saw shed). These revisions are summarized below;

- Site Plan Revisions
 - The site plan has been revised to increase the setback of the fence line along the Sequoia Parkway frontage from 17.5ft to 25ft. This will allow for an incremental increase to the berm height and additional landscape plantings to further mitigate noise and visual impacts.
 - The site grading along the interior fence line of the berm which parallels the rail spur will be increased to an approximate 2.5:1 embankment to increase the angle of diffraction further reducing the potential for noise transmission from the storage yard
- Landscape Plan Revisions
 - The landscape plan has been revised to incorporate denser evergreen screening along the Sequoia Parkway frontage setback which includes a combination of Leyland Cypress, Hogan Cedars and other complimenting shrubbery. These plantings will be specified with an 8-10ft height at initial planting, spaced out at approximately 15ft and staggered with overlap along the berm. With a growth rate of approximately 2ft/year, the trees should reach a matured height of approximately 18-20ft within 5years, providing substantial screening and supplemental noise buffering of the storage yard.
- Exterior Saw Shed Revisions
 - The design of the saw shed which houses the steel band saw within the storage area beneath the exterior crane way has been redesigned to move the saw access opening to the east side of the shed. The shed will also be designed to incorporate a sound barrier under the exterior metal sheeting with sound proofing material between the structural framing members.
- Adjustments to Facility Operations
 - Based upon the results of the Noise Study, facility operations will be modified if deemed necessary to ensure compliance with the City of Canby Noise Ordinance and DEQ requirements.

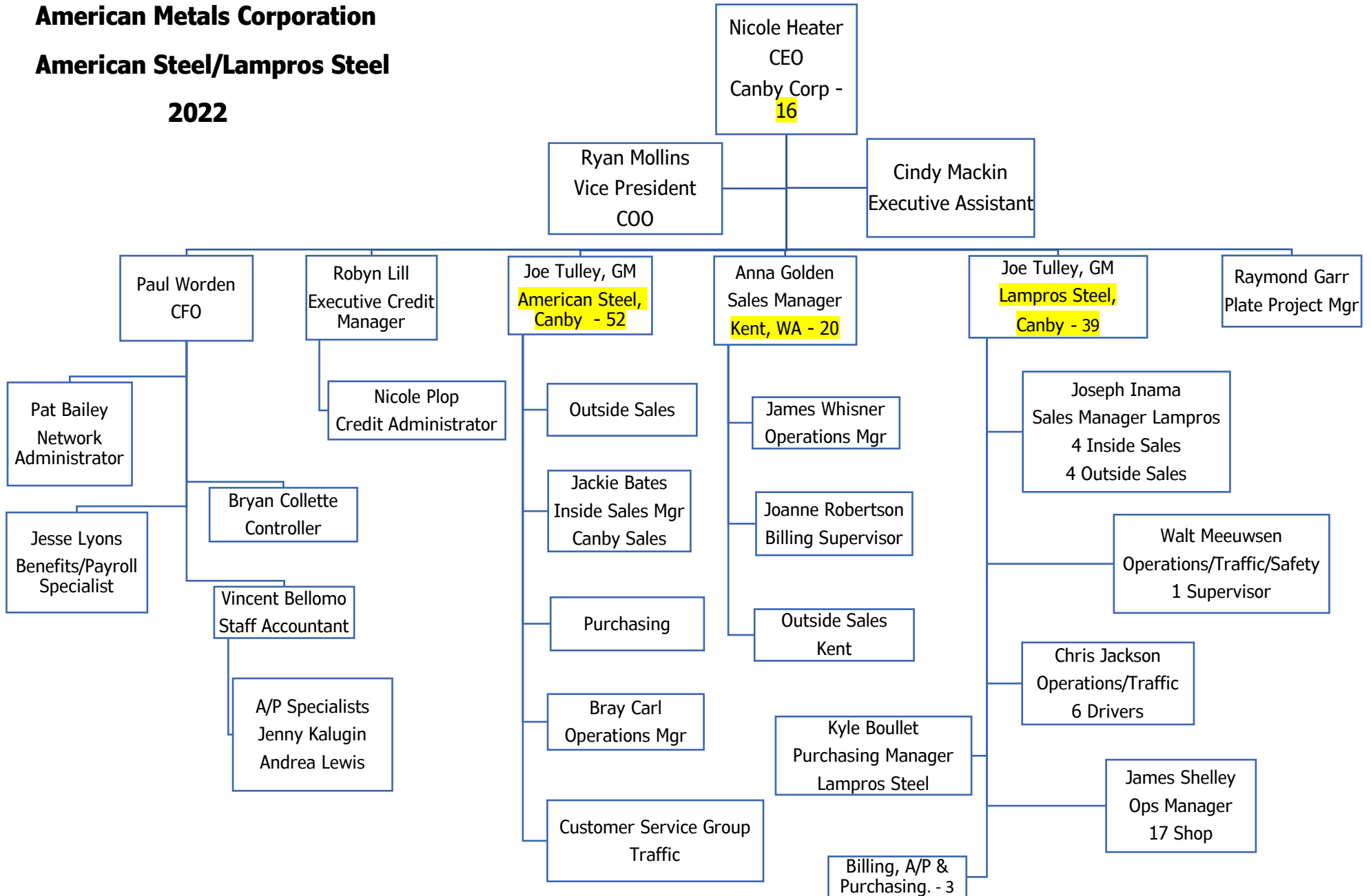
Upon completion, noise study will be forwarded to the Planning Department for inclusion in the Appeal packet. Please refer to the noise study proposal, revised plans and letter from OPR for additional information.



1 SECTION AT SEQUOIA LOOKING NORTH
E4 1" = 10'-0"



American Metals Corporation
American Steel/Lampros Steel
2022





January 12, 2022

Nicole Heater
American Steel
525 S. Sequoia Parkway
Canby, OR 97013

**Proposal for Acoustical Engineering Services
Lampros Steel Noise Study**

Dear Ms. Heater,

Thank you for requesting a proposal from Listen Acoustics, Inc. for acoustical measurement, analysis, and recommendations for the Lampros Steel Project in Canby, OR. Below is a proposal of services for the acoustical scope I discussed with Greg Bleggen yesterday. This scope is intended for the initial approval stage of the project. Additional engineering and documentation may be necessary for the Permit Documents, further public testimony, response to public comments, etc. and will be proposed under a separate scope once the exact scope is known. The current scope is described below:

I. INVESTIGATION/MEASUREMENT

- A. **MEASUREMENTS:** At the outset, we will identify all relevant noise sources. We will measure an existing similar facility in Woodland, WA as a basis of analysis. For any equipment not used on this site which will be used on the new site, we will need your assistance in locating sound levels provided by manufacturers of the equipment. We will also conduct ambient sound measurements on the proposed Lampros site to determine baseline study levels. Depending on the analysis, the measurements will include time-based, FFT, spectrum, and weighted-average level analysis.
- B. **DOCUMENTATION:** The measurements will be documented for use in subsequent mitigation measures and for confirmation of compliance with applicable codes and public presentations.

II. ANALYSIS AND RECOMMENDATIONS

- A. **MEASUREMENT/DATA ANALYSIS:** Measurement data will be reduced to the proper descriptors and adjusted for specific site conditions and other factors. Based on the measurements and the applicable codes/expectations, we will calculate the necessary level of reduction required (if any). We will need relevant scale site maps, proposed construction, and other graphical information available to be able to determine the noise levels at the affected receivers.
- B. **NOISE ANALYSIS AND MITIGATION REPORT:** We will provide recommendations for enhancements to the site or structures to meet the sound isolation requirements. Any necessary sketches, details, product descriptions, and guideline specifications will be provided for use in producing the required documents. We do not typically provide detailed CAD drawings but will work closely with you to develop your drawings if needed.



CANBY HIGH SCHOOL

HOME OF THE COUGARS

January 19, 2022

To Whom It May Concern:

I would like to attest to the positive involvement in our school community that American Steel has had since moving to Canby. They have been a major partner in the construction of our turf football field and have generously donated to fundraisers for various athletic teams; as well as, international student travel trips. They truly have been a wonderful addition to our community and are an excellent example of what a business can do to positively impact the community in which they reside.

Please do not hesitate to contact me should you have any questions.

Sincerely,

Jay Mull
Student Success Advocate
Assistant Football Coach
Canby High School
mulli@canby.k12.or.us
503-263-7200 x5103



2001 SE Township rd.
(503) 263-6343
tony@bbcsteel.com

1/17/2022

Dear City of Canby,

My name is Tony Boyer, President of BBC Steel in Canby, Oregon. I am writing this letter in support of the American Steel/ Lampros proposed new building site on Sequoia Parkway.

BBC has been working with American Steel Corporation since the 1970s and they have been our neighbors since 2008. American has always conducted business professionally, fairly, and honestly. They generate little to no noise and keep their property extremely clean. I have also been onsite at their existing Lampros facility in Portland many times over the years. Their facility is organized, their lifting equipment and trucks are always up to date and working properly. Their staff is always very considerate of their neighbors and surroundings. Both companies are not harmful to the environment and donate to their communities.

Supporting the new Lampros location will be a positive investment for Canby. The proposed facility will benefit us, our customers, neighboring communities, and Canby's steel businesses significantly.

Sincerely,
Tony Boyer
President
BBC Steel Corporation

January 24, 2022

City of Canby – Planning Dept.
222 NE 2nd Ave
Canby, OR 97013

RE: DR 21-10 Appeal
Subj: Letter of Recommendation

To Whom it May Concern;

The City of Canby worked very hard 20 years ago to establish the Pioneer Industrial Park. We worked with long established farm families to convert their property to a use that complimented Canby's growth, bringing jobs and tax revenue to the community. These revenues have been used extensively by the community for multiple projects in the Industrial Park, as well as to build a new City Hall/Library and a new Police Department. Canby has relied on those families' commitments as well as the growth in the Pioneer Industrial Park.

We worked very hard to bring businesses into the park and one of the earliest was American Steel. They had a choice to go elsewhere but decided on Canby. Largely due to the friendly business climate, the welcoming community and the infrastructure associated with the location they picked. It was unique in that it offered road and rail. As part of the attraction Canby offered at the time, was the opportunity to not only come here, but to grow here right along with the community.

I know all this because I was intimately involved in all of this on behalf of the City. As a Planning Commissioner, President of Canby Business Development, as a City Councilor and as Chair of the Urban Renewal District. American Steel kept their side of the bargain. They brought the jobs, they brought a clean and top notch, state of the art facility, they brought investment to Canby.

We need to continue to honor the part of the bargain we made with American Steel as they've now grown into a family of companies as American Metals. We need to help them grow as they seek to expand their footprint and operations. Bringing Lampros Steel, their operations, their people and the equipment to Canby only serves to better our community with more jobs, more building and more investment. All of which directly benefit this community.

I strongly recommend we wrap our arms around American Metals and help them grow, exactly as we promised long ago to do.

Tony Helbling
Logistics Manager
Wilson Construction Company
1190 NW 3rd Ave
Canby, OR 97013
Cell: 503-519-6059
Office: 503-263-6882
helbling@wilsonconst.com
www.wilsonconst.com

OREGON PACIFIC RAILROAD COMPANY
PO Box 22548 PORTLAND, OR 97269
(503)659-5452

JANUARY 17, 2022

TO WHOM IT MAY CONCERN:

**IN REGARDS TO THE NEW DEVELOPMENT OF PROPERTY FOR AMERICAN STEEL, LLC.
IN CANBY, OREGON.**

**THE OREGON PACIFIC RAILROAD HAS, AT THIS TIME AND FOR THE PAST 29 YEARS,
HAD A MONDAY-FRIDAY, 7AM-5PM WORK SCHEDULE. TYPICALLY, MONDAYS AND
FRIDAYS WE RUN OUR "THROUGH" TRAINS AND SWITCH CARS AT INDUSTRIES DAILY
AROUND 8AM-4PM.**

**THE RAIL SERVICE TO THIS NEW LOCATION WILL HAVE LESS NOISE IMPACT TO THE
GENERAL COMMUNITY, COMPARED TO THE EXISTING AMERICAN STEEL LOCATION,
BEING THAT THE TRAINS TYPICALLY WILL NOT HAVE TO ENTER THE SIGNAL CIRCUIT
AT TOWNSHIP ROAD.**

**THIS BEING SAID, NO CROSSING GATE OPERATION OR TRAIN HORNS WILL BE
NECESSARY WHILE MOVING RAILCARS.**

**THIS IS NOT AN AGREEMENT, NOR NEGOTIABLE. THE OREGON PACIFIC RAILROAD IS
A COMMON CARRIER RAILROAD AND RESERVES ALL RIGHTS UNDER FEDERAL LAW TO
OPERATE AS NEEDED.**

BEST REGARDS,

**CRAIG SAMUELS
MANAGER OF TRAIN OPERATIONS**



LISTEN ACOUSTICS™
acoustical and audio/visual systems engineering

**Lampros Steel
SE 13th Avenue at S Sequoia Parkway
Canby, OR
Acoustical Analysis**

**Submitted By: Tobin Cooley, P.E.
February 21, 2022**

Executive Summary

A noise study was conducted by Tobin Cooley, P.E., a professional engineer (P.E.) licensed by the State of Oregon to provide acoustical engineering services. Mr. Cooley has provided acoustical engineering services in the Pacific Northwest since 1993.

Based on measurements made of existing similar equipment and calculations based on the design layouts, noise from typical operations at the proposed Lampros Steel facility is not expected to exceed maximum permissible noise as defined by the DEQ Noise Standards.

Background

Sound waves in air are created by varying pressure levels above and below that of the ambient pressure. Because the range of sound pressure levels significant to people is very large, it is convenient to express them on a logarithmic scale, in units of decibels (dB).

Noise is most often measured as an A-weighted sound level in units of decibels, symbolized as dBA. The A-weighting is a specific weighting filter in a sound level meter that corresponds approximately to the varying sensitivity of human hearing at the measured frequencies. Examples of noise levels typical of the urban environment include:

<i>Source</i>	<i>dBA</i>
Impact hammer on concrete at 25 feet	90
Outdoor amplified music at 50 feet	80
Freeway at a distance of 100 feet	70
Social gathering in a small room	60
Normal conversation at 5 feet	50
Quiet suburban neighborhood (average)	40
Rural background noise (no activity)	30

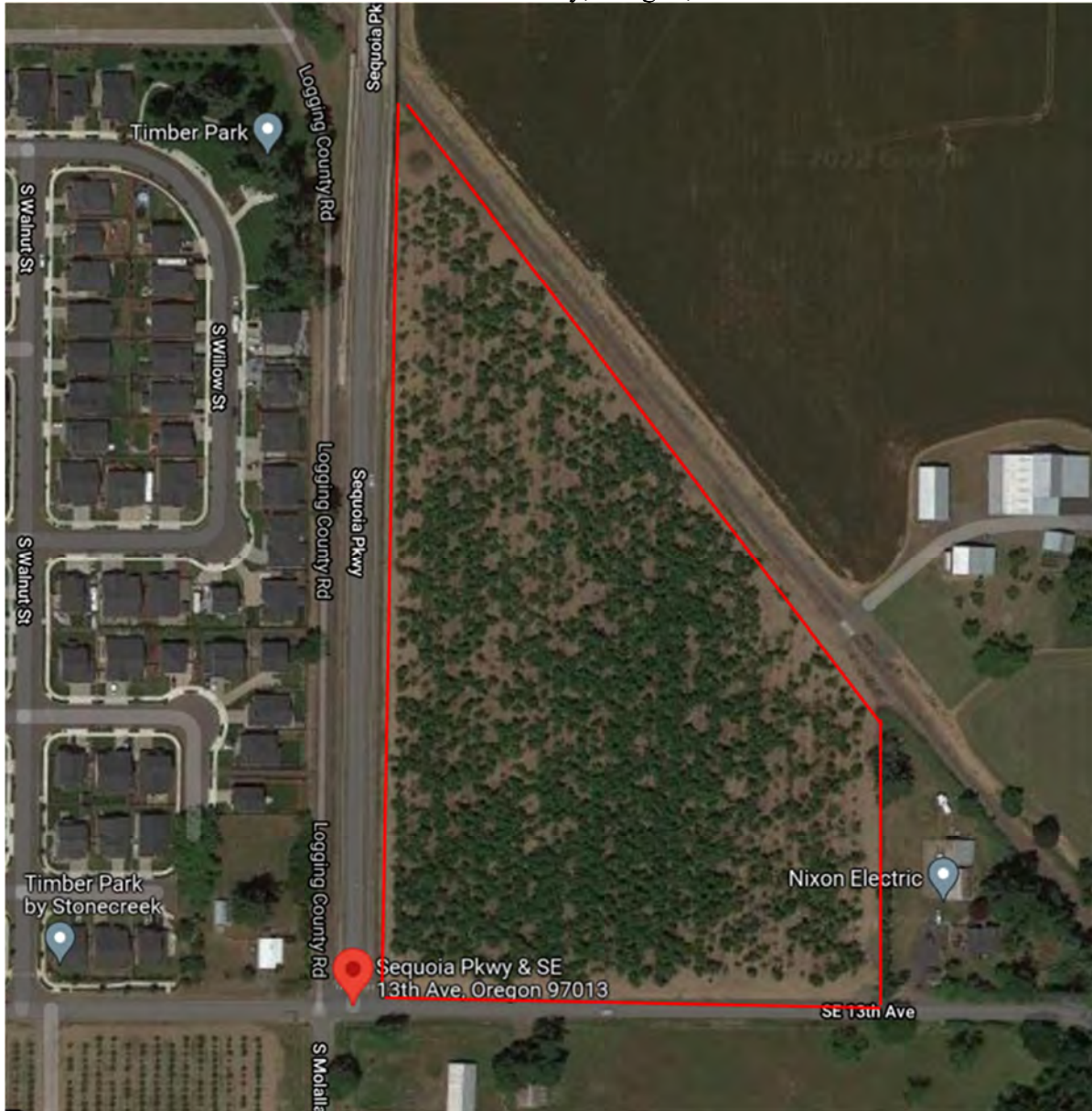
In free field conditions, i.e. far from any reflective surfaces, the sound pressure level from a noise source is expected to be reduced by 6 dB for every doubling of distance; this assumes that the distances are large enough that the noise source is seen as a point source from the receiver positions. Free field conditions typically do not exist in many practical situations, and environmental factors must also be taken into account when considering outdoor sound propagation, particularly over relatively long distances, which alter the actual distance sound reduction.

Some important measures used in this analysis are as follows:

- Equivalent-Continuous Sound Level, L_{eq} : A continuous (constant) level of sound in dBA over a given time period that has the same energy as a varying sound over the same time period.
- Maximum Sound Level, L_{max} : the maximum sound level in a 1-second period.
- L_n : a statistical description of sound levels with “n” being the % time the sound level is above the sound level indicated.

Site Location

The site is industrial zoned land located in Canby, Oregon, as shown below:



Site Noise Criteria

The applicable noise criteria are provided by the Oregon DEQ Noise Standards. The DEQ code specifies maximum permitted noise levels based on the land uses, indicates exemptions to the maximum permitted noise levels, and discusses enforcement of the noise regulations.

The following is an excerpt from Oregon Administrative Rules OAR Division 35, section 340-035-0005

- (A) New Sources Located on Previously Used Sites. No person owning or controlling a new industrial or commercial noise source located on a previously used industrial or commercial site shall cause or permit the operation of that noise source if the statistical noise levels generated by that new source and measured at an appropriate measurement point, specified in subsection (3)(b) of this rule, exceed the levels specified in **Table 8**, except as otherwise provided in these rules.

TABLE 8
(340-35-035)

New Industrial and Commercial Noise Source Standards

Allowable Statistical Noise Levels in Any One Hour

<u>7 am – 10 pm</u>	<u>10 pm – 7am</u>
L ₅₀ – 55 dBA	L ₅₀ – 50 dBA
L ₁₀ – 60 dBA	L ₁₀ – 55 dBA
L ₁ – 75 dBA	L ₁ – 60 dBA

- (B)

The above applies only to receivers which are considered a “Noise Sensitive Property” as defined by DEQ as follows:

(38) "Noise Sensitive Property" means real property normally used for sleeping, or normally used as schools, churches, hospitals or public libraries. Property used in industrial or agricultural activities is not Noise Sensitive Property unless it meets the above criteria in more than an incidental manner.

Per this definition the industrial and agricultural properties to the North, East and South do not have sound limits, and the criteria are not applicable to these properties.

As a point of reference, the Canby Noise Code Chapter 9.48 maximum allowable noise levels are shown below:

APPENDIX A

TABLE 1: ALLOWABLE SOUND LEVELS

<i>Allowable Sound Levels (in dBA) in any 10-minute Period</i>						
<i>Type of Source by Use</i>	<i>Type of Noise Received by Use</i>					
	<i>Noise Sensitive</i>		<i>Commercial*</i>		<i>Industrial*</i>	
	<i>Day</i>	<i>Night</i>	<i>Day</i>	<i>Night</i>	<i>Day</i>	<i>Night</i>
Noise sensitive	55	45	70	65	75	70
Commercial	55	50	70	65	75	70
Industrial	55	50	70	65	75	70

* NOTE: Sounds caused by lawful business activity or manufacturing are exempt. See § 9.48.050.A.10.

Additional modifications to the table above include:

1. Any continuous sound that exceeds the limits of Table 1 for a cumulative total of greater than 5 minutes in any 10-minute period;
2. Any sound that exceeds the limits of Table 1 by 5 dBA for a cumulative total of greater than 1 minute, but less than 5 minutes in any 10-minute period;
3. Any sound that exceeds the limits of Table 1 by 10 dBA at any point in time; or
4. Any sound that exceeds the ambient noise levels existing by 10 dBA created by a new industrial or commercial noise source on a previously unused industrial or commercial site.

For purposes of analysis and use of the table above, the sound source is zoned Industrial, and the receivers are “Noise Sensitive” Residential to the West, Industrial to the North and East, and Farm/Commercial to the South.

Note that the DEQ allows for louder sounds for short periods vs. the Canby Noise Code. For instance, between 7:00 AM and 10:00 PM, a noise not exceeding 1% of the hour (L1) can be up to 75 dBA and an impulse noise can be up to 100 dBA.

Summary of DEQ Noise Code Maximum Allowable Noise Levels to Neighboring Receivers

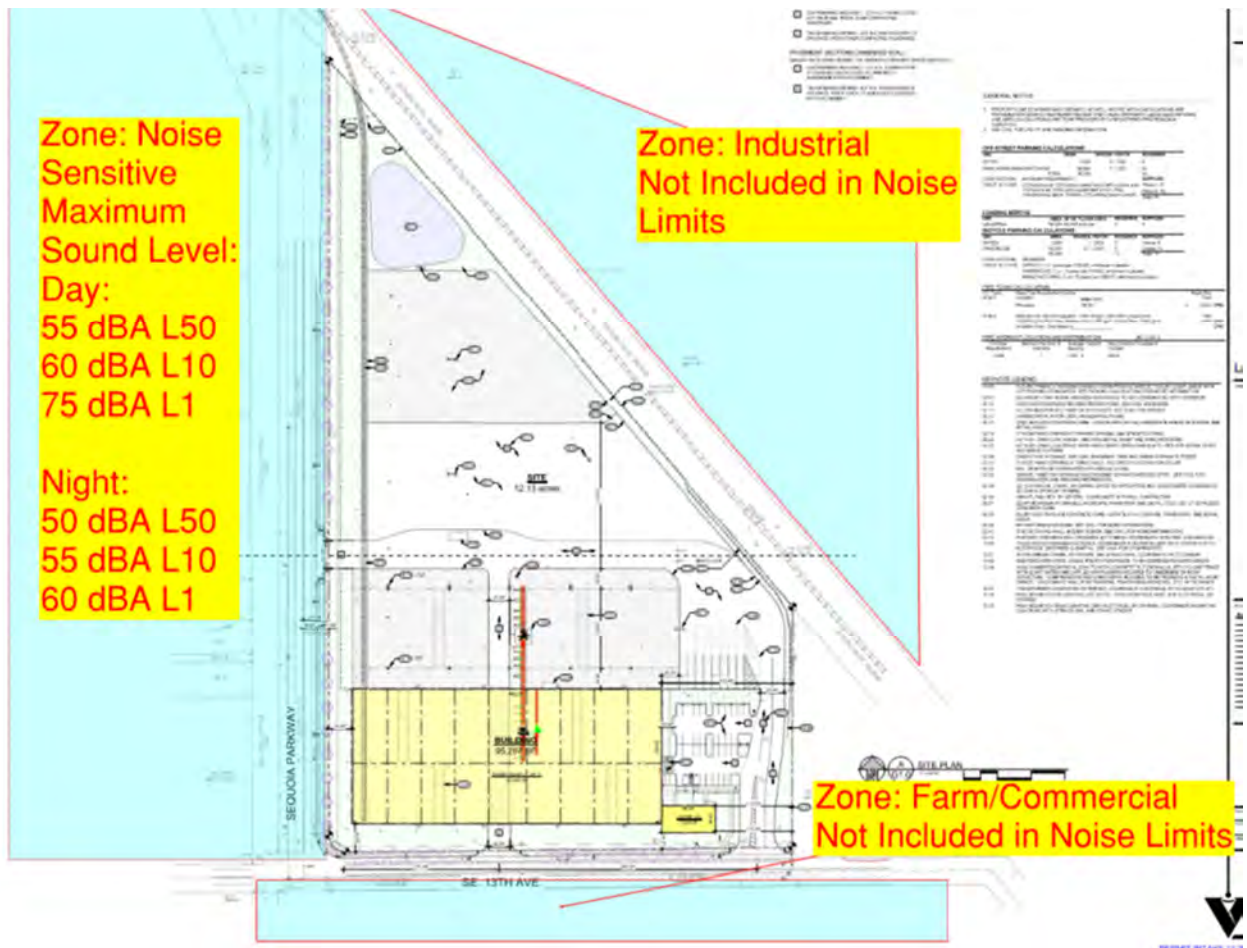


Figure 1: Adjacent Receiver Zoning and Sound Limits per DEQ

Site Improvements Included in Noise Calculations

The West side of the site towards the “noise sensitive” residential receivers includes an extensive earth berm and sound fence which effectively reduces sound from project operations. The fence on the berm is Acoustifence by Acoustiblok, with STC performance of at least 28, and is sealed at the interface to the earth berm and at all seams.

Below is a graphic depiction of the berm and fence section:

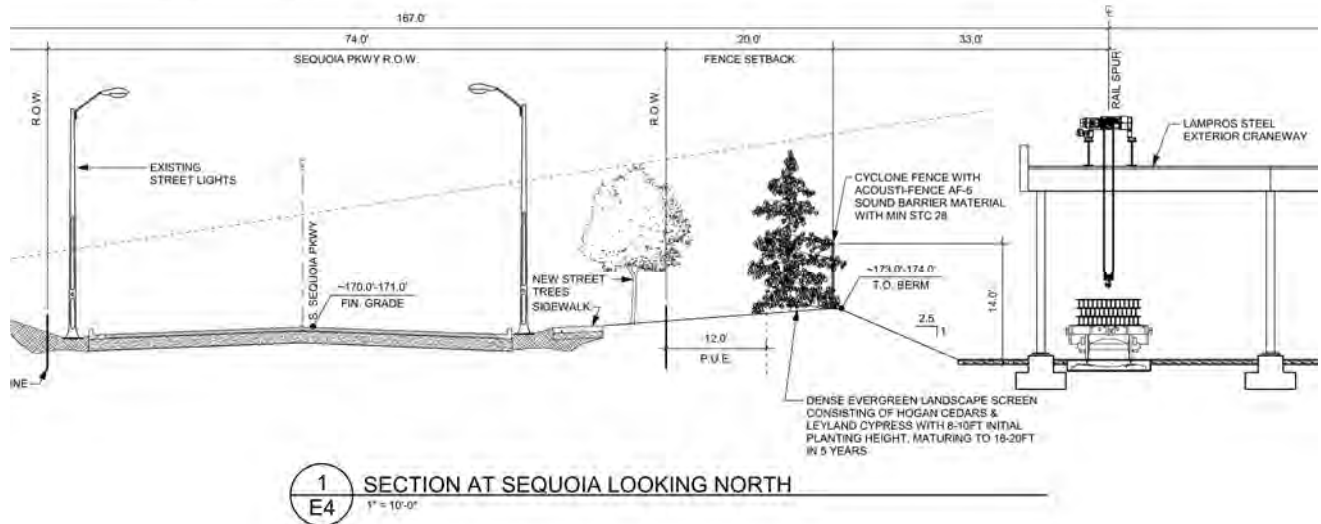


Figure 2: Sound Berm and Fence Section

The West side entry will include an operable barrier fence opening with Acoustifence by Acoustiblok, with STC performance of at least 28 and overlapping to provide sound reduction at edges. The fence will be closed during normal operating conditions.

Sound Sources

The operational activities which create noise are listed below:

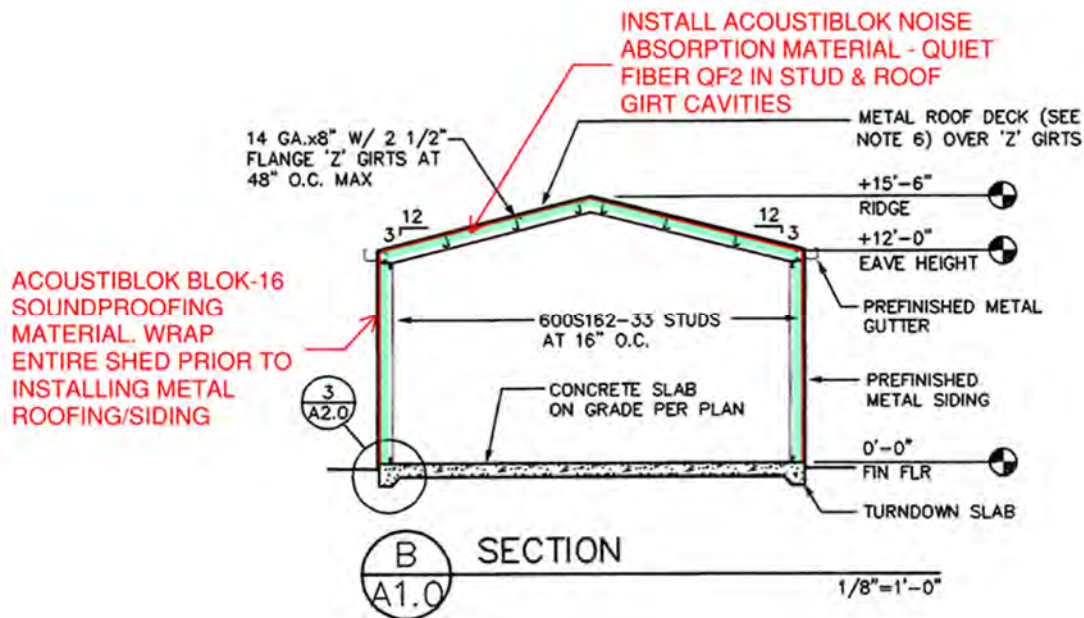
- Saw noise at the exterior saw enclosure and interior of the building.
- Crane movement and steel load/unload in the yard and interior of the building.
- Forklift movement and steel load/unload in the yard and interior of the building.
- Truck travel to and from the building.
- Rail Car travel to and from the building.

Each of these operations was measured in a similar steel facility and the data was used in our analysis.

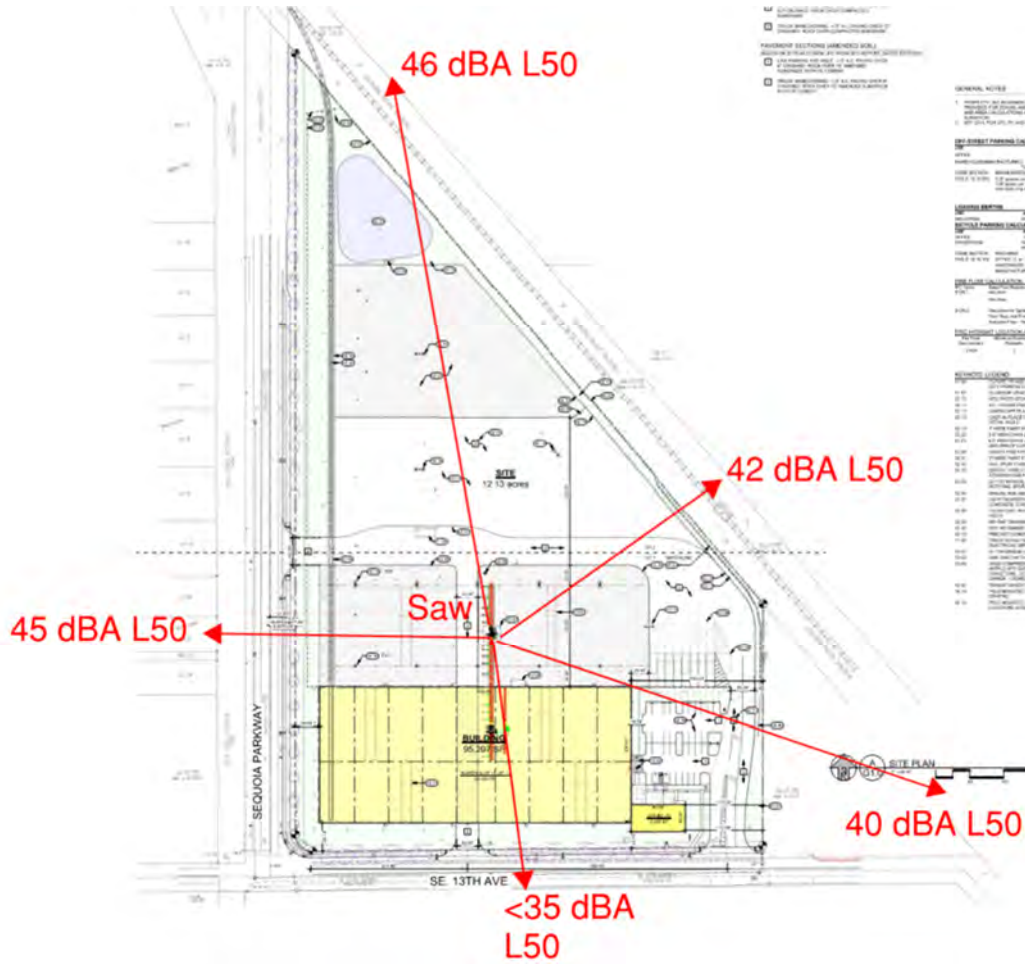
Attachment A is a detailed list of equipment used on the property.

Exterior Saw Noise

The saw equipment at the exterior yard is located within a sound enclosure shed, as shown below. The shed construction includes additional sound reducing acoustical barrier material and absorption material on the walls and a completely enclosed wall on the side facing the residential property line, which combine to reduce sound significantly.



The exterior yard is operated between 7:00 AM and 10:00 PM. One employee operates the saw in the yard enclosure for approximately 2.5 hours total per day. The sound level of the saw to the neighboring properties has been calculated and summarized in the following site plan:

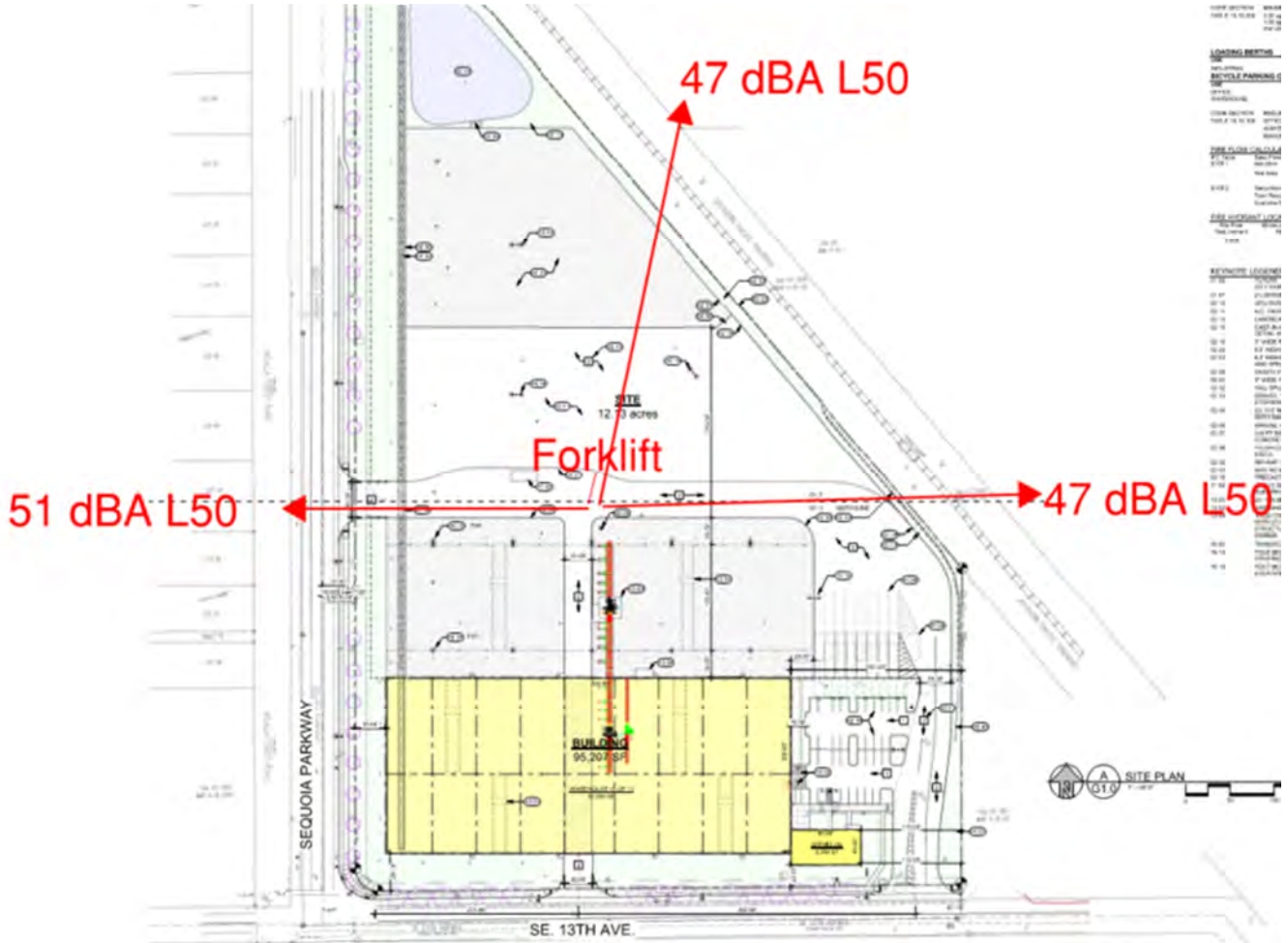


These sound levels are below the Code maximum sound levels.

Receiver Type	Code Maximum dBA L50	dBA L50 Calculated	Meets Code?
Residential (West)	55	45	Yes

Forklift Travel on the Property

Forklifts are incidentally used in special cases, and only secondarily to the crane. Forklifts travel on the property roadways to pick up and deposit steel. One forklift works at a time. A maximum estimate is up to 5 picks of steel per day for 7AM to 10PM. Operations are typically less than 10 minutes. The sound levels predicted below during a pick operation, based on a typical central location over the course of the forklift travel zone:



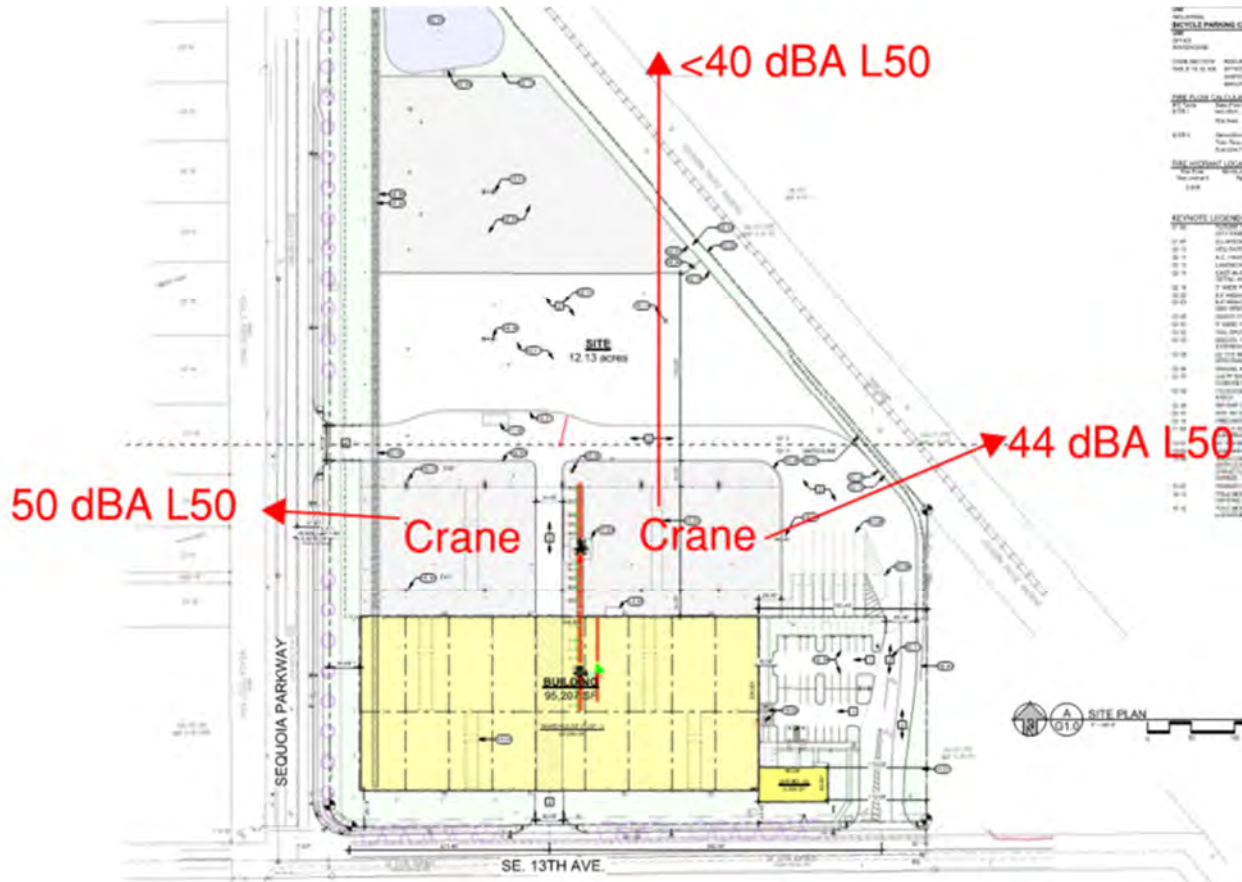
These sound levels are below the Code maximum sound levels.

Receiver Type	Code Maximum dBA L50	dBA L50 Calculated	Meets Code?
Residential (West)	55	51	Yes

Exterior Crane Noise

Typical operations include an average of one pick from the exterior yard per day. The calculations below are during this operation.

Based on our measurements of exiting cranes, crane travel and picking operations are as shown in the calculated receiver sound levels below:



Note that emergency beepers are not used on cranes.

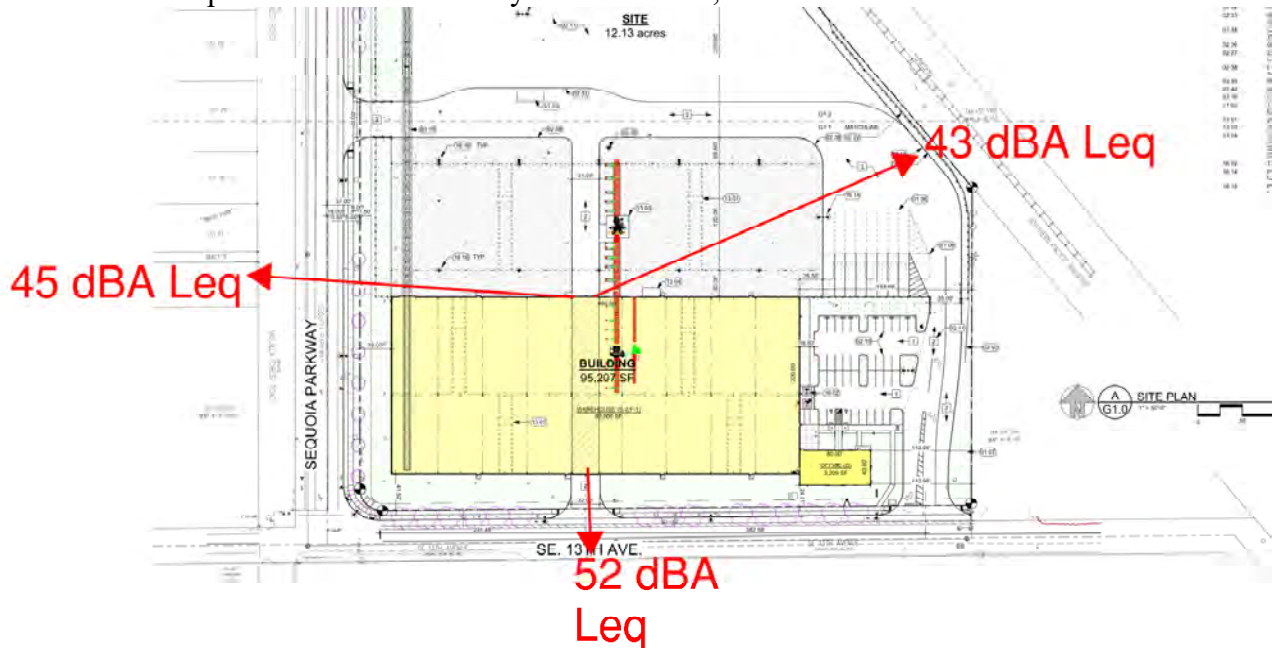
These sound levels are below the Code maximum sound levels.

Receiver Type	Code Maximum dBA L50	dBA L50 Calculated	Meets Code?
Residential (West)	55	45	Yes

Interior Building Noise to Exterior

The interior of the building includes crane, forklift, and saw noise. There are four cranes with 20-ton cranes and 2 interior saws in operation. Typical operations include approximately 35 picks of steel per day. The saws are operated for 4.5 hours total inside the larger building.

The main building is constructed of 9”+ thick concrete tilt-up panels and includes insulation on the roof which absorbs sound within the volume of the warehouse. There are two main loading/unloading doors which typically stay open during the day, and a rail car door which normally stays closed. Combining crane, forklift, and saw levels in a worst-case, simultaneous operation, we calculated the sound to the closest property lines, assuming the primary truck entry/exit doors are open and the rail car entry door is closed, as shown below:

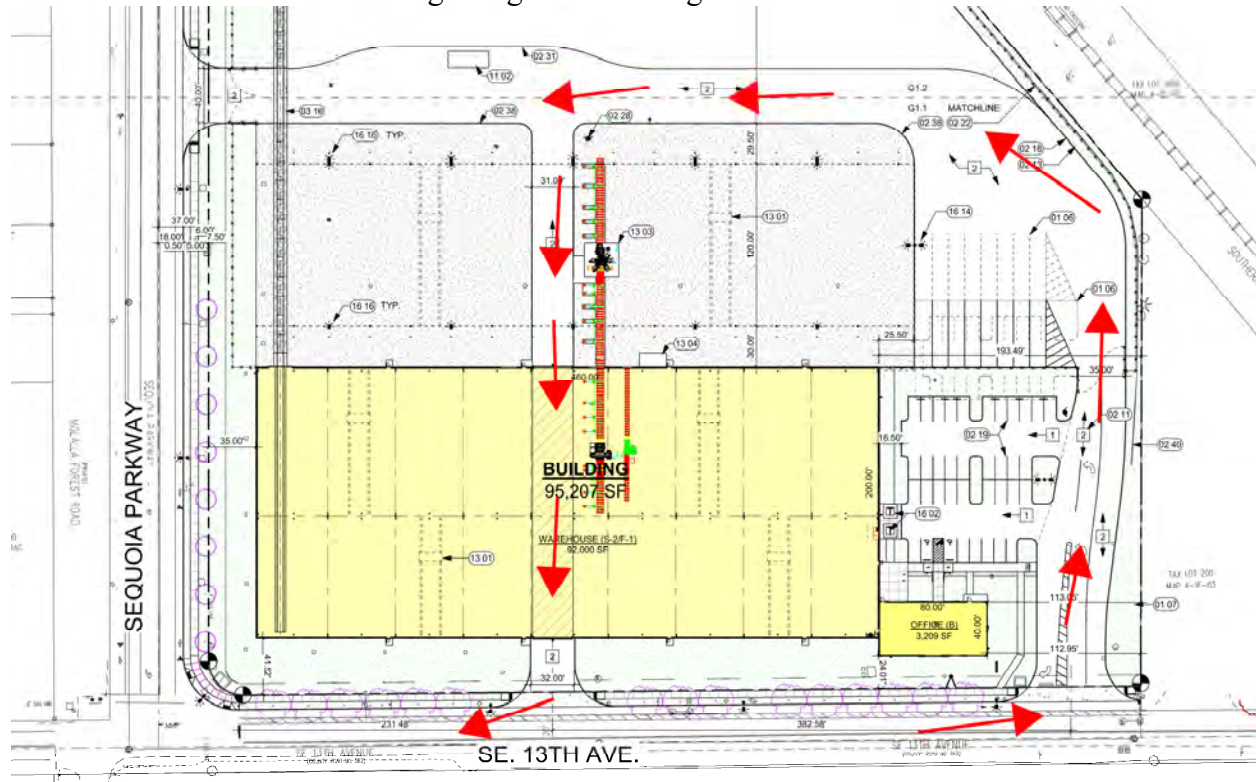


These sound levels are below the Code maximum sound levels.

Receiver Type	Code Maximum dBA L50	dBA L50 Calculated	Meets Code?
Residential (West)	55	45	Yes

Truck Travel on the Property

Trucks enter and exit the building along the following route shown in red:



Schedule:

- 5:00-5:30 AM: up to three trucks pickup trailers and leave the site.
- 10:00 AM: additional pickups (if needed, 1-3 trucks)
- 10:00 PM single transfer truck arrives on site to load and depart

The trucks are expected to drive along the truck delivery route shown above, driving on the property approximately 4 minutes each trip, at less than 10 mph. Back-up alarms may occur for a very short period and are exempted from the noise code.

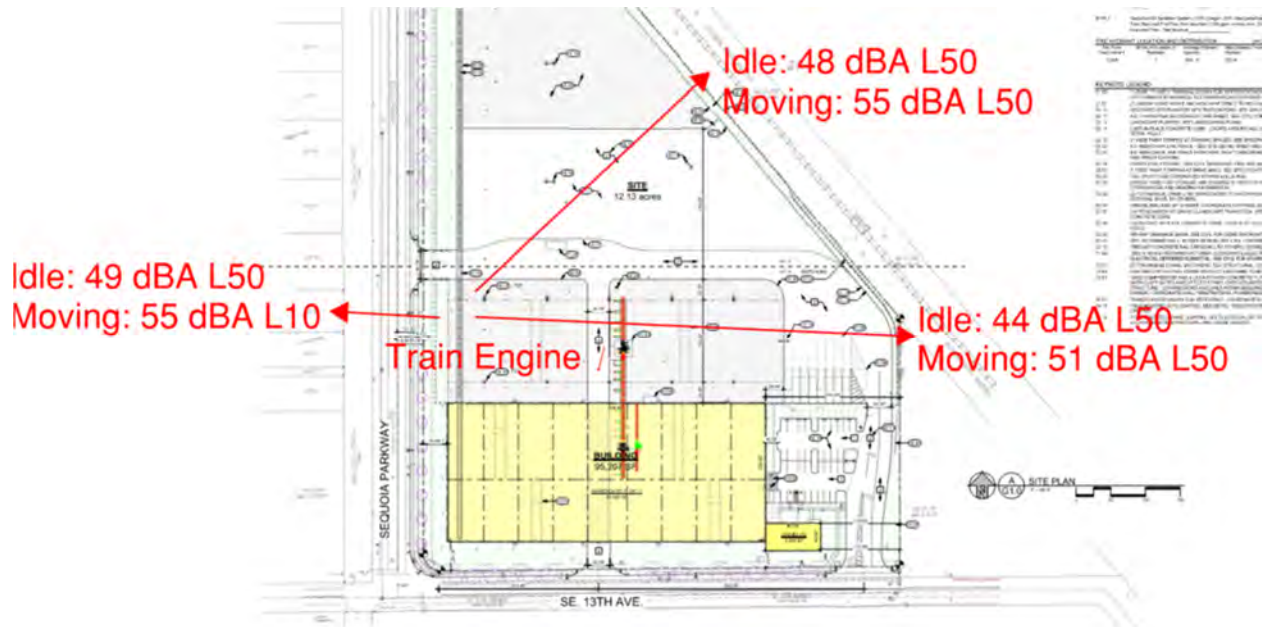
With the current configuration of the loading area and operations as described above, overall 10-minute noise levels for typical operations are expected to be less than Code maximum at all property lines.

These sound levels are below the Code maximum sound levels.

Receiver Type	Code Maximum dBA L50 (night)	dBA L50 Calculated	Meets Code?
Residential (West)	50	46	Yes

Train Car Movement

Train car movement on the property is conducted via an onsite track and a traditional train engine. Trains deliver one day per week between 8 AM and 9 AM and pick up at approximately 3 PM. A potential future second delivery day may occur, as well. The train sound levels vary based on operation: idle, movement, and car connection. No audible warning devices will be used on the train engine. Below is the sound level at the neighboring properties for moving and idling.



These sound levels are below the Code maximum sound levels.

Idle Train

Receiver Type	Code Maximum dBA L50	dBA L50 Idle Calculated	Meets Code?
Residential (West)	55	49	Yes

Moving Train

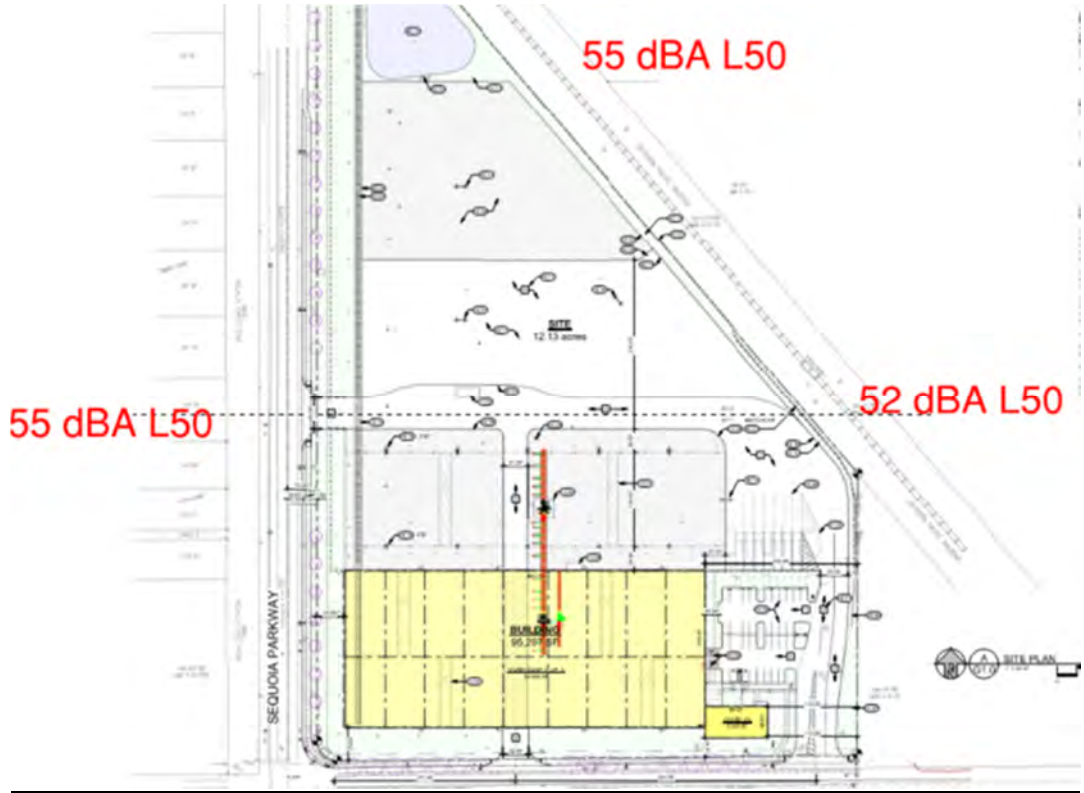
Receiver Type	Code Maximum dBA L10	dBA L10 Moving Calculated	Meets Code?
Residential (West)	60	55	Yes

Train Connection

Receiver Type	Code Maximum Impulse	dBA Impulse Calculated	Meets Code?
Residential (West)	100	84	Yes

Combined Predicted Noise Levels

The combined predicted noise levels include operation of cranes, saws, forklifts, and trucks. This combined predicted level assumes a scenario with all noise sources simultaneously in operation (with the exception of the impulse noise from train connection, handled separately). This presents a worst-case scenario, since it is not expected to be typical to have all operations occurring at once (for instance, cutting steel at the same time as the forklift and trucks are operating).



These sound levels are at the Code maximum sound levels, using the worst-case scenario.

Receiver Type	Code Maximum dBA L50	dBA L50 Calculated	Meets Code?
Residential (West)	55	55	Yes

Summary

Based on the data used from exiting equipment operations and the site layouts, noise from typical operations at the Lampros Steel facility is calculated to not exceed maximum permissible noise as defined by the Oregon DEQ.

Sincerely,
LISTEN ACOUSTICS



Tobin Cooley, P.E.



EXPIRES:
12/31/22

Appendix A: Equipment Used on the Project

Cranes:

- Outdoor:
 - CXTD Top Riding, Double Girder Crane
 - 20 Ton I+II, Spans 120'-0"
 - Two (2) 10-ton trolley hoists
 - Stepless VFD control for hoisting, trolleys, and bridge traveling motions
- Indoor Type 1
 - CXTD Top Riding, Double Girder Crane
 - 20 Ton I+II, Spans 105'-6"
 - Two (2) 10-ton trolley hoists
 - Stepless VFD control for hoisting, trolleys, and bridge traveling motions
- Indoor Type 2
 - CXTD Top Riding, Double Girder Crane
 - 20 Ton I+II, Spans 85'-6"
 - Two (2) 10-ton trolley hoists
 - Stepless VFD control for hoisting, trolleys, and bridge traveling motions

Forklifts

- Hyster H360XD48 (two forklifts total)
- One in the yard (used as a backup to cranes) and one indoors

Saws

- In Outdoor Saw Enclosure (one saw)
 - HEM WF 190 MRB-DC-CTS Miter Saw
 - 44" wide by 25" tall Horizontal Cut
- Indoor Type 1 (one saw)
 - HEM WF 190 DC-H
 - 40" wide by 24" tall Horizontal Cut
- Indoor Type 2 (two saws)
 - Marvel MV525 Model #F1250PC3S-Marvel
 - Max height 12", max width 19"

Saw Conveyors

- DC-H/CTS-INFEED: PRC-HD Heavy Duty Powered Roller Conveyor
 - VGR-HD vertical guide roller
 - TA-HD Heavy Duty Transfer Conveyor
 - 60', 3-1/2" diameter roller, 24": o.c.
 - TEFC 1800 RPM 7.5 HP variable speed electric motor and gear reducer with freewheeling clutch
- DC-H/CTS-OUTFEED: PRC-HD Heavy Duty Powered Roller Conveyor
 - Idler miter section
 - Safety gate
 - VGR-HD vertical guide roller
 - TA-HD Heavy Duty Transfer Conveyor
 - Hydraulic power unit
 - 60', 3-1/2" diameter roller, 24": o.c.

- TEFC 1800 RPM 7.5 HP variable speed electric motor and gear reducer with freewheeling clutch

Trucks

- Peterbilt: typical truck: 2021 vin # 1XPBDP9X3MD748437

Greg Blefgen

From: Tobin Cooley <tobin@listenacoustics.com>
Sent: Tuesday, March 1, 2022 10:32 AM
To: Greg Blefgen
Cc: Ben Hagerman; Nicole Heater; Jennifer Kimura
Subject: RE: Old Mac/Lampros DR 21-10/CUP 21-02 Appeal
Attachments: 022822_Lampros Steel Noise Study.pdf

Greg,

I reviewed Don Hardy's email comments (below) and amended the report.

Attached is an updated report, which adds:

- Site ambient measurements
- Sound source (equipment) measurement results
- Description of industry standard methods, factors and sources for calculations
- Clear definition of the receiving property line used in calculations
- A summary table showing all noise sources and the resulting sound level (compared with the criteria)
- Clarification of the train connection impulse noise vs. the DEQ impulse allowance

I believe these items address Mr. Hardy's suggestions. Regarding "showing the math": we use industry standard calculations which call for advanced level spreadsheet-based mathematics. The math relies on multiple steps, as well as complex formulas, involving multiple variables, transforms, logarithms, etc. and would likely be very tedious and confusing to include in the report. However, I would be pleased to describe the general methods in more detail to the Commissioners as needed to assist them with understanding the numbers.

Please let me know if you have any other comments or changes,

Tobin Cooley, P.E.

President

LISTEN ACOUSTICS, INC.

Oregon - Washington - Montana

P: [503-888-7741](tel:503-888-7741)

P: [206-595-8791](tel:206-595-8791)

From: Greg Blefgen <gregb@vlmk.com>
Sent: Thursday, February 24, 2022 11:23 AM
To: Don Hardy <HardyD@canbyoregon.gov>; Tobin Cooley <tobin@listenacoustics.com>
Cc: Brianna Addotta <AddottaB@canbyoregon.gov>; Ryan Potter <PotterR@canbyoregon.gov>; Ben Hagerman <benh@vlmk.com>; Nicole Heater <Nicole.Heater@american-steel.com>; Jennifer Kimura <jenniferk@vlmk.com>
Subject: RE: Old Mac/Lampros DR 21-10/CUP 21-02 Appeal

Good Morning Don and THANK YOU....for your quick review and guidance.

I've copied our acoustics consultant herein and will be following up with him to get these comments incorporated into the FINAL report.....he will be present for the Council/Planning Commission hearing(s)

Tobin – Please review the following and ring me to discuss.

Thanks

Greg Blefgen, P.E., S.E. | Principal

VLMK Engineering + Design

3933 SW Kelly Avenue | Portland, OR 97239 | tel: 503.222.4453 | VLMK.COM

direct: 971.254.8290 | cell: 503.539.0451 | email: gregb@vlmk.com

Please Note: VLMK HAS NOT MOVED, BUT OUR ADDRESS HAS CHANGED FROM SW TO S KELLY AVE. PLEASE UPDATE YOUR RECORDS WITH OUR NEW ADDRESS: 3933 S Kelly Avenue, Portland, OR 97239

From: Don Hardy <HardyD@canbyoregon.gov>

Sent: Thursday, February 24, 2022 10:18 AM

To: Greg Blefgen <gregb@vlmk.com>; Jennifer Kimura <jenniferk@vlmk.com>

Cc: Brianna Addotta <AddottaB@canbyoregon.gov>; Ryan Potter <PotterR@canbyoregon.gov>; Ben Hagerman <benh@vlmk.com>; Nicole Heater <Nicole.Heater@american-steel.com>

Subject: RE: Old Mac/Lampros DR 21-10/CUP 21-02 Appeal

Good morning Greg,

Thank you for sharing the draft noise study. I have reviewed many of these as part of application submittals when I was a consultant. These are recommendations for further clarity and up to your team to decide if you want to provide more detail or not.

I think it would be helpful to provide the following:

What the existing day and night time average ambient noise levels that exist in the area.

I'm not sure if the noise levels were taken with the site conditions or extrapolated. A lot of noise studies I've seen have a baseline of ambient conditions as a starting point and then projected noise levels are developed. The noise studies I've seen typically call out the noise equipment used and the basis of the noise study, typically a short paragraph.

I think it would be helpful to identify more specifically where the receiving property line is both in graphic form and explained better, is this at the residential receiving property line?

I'm used to seeing noise studies that identify noise generation at the source in decibels and then factored at the receiving property line with reduction of noise factored in over distance or with noise reduction elements such as berms and interior building insulation etc. Showing the math and how the receiving property decibels were calculated I think will be critical to successfully proving the noise is within DEQ standards.

I would recommend one table showing all the noise generating elements, the hours those elements will occur, the maximum permitted decibels, calculated decibels and does it meet code, as part of the Combined Predicted Noise Levels section.

On Page 14, how is the Train Connection consistent with Table 8, Page 4 for maximum noise levels? This needs to be explained.

I would highly encourage the noise study consultant to attend the appeal hearing(s) to answer question as an expert as city staff don't have this expertise.

If you are going provide more information as part of the noise study, we will need this by end day March 7, in order to incorporate into the staff report that will be released on March 9.

I will be out of the office next week but Brianna and I have coordinated and she can respond to any questions you have.

Thanks,
Don

From: Greg Blefgen [<mailto:gregb@vlmk.com>]
Sent: Wednesday, February 23, 2022 3:19 PM
To: Don Hardy <HardyD@canbyoregon.gov>; Jennifer Kimura <jenniferk@vlmk.com>
Cc: Brianna Addotta <AddottaB@canbyoregon.gov>; Ryan Potter <PotterR@canbyoregon.gov>; Ben Hagerman <benh@vlmk.com>; Nicole Heater <Nicole.Heater@american-steel.com>
Subject: RE: Old Mac/Lampros DR 21-10/CUP 21-02 Appeal

Hi Don,

Attaching a DRAFT of the noise study and would appreciate your review/feedback and guidance on how we formally submit this information as part of the appeal process. As I understand it, the notices for the Appeal went out last week.

Thanks

Greg Blefgen, P.E., S.E. | Principal
VLMK Engineering + Design
3933 SW Kelly Avenue | Portland, OR 97239 | tel: 503.222.4453 | VLMK.COM
direct: 971.254.8290 | cell: 503.539.0451 | email: gregb@vlmk.com

Please Note: VLMK HAS NOT MOVED, BUT OUR ADDRESS HAS CHANGED FROM SW TO S KELLY AVE. PLEASE UPDATE YOUR RECORDS WITH OUR NEW ADDRESS: 3933 S Kelly Avenue, Portland, OR 97239

From: Don Hardy <HardyD@canbyoregon.gov>
Sent: Friday, January 28, 2022 11:43 AM
To: Jennifer Kimura <jenniferk@vlmk.com>
Cc: Brianna Addotta <AddottaB@canbyoregon.gov>; Ryan Potter <PotterR@canbyoregon.gov>; Ben Hagerman <benh@vlmk.com>; Greg Blefgen <gregb@vlmk.com>
Subject: RE: Old Mac/Lampros DR 21-10/CUP 21-02 Appeal

Hi Jennifer,

Thank you for the appeal submittal, I notices that the setbacks were not noted under site plan revisions and we wanted to provide you with the opportunity to address this. I've referenced the section in the submittal materials.

Site Plan Revisions ○The site plan has been revised to increase the setback of the fence line along the Sequoia Parkway frontage from ??ft to ??ft.

Also, for the noise study, we encourage the study to provide specifics related to the Old Mac site including existing ambient noise level and then compared to DEQ standards. Other similar facilities are good for base line noise generation but should be translated to the Old Mac site and showing decibel compliance levels at residential property lines per DEQ standards. This may be what is already planned.

Brianna may have other questions on the appeal application, and I just wanted to provide some thoughts based on a quick review.

Thanks,
Don

From: Jennifer Kimura [<mailto:jenniferk@vlmk.com>]
Sent: Thursday, January 27, 2022 4:41 PM
To: PlanningApps <PlanningApps@canbyoregon.gov>; Laney Fouse <Fousel@canbyoregon.gov>
Cc: Don Hardy <HardyD@canbyoregon.gov>; Brianna Addotta <AddottaB@canbyoregon.gov>; Ryan Potter <PotterR@canbyoregon.gov>; Ben Hagerman <benh@vlmk.com>; Greg Blefgen <gregb@vlmk.com>
Subject: Old Mac/Lampros DR 21-10/CUP 21-02 Appeal
Importance: High

Good evening,

The application and check in the amount of \$1,980.00 was delivered to the City of Canby around 2:45 (signed by Erin).

Please see below cloud link with Appeal submittal documents/plans. The Landscape plans will be added to the cloud link shortly.

<https://filecloud.vlmk.com/url/7wcazsjdncsuzpg>

If you have any questions or need any hard copies of the submittal, please feel free to call.

Thank you,



Jennifer Kimura | Associate
VLMK Engineering + Design
3933 S Kelly Avenue | Portland, OR 97239 | tel: 503.222.4453 | VLMK.COM
direct: 971.254.8300 | cell: 503.709.0722 | email: jenniferk@vlmk.com

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TECHNICAL MEMORANDUM

DATE: March 8th, 2022

TO: Brianna Addotta and Don Hardy, City of Canby

FROM: Kevin Chewuk | DKS Associates

SUBJECT: Canby Project Old Mac
Trip Generation Memorandum

The proposed Canby Project Old Mac development previously provided a Transportation Analysis Letter (TAL) level of analysis to address City transportation requirements¹. Since that TAL was prepared, the applicant has updated their employee rate per square foot for the proposed site in response to City requirements. The following summarizes the employment assumptions and resulting site generated vehicle traffic from the previous and current proposals.

PROJECT DESCRIPTION

The proposed project is located on the north side of SE 13th Avenue, just to the east of Sequoia Parkway in Canby, Oregon. The existing site currently contains a hazelnut orchard and has been used for agriculture for several decades. The proposed development is for a 96,410 square foot building, with 91,400 square feet of warehouse designed for the storage and distribution of steel bar and tubing, along with 5,010 square feet of office for business administration, operations, and warehouse employees. The site is zoned for M-1 (Light Industrial) and is in the Industrial Area Overlay (I-O).

EMPLOYMENT ASSUMPTIONS AND TRIP GENERATION

The amount of new vehicle trips generated by the proposed use was estimated using the trip generation estimates based on ITE Code 150 (Warehousing) and ITE code 710 (General Office Building) using the 10th Edition of the ITE Trip Generation Manual. ITE provides trip generation estimates for both the square footage or total employees for proposed land uses. For the prior TAL analysis, trip generation estimates were based on the total square footage of 96,410, and was estimated to generate 22 a.m. peak trips, 23 p.m. peak trips, and 208 daily trips (see Table 1).

¹ Canby Project Old Mac Transportation Analysis Letter, November 26th, 2021.

The applicant also previously provided data that assumed up to 17 employees for the proposed site. If employees were used as the independent variable, the estimated trips generated would have been much lower, at 10 a.m. peak trips, 11 p.m. peak trips, and 84 daily trips (see Table 1). This is consistent with the supplemental trip information provided by the applicant based on their current operations². That data also suggested the trips generated will be much lower than the amount estimated using ITE, with 12 a.m. peak trips, 12 p.m. peak trips, and 70 daily trips.

The revised employment assumptions for the proposed site now include 39 employees. Again, using total employees as the independent variable, the site would be expected to generate 23 a.m. peak trips, 25 p.m. peak trips, and 193 daily trips (see Table 1). This estimate for site generated trips is very similar to the original used for the TAL, which was based on the total square footage. This means that the currently assumed employee rate for the site is similar to the average employment densities used in the ITE trip rate studies for the assumed land uses.

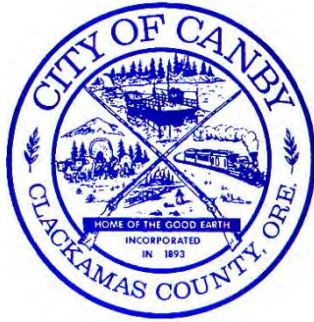
TABLE 1: TRIP GENERATION FOR THE PROPOSED PROJECT

	AM PEAK			PM PEAK			DAILY TRIPS
	IN	OUT	TOTAL	IN	OUT	TOTAL	
TRIP GENERATION BASED ON SQUARE FOOTAGE							
96,410 SQ. FT.	17	5	22	5	18	23	208
TRIP GENERATION BASED ON NUMBER OF EMPLOYEES							
17 EMPLOYEES	7	3	10	4	7	11	84
39 EMPLOYEES	17	6	23	9	16	25	193

FINDINGS

The total square footage was used as the independent variable to estimate trips generated by the proposed site in the previously completed TAL as a conservative method to account for the total potential usage of the proposed space. The previously assumed employment rate for the site was well below the employment densities inherent to the ITE trip generation analysis and would have amounted to fewer generated trips for the site if it were utilized. Therefore, the TAL trip generation analysis was completed based on employment rates that are similar to those utilized in the current proposal, and no further updates are required to the TAL previously prepared for the site.

² Project Narrative for Project Old Mac. Dated May 13, 2021.



City of Canby

Planning Department

January 28, 2022

Sent Via Email

Jennifer Kimura
Nicole Heater

Jenniferk@vlmk.com

Nicole.Heater@american.steel.com

VLMK Engineering & Design
3933 S Kelly Avenue
Portland, OR 97239

RE: Notice of Decision/Final Order for DR 21-10 / CUP 21-02 Old Mac Steel Processing Facility

The Canby Planning Commission hereby provides notice that a decision to DENY **DR 21-10 / CUP 21-02 Old Mac Steel Processing Facility** has been rendered. The enclosed Findings, Conclusions and Final Order is your notice of the official action of the City of Canby Planning Commission.

According to ORS 227.175, this decision may be appealed to the City Council within twelve (12) days of the date this notice was mailed. To do so, you must file an application for appeal with the Planning Director. If no appeal is taken within the specified period, and if no appeal is initiated by action of the City Council, the decision of the Planning Commission shall be final.

The application for appeal shall clearly state the nature of the decision being appealed and the reasons why the appellant is aggrieved. A \$1,980 fee must be enclosed with your appeal application.

If you have any further questions or concerns, please contact the Planning office at 503-266-7001.

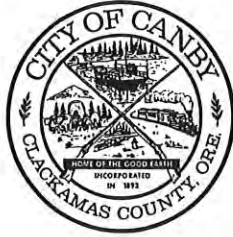
Sincerely,

Brianna Addotta
Associate Planner

Attachment: Signed Final Findings

CERTIFICATE OF MAILING

This Notice of Decision was postmarked and placed in the mail and/or emailed on January 28, 2022 and sent to all parties with standing.
The appeal period will end on Monday, February 7, 2022
Brianna Addotta, AICP - Associate Planner



BEFORE THE PLANNING COMMISSION
OF THE CITY OF CANBY

SITE AND DESIGN REVIEW AND)	FINDINGS, CONCLUSION & FINAL ORDER
CONDITIONAL USE FOR)	DR 21-10 / CUP 21-02
CONSTRUCTION OF A 98,000 SQUARE)	OLD MAC
FOOT STEEL PROCESSING FACILITY)	

NATURE OF THE APPLICATION

Conditional Use and Design Review for construction of a 95,000 square foot building and 8 acre laydown yard designed to accommodate the storage, processing and distribution of steel bar and tubing at the property located at the northeast corner of SE 13th Avenue and S Sequoia Parkway. The employment density forecast was 13-17 employees for the 12.3 acre site.

HEARING

The Planning Commission considered applications **DR 21-10 / CUP 21-02** after the duly noticed hearing on January 10, 2022 during which the Planning Commission denied by a 7/0 vote **Old Mac Steel Processing Facility**. These Findings are entered to document the denial.

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 December 30, 2021 and presented at the January 10, 2022 meeting of the Canby Planning Commission.

FINDINGS AND REASONS

The Staff Report was presented, and written and oral testimony was received at the public hearing. Staff recommended approval of the Site and Design Review application and applied Conditions of Approval in order to ensure that the proposed project will meet all required City of Canby Land Development and Planning Ordinance approval criteria. During the hearing, Planning Commissioners voiced the following regulations as unaddressed by the applicant team:

1. **Employment Density**

16.35.040 Conditional uses.

- A. Any proposed site development, change in use, land division, or other action that results in any of the following requires conditional use approval in the I-O zone:
 - 1. Less than 3 employees per developed acre. For the purposes of this section only, "developed" means all areas used for buildings, landscaping, vehicle maneuvering and parking areas, outdoor storage, and other areas occupied by the use. For the purposes of this section only, employees means full-time equivalents unless the City specifically allows other interpretations;
- B. To approve a conditional use in the I-O zone, the Planning Commission shall find that each of the following additional criteria are either met, or can be met by observance of conditions, unless it is not applicable:
 - 1. The proposed use is compatible with the industrial nature of the park and will have minimal negative impact on the development and use of surrounding properties;
 - 2. The proposed use does not pose a threat to public health or safety; and
 - 3. The proposed use is beneficial to the overall economic diversity and vitality of the City.

The I-O Overlay requires an employment density minimum of 3 employees per acre. The proposal forecast 13-17 employees on the 12.3 acre site, a density of 1 to 1.5 employees per acre. Commissioners determined a project with employment density that low would not add economic vitality to the Industrial Park.

2. **Unclear Noise Impact**

Noise decibel level and frequency information was not provided in sufficient detail to address whether the use is allowed outright in the M-1 zone as described in 16.32.010.A.1. Commissioners asserted a noise study addressing ODEQ standards is necessary to determine compliance.

16.32.010 Uses permitted outright in the M-1 zone shall be as follows:

- A. Manufacturing, fabricating, processing, compounding, assembling or packaging of products made from previously prepared materials such as cloth, plastic, paper, metal, wood (but not including sawmills or lumber mills), the operation of which will not result in:

1. The dissemination of dusts, gas, smoke, fumes, odors, atmospheric pollutants or noise which exceed Oregon Department of Environmental Quality standards;
2. Danger by reason of fire, explosion or other physical hazard;
3. Unusual traffic hazards.

DETERMINATION

The Planning Commission determined that DR 21-10 / CUP 21-02 does not contain satisfactory material necessary to assure the proposed development is consistent with Design Review and Conditional Use criteria. Therefore, it is ordered by the Planning Commission of the City of Canby that DR 21-10 / CUP 21-02 be DENIED.

I CERTIFY THAT THIS ORDER denying DR 21-10 and CUP 21-02 Old Mac, was presented to and DENIED by the Planning Commission of the City of Canby on the 10th day of January, 2022.


 Jason Padden
 Planning Commission Chair


 Don Hardy
 Planning Director


 Brianna Addotta for Laney Fouse Lawrence, Attest
 Recording Secretary

ORAL DECISION: January 10, 2022

<i>Name</i>	<i>Aye</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
<i>Jason Padden</i>		X		
<i>Jason Heib</i>		X		
<i>Jeff Mills</i>		X		
<i>Michael Hutchinson</i>		X		
<i>Chris Calkins</i>		X		
<i>Judi Jarosh</i>		X		
<i>Dan Ewert</i>		X		

WRITTEN DECISION: January 24, 2022

<i>Name</i>	<i>Aye</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
<i>Jason Padden</i>		X		
<i>Jason Heib</i>		X		
<i>Jeff Mills</i>		X		
<i>Michael Hutchinson</i>		X		
<i>Chris Calkins</i>		X		
<i>Judi Jarosh</i>		X		
<i>Dan Ewert</i>		X		

**DR 21-10 and CUP 21-02 Old Mac
 Findings, Conclusion, & Final Order
 Signature Page**

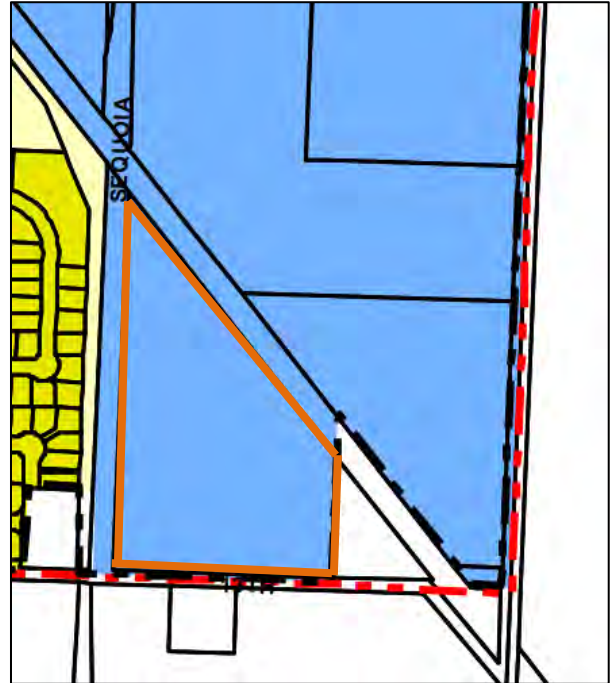


City of Canby

STAFF REPORT CONDITIONAL USE AND DESIGN REVIEW OLD MAC STEEL BAR PROCESSING FACILITY FILE NUMBERS DR21-10 & CUP 21-02

HEARING DATE: January 10, 2022
STAFF REPORT DATE: December 29, 2021
TO: Planning Commission
STAFF: Brianna Addotta, AICP - Associate Planner

Conditional Use and Design Review for construction of a 95,000 square foot building designed to accommodate the storage, processing and distribution of steel bar and tubing at the property located at the northeast corner of SE 13th Avenue and S Sequoia Parkway.



	City Limits	
	Urban Growth Boundary	
	R-1 Low Density Residential	N
	R-1.5 Medium Density Residential	
	M-1 Light Industrial	

Property Information

Location: No Situs. NE corner of SE 13th Avenue and S Sequoia Parkway
Tax Lots: 41E03 00102
Property Size: 12.31 acres
Comprehensive Plan: LI Light Industrial
Current Zoning: LI Light Industrial, I-O Industrial Overlay
Owner: American Metals Corporation attn.: Paul D Worden
Applicant: VLMK Engineering and Design attn.: Jennifer Kimura
Application Type: Site and Design Review, Conditional Use (Type III)
City File Numbers: DR 21-10 & CUP 21-02

Existing Conditions

The 12.31 acre parcel is located at the northeastern corner of S Sequoia Parkway and SE 13th Avenue and is currently a hazelnut orchard with no existing structures. This property is located within the Pioneer Industrial Park and the Industrial Area Overlay, and is directly adjacent to existing rail service provided by Molalla Rail.

Project Overview

The proposal is to construct a new warehouse building with accessory office and exterior laydown yard. The facility will include two interior 20 Ton craneways, one exterior 20 Ton craneway and laydown yard for the storage and distribution of steel tubing, bar and wide flange beams. The development will be similar to American Steel’s existing Canby facility (Township and Sequoia Parkway) with distribution of steel elements to the construction market in lieu of plate steel.

The proposed development includes a rail spur extension into the building with service provided by Molalla Rail (OPR), anticipated rail deliveries/pickups for the facility would occur once per week, which may increase to twice per week dependent on demand.

The warehouse would house steel tubing, bar and channels whereas steel beams would be stored in the yard. The site would be supplied with the steel members via rail and truck. Overhead cranes running the length of the warehouse and at the adjacent yard would be utilized for offloading from the rail cars and/or trucks. Forklifts would also off-load steel beams from the rail cars for staging within the storage yard. Client orders would be processed with cut-to-length saws located in the warehouse and within a shed located beneath the exterior craneway.

The expected hours of operation will be between 5:30am to 11pm, Monday – Friday with an occasional Saturday shift (approximately 4x year). The facility will have 13-15 employees working 2 shifts. Employee count may increase to 17 if operations necessitate.

Staff Recommendation

Based on the applications submitted and the facts, findings, and conclusions of this report, staff recommends **Approval** of DR 20-03 & CUP20-02 pursuant to the **conditions of approval** identified at the end of this Staff Report.

Old Mac Steel Bar Processing Facility	
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STAFF FINDINGS

Applicable Code Sections

Applicable criteria used in evaluating this application are listed in the following sections of the City of Canby's *Municipal Code*:

- 9.48: Noise Control
- 16.08: General Provisions
- 16.10: Off-street Parking and Loading
- 16.32: M-1 Light Industrial Zone
- 16.35: I-O Canby Industrial Area Overlay Zone
- 16.43: Outdoor Lighting Standards
- 16.46: Access Limitations on Project Density
- 16.49: Site and Design Review
- 16.50: Conditional Uses

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

9.48 Noise Control

A. No person shall cause or permit sound(s) to intrude onto the property of another person which exceeds the maximum permissible sound levels set forth below in this section.

B. The sound limitation established herein, as measured at or within the property boundary of the receiving land use, are as set forth in Table 1 appended to this chapter after any applicable adjustments provided for herein are applied. When the sound limitations are exceeded, it shall constitute excessive and unnecessary sound(s) and shall be violations in their own right as well as being prima facie evidence of noise.

C. This section is violated if any of the following occur:

1. Any continuous sound that exceeds the limits of Table 1 for a cumulative total of greater than 5 minutes in any 10-minute period;
2. Any sound that exceeds the limits of Table 1 by 5 dBA for a cumulative total of greater than 1 minute, but less than 5 minutes in any 10-minute period;
3. Any sound that exceeds the limits of Table 1 by 10 dBA at any point in time; or
4. Any sound that exceeds the ambient noise levels existing by 10 dBA created by a new industrial or commercial noise source on a previously unused industrial or commercial site.

<i>Allowable Sound Levels (in dBA) in any 10-minute Period</i>						
<i>Type of Source by Use</i>	<i>Type of Noise Received by Use</i>					
	<i>Noise Sensitive</i>		<i>Commercial*</i>		<i>Industrial*</i>	
	<i>Day</i>	<i>Night</i>	<i>Day</i>	<i>Night</i>	<i>Day</i>	<i>Night</i>
Noise sensitive	55	45	70	65	75	70
Commercial	55	50	70	65	75	70
Industrial	55	50	70	65	75	70

* NOTE: Sounds caused by lawful business activity or manufacturing are exempt. See § [9.48.050.A.10](#).

Findings: The proposed development meets or exceeds these Requirements. All sounds are caused by lawful commercial business activity within an industrial zone. Per table 1, there are no limits to sound levels. During the neighborhood meeting, concerns of noise were voiced by several neighbors. To mitigate noise transfer to the extent possible, the design includes a dense landscape buffer, raised berm, and privacy fence with slats. Additionally, hours of operation are proposed to be 5:30am to 10:30pm, preserving several hours of quiet in the middle of the night.

9.48.050 Exceptions and Variances

A. Exceptions. The following sounds are exempted from the provisions of this chapter:

- 1. – 2: N/A
- 3. Railroad activities as defined in Subpart A, Part 201 of Title 40, CER of the Environmental Protection Agency’s railroad emission standards, incorporated herein by reference;
- 4. -9: N/A
- 10. Sounds caused by business operations in the commercial and industrial zones, provided the sounds result from lawful commercial business activity or manufacturing operations;
- 11. – 14: N/A

Findings: The proposed development qualifies for exceptions 3 and 10 of this section. Delivery by rail would occur one to two times per week. All sounds would be caused by lawful commercial business activity in an industrial zone.

16.08 General Provisions

16.08.150 Traffic impact study (TIS)

A. Purpose. The purpose of this section of the code is to implement Section 660-012- 0045(2)(b) of the State Transportation Planning Rule, which requires the city to adopt a process to apply conditions to development proposals in order to minimize adverse impacts to and protect transportation facilities.

Findings: A Transportation Analysis Letter (TAL) has been completed by DKS and Associates. A summary of the study has been provided here, and the full TAL is attached to this document as Attachment B.

Expected Additional Vehicle Trips:

- Approximately 22 a.m. peak hour trips, 23 p.m. peak hour trips, and 208 daily trips.
- The adjacent Arterial and Collector streets (i.e., Sequoia Parkway and SE 13th Avenue) and most nearby intersections will maintain a level of traffic volume that is consistent with their classifications and planned growth from the TSP.
- This proposed project will contribute its proportional share towards System Development Charge improvement projects from the TSP that are needed to accommodate the forecasted growth.
- The OR 99E intersection with Haines Road is forecasted to exceed ODOT mobility targets and does not have a planned transportation improvement within the planning horizon of the Canby TSP (through the year 2030).
- The City has developed an alternate fee-in-lieu approach for this intersection that will be applied to this proposed project and results in a fee-in-lieu of \$51,155, beyond the System Development Charge Fee noted above.

Proposed Site Access:

- Access proposed via three driveways, including two along SE 13th Avenue and one along Sequoia Parkway.
- Access for all entering and exiting light vehicles would be via the easternmost driveway to SE 13th Avenue. All truck traffic would also enter the site via this driveway, with most exiting via the western driveway to SE 13th Avenue and the remainder exiting via the Sequoia Parkway driveway.
- Access spacing standards are met for most of the proposed driveways. However, the proposed eastern driveway to SE 13th Avenue would be located near the east property line and would require a design modification to the County Code. No operational or safety issues are anticipated due to the low number of vehicles using the existing driveway that serves a single-family residence.
- Preliminary sight distance evaluation indicated that adequate sight lines would likely be provided for each of the proposed roadway accesses should the sight triangle be cleared. However, prior to occupancy, sight distance at the proposed driveways would need to be verified, documented, and stamped by a registered professional Civil or Traffic Engineer licensed in the State of Oregon.

Proposed Circulation:

- Internal drive aisles would provide access from the connecting roadways to the on-site parking area and connect the driveways. Three proposed driveways would provide access for vehicles and bicycles.

- Sequoia Parkway includes bike lanes, and a shared-use path along the west side. The east side would be improved along the frontage of the proposed site to include a sidewalk with a buffer/landscape strip.
- SE 13th Avenue would be improved with half-street improvements that will consist of an 8-foot bike facility, and a 5-foot-wide sidewalk behind a 5-foot-wide landscape strip along the frontage of the proposed site.
- The site includes a proposed sidewalk from SE 13th Avenue to the on-site parking area and to the entrances of the office building.
- These facilities can adequately accommodate the expected additional vehicle, pedestrian, and bicycle trips.

Transportation Approval Criteria and Livability Measures:

- The proposed site adequately addresses each transportation approval criteria and livability measure. These criteria and measures are discussed in the next 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. Upon submission of a development permit application, an applicant shall demonstrate that the development property has or will have the following:

- A. Adequate street drainage, as determined by the city.
- B. Safe access and clear vision at intersections, as determined by the city.
- C. Adequate public utilities, as determined by the city.
- D. Access onto a public street with the minimum paved widths as stated in Subsection E.
- E. Adequate frontage improvements as follows:
 1. Local streets and neighborhood connectors, a minimum paved width of 16 feet along the site's frontage.
 2. 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 TSP. If a mobility deficiency already exists, the development shall not create further deficiencies. (Ord 1340, 2011)

Findings:

- A. The development includes design for adequate street drainage with sediment manholes and drywells as conditioned by the City of Canby operations group.
- B. The proposed driveway to Sequoia Parkway would be approximately 450 feet north and more than 700 feet south of the nearest roadways or driveways, complying with the spacing standard. The proposed western driveway to SE 13th Avenue would be approximately 250 feet east of Sequoia Parkway, and about 350 feet from the proposed eastern driveway to SE 13th Avenue,

complying with the spacing standard. However, the proposed eastern driveway to SE 13th Avenue would be located near the east property line, approximately 50 feet west of an existing driveway. Although the proposed driveway would be located 200 feet closer than the 250-foot spacing standard, no operational or safety issues are anticipated due to the low number of vehicles using the existing driveway that serves a single-family residence. A design modification to the County Code will be required.

Prior to occupancy, sight distance at the proposed driveways will need to be verified, documented, and stamped by a registered professional Civil or Traffic Engineer licensed in the State of Oregon. Preliminary sight distance evaluation from the approximate location of the Sequoia Parkway driveway, and the approximate location of the western driveway to SE 13th Avenue indicates that the proposed connections would be expected to provide adequate sight distance in both directions.

Preliminary sight distance evaluation from the approximate location of the eastern driveway to SE 13th Avenue indicates that the proposed connection would be expected to provide adequate sight distance looking to the west, but not to the east. Hedges and other vegetation along the property line between the proposed site and the neighboring property to the east, and along SE 13th Avenue in front of this neighboring property, limit the line of sight from this proposed driveway. Should this vegetation be pruned to clear the sight triangle, an estimated 350 feet of sight distance would likely be available to the curve of SE 13th Avenue. While this is less than the requirement assuming a 40-mph design speed, this curve has a posted speed limit of 25mph, so westbound traffic would be traveling at slower speeds. This correlates to a design speed of 30-mph (or 5 mph over the posted speed), which requires 335 feet of sight distance. In this case, the proposed driveway would be expected to provide adequate sight distance.

- C. The site is served by power, natural gas, water and franchise utilities along the Sequoia Parkway with sanitary service provided within SE 13th front. A preliminary utility plan has been submitted and reviewed by Canby Public Works operations group for feasibility.
- D. Access to the site is proposed via three driveways, including two along SE 13th Avenue and one along Sequoia Parkway. The proposed eastern driveway to SE 13th Avenue will be full access, while the proposed driveway to Sequoia Parkway and the western driveway to SE 13th Avenue will only serve exiting truck traffic. Access for all entering and exiting light vehicles would be via the easternmost driveway to SE 13th Avenue. All truck traffic would also enter the site via this driveway, with most exiting via the western driveway to SE 13th Avenue and the remainder exiting via the Sequoia Parkway driveway. Internal driveways would provide access from the connecting roadways to the on-site parking area and connect the driveways. The site also includes a proposed sidewalk from SE 13th Avenue to the on-site parking area and to the entrances of the office building.

- E. For collector and arterial streets, a minimum paved width of 20 feet along the site’s frontage. The proposed site has frontage along Sequoia Parkway and SE 13th Avenue. Sequoia Parkway is improved to meet the City’s cross-section standard for Collector streets, with one travel lane in each direction, a center turn lane, bike lanes, and a shared-use path along the west side. The east side would be improved along the frontage of the proposed site to include a sidewalk with a buffer/landscape strip.
- SE 13th Avenue has an estimated 20-foot paved width along the frontage of the proposed site. The applicant will be required to design and construct half-street improvements along the entire site frontage of SE 13th Avenue to County arterial roadway standards for a three lane section. These improvements will consist of a minimum paved width of 34 feet from the centerline of the right-of-way consisting of one 12-foot travel lane, a 14-foot center turn lane, and an 8-foot bike facility, and a 5-foot-wide sidewalk behind a 5-foot-wide landscape strip.
- F. The proposed development is expected to generate no more than 23 peak hour trips, and 208 daily trips, and met criteria for a TAL level of analysis. Peak hour intersection operations will not be degraded by proposed developments that generate fewer than 25 AM and/or PM peak trips since these trips are distributed system wide and do not all impact a single location, including intersections and roadway segments. Proposed developments that meet the TAL criteria are deemed consistent with this approval criteria (i.e., adopted intersection mobility standards).

16.10 Off Street Parking

16.10.010 Exceptions.

At the time of establishment of a new structure or use, change in use, or change in use of an existing structure, within any planning district of the city, off-street parking spaces and off-street loading berths shall be as provided in this and following sections. A lesser number of spaces may be permitted by the Planning Commission based on clear and objective findings that a lesser number of parking spaces will be sufficient to carry out the objective of this section.

16.10.050 Parking standards designated

Warehousing/Manufacturing: 2.00 spaces per 1,000 gross square feet of office space, plus 1.00 space per 1,000 gross square feet of non-office manufacturing space. Minimum of 5 parking spaces overall.

Findings: The applicant is requesting an exception to the designated parking standards. The table below provides the required number of parking spaces by standard, the proposed number of parking spaces, and a hypothetical ‘phase 2’ which shows additional parking can be added to the site in the event the building changes occupants and more parking is necessary.

PARKING CALCULATIONS				
OFF-STREET PARKING CALCULATIONS				
USE	AREA	SPACES	PER SF	REQUIRED
OFFICE	3,209	2	1,000	6
WAREHOUSE/MANUFACTURING	92,000	1	1,000	92
	TOTAL			99
CODE SECTION	MINIMUM REQUIREMENT			SUPPLIED
TABLE 16.10.050	2.00 spaces per 1,000 gross square feet of office space, plus 1.00 space per 1,000 gross square feet of non-office manufacturing space. Minimum of 5 parking spaces overall.			Phase I: 37 Phase II: 18
				Total: 55

The applicant has provided employee counts for their expected operations; a total of 13-17 employees would be present working in two swing shifts. A total of 37 parking spaces have been proposed and shown on the site plan, more than double the anticipated need for the operation of this specific development. 18 additional parking spaces have been shown as a hypothetical 'phase 2' option to increase parking count should demand require, which the applicant does not anticipate but has provided in good faith effort towards meeting the standard.

The request for reduced parking is further reasoned through the Conditional Use application concurrently applied with the Design Review. A CUP is required in the I-O overlay when there would be less than 3 employees per acre when operations commence. The site is approximately 12 acres, which by standard requires a minimum of 36 total employees. The applicant would provide 37 parking spaces, which is the maximum that would be necessary for a business operating under a Conditional Use.

Staff find the details of operations and staffing numbers support a parking count lower than required by standard and therefore recommend the exception be approved by Planning Commission.

16.10.060 Off Street Loading Facilities

LOADING BERTHS				
USE	AREA	SF OF FLOOR AREA	REQUIRED	SUPPLIED
INDUSTRIAL	95,209	60,000 and over	3	4

Findings: The elevations provided by the applicant show compliance with the loading berth requirements for industrial developments in the CMC. The 4th loading berth is specifically designed for rail access and does not meet standards for truck berths as found in the CMC. The specific potential user of the development has several facilities with similar rail-loading

berths around the U.S. The dimensions of the 4th loading berth do not impede the ability to meet other design standards.

16.10.070 Parking lots and access

Parking Lots

A parking lot, whether as accessory or principal use, intended for the parking of automobiles or trucks, shall comply with the following:

1. Parking lot design shall comply with the dimensional standards set forth in Figure 1 of this section.
2. Parking stalls of eight (8) feet in width and sixteen (16) feet in length for compact vehicles may comprise up to a maximum of thirty (30) percent of the total number of parking stalls. Such parking stalls shall be marked "Compact Parking only" either on the parking surface or on a sign in front of the parking stalls.
3. Areas used for standing or maneuvering of vehicles shall have paved asphalt, concrete, solid concrete paver surfaces, or paved "tire track" strips maintained adequately for all weather use and so drained as to avoid the flow of water across sidewalks or into public streets, with the following exception:
 - a. The Planning Director or Planning Commission may approve the use of an engineered aggregate system for outdoor storage and/or non-required parking areas provided that the applicant can demonstrate that City Standards related to:
 - i. minimizing dust generation,
 - ii. minimizing transportation of aggregate to city streets, and
 - iii. minimizing infiltration of environmental contaminants including, but not limited to, motor oils, fuels, volatile organic compounds (e.g. benzene, toluene, ethylbenzene, xylene), and ethylene glycol are met. The decision maker may impose conditions as necessary to meet City Standards.
 - b. Use of permeable surfacing materials for parking lots and driveways is encouraged whenever site and soil conditions make permeable surfacing
4. The full width of driveways must be paved in accordance with (3) above: a. For a minimum of 20 feet from the right-of-way line back into the private property to prevent debris from entering public streets, and b. To within 150 feet of all portions of the exterior wall of the first story of any structure(s) served by the driveway to ensure fire and emergency service provision.
5. Except for parking to serve residential uses, parking areas adjacent to or within residential planning districts or adjacent to residential uses shall be designed to minimize disturbance of residents. Artificial lighting, which may be provided, shall be so deflected as not to shine or create glare in any residential planning district or on any adjacent dwelling, or any street right-of-way in such a manner as to impair the use of such way.

6. Groups of more than four (4) parking spaces shall be so located and served by driveways that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.

7. Off-street parking areas, and the accesses to them, shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and the maximum safety of pedestrian and vehicular traffic on the site and in adjacent roadways. The Planning Director or Planning Commission may require engineering analysis and/or truck turning diagrams to ensure safe and efficient traffic flow based on the number and type of vehicles using the site, the classification of the public roadway, and the design of the parking lot and access drives.

8. Parking bumpers or wheel stops shall be provided to prevent cars from encroaching on the street right-of-way, adjacent landscaped areas, or adjacent pedestrian walkways.

9. Accessible parking shall be provided, constructed, striped, signed and maintained as required by ORS 447.233 and all Oregon Structural Specialty Code requirements.

Findings: The applicant has provided a site plan showing compliance with the dimensional standards for parking lots. No compact spaces are proposed.

The graveled laydown areas beneath the craneway and within the storage yard would be utilized for the staging of steel members. Large forklifts with pneumatic tires would be utilized for staging the steel in the open storage yard whereas the overhead crane would move the materials beneath the craneway. The aggregate storage surface would be maintained throughout the year and watered periodically during the summer months to minimize dust concerns. The forklifts that would be utilized in the yard would be inspected on a weekly basis and maintained to minimize the potential of environmental contaminants (ie; oil, grease...) dripping onto the ground. These strategies are proposed voluntarily by the applicant as part of routine business operations and good management.

The near surface soils on the site have negligible infiltration capabilities which would render any proposed permeable surfacing ineffective. The graveled laydown areas would allow for some storm water treatment & retention in addition to the catch basins being provided. All surface water would be collected and filtered through an approved storm water quality system prior to being retained on-site. Storm water retention would include a combination of dry wells and storm chamber systems installed at the depth of the dense gravel which occurs 15-30ft below grade.

The parking lot has been designed to face away from the Rural Residential zone to the South. The residential zone to the West, across from S. Sequoia Parkway and Molalla Forest Road, would be screened with heavy landscaping consisting of a combination of evergreen hedges, deciduous trees with complimenting shrubs & ground cover, galvanized fencing with sight obscuring slats and the construction of an elevated 4ft berm. All exterior lighting would be

projected downward and/or shielded to minimize light trespass onto the right-of way. A landscape plan, grading plan and site lighting plan have been included with this application.

Truck traffic is designed to enter the site at the eastern access at SE 13th Avenue Trucks would circulate counterclockwise through the site and either enter the building headed South to exit onto SE 13th Avenue or continue through the yard to exit to the West onto S. Sequoia Parkway Pedestrian traffic would enter and exit from the main entrance at the eastern driveway from SE 13th Avenue The office and pedestrian facilities have been located to accommodate the topography (8ft grade change from street access to finish floor of the building and to not interfere with the industrial operations and traffic flow.

The development has designed the parking facilities to include the use of parking bumpers to prevent cars from encroaching on the adjacent landscape. The sidewalk at the pedestrian connection adjacent to the parking has been designed at 7ft wide to allow sufficient travel while the automobile is in contact with the sidewalk, without the use of parking bumpers.

Access

1. The provision and maintenance of vehicular and pedestrian ingress and egress from private property to the public streets as stipulated in this ordinance are continuing requirements for the use of any structure or parcel of real property in the City of Canby. No building permit or other permits shall be issued until scale plans are presented that show how the ingress and egress requirement is to be fulfilled. Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing ingress and egress requirements, it shall be unlawful and a violation of this ordinance to begin or maintain such altered use until the required increase in ingress and egress is provided.

2. *N/A*

3. All ingress and egress shall connect directly with public streets.

4. *N/A*

5. Required sidewalks shall extend from the ground floor entrances or the ground floor landing of a stairs, ramps or elevators to the sidewalk or curb of the public street or streets that provide the required access and egress.

6. To afford safe pedestrian access and egress for properties within the city, a sidewalk shall be constructed along all street frontages, prior to use or occupancy of the building or structure proposed for said property. The sidewalks required by this section shall be constructed to city standards except in the case of streets with inadequate right-of-way width or where the final street design and grade have not been established, in which case the sidewalks shall be constructed to a design, and in a manner approved by the Site and Design Review Board. Sidewalks approved by Board may include temporary sidewalks and sidewalks constructed on private property; provided, however, that such sidewalks shall

provide continuity with sidewalks of adjoining commercial developments existing or proposed. When a sidewalk is to adjoin a future street improvement, the sidewalk construction shall include construction of the curb and gutter section to grade and alignment established by the Site and Design Review Board.

7. The standards set forth in this ordinance are minimum standards for access and egress, and may be increased through the site and design review process in any particular instance where the standards provided herein are deemed insufficient to protect the public health, safety and general welfare. (Ord. 890 section 12, 1993; Ord. 1237, 2007; Ord. 1338, 2010)

Findings: The development proposes three ingress and egress driveways connected to public streets. Two of the driveways are off SE 13th Avenue and the third is off S. Sequoia Pkwy, all greater than 24' in width. The proposed development is not adjacent to a parcel of similar use that would facilitate a shared driveway. The small parcel to the east of the facility is currently occupied by a residential use and it is not desirable from a safety standpoint to attempt to coordinate a shared access with the truck traffic from the proposed operations.

The proposed site has frontage over 250ft and is on a corner lot. The applicant has stated the industrial operations require drive through access at the yard and the building as well as appropriate pedestrian access. The proposed development has located the necessary driveway accesses to maintain the minimum access spacing requirements in the CMC. The industrial operations require drive through access at the yard and the building as well as appropriate pedestrian access.

The development has designed the public sidewalks within the right-of-way to be constructed to meet the applicable City/County design standards. As discussed at the Pre-Application Conference, the development will be required to construct public sidewalks along the full frontage of the property along S. Sequoia Parkway and SE 13th Avenue A Condition of Approval has been included to ensure asphalt transitions will be coordinated with the City prior to construction.

Driveways

a. Access to private property shall be permitted with the use of driveway curb cuts. The access points with the street shall be the minimum necessary to provide access while not inhibiting the safe circulation and carrying capacity of the street. Driveways shall meet all applicable guidelines of the Americans with Disabilities Act (ADA). Driveway distance shall be measured from the curb intersection point [as measured for vision clearance area (16.04.670)]. Distances to an intersection shall be measured from the stop bar at the intersection.

b. Driveways shall be limited to one per property except for certain uses which include large commercial uses such as large box stores, large public uses such as schools and parks, drive through facilities, property with a frontage of over 250-feet and similar uses.

c. Double frontage lots and corner lots may be limited to access from a single street, usually the lower classification street. Single family residential shall not have access onto arterials, and shall have access onto collectors only if there is no other option.

d. If additional driveways are approved by the City Administrator or designee, a finding shall be made that no eminent traffic hazard would result and impacts on through traffic would be minimal. Restrictions may be imposed on additional driveways, such as limited turn movements, shared access between uses, closure of existing driveways, or other access management actions.

e. N/A

f. Driveway widths shall be as shown on the following table.

Driveway Widths (Minimum/Maximum, Ft.)			
Street Classification	Res.	Comm.	Ind.
Arterial:	NA (1)	12/36	12/36
Industrial:	NA (1)	12/36	12/36
Collector:	12/24 (2)	12/36	12/36
Neighborhood Route:	12/24 (2)	12/36	12/36
Local:	12/24 (2)	12/36	12/36
Cul-de-sac:	12/24 (2)	12/36	12/36
Public Alley	12/24 (2)	NA	NA

g. Driveway spacing shall be as shown in the following table.

Minimum Driveway Spacing		
<u>Street Classification</u>	<u>Intersection</u>	<u>Driveway</u>
Arterial (2)	330' (1)	330' (1)
Industrial Streets (2)	100' (1)	100' (1)
Collector (2)	100' (1)	100' (1)
Neighborhood Route	50' (1)(3)	10'
Local (all)	50' (1)(3)	10'
Cul-de-sac	50' (1)(3)	10'
Public Alley	50' (1)(3)	

h. Curb cuts shall be a minimum of five feet from the property line, unless a shared driveway is installed. Single driveways may be paved up to an adjacent property line but shall maintain a five (5) foot separation from the side property line where the driveway enters the property. Driveways shall not be constructed within the curb return of a street intersection. Deviations may be approved by the City Administrator or designee.

i. For roads with a classification of Collector and above, driveways adjacent to street intersections shall be located beyond the required queue length for traffic movements at the intersection. If this requirement prohibits access to the site, a driveway with restricted turn movements may be permitted.

j. N/A

k. N/A

10. When considering a public facilities plan that has been submitted as part of site and design review plan in accordance with this ordinance, the city Public Works Supervisor may approve the location of a driveway closer than fifty (50) feet from the intersection of collector or arterial streets, based on written findings of fact in support of the decision. Said written approval shall be incorporated into the recommended decision of the City Planner for the site and design review plan under the process set forth.

11. N/A

Findings: The proposed driveways would be constructed to the applicable design standards of the governing jurisdiction. S. Sequoia Parkway is located within the City of Canby and SE 13th Avenue is located within Clackamas County, outside of the Urban Growth Boundary (UGB). The proposed development has located the necessary driveway accesses to maintain the minimum access spacing requirements outlined by the City.

The proposed development requests approval to exceed the minimum driveway width and construct 40ft driveway accesses at two locations and a 50ft access at SE 13th Avenue the proposed width of the access is like other previously approved and constructed industrial driveway accesses within the Pioneer Industrial Park. The larger drive access is necessary to accommodate large truck traffic while maintaining required turning limitations.

The proposed driveway at S. Sequoia exceeds the minimum required spacing. Accesses onto county roadways will be reviewed for conformance by Clackamas County. The proposed drive at Sequoia Parkway is located approximately 450ft from SE 13th providing more than sufficient queuing for vehicles exiting the drive.

The development has been designed in accordance with the City design standards, with the approval of the City's planning staff and recommendations outlined in the accompanying Traffic Impact Study. The study demonstrates that traffic hazards will not be created by the proposed drive locations. The applicant states applications have been sent to the County for the applicable Design Modification to the single access requirement at SE 13th Avenue

16.10.080 Street tree plan

A street tree plan may be provided in lieu of meeting the requirement of planting a tree every 30 lineal feet of street frontage. The street tree plan can compensate for driveways, utilities, or other obstructions that inhibit the 30 foot spacing standard requirement.

Findings: The landscaping design submitted with the application includes the planting of street trees along S. Sequoia Pkwy in compliance with this requirement. Street trees along SE 13th

Avenue will be coordinated with Clackamas County. Staff has included a condition of approval (#26) requiring inspection after installation before certificate of occupancy.

16.10.100 Bicycle Parking Standards

Bicycle parking dimensions must be 6’ deep, 2’ wide, with 7’ of overhead clearance. A 5’ isle shall remain clear for safe maneuvering and a 2’ buffer shall be left clear around each space. Bicycle parking shall be located in well-lit secure locations within 50 feet of the main entrance to the building.

Industrial Park: 2 or 0.1 space per 1000 square feet, whichever is greater

Findings: The applicant has provided the table below and exact locations of the proposed bicycle parking on plan set drawing G1.1: Site Plan South. Nine interior wall mounted bicycle parking spaces would be provided in the warehouse and four exterior bicycle parking spaces would be provided near the primary office entrance.

BICYCLE PARKING CALCULATIONS				
USE	AREA	SPACES PER SF	REQUIRED	SUPPLIED
OFFICE	3,209	1 1,000	3	Interior: 9
WAREHOUSE	92,000	0.1 1,000	9	Exterior: 4
	95,209		13	Total: 13
CODE SECTION	REQUIRES			
TABLE 16.10.100	OFFICE: 2, or 1 space per 1000 ft2, whichever is greater			
	WAREHOUSE: 2, or .1 space per 1000 ft2, whichever is greater			
	MANUFACTURING: 2, or .15 space per 1000 ft2, whichever is greater			

16.32 M-1 Light Industrial Zone

16.32.010 Uses Permitted Outright

Uses permitted outright in the M-1 zone shall be as follows:

- A. Manufacturing, fabricating, processing, compounding, assembling or packaging of products made from previously prepared materials such as cloth, plastic, paper, metal, wood (but not including sawmills or lumber mills), the operation of which will not result in
 1. The dissemination of dusts, gas, smoke, fumes, odors, atmospheric pollutants or noise which exceed Oregon Department of Environmental Quality standards
 2. Danger by reason of fire, explosion or other physical hazard;
 3. Unusual traffic hazards;

Findings: The proposed use is allowed outright in the M-1 zone. The company applying to develop the site has had an existing location in Canby with substantially similar operations since 2007.

16.32.030 Development Standards

Findings:	M-1 Standard		Proposed	Meets Standard
	Maximum Height	45 feet	43 feet	Yes
Maximum Lot Coverage	none	76%	Yes	
Minimum lot area	5,000 sq ft	532,777 sq ft	Yes	
Minimum width and frontage	50 feet	380 feet x 420 feet	Yes	
Setbacks				
Street Side	10 feet	35 feet / 20 feet	Yes	
Interior Yard	10 feet	193 feet	Yes	
Rear Yard	10 feet	200+ feet	Yes	

16.35 I-O Industrial Area Overlay Zone

16.35.040 CONDITIONAL USES.

Unless limited by subsection A below or section 16.35.045, conditional uses permitted in the C-M zone, M-1 zone, and M-2 zone are permitted as conditional uses in the I-O zone, subject to the respective zone district boundaries.

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

1. Less than 3 employees per developed acre. For the purposes of this section only, “developed” means all areas used for buildings, landscaping, vehicle maneuvering and parking areas, outdoor storage, and other areas occupied by the use. For the purposes of this section only, employees means full-time equivalents unless the City specifically allows other interpretations;

2 – 7. N/A

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

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

These criteria are in addition to those provided in Section 16.50.010. In all other aspects, the conditional use process shall be as specified in Chapter 16.50.

Findings: Although the proposed warehousing development is a use permitted outright, the operations would not meet the 3 employee count per developed acre as outlined in the industrial overlay zone (16.35.40.A.1). Operations would have 13-17 employees as demand necessitates, while the standard calls for 36 employees. With exception of the employee count, the proposed development would be consistent with the policies of the comprehensive plan, the site is suitable for the proposed development, public services extended to the site are adequate and the development will not adversely affect the potential development of the surrounding properties.

16.35.050 Development Standards

A – F. *See Table in Findings below.*

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

H. Building orientation standards. The following standards are intended to ensure direct, clear, and convenient pedestrian access:

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

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

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

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

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

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

N. Other regulations: The C-M zone, M-1 zone, and M-2 zone provide other applicable regulations related to vision clearance, Highway 99E sidewalk width, setback measurement, outside storage, and wireless/cellular tower certification.

O. Open storage or “laydown yards” shall be screened by a six foot site-obscuring fence or hedge-type vegetation that would become a solid site obscuring barrier within three years of planting.

Findings:

I-O Standard		Proposed	Meets Standard
Maximum height	45 feet	43 feet	Yes
Maximum lot coverage	none	76%	Yes
Minimum lot area	none	532,777 sq ft	Yes
Minimum width and frontage	none	380 feet x 420 feet	Yes
Street access spacing	200+ feet	380' / 291' / 420'	Yes
Setbacks			
Street Side (office)	20 feet	20 feet	Yes
Street Side (warehouse)	35 feet	35 feet	Yes
Interior Yard	10 feet	193 feet	Yes
Rear Yard	10 feet	200+ feet	Yes

16.35.070

<u>Landscaping</u>		
Trees installed at 3 inch caliper: <25% of trees=0; 25%-50%=1; 50%-100%=2.		0 1 2
Usable outdoor amenity provided with development (e.g., water features, plazas, seating areas, and similar features): no=0; yes=1; yes and for public use =2.		0 1 2
Amount of grass (less grass is better) (% of total landscaped area)>50%=0; 25%-50%=1; <25%=2		0 1 2
Minimum Acceptable Score	3 points	3

<u>Building Appearance and Orientation</u>		
Building orientation at or near the street: parking or drive separates building from street=0; at least 20% of elevation within 5 feet of minimum setback=1; at least 20% of elevation is at minimum setback=2.		0 1 2
Building entrances visible from the street: no=0; yes=1.		0 1
Buildings use quality materials: concrete, wood, or wood siding=0; concrete masonry, stucco, or similar material=1; brick or stone=2.		0 1 2
Articulation and/or detailing to break up large building surfaces and accentuate the building entrance(s): no=0; yes=2.		0 2
Minimum Acceptable Score	4 points	4

CRITERIA	Possible Scores
Parking	
Parking areas located to the side or rear of buildings as viewed from public right-of-way: <50% of parking spaces=0; 50%-75%=1; 75%-100%=2.	0 1 2
Increase minimum interior parking lot landscape over the base 15%: 15%-18%=0; 18%-22%=1; >22%=2.	0 1 2
Increase the base number of trees required by 16.49.120 (all landscape islands must contain 1 tree, 1 tree for every 40' along the required setback): 100%-105% of base requirement=0; 105%-110% of base requirement=1; >110%=2; (# of trees proposed/# of trees required x100=% of base requirement)	0 1 2
Number of parking spaces provided: (% of required minimum): >110%=0; 110%-105%=1; 105%-100%=2. See Table 16.10.050 for required parking. (# of spaces proposed/# of spaces required x100=% of required minimum)	0 1 2
Minimum Acceptable Score 4 points	4
Transportation/Circulation	
Design private, on-site pedestrian pathways: 6' painted ways=0; 6' brick/paver ways=1; 6' brick/paver & raised concrete ways=2	0 1 2
Number of pedestrian connections between the street sidewalk and internal circulation system: One connection = 0 Two or more connections = 1	0 1 2
Minimum Acceptable Score (some provisions may not apply) 2points	2

16.43 Outdoor Lighting Standards

16.43.110 Lighting Plan Required

This property is zoned M-1, Light Industrial, and therefore must apply the L2 lighting standards.

Findings: The applicant has provided a lighting plan and fixture detail pages. The 4' berm along Sequoia Pkwy with 6' slated fence reduces light intensity spillover from the laydown yard into the public right of way and residential area across the Parkway. The lighting plan shows a maximum of 0.2 foot candles present at the eastern property line. The developer is also responsible for right-of-way improvements along Sequoia Parkway, including street lighting as required by standard.

16.46 Access Limitations on Project Density

16.46.020 Ingress and Egress

A. Vision Clearance distance shall be ten feet from a street to an alley or a street to a driveway and thirty feet from a street to any other street.

16.46.030 Access Connection: Spacing on City Streets

Street Facility	Max. spacing between roadways	Min. spacing between roadways	Min. spacing roadway to driveway	Min. spacing between driveways
Arterial	1,000 feet	660 feet	330 feet	330 feet

Private access to arterial roadways shall only be granted through a requested variance of access spacing policies when access to a lower classification facility is not feasible.

Findings: The site plan provided show compliance with access spacing standards.

16.49.040 Site and Design Review - Criteria and Standards

A. 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 storm water management facilities, and retaining native vegetation.
5. N/A

Findings: The applicant filed a Type III Site and Design Review application. The I-O design matrix supersedes the matrix found in 16.49.040 and can be found completed earlier in this staff report. Staff also refers to pages 6 through 10 of the Site and Design Review application form as well as the narrative provided by the applicant to view these materials.

16.49.065 Bicycle and pedestrian facilities

The internal walkway system shall be extended to the boundaries of the property. On-site facilities shall be provided to accommodate safe and convenient pedestrian and bicycle access, connecting to adjacent residential areas and neighborhood activity centers.

Findings: Staff concludes that the applicant adequately addressed this criterion through installation of public improvements along the entirety of the property frontage, as well as provision of delineated pedestrian crossing across the parking lot to the buildings. Bicycle parking is directly accessible in front of the office building and internally in the warehouse.

16.49.080 General provisions for landscaping

The minimum area requirement for landscaping for developments coming under design review shall be 30% for all residential zones. Parking lot landscaping shall be included in total landscaping calculations.

16.49.120 Parking lot landscaping standards

Landscaping Within a Parking Lot

A. Area within a parking lot shall include the paved parking and maneuvering area, as well as any area within ten (10) feet of any exterior face of curb surrounding the paved parking and maneuvering area.

B. Each interior landscaped area shall be a minimum of six (6) feet wide, unless the area is added to the required perimeter landscaping.

C. The use of LID best management practices in parking lots is encouraged whenever site and soil conditions make it feasible. Such practices include, but are not limited to, permeable surfacing materials, and integrating LID stormwater management facilities into the required landscaping areas.

D. Minimum 15% area required to be landscaped within a residentially zoned parking lot.

E. All parking areas with more than 16 spaces shall include landscape islands to break up the parking area into rows of not more than 8 contiguous parking spaces.

F. Landscape islands shall have a minimum area of 48 square feet and a minimum width of six (6) feet.

G. Landscape islands shall contain at least one tree.

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

16.50 Conditional Uses

16.50.010 Authorization to grant or deny conditional uses.

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

- A. The proposal will be consistent with the policies of the Comprehensive Plan and the requirements of this title and other applicable policies of the city;
- B. The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features;
- C. All required public facilities and services exist to adequately meet the needs of the proposed development;
- D. The proposed use will not alter the character of the surrounding areas in a manner which substantially limits, or precludes the use of surrounding properties for the uses listed as permitted in the zone. (Ord. 740 section 10.3.75 (A), 1984)

16.50.040 Placing conditions on a permit.

In permitting a new conditional use, the Planning Commission may impose conditions which it finds necessary to avoid a detrimental impact and to otherwise protect the best interests of the surrounding area or the community as a whole. These conditions may include the following:

- A. Limiting the manner in which the use is conducted, including restricting the time an activity may take place, and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor;
- B. Establishing a special yard, other open space or lot area or dimensions;
- C. Limiting the height, size or location of a building or other structure;
- D. Designating the size, number, location, and nature of vehicle access points;
- E. Improving the street and/or expanding the rights-of-way;
- F. Designating the size, location, screening, drainage, surfacing or other improvement of a parking area or truck loading area;
- G. Limiting or otherwise designating the number, size, location, height and lighting signs;
- H. Limiting the location and intensity of outdoor lighting and requiring its shielding;

I. Requiring diking, screening, landscaping or other facility to protect adjacent or nearby property and designating standards for its installation and maintenance;

J. Designating the size, height, location and materials for a fence;

K. Protecting and preserving existing trees, vegetation, water, resources, wildlife habitat or other significant natural or open space areas;

L. Limiting the number, location, and design of street accesses and requiring shared access when appropriate.

Findings: In addition to the criteria listed in Section 16.35.040 for conditional uses in the R-1 zone, the above criteria should also be addressed to assure consistency of the use within the zone. Staff has reviewed the proposed use and the criteria in 16.35.040 that resulted in the necessity for a Conditional Use Application against the above criteria. Staff determined that there are no policies in the Canby Comprehensive Plan or other policies that would be inconsistent with the applicant's proposed use or request for an exception to the minimum parking requirements.

Based on comments from City agencies at the Pre-Application Conference, all public utilities are available and adequate to serve this proposed use on this site. Staff refers to the utility site plans included in the applicant materials and the Conditions of Approval provided by Canby Public Works and other associated utility providers.

Conditions of Approval have been called out throughout this Staff Report as appropriate to the use and anticipated impacts of the proposed development and are listed at the end of this report.

PUBLIC COMMENTS:

The public comments received as of December 29th, 2021 have been summarized below and are attached in their entirety in Attachment D.

Comments received by:

Fred Joyner, submitted July 14, 2021 is concerned about lighting, fencing, noise, truck traffic, and the particulars of the right of way improvement along Sequoia Parkway.

Staff Response: Staff recognize this development is adjacent to existing subdivision Timber Park and, although the development is appropriate for the M-1 zone and this zoning was established before the development of the residential subdivision, it is also essential to use the site design requirements found in the CMC to reduce negative impacts to residents of those homes. The specific design elements used are discussed throughout this report; a four foot berm with a six foot fence will be installed along the length of S Sequoia Parkway The lighting plan provided shows light trespass would be minimal and

correctly discuss how street lighting is required along S. Sequoia Parkway for safety reasons regardless of the level of on-site lighting proposed. Noise maximums are not applied to industrial parcels as earlier discussed; staff notes the applicant has provided hours of operation from 5:30am to 10:30pm when they are allowed to operate 24 hours a day, which is seen as a consideration for the residents of Timber Park.

Half-street improvements are typically required as a condition of land use approval. Sequoia Parkway is separated from the Timber Park subdivision by the Molalla Logging Trail, a publicly owned amenity maintained by the City. The Sequoia Parkway extension wasn't constructed by Timber Park, those street and utility improvements were a City capital improvement project constructed a few years prior to the subdivision. The roadway, bridge, planter strip and Logging Road Trail all existing prior to development of the subdivision. The final findings and conditions of approval for the Timber Park subdivision, approved in 2016, did not require any additional improvements to Sequoia Parkway. In April 2021 a design report was created for the portion of the trail south of the 13th Avenue to Macksburg Road (Attachment F). It did not include the portion of Sequoia adjacent to the proposed development's property. Additional improvements, namely street trees, would be installed and maintained by the Public Works department. Staff recommend a Condition of Approval that the applicant work directly with Public Works to determine whether installation of street trees is feasible and if so, that the applicant pay the street tree fee to Canby Public Works so that they may be installed by the city. Because the request for trees in this area is submitted specifically to reduce the expected impacts of the development, staff believe it is an appropriate condition of the development's approval.

Lastly, this project was duly noticed as required by the state through direct mail, published in the newspaper and posted on site. The notice includes detailed instructions on how to participate in the public hearing.

Keith Johnson, address 2255 SE 11th Place, submitted December 9, 2021 points out two sources of noise that have the potential to impact the residential neighborhood the most: intercom systems and truck beeping while they navigate on site.

Staff Response: While City staff cannot require noise control beyond local and state standards as rightly observed by Mr. Johnson, we agree his observations are rational and have passed on these comments to the applicant for their consideration. Staff references the submitted landscaping plan, which shows robust and varied landscaping to be installed on the berm in addition to new street trees and improvements within the Sequoia right-of-way.

Lori Grady, address 2263 SE 11th Avenue, submitted December 21, 2021 wrote to emphasize there are 92 homes in the Timber Park subdivision and is concerned with noise and lighting.

Staff Response: Staff believes the applicant has provided mitigation of expected noise and light trespass to the extent required by the CMC. Again, hours of operation would be limited to 5:30am to 10:30pm.

John and Barbara Fontana, address 1095 S. Willow Street, submitted December 27, 2021 voices concerns regarding aesthetics, noise, traffic, and pollution. There are several detailed questions regarding the particulars of the design. They also ask whether a steel fence with slats is sufficient for screening and noise abatement and point out a similar fence was used for a similar development in the area and has not been kept in good condition.

Staff Response: Staff has made efforts to address the particulars of the Fontana’s questions regarding site design. In response to concerns of the fence’s condition over time, staff has included a Condition of Approval that the fencing along Sequoia be kept in good condition with no broken slats or bowing panels.

AGENCY COMMENTS:

Comments were received from Canby Fire Department, Canby Utility Water & Electric, and DirectLink. They are included here as Attachment E and incorporated into the Conditions of Approval.

STAFF CONCLUSION/RECOMMENDATION:

Staff concludes that the use is in conformance with the City’s Comprehensive Plan and the Zoning Ordinance. Additionally, the relevant site and design standards and minimum acceptable compatibility scores are met, and the site can accommodate the proposed use. The public service and utility provision to the site is available. Staff recommends approval of DR 21-10/CUP 21-02 subject to meeting the conditions of approval listed below.

Approval of this application is based on submitted application materials. Approval is strictly limited to the submitted proposal and is not extended to any other development of the property. Any modification of development plans not in conformance with the approval of application DR 21-10/CUP 21-02, including all conditions of approval, shall first require an approved modification in conformance with the relevant sections of the Canby Municipal Code.

CONDITIONS OF APPROVAL:

1. A Sediment and Erosion Control Permit will be required from the City prior to commencing site work.
2. Construction plans shall be designed and stamped by a Professional Engineer registered in the State of Oregon.
3. All proposed lighting shall meet the standards described in Chapter 16.43 and must have cut-off shielding and be installed as shown in the submitted design drawings.
4. Clackamas County Building Codes Division will provide structural, electrical, plumbing, and mechanical plan review and inspection services for construction of the project.
5. Prior to the issuance of a building permit, installation of public utilities, or any other site work

other than rough site grading, construction plans must be approved and signed by the City and all other utility/service providers. The design, location, and planned installation of all roadway improvements and utilities including but not limited to water, electric, sanitary sewer, natural gas, telephone, storm water, cable television, and emergency service provision is subject to approval by the appropriate utility/service provider.

6. Prior to the issuance of a building permit, the installation of public or private utilities, or any other site work other than rough site grading, construction plans must be approved and signed by the City and all other utility/service providers. A Pre-Construction Conference with sign-off on all final construction plans is required. The design, location, and planned installation of all roadway improvements and utilities including but not limited to water, electric, sanitary sewer, natural gas, telephone, storm water, cable television, and emergency service provisions is subject to approval by the appropriate utility/service provider. The City of Canby's pre-construction process procedures shall be followed.
7. Access driveways for use by trucks shall be industrial type with large-radius curb returns to account for truck traffic. All driveways shall have an industrial driveway approach consisting of 8-inch minimum concrete thickness with reinforcements or mesh welded wire fabric. City inspection of driveways and sidewalks for overall condition and for ADA compliance is required.
8. Clackamas County's approval is required for improvements on SE 13th Avenue All conditions imposed by Clackamas County shall be adhered to, including but not limited to obtaining a Street Construction and Encroachment Permit.
9. The applicant is responsible for half street improvements meeting City and County standards and must be constructed on the site's entire frontage (on both S Sequoia Parkway and SE 13th Avenue) including street trees, grass, automatic irrigation, street lighting, driveway, sidewalks, and ADA ramps. Improvements shall be completed prior to final building occupancy is approved.
10. The applicant shall work with Canby Public Works Department to analyze the feasibility of planting street trees along the western side of S. Sequoia Parkway. If feasible, the applicant shall pay the \$250/tree fee, and the City will be responsible for installation and maintenance.
11. Prior to construction of public utility and street improvements, the applicant shall provide an Engineer's cost estimate to the City to be reviewed and approved, for the asphalt concrete, aggregates, curbs, driveways, sidewalks, ADA ramps and any other required public improvement. A performance bond for an amount determined from the cost estimate is required to insure the construction of required public improvements and must be in place before construction begins.
12. The project applicant shall coordinate with Canby Fire to identify appropriate locations for fire hydrants. Prior to site plan approval, the project applicant shall provide an updated site plan identifying hydrant locations to the satisfaction of Canby Fire. (Canby Fire)
13. Any relocation of existing utilities required due to construction of the development shall be done at the expense of the applicant.

14. Approval of this application is based on the submitted site plan, elevations, and other relevant application materials and submitted testimony. Approval is strictly limited to the submitted proposal and is not extended to any other use of the property. Modification of the approved site plan and elevations with regards to building height, sign size and design, colors, materials, landscaping, building placement, setbacks, or any other approved elements, shall require an approved modification in conformance with the relevant sections of the Canby Municipal Code.
15. If the use of the property changes in the future in such a way to affect parking demand, as determined by the City, a parking analysis of the new use shall be submitted for review by the City prior to approval of a business license for the new use. The new use shall provide parking spaces meeting the requirements of Canby Municipal Code unless otherwise approved by the City. This condition applies to both automobile/truck and bicycle parking.
16. A non-residential wastewater survey must be submitted for review and approval prior to final building occupancy.
17. Prior to occupancy of the facility, 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). The applicant should be aware that the City street tree fee is now \$250 per tree if planted by the City, and the City recommends submittal of a separate Street Tree Plan to assist in the location, species, and total tree count.
18. Prior to occupancy, sight distance at all access points will need to be verified, documented, and stamped by a registered professional Civil or Traffic Engineer licensed in the State of Oregon. (Public Works)
19. The applicant shall submit signage 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) 12. 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.
20. If trucks will be washed on site, an approved wash rack and pretreatment system shall be installed prior to discharge into the City's sanitary sewer system. Any truck washing facility shall have an oil-water separator/interceptor installed prior to the pretreatment system.
21. Any proposed discharge of manufacturing areas with oily wastes or metal sediment will be required to pass through an oil-water separator or sediment trap of sufficient size to capture pollutants prior to discharge into the City's sanitary sewer system.
22. Any floor drains to be installed in the building shall be routed to an oil-water separator or sedimentation trap, with the exception of floor drains located in restrooms.
23. Truck route signage is required to ensure heavy trucks follow Canby's adopted truck routes on this project, and shall be installed as required by the City throughout the construction process.

24. Consistent with the memorandum submitted to the City by DKS Associates on November 26, 2021 the project applicant shall pay a fee of \$51,155 to the City in lieu of the project's share of highway and intersection impacts that cannot be mitigated due to improvements at those locations that are infeasible or unplanned. This in-lieu fee shall be used for the City's Walnut Street Extension/Industrial Connector Road project, which is identified in the City's TSP and will mitigate system-wide congestion along Highway 99E corridor.
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.
26. Prior to occupancy, 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). Inspection of landscaping is required before issuance of certificate of occupancy.
27. All fencing shall be kept in good condition. This includes any broken slats, bowing panels, and cut or bent wires.
28. Prior to occupancy, all parking striping, wheel stops, ADA space requirements and signage shall be installed.
29. Prior to occupancy, all pedestrian infrastructure including sidewalks, pathways and striping shall be installed.



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

LAND USE APPLICATION

SITE AND DESIGN REVIEW

General Type III

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

Applicant Name: VLMK Engineering + Design - Jennifer Kimura Phone: 503.222.4453
 Address: 3933 S Kelly Ave Email: jenniferk@vlmk.com
 City/State: Portland, Oregon Zip: 97239

Representative Name: _____ Phone: _____
 Address: _____ Email: _____
 City/State: _____ Zip: _____

Property Owner Name: American Metals Corporation d/b/a American Steel Phone: 503.651.6711
 Signature: Paul D. Worden, Chief Financial Officer, 9/8/2021
 Address: 525 Sequoia Parkway Email: nicole.heater@american-steel.com
 City/State: Canby, Oregon Zip: 97013

Listed property owner is under contract to purchase the property on or before 9/13/21

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

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

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

PROPERTY & PROJECT INFORMATION:

<u>S. Sequoia Parkway/ SE 13th</u>	<u>11.62 acres</u>	<u>41E03 00102</u>
Street Address or Location of Subject Property	Total Size of Property	Assessor Tax Lot Numbers
<u>Hazelnut Orchard</u>	<u>M-1/10</u>	
Existing Use, Structures, Other Improvements on Site	Zoning	Comp Plan Designation

Proposed construction of a 95,209 sf building designed to accommodate the storage, processing and distribution of steel bar and tubing.
 Describe the Proposed Development or Use of Subject Property

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

SITE AND DESIGN REVIEW APPLICATION – TYPE III–INSTRUCTIONS

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

Applicant City
Check Check

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

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

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

Applicant City
Check Check

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

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

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

SITE AND DESIGN REVIEW APPLICATION: LANDSCAPING CALCULATION FORM

Site Areas

1. Building area	95,209	- Square footage of building footprints
2. Parking/hardscape	300,205	- Square footage of all sidewalks, parking, & maneuvering areas
3. Landscaped area	123,972	- Square footage of all landscaped areas
4. Total developed area	519,386	- Add lines 1, 2 and 3
5. Undeveloped area	0	- Square footage of any part of the site to be left undeveloped.
6. Total site area	519,386	- Total square footage of site

Required Site Landscaping (Code 16.49.080)

7. Percent of landscaping required in Zoning District	15%	- Fill in the Appropriate Percentage: R-1, R-1.5, R-2 Zones: 30%; C-2, C-M, C-R, M-1, M-2 Zones: 15%; C-1 Zone: 7.5%
8. Required minimum square footage of landscaping	77,908	- Multiply line 4 and line 7
9. Proposed square footage of landscaping	123,972	- Fill in value from line 3

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

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

10. Zone	M-1	- Fill in the Appropriate Zone and Percentage: C-1 Zone: 5%; Core Commercial sub-area of the Downtown Canby Overlay: 10%, except for parking lots with 10 or more spaces and two or more drive aisles: 50 square feet per parking space; All other zones: 15%.
11. Percent of required landscaping	15%	
12. Area of parking lot & hardscape	18,606	- Fill in area of parking and maneuvering areas plus all paved surface within ten (10) feet of those areas.
13. Number of vehicle parking spaces	37	- For Core Commercial sub-area in the Downtown Canby Overlay only, fill in the total # of parking spaces on-site.
14. Required square footage of landscaping within 10 feet of parking lot	2,791	- Multiply area of parking lot (line 12) by percent of required landscaping (line 11) -OR- for the CC sub-area in the Downtown Canby Overlay multiply line 13 by 50 square feet.
15. Proposed square footage of Landscaping within 10 feet of parking lot	8,250	- Calculate the amount of landscaping proposed within 10 feet of all parking and maneuvering areas.

Parking Lot Tree Calculation

16. Number of parking spaces	37 (99 req'd)	- Total number of vehicle parking spaces
17. Area of parking lot & hardscape	18,606	- Area from line 12
18. Number of parking spaces (line 16) divided by 8	13 (99/8)	- Round up to the nearest whole number
19. Area of parking lot area (line 17) divided by 2,800	7	- Round up to the nearest whole number
20. Number of required trees in parking lot	13	- Fill in the larger of row 18 and row 19
21. Number of trees provided within 10 feet of parking lot	15	- Fill in the number of proposed trees within 10 feet of parking and maneuvering areas.

SITE AND DESIGN REVIEW APPLICATION: DESIGN REVIEW MATRIX

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

Table 16.49.040 Site Design Review Menu

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

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

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

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

Total Points Earned: _____ (42.6 points required for 60%)

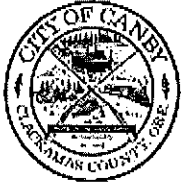
Total LID Points Earned: _____ (7.1 required for 10%)

SITE AND DESIGN REVIEW – TYPE III: APPLICATION PROCESS

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

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

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



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

LAND USE APPLICATION

Conditional Use Process Type III

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

Applicant Name: VLMK Engineering + Design Phone: 503.222.4453
 Address: 3933 S Kelly Avenue Email: jenniferk@vlmk.com
 City/State: Portland, Oregon Zip: 97239

Representative Name: _____ Phone: _____
 Address: _____ Email: _____
 City/State: _____ Zip: _____

Property Owner Name: American Metals Corporation dba American Steel Phone: 503.657.6711
 Signature: *Nicole Heater*
 Address: 525 Sequoia Parkway Email: Nicole.Heater@american-steel.com
 City/State: Canby, Oregon Zip: 97013

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

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

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

PROPERTY & PROJECT INFORMATION:

<u>S. Sequoia Parkway/SE 13th</u>	<u>11.62 acres</u>	<u>41E03 00102</u>
Street Address or Location of Subject Property	Total Size of Property	Assessor Tax Lot Numbers
<u>Hazelnut Orchard</u>	<u>M-1/O</u>	_____
Existing Use, Structures, Other Improvements on Site	Zoning	Comp Plan Designation

Describe the Proposed Development or Use of Subject Property

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



PROJECT NARRATIVE

<i>Project Name:</i>	Old Mac	<i>Applicant:</i>	VLMK Engineering + Design
<i>Project Address:</i>	SE 13 th Ave. at S. Sequoia Pkwy. Canby, OR 97013		503.222.4453
		<i>Contact:</i>	Greg Blefgen

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3. Certifications: Ownership
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5. Drawing Set
6. Preliminary Storm Report
7. Preliminary Geotech Report
8. Lighting Fixture Data Sheets – See Drawing Set
9. Traffic Analysis Letter (DKS) – In Process
10. Colors & Materials Board – See Drawing Set

I. PROJECT SUMMARY

PROPERTY OWNER:	American Metals Corporation d.b.a. American Steel 525 S. Sequoia Parkway Canby, OR 97013
APPLICANT:	VLMK Engineering + Design 3933 S Kelly Ave, Portland, OR 97239
JURISDICTION:	CITY OF CANBY, OREGON
LAND USE ZONE:	M-1 Light Industrial Zone
OVERLAY ZONE:	I-O Industrial Area Overlay
COMP. PLAN DESIGNATION	Light Industrial
CONSTRUCTION TYPE:	III-B
NEIGHBORHOOD:	NONE
TAX ACCOUNT/PARCEL NUMBER:	41E0300102
STREET ADDRESS AND CROSS STREETS:	SE 13th Avenue & Sequoia Parkway
SITE AREA:	12.31 acres
WETLANDS:	N/A
FLOODPLAIN:	N/A
EXISTING USE, STRUCTURES:	Vacant/None

II. INTRODUCTION / NARRATIVE

APPLICATIONS

- Site and Design Review – General Type III
- Conditional Use

DESCRIPTION OF REQUEST

American Steel is proposing to construct a new warehouse building with accessory office and exterior laydown. The facility will include two interior 20 Ton craneways, one exterior 20 Ton craneway and laydown yard for the storage and distribution of steel tubing, bar and wide flange

beams. The proposed development includes a rail spur extension into the building with service provided by Molalla Rail (OPR). OPR currently operates in Canby via interchange with UP on Friday mornings where they leave a locomotive over the weekend. UP picks up on Friday night and delivers cars for OPR Sunday afternoon. OPR keeps a second locomotive at American Steel to provide local switching during the week. Anticipated rail deliveries/pickups for the new facility will occur once per week per the current OPR operating schedule. This may increase to twice per week if demand necessitates.

The new facility is being developed to accommodate the relocation of one of the companies Portland based facilities. As the employees of this facility have not been made aware of the proposed relocation, the project is being referred to as 'Project Old Mac'. The development will be similar to American Steel's existing Canby facility (Township and Sequoia Parkway) with distribution of steel elements to the construction market in lieu of plate steel.

The warehouse will house steel tubing, bar and channels whereas steel beams will be stored in the yard. The site will be supplied with the steel members via rail and truck. Overhead cranes running the length of the warehouse and at the adjacent yard will be utilized for offloading from the rail cars and/or trucks. Forklifts will also off-load steel beams from the rail cars for staging within the storage yard. Client orders will be processed with cut-to-length saws located in the warehouse and within a shed located beneath the exterior craneway.

The expected hours of operation will be between 530am to 11pm, Monday – Friday with an occasional Saturday shift (maybe 4x year). The facility will have 13-15 employees working 2 shifts. Employee count may increase to 17 if operations necessitate.

ABOUT THE COMPANY

American Metals Corporation was founded in 1944 as American Sheet Metal by the Hedinger Family. The company began as a fabricator specializing in custom fabrication as well as large projects involving complicated field work and installation. In later years, the company concentrated its efforts in steel sales, becoming a premier service center. The steel service centers known as American Steel were located in Kent, Washington; Portland, Eugene, and Medford, Oregon; and Redding, California. With the acquisition of the Gilmore Steel Service Centers in 1980, the American Steel locations extended into Oakland and Sacramento, California.

In 1993, American Steel was split into two divisions: American Steel, independently owned by Howard Hedinger, and American Metals, which was formed as a joint venture between Howard Hedinger and Reliance Steel & Aluminum Co.

In 2009, they merged to form American Metals Corporation and began operating as a wholly owned subsidiary of Reliance.

In December 2010, American Metals Corporation acquired Lampros Steel. This acquisition included Lampros Steel Structural and Plate Sales in Portland, Oregon, and LSI Plate in Rancho Cucamonga, California.

In November 2013, American Metals Corporation acquired Haskins Steel Co., Inc., of Spokane, Washington, a carbon steel, and aluminum processing center. In August 2016, American Metals

Corporation acquired Alaska Steel Company, with locations in Anchorage, Fairbanks & Kenai Alaska.

American Metals Corporation is proud to be a major steel supplier to industry on the west coast with five locations in Canby, Kent, Redding, Sacramento, and Fresno. American Metals Corporation’s vision is to be the most responsive, quality conscious steel service center in the industry. Our success results from shared goals and values focused on the quality of relationships with each other, our customers, and suppliers. Our values provide a foundation for our actions as we consciously change the organizational structures, processes, and methods. These values are displayed in what we do, in the way we treat each other, our customers and our suppliers, in the way we lead and the decisions we make. We work to build and maintain trust, treat each other with respect, dignity, and consideration. We hold ourselves to the highest standards of honesty and integrity, foster equality and tolerance and function with regard for the safety of ourselves and others.

AREA SUMMARY

Description	Area			
Overall Site	532,777	sqft	12.31	Acres
ROW Dedication	13,391	sqft	0.31	Acres
Site After Dedication	519,386	sqft	11.92	Acres
Development Area	519,386	sqft		100.00%
Building Roofline	95,209	sqft		18.33%
Total Landscaping	123,972	sqft		23.87%
Sidewalks	2,883	sqft		0.56%
Gravel	235,666	sqft		45.37%
AC Paving	61,656	sqft		11.87%
(Onsite) Total Impervious	395,414	sqft		76.13%
Parking Spaces (Phase I)	37	SP	0.39	/TH
Parking Spaces (Phase II)	18	SP		
Total Parking spaces	55	SP	0.58	/TH
Parking Lot Area	18,606	sqft		100.00%
Parking Lot Landscaping	8,250	sqft		44.34%

USE/OCCUPANCY SUMMARY:

Name	Area		Zoning Use	Occupancy Classification	
Storage	46,000	sqft	Steel Storage	S-2	Low-hazard storage
Steel Processing	46,000	sqft	Steel Processing	F-1	Moderate-hazard factory industrial
Office- Accessory	3,209	sqft	Office	B	Business
Total Ground Floor Area	95,209	sqft	2.19	18.33%	
Canopies	122	sqft			
Total Fire Area	95,331	sqft	2.19		

SITE CONDITIONS

The existing site is a hazelnut orchard in disrepair. Fronted by S. Sequoia Pkwy on the West and SE 13th Ave. to the South. The site is within the City of Canby located within the Pioneer Industrial Park. SE 13th Avenue to the South is outside of the City Urban Growth Boundary and is within the jurisdiction of Clackamas County.

DRIVE ACCESS

The main driveway access will be provided at the SE corner of the site along SE 13th Ave. SE 13th Ave is located outside of the city right-of-way and outside of the Urban Growth Boundary (UGB). SE 13th Ave. is classified by Clackamas County as a minor arterial roadway. Although the County considers SE 13th Ave. as a rural arterial, urban improvements have been required along the entire frontage. A second access along SE 13th Ave will be for truck access through the building.

The single access at S. Sequoia Parkway is within the City of Canby with functional classification identified in the TSP as a 'collector' street. The right-of-way was dedicated in 2014 with existing full width street improvements along the frontage. The proposed 40ft driveway access is in safe proximity to the overpass and the intersection at SE 13th Ave.

UTILITIES

The site is served by power, natural gas, water and franchise utilities along the Sequoia Parkway with sanitary service provided within SE 13th front.

STORMWATER MANAGEMENT

All surface water will be collected and filtered through an approved storm water quality system prior to being retained on-site. Storm water retention will include a combination of dry wells and retention pond installed at the depth of the dense gravel which occurs within 10ft of existing grade.

PARKING CALCULATIONS

OFF-STREET PARKING CALCULATIONS

USE	AREA	SPACES	PER SF	REQUIRED
OFFICE	3,209	2	1,000	6
WAREHOUSE/MANUFACTURING	92,000	1	1,000	92
TOTAL	95,209			99
CODE SECTION	MINIMUM REQUIREMENT			SUPPLIED
TABLE 16.10.050	2.00 spaces per 1,000 gross square feet of office space, plus 1.00 space per 1,000 gross square feet of non-office manufacturing space. Minimum of 5 parking spaces overall.			Phase I: 37 Phase II: 18 Total: 55

LOADING BERTHS

USE	AREA	SF OF FLOOR AREA	REQUIRED	SUPPLIED
INDUSTRIAL	95,209	60,000 and over	3	4

BICYCLE PARKING CALCULATIONS

USE	AREA	SPACES	PER SF	REQUIRED	SUPPLIED
OFFICE	3,209	1	1,000	3	Interior: 9
WAREHOUSE	92,000	0.1	1,000	9	Exterior: 4
TOTAL	95,209			13	Total: 13
CODE SECTION	REQUIRES				
TABLE 16.10.100	OFFICE: 2, or 1 space per 1000 ft2, whichever is greater WAREHOUSE: 2, or .1 space per 1000 ft2, whichever is greater MANUFACTURING: 2, or .15 space per 1000 ft2, whichever is greater				

PEDESTRIAN ACCESS/CIRCULATION

Pedestrian access will be achieved via SE 13th Ave. along a raised concrete sidewalk leading directly to the parking lot and main entrance. Pedestrian traffic is kept clear of the industrial truck traffic to maintain adequate safety and operational procedures.

ARTICULATION

The building has been designed to accommodate low volume storage, light manufacturing (limited to cut-to-length processing of steel members) and accessory office. Construction will consist of concrete tilt-up perimeter walls with a low slope roof supported on a conventional foundation system. The main façade provides architectural elements on the entire face, including the use of concrete form liners for added depth and texture, storefront glazing, steel canopies over the entrances, and glass sectional overhead doors. Additional relief in the panels will be provided with complimenting reveals and paint scheme at all perimeter walls to further enhance and break up the mass of the large walls where operations prohibit overhead doors or other traditional fenestration.

PUBLIC IMPROVEMENTS AND TRANSPORTATION

As discussed in the pre-application meeting, public and infrastructure improvement requirements along the property frontages are summarized below.

- S. Sequoia Pkwy (City of Canby Jurisdiction) – ROW previously dedicated in 2014. New 6ft city sidewalk and street trees are required. Existing street improvements are adequate and will not need to be improved with this development.
- SE 13th Avenue (Clackamas County Jurisdiction) – Additional ROW dedication will be required to expand the existing half street ROW to 40ft with an 8ft PUE extending along the property frontage. Half street improvements will include reconstructing the roadway to provide a minimum 25ft paved half width, curb & gutter, 5ft planter strip, 6ft sidewalk, street trees and streetlights.
- The intersection at S. Sequoia Pkwy and SE 13th Avenue will be included in the half street improvements and designed to match the adjacent developments. Relocation of the existing utilities at the intersection will allow for the new sidewalk and pedestrian access ramps with dual access as required by Clackamas County.

III. DESIGN CRITERIA RESPONSE

9.48 NOISE CONTROL

9.48.040 MAXIMUM PERMISSIBLE SOUND LEVELS.

- A. No person shall cause or permit sound(s) to intrude onto the property of another person which exceeds the maximum permissible sound levels set forth below in this section.
- B. The sound limitation established herein, as measured at or within the property boundary of the receiving land use, are as set forth in Table 1 appended to this chapter after any applicable adjustments provided for herein are applied. When the sound limitations are exceeded, it shall constitute excessive and unnecessary sound(s) and shall be violations in their own right as well as being prima facie evidence of noise.
- C. This section is violated if any of the following occur:
 1. Any continuous sound that exceeds the limits of Table 1 for a cumulative total of greater than 5 minutes in any 10-minute period;
 2. Any sound that exceeds the limits of Table 1 by 5 dBA for a cumulative total of greater than 1 minute, but less than 5 minutes in any 10-minute period;
 3. Any sound that exceeds the limits of Table 1 by 10 dBA at any point in time; or
 4. Any sound that exceeds the ambient noise levels existing by 10 dBA created by a new industrial or commercial noise source on a previously unused industrial or commercial site.

Findings: *The proposed development meets or exceeds these Requirements. All sounds are caused by lawful commercial business activity within an industrial zone. Per table 1 below, there are no limits to sound levels.*

During the neighborhood meeting, concerns of noise were voiced by several neighbors. To mitigate noise transfer to the extent possible, the design includes a dense landscape buffer, raised berm, and privacy fence with slats.

9.48.050 EXCEPTIONS AND VARIANCES.

- A. Exceptions. The following sounds are exempted from the provisions of this chapter:
 1. Sounds caused by the performance of emergency work, vehicles and/or equipment;
 2. Aircraft operations in compliance with applicable federal laws or regulations;
 3. Railroad activities as defined in Subpart A, Part 201 of Title 40, CER of the Environmental Protection Agency's railroad emission standards, incorporated herein by reference;
 4. Sounds produced by sound-amplifying equipment at activities, including fireworks and other explosive devices at football games and graduation sponsored by Canby School District between 7:00 a.m. and midnight, local time;
 5. Sounds produced by sound-amplifying equipment at activities, including fireworks and other explosive devices at football games, sponsored by Canby School District between 7:00 a.m. and midnight, local time;
 6. Sounds created by domestic power tools during the period 7:00 a.m. to 10:00 p.m., local time, provided sound-dissipating devices on tools so equipped are maintained in good repair;
 7. Sounds made by warning devices operating continuously for 5 minutes or less;
 8. Idling motor vehicles, including compressors on refrigerated trailers, within a Gross Vehicle Weight Rating (CVWR) of 8,000 pounds or greater between the hours of 7:00

- a.m. to 10:00 p.m., local time, provided they are equipped with an exhaust system which is in good working order and in constant operation;
9. Sounds created at the Clackamas County Fairgrounds as a result of events sanctioned by the Clackamas County Fair Board;
 10. Sounds caused by business operations in the commercial and industrial zones, provided the sounds result from lawful commercial business activity or manufacturing operations;
 11. Construction activities during the period of 7:00 a.m. to 10:00 p.m., local time, provided equipment is maintained in good repair and equipped with sound dissipating devices in good working order;
 12. Sounds caused by city maintenance equipment between the hours of 7:00 a.m. and 10:00 p.m.;
 13. Sounds created from city sanctioned events in the Downtown Commercial zone; and
 14. Sounds, including the discharge of fireworks and other explosive devices, created from City and Canby Fire District sanctioned events.

Findings: *The proposed development qualifies for exceptions 3. and 10. of this section. Delivery by rail will occur one to two times per week. All sounds will be caused by lawful commercial business activity in an industrial zone.*

- B. Variances. Any person who owns, controls or operates any sound source which violates any of the provisions of this chapter may apply, in writing, to the City Council for a variance from the provisions. Any person who is planning a noise source which is expected to violate any provision of this chapter may apply to the City Council for a variance from the provisions. Any person granted a variance under this chapter may apply for renewal of that variance upon its expiration. The renewal application shall be processed just as if it was an initial application.
1. Application. An application for a noise variance shall be made on forms provided by the City Recorder's Office. The application shall be accompanied by all the required information and fees. If more than 1 date is being requested for a noise variance at 1 location, they can be on 1 application. The written application shall state the provision from which a variance is being sought, the period of time the variance is to apply, the reason for which the variance is sought, and any other supporting information which the City Council may reasonably require. A list of property owners within 200 feet of the location of the variance shall be provided by the applicant with the application.
 2. Review Standards. In establishing exceptions or granting variances, the City Council shall consider:
 - a. The protection of health, safety and welfare of citizens as well as the feasibility and cost of noise abatement;
 - b. The surrounding type of existing land use;
 - c. The acoustical nature of the sound emitted; and
 - d. Whether compliance with the provision would produce a benefit to the public.
 3. Time Duration of Variance. Any variance shall be granted for a specific time interval, not to exceed 1 year.
 4. Public Notification and Public Hearing.

- a. Notice of the public hearing shall be published in a newspaper at least 10 days prior to the public hearing.
 - b. Notice of the public hearing shall be mailed to all property owners within 200 feet of the location for the variance at least 10 days prior to the public hearing.
 - c. The City Council shall hold a public hearing before the granting of a variance.
5. Variances.
- a. Conditions for Granting. The City Council may grant specific variances from the particular requirements of any rule, regulation or order, to specific persons, class of persons or specific noise source upon those conditions as it may deem necessary to protect the public health and welfare, if it finds that strict compliance with the rule, regulations or order is inappropriate because of conditions beyond the control of the persons requesting the variance; because of special circumstances which would render strict compliance unreasonable or impractical due to special physical conditions or cause; because strict compliance would result in substantial curtailment or closing down of a business, plant or operation; or because no other alternative facility or method of handling is yet available. Granting of the variance shall not be materially detrimental to other property within the same vicinity and the variance requested shall be the minimum which will alleviate the hardship.
 - b. Revocation or Modification. A variance granted may be revoked or modified by the City Council after a public hearing held upon not less than 20 days' notice. The notice shall be served upon the holder of the variance by certified mail and all persons who have filed with the City Council a written request for this notification.
6. Emergency and Safety Hazard. In the case of an emergency or safety hazard, the City Administrator or his or her designee may revoke a variance immediately by setting forth the nature of the emergency or hazard in a letter mailed or hand-delivered to the holder of the variance. A public hearing before the City Council shall be held at the next regularly scheduled City Council meeting following the revocation to reverse, affirm or modify the revocation action.

(Am. Ord. 1373, passed 5-1-2013; Am. Ord. 1465, passed 9-6-2017; Am. Ord. 1489, passed 8-15-2018; Am. Ord. 1558, passed 7-21-2021)

Findings: *This criterion does not apply to this project. No variance is required as all noise will be generated by permissible activities within the industrial zone.*

APPENDIX A

TABLE 1: ALLOWABLE SOUND LEVELS

<i>Allowable Sound Levels (in dBA) in any 10-minute Period</i>						
<i>Type of Source by Use</i>	<i>Type of Noise Received by Use</i>					
	<i>Noise Sensitive</i>		<i>Commercial*</i>		<i>Industrial*</i>	
	<i>Day</i>	<i>Night</i>	<i>Day</i>	<i>Night</i>	<i>Day</i>	<i>Night</i>
Noise sensitive	55	45	70	65	75	70
Commercial	55	50	70	65	75	70
Industrial	55	50	70	65	75	70

* NOTE: Sounds caused by lawful business activity or manufacturing are exempt. See § 9.48.050.A.10.

16.08 General Provisions

16.08.150 TRAFFIC IMPACT STUDY (TIS).

- A. Purpose. The purpose of this section of the code is to implement Section 660-012- 0045(2)(b) of the State Transportation Planning Rule, which requires the city to adopt a process to apply conditions to development proposals in order to minimize adverse impacts to and protect transportation facilities. This section establishes the standards to determine when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Study must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities: what information must be included in a Traffic Impact Study; and who is qualified to prepare the Study.
- B. Initial scoping. During the pre-application conference, the city will review existing transportation data to determine whether a proposed development will have impacts on the transportation system. It is the responsibility of the applicant to provide enough detailed information for the city to make a determination. If the city cannot properly evaluate a proposed development’s impacts without a more detailed study, a transportation impact study (TIS) will be required to evaluate the adequacy of the transportation system to serve the proposed development and determine proportionate mitigation of impacts. If a TIS is required, the city will provide the applicant with a “scoping checklist” to be used when preparing the TIS.
- C. Determination. Based on information provided by the applicant about the proposed development, the city will determine when a TIS is required and will consider the following when making that determination.
 - 1. Changes in land use designation, zoning designation, or development standard.
 - 2. Changes in use or intensity of use.
 - 3. Projected increase in trip generation.

4. Potential impacts to residential areas and local streets.
5. Potential impacts to priority pedestrian and bicycle routes, including, but not limited to school routes and multimodal street improvements identified in the TSP.
6. Potential impacts to intersection level of service (LOS).

D. TIS General Provisions

1. All transportation impact studies, including neighborhood through-trip and access studies, shall be prepared and certified by a registered Traffic or Civil Engineer in the State of Oregon.
2. Prior to TIS scope preparation and review, the applicant shall pay to the city the fees and deposits associated with TIS scope preparation and review in accordance with the adopted fee schedule. The city's costs associated with TIS scope preparation and review will be charged against the respective deposits. Additional funds may be required if actual costs exceed deposit amounts. Any unused deposit funds will be refunded to the applicant upon final billing.
3. For preparation of the TIS, the applicant may choose one of the following:
 - a. The applicant may hire a registered Oregon Traffic or Civil Engineer to prepare the TIS for submittal to the city. The city Traffic Engineer will then review the TIS and the applicant will be required to pay to the city any fees associated with the TIS review; or
 - b. The applicant may request that the city Traffic Engineer prepare the TIS. The applicant will pay to the city any fees associated with preparation of the TIS by the city Traffic Engineer.
4. The TIS shall be submitted with a concurrent land use application and associated with application materials. The city will not accept a land use application for process if it does not include the required TIS.
5. The city may require a TIS review conference with the applicant to discuss the information provided in the TIS once it is complete. This conference would be in addition to any required pre-application conference. If such a conference is required, the city will not accept the land use application for processing until the conference has taken place. The applicant shall pay the TIS review conference fee at the time of conference scheduling, in accordance with the adopted fee schedule.
6. A TIS determination is not a land use action and may not be appealed.

- E. TIS Scope. The city shall determine the study area, study intersections, trip rates, traffic distribution, and required content of the TIS based on information provided by the applicant about the proposed development.

1. The study area will generally comprise an area within a ½-mile radius of the development site. If the city determines that development impacts may extend more than ½ mile from the development site, a larger study area may be required. Required study intersections will generally include (in addition to the primary access points) collector/collector and above intersections with an anticipated peak hour traffic increase of five-percent from the proposed project.
 2. If notice to ODOT or other agency is required pursuant to noticing requirements in Chapter 16.89, the city will coordinate with those agencies to provide a comprehensive TIS scope. ODOT may also require a TIS directly to support an OR 99E approach permit application.
- F. TIS Content. A project-specific TIS checklist will be provided to the applicant by the city once the city has determined the TIS scope. A TIS shall include all of the following elements, unless waived by the city.
1. Introduction and Summary. This section shall include existing and projected trip generation including vehicular trips and mitigation of approved development not built to date; existing level and proposed level of service standard for city and county streets and volume to capacity for state roads; project build year and average growth in traffic between traffic count year and build year; summary of transportation operations; traffic queuing and delays at study area intersections; and proposed mitigation(s).
 2. Existing Conditions. This section shall include a study area description, including information about existing study intersection level of service.
 3. Impacts. This section should include the proposed site plan, evaluation of the proposed site plan, and a project-related trip analysis. A figure showing the assumed future year roadway network (number and type of lanes at each intersection) also shall be provided. For subdivision and other developments, the future analysis shall be for the year of proposed site build-out. For proposed comprehensive plan and/or zoning map amendments, the future analysis year shall be 20 years from the date of the City's adopted TSP, or 15 years, whichever is greater.
 4. Mitigation. This section shall include proposed site and area-wide specific mitigation measures. Mitigation measures shall be roughly proportional to potential impacts. See Subsection K below for rough proportionality determination.
 5. Appendix. This section shall include traffic counts, capacity calculations, warrant analysis, and any other information necessary to convey a complete understanding of the technical adequacy of the TIS.
- G. TIS Methodology. The City will include the required TIS methodology with the TIS scope.

- H. Neighborhood Through-Trip Study. Any development projected to add more than 30 through-vehicles in a peak hour or 300 through-vehicle per day to an adjacent residential local street or neighborhood route will be require assessment and mitigation of residential street impacts. Through-trips are defined as those to and from a proposed development that have neither an origin nor a destination in the neighborhood. The through-trip study may be required as a component of the TIS or may be a stand-alone study, depending on the level of study required in the scoping checklist. The through-trip study shall include all of the following:
1. Existing number of through-trips per day on adjacent residential local streets or neighborhood routes.
 2. Projected number of through-trips per day on adjacent residential local streets or neighborhood routes that will be added by the proposed development.
 3. Traffic management strategies to mitigate for the impacts of projected through- trip consistent.
- I. If a residential street is significantly impacted, mitigation shall be required. Thresholds used to determine if residential streets are significantly impacted are:
- J. Local residential street volumes should not increase above 1,200 average daily trips
- K. Local residential street speeds should not exceed 28 miles per hour (85th percentile speed).
- L. Mitigation. Transportation impacts shall be mitigated at the time of development when the TIS identifies an increase in demand for vehicular, pedestrian, bicycle, or transit transportation facilities within the study area. Mitigation measures may be suggested by the applicant or recommended by ODOT or Clackamas County in circumstances where a state or county facility will be impacted by a proposed development. The city shall determine if the proposed mitigation measures are adequate and feasible. ODOT must be consulted to determine if improvements proposed for OR 99E comply with ODOT standards and are supported by ODOT. The following measures may be used to meet mitigation requirements:
1. On-and off-site improvements beyond required standard frontage improvements.
 2. Development of a transportation demand management program.
 3. Payment of a fee in lieu of construction, if construction is not feasible.
 4. Correction of off-site transportation deficiencies within the study area that are substantially exacerbated by development impacts.
 5. Construction of on-site facilities or facilities located within the right-of-way adjoining the development site that exceed minimum required standards and that have a transportation benefit to the public.
- M. Conditions of Approval. The city may deny, approve, or approve with appropriate conditions a development proposal in order to minimize impacts and protect transportation facilities.
1. Where the existing transportation system will be impacted by the proposed development, dedication of land for streets, transit facilities, sidewalks, bikeways, paths, or accessways

may be required to ensure that the transportation system is adequate to handle the additional burden caused by the proposed use.

2. Where the existing transportation system is shown to be burdened by the proposed use, improvements such as paving, curbing, installation or contribution to traffic signals, traffic channelization, construction of sidewalks, bikeways, accessways, paths, or street that serve the proposed use may be required.
 3. The city may require the development to grant a cross-over access easement(s) to adjacent parcel(s) to address access spacing standards on arterials and collector roadways or site-specific safety concerns. Construction of shared access may be required at the time of development if feasible, given existing adjacent land use. The access easement must be established by deed.
- N. Rough Proportionality Determination. Improvements to mitigate impacts identified in the TIS shall be provided in rough proportion to the transportation impacts of the proposed development.
1. The TIS shall include information regarding how the proportional share of improvements was calculated, using the ratio of development trips to growth trips and the anticipated cost of the full Canby Transportation System Plan. The calculation is provided below:
- O. Proportionate Share Contribution = $[\text{Net New Trips} / (\text{Planning Period Trips} - \text{Existing Trips})] \times \text{Estimated Construction Cost}$.
- a. Net new trips means the estimated number of new trips that will be created by the proposed development within the study area.
 - b. Planning period trips means the estimated number of total trips within the study area within the planning period identified in the TSP.
 - c. Existing trips means the estimated number of existing trips within the study area at the time of TIS preparation.
 - d. Estimated construction cost means the estimated total cost of construction of identified improvements in the TSP. (Ord 1340, 2011)

Findings: *The proposed development will satisfy the requirements of this code section. The initial traffic scoping memo provided by the city's traffic consultant, DKS has identified the proposed use to NOT generate a significant number of additional trips and meets the criteria for a TAL level of analysis. The 'actual' traffic that will be generated by the proposed use is SIGNIFICANTLY lower than the trip counts estimated by the ITE manual and utilized in the TAL.*

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. Upon submission of a development permit application, an applicant shall demonstrate that the development property has or will have the following:

A. Adequate street drainage, as determined by the city.

Findings: *The proposed development meets or exceeds these Requirements. The development includes design for adequate street drainage with sediment manholes and drywells as requested by the City of Canby operations group.*

B. Safe access and clear vision at intersections, as determined by the city.

Findings: *The proposed development meets or exceeds these Requirements. The development includes site distance triangles for coordination review with landscape and site design features located to provide safe and clear vision at entrances and exits. As noted in the TAL, the vegetation on the neighboring property to the east will need to be trimmed back to allow for sufficient site distance.*

C. Adequate public utilities, as determined by the city.

Findings: *The proposed development meets or exceeds these Requirements. The development is be served by existing public utilities located within the existing right-of-way and/or adjacent easements.*

D. Access onto a public street with the minimum paved widths as stated in Subsection E below.

Findings: *The proposed development meets or exceeds these Requirements. The development includes the design of half street improvements to SE 13th Ave. to meet the Clackamas County Design Standards. Improvements to S. Sequoia Pkwy were completed with prior development.*

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.

Findings: *This criterion does not apply to this development. SE 13th avenue is identified as a Minor Arterial (rural with urban improvements required) and S. Sequoia Pkwy. is identified as a collector.*

2. For collector and arterial streets, a minimum paved width of 20 feet along the site's frontage.

Findings: *The proposed development meets or exceeds these Requirements and will include half street improvements along SE 13th Avenue to provide the required minimum half street paved roadway width required by Clackamas County and the City of Canby. The existing frontage at S. Sequoia Pkwy. Has been previously improved and exceeds the required paved width identified in this section.*

3. For all streets, a minimum horizontal right-of-way clearance of 20 feet along the site's frontage.

Findings: *The proposed development meets or exceeds these Requirements and maintains the minimum right-of-way clearance of 20 feet along both street frontages.*

- F. Compliance with mobility standards identified in the TSP. If a mobility deficiency already exists, the development shall not create further deficiencies. (Ord 1340, 2011)

Findings: *The proposed development meets or exceeds these Requirements. Sidewalks with ADA ramps will be provided with the proposed street improvements to mitigate existing mobility deficiencies at the intersection of SE 13th Ave. and S. Sequoia Pkwy.*

16.10 Off-Street Parking and Loading

16.10.010 OFF-STREET PARKING REQUIRED – exceptions.

- A. At the time of establishment of a new structure or use, change in use, or change in use of an existing structure, within any planning district of the city, off-street parking spaces and off-street loading berths shall be as provided in this and following sections, unless greater requirements are otherwise established by the conditional use permit or the site and design review process, based upon clear and objective findings that a greater number of spaces are necessary at that location for protection of public health, safety and welfare. A lesser number of spaces may be permitted by the Planning Commission based on clear and objective findings that a lesser number of parking spaces will be sufficient to carry out the objective of this section.

Findings: *The minimum parking requirements for the Old Mac operations was determined to be less than 17 which would more than account for ALL of the planned 13-17 employee count with the two swing shifts. A total of 37 parking spaces will be provided with the development. An additional 18 spaces has been ghosted into the site plan to illustrate how the auto parking area could be expanded in the future if the Old Mac Operations were to desist. The proposed parking count of 0.4/T is typical of warehouse use needs and meets the minimum parking standards for warehouse occupancies within several surrounding jurisdictions. This parking count could increase to 0.6/T if the ghosted parking areas were developed which is well above industry standards for warehouse use.*

- 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.

Findings: *This exception does not apply to this project. The proposed development does not lie within the C-1 zone.*

- C. At the time of enlargement of an existing structure or use, the provisions of this section shall apply to the enlarged structure or use only. (Ord. 1304, 2009; Ord. 1237, 2007; Ord. 890 section 9, 1993; Ord. 872, 1992; Ord. 854 section 2, 1991; Ord. 848, Part V, section 1, 16.10.010(A)(B), 1990)

Findings: *This exception does not apply to this project. The proposed development does not contain existing structures.*

16.10.010 OFF-STREET PARKING REQUIRED – EXCEPTIONS.

- A. At the time of establishment of a new structure or use, change in use, or change in use of an existing structure, within any planning district of the city, off-street parking spaces and off-street loading berths shall be as provided in this and following sections, unless greater requirements are otherwise established by the conditional use permit or the site and design review process, based upon clear and objective findings that a greater number of spaces are necessary at that location for protection of public health, safety and welfare. A lesser number of spaces may be permitted by the Planning Commission based on clear and objective findings that a lesser number of parking spaces will be sufficient to carry out the objective of this section.

Findings: *The proposed development seeks approval of this exception for the deficiency of off-street parking being provided. The proposed auto parking count is double the number of parking spaces required with Old Mac's operations which involves the storage and processing of large quantities of steel bar and tubing. The off-street auto parking count provided is in excess of the employee count which includes 13-15 employees working staggered shifts. Excessive parking to meet the dated development code is not required, nor desired and would be a waste of land resources. The site plan illustrates possible future parking, that could be added if additional spaces are required in the future. As discussed in detail with planning staff, the parking standards outlined in the development code do NOT reflect industry standards or nearby jurisdictional development standards for warehouse use. The 0.4/T parking count proposed for the development could be expanded to 0.6/T if the 'ghosted' parking illustrated were to be developed with a future use. This count could be further expanded by adjusting the trailer parking and/or redeveloping a portion of the gravel laydown yard.*

- 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.

- C. At the time of enlargement of an existing structure or use, the provisions of this section shall apply to the enlarged structure or use only. (Ord. 1304, 2009; Ord. 1237, 2007; Ord. 890 section 9, 1993; Ord. 872, 1992; Ord. 854 section 2, 1991; Ord. 848, Part V, section 1, 16.10.010(A)(B), 1990)

16.10.050 PARKING STANDARDS DESIGNATED.

The parking standards set out in Table 16.10.050 shall be observed. (Ord. 854 section 2, [part], 1991; Ord. 848 section 1, 16.10.050, 1990; Ord. 740 section 10.3.10(E), 1984; Ord. 981 section 20, 1997)

TABLE 16.10.050

Off-street Parking Provisions - The following are the minimum standards for off-street vehicle parking:

USE	PARKING REQUIREMENT
Residential Uses:	
a. Single-family dwellings	2.00 spaces per dwelling unit for new construction. (Existing single-family dwellings having only a single parking space shall not be considered to be nonconforming.)
b. Two-family dwellings	2.00 spaces per dwelling unit.
c. Multi-family dwellings in complexes with private internal driveways	One space per studio or 1-bedroom unit. 2.00 spaces per 2-bedroom or larger unit. One additional guest parking space shall be provided for every five units for each development often or more units.
d. Retirement/assisted living	1.0 spaces per unit
e. Residential day care facility and	1.00 space per employee
Institutions:	
a. Convalescent home, nursing home or sanitarium	1.00 spaces per two beds for patients or residents, plus 1.00 space per employee
b. Hospital	4.00 spaces per two beds
Places of Public Assembly:	
a. Library, reading room	1.00 space per 400 square feet of public area
b. Nursery, primary/elementary, or junior high school	2.00 spaces per employee
c. Senior high school	1.00 space per classroom, plus 1.00 space per six students
d. Other places of public assembly, including churches	1.00 space per four seats or eight feet of bench length
Commercial Amusement:	
a. Theater	1.00 per six seats
b. Bowling alley	3.0 spaces per 1,000 square feet of floor area
c. Dance hall, skating rink	3.0 spaces per 1,000 square feet of floor area

d. Racquet courts, health clubs	3.0 spaces per 1,000 square feet of floor area
Commercial	
a. Retail shops (under 100,000 sq. ft.)	2.00 spaces per 1,000 square feet of floor area
b. Retail store handling exclusively bulky merchandise such as furniture, automobile and service repair shops	1.00 space per 1,000 square feet of sales floor area
c. Shopping center (over 100,000 square feet of gross leasable area)	3.00 spaces per 1,000 square feet of gross leasable area
d. Banks/savings and loans	2.00 spaces per 1,000 gross square feet of floor area
e. Medical/dental offices	3.00 spaces per 1,000 gross square feet of floor area
f. General offices	2.00 spaces per 1,000 gross square feet of floor area
g. Real estate offices	2.00 spaces per 1,000 gross square feet of floor area
h. Government offices	3.50 spaces per 1,000 gross square feet of floor area
i. Restaurant	8.00 spaces per 1,000 gross square feet of floor area
j. Take-out restaurant	8.00 spaces per 1,000 gross square feet of floor area
k. Motel	0.75 spaces per rentable room
l. Residential hotel, rooming house,	0.75 spaces per rentable room
m. Hotel	0.75 spaces per rentable room
n. Club or lodge	1.00 space per 200 square feet of floor area
o. Day care , adult or child care; does not include Family Daycare (12 or fewer children) under ORS 657A.250	1.00 space per 500 square feet of floor area
p. All others	1.00 space per 550 square feet
q. Wireless telecommunication systems	1.00 space per site
r. Self-Storage (Mini) Warehouse	2.00 spaces per 1,000 gross square feet of office space
Industrial:	
a. Manufacturing	2.00 spaces per 1,000 gross square feet of office space, plus 1.00 space per 1,000 gross square feet of non-office manufacturing space. Minimum of 5 parking spaces overall.
b. Warehousing	2.00 spaces per 1,000 gross square feet of office space, plus 1.00 space per 1,000 gross square feet of non-office warehousing space. Minimum of 5 parking spaces overall.
c. Wholesale establishments	2.00 spaces per 1,000 gross square feet of office space, plus 1.50 spaces per 1,000 gross square feet of non-office wholesale space. Minimum of 5 parking spaces overall.

(Ord 1296, 2008, Ord. 1338, 2010; Ord. 1514, 2019)

Findings: *The proposed development does not meet the requirements of this section and will be applying for approval of an exception per section 16.10.010 above.*

16.10.060 OFF-STREET LOADING FACILITIES

A. The minimum number of off-street loading berths for commercial and industrial uses is as follows:

SQUARE FEET OF FLOOR AREA	NUMBER OF BERTHS
Less than 5,000	0
5000 – 25,000	1
25,000 – 60,000	2
60,000 and over	3

Findings: *The proposed development exceeds these Required Conditions and includes a total of 3 loading berths, 2 at grade level and 1 with rail access.*

B. Loading berths shall conform to the following minimum size specifications:

1. Commercial uses – 13’ x 35’
2. Industrial uses – 12’ x 60’
3. Berths shall have an unobstructed minimum height of 14’.

Findings: *The proposed development exceeds these Requirements.*

C. Required loading areas shall be screened from public view, from public streets, and adjacent properties by means of sight-site obscuring landscaping, walls or other means, as approved through the site and design review process.

Findings: *The proposed development meets or exceeds these Requirements. The proposed loading facilities will be screened with heavy landscape buffer plantings and fencing with sight obscuring slats located on top of a elevated 4ft berm adjacent to S. Sequoia Pkwy.*

D. Required loading facilities shall be installed prior to final building inspection and shall be permanently maintained as a condition of use.

Findings: *The proposed development meets or exceeds these Requirements. The proposed loading facilities will be installed prior to final building inspection and will be permanently maintained.*

- E. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of a school or day care center having a capacity greater than twenty-five (25) students.

Findings: *This criterion does not apply to this project. The development does not propose any schools or daycare centers.*

- F. The off-street loading facilities shall, in all cases, be on the same lot or parcel as the structure they are intended to serve. In no case shall the required off-street loading spaces be part of the area used to satisfy the off-street parking requirement.

Findings: *The proposed development meets or exceeds these Requirements. The proposed loading facilities are designed to be located adjacent to the building on the site and clear of the on-site parking lot.*

- G. The Planning Commission may exempt a building from the loading berth requirement, or delay the requirement, based on findings that loading berths are not needed for a particular building or business. (Ord. 854 section 2[part], 1991; Ord. 848, Part V, section 1, 16.10.060, 1990; Ord. 1237, 2007)

Findings: *The loading berths associated with this development are not conventional loading berths as one of the required three is used for rail car access. The specific user has several facilities around the U.S. and has identified this use of space as the most efficient for their specific operations. Additional berths are not necessary to the operations.*

16.10.070 PARKING LOTS AND ACCESS.

- A. Parking Lots. A parking lot, whether as accessory or principal use, intended for the parking of automobiles or trucks, shall comply with the following:

- 1. Parking lot design shall comply with the dimensional standards set forth in Figure 1 of this section.

Findings: *The proposed development meets or exceeds these Requirements. The parking lot has been designed in compliance with the dimensional standards outlined in this section.*

- 2. Parking stalls of eight (8) feet in width and sixteen (16) feet in length for compact vehicles may comprise up to a maximum of thirty (30) percent of the total number of parking stalls. Such parking stalls shall be marked "Compact Parking only" either on the parking surface or on a sign in front of the parking stalls.

Findings: *The proposed development meets or exceeds these Requirements. All proposed parking stalls will meet the standard stall dimensions outlined in this section.*

3. Areas used for standing or maneuvering of vehicles shall have paved asphalt, concrete, solid concrete paver surfaces, or paved "tire track" strips maintained adequately for all weather use and so drained as to avoid the flow of water across sidewalks or into public streets, with the following exception:

Findings: *The proposed development meets or exceeds these Requirements. The vehicle parking and maneuvering areas will be paved with asphalt throughout the auto parking/drives and within the truck courts.*

- a. The Planning Director or Planning Commission may approve the use of an engineered aggregate system for outdoor storage and/or non-required parking areas provided that the applicant can demonstrate that City Standards related to:
 - i. minimizing dust generation,
 - ii. minimizing transportation of aggregate to city streets, and
 - iii. minimizing infiltration of environmental contaminants including, but not limited to, motor oils, fuels, volatile organic compounds (e.g. benzene, toluene, ethylbenzene, xylene), and ethylene glycol are met.

The decision maker may impose conditions as necessary to meet City Standards.

Findings: *The graveled laydown areas beneath the craneway and within the storage yard will be utilized for the staging of steel members. Large forklifts with pneumatic tires will be utilized for staging the steel in the open storage yard whereas the overhead crane will move the materials beneath the craneway. The aggregate storage surface will be maintained throughout the year and watered periodically during the summer months to minimize dust concerns. The forklifts that will be utilized in the yard will be inspected on a weekly basis and maintained to minimize the potential of environmental contaminants (ie; oil, grease...) dripping onto the ground.*

- b. Use of permeable surfacing materials for parking lots and driveways is encouraged whenever site and soil conditions make permeable surfacing feasible. Permeable surfacing includes, but is not limited to: paving blocks, turf block, pervious concrete, and porous asphalt. All permeable surfacing shall be designed, constructed, and maintained in accordance with the Canby Public Works Design Standards and the manufacturer's recommendations. Maintenance of permeable surfacing materials located on private property are the responsibility of the property owner.

Findings: *The near surface soils on the site have negligible infiltration capabilities which would render any proposed permeable surfacing ineffective. The graveled laydown areas will allow for some storm water treatment & retention in addition to the catch basins being provided. All surface water will be collected and filtered through an approved storm water quality system prior to being retained on-site. Storm water retention will include a*

combination of dry wells and storm chamber systems installed at the depth of the dense gravel which occurs 15-30ft below grade.

4. The full width of driveways must be paved in accordance with (3) above:
 - a. For a minimum of 20 feet from the right-of-way line back into the private property to prevent debris from entering public streets, and
 - b. To within 150 feet of all portions of the exterior wall of the first story of any structure(s) served by the driveway to ensure fire and emergency service provision.

Findings: *The proposed development meets or exceeds these Required Conditions. Proposed driveways are paved to the requirements of the section and access to within 150ft of all portions of the building may be achieved from the adjacent roadway where onsite circulation is not present.*

5. Except for parking to serve residential uses, parking areas adjacent to or within residential planning districts or adjacent to residential uses shall be designed to minimize disturbance of residents. Artificial lighting, which may be provided, shall be so deflected as not to shine or create glare in any residential planning district or on any adjacent dwelling, or any street right-of-way in such a manner as to impair the use of such way.

Findings: *The proposed development meets or exceeds these Required Conditions. The parking lot has been designed to face away from the Rural Residential zone to the South. The residential zone to the West, across from S. Sequoia Pkwy. and Molalla Forest Road, will be screened with heavy landscaping consisting of a combination of evergreen hedges, deciduous trees with complimenting shrubs & ground cover, galvanized fencing with sight obscuring slats and the construction of an elevated 4ft berm. All exterior lighting will be projected downward and/or shielded to minimize light trespass onto the right-of-way. A site lighting plan has been included with this application.*

6. Groups of more than four (4) parking spaces shall be so located and served by driveways that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.

Findings: *The proposed development meets or exceeds these Requirements. The development has designed the parking lot as to not require backing movements within a street right-of-way. All traffic will pull forward into the right-of-way.*

7. Off-street parking areas, and the accesses to them, shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and the maximum safety of pedestrian and vehicular traffic on the site and in adjacent roadways. The Planning Director or Planning Commission may require engineering analysis and/or truck turning diagrams to ensure safe and efficient traffic flow based on the number and type of vehicles using the site, the classification of the public roadway, and the design of the parking lot and access drives.

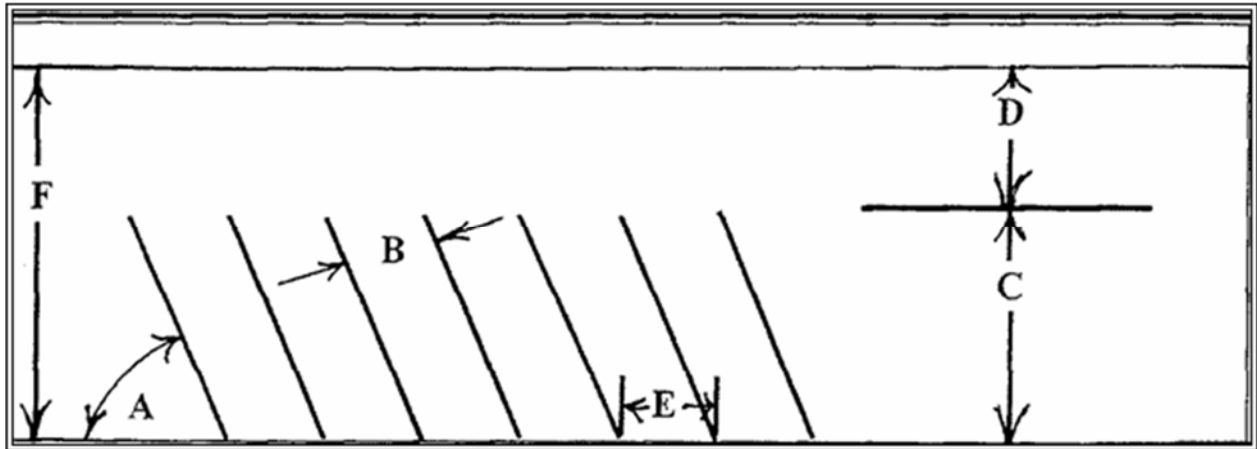
Findings: The proposed development meets or exceeds these Requirements. Truck traffic is designed to enter the site at the eastern access at SE 13th Ave. Trucks will circulate counterclockwise through the site and either enter the building headed South to exit onto SE 13th Ave. or continue through the yard to exit to the West onto S. Sequoia Pkwy. Pedestrian traffic will enter and exit from the main entrance at the eastern driveway from SE 13th Ave. The office and pedestrian facilities have been located to accommodate the topography (8ft grade change from street access to finish floor of the building and to not interfere with the industrial operations and traffic flow.

8. Parking bumpers or wheel stops shall be provided to prevent cars from encroaching on the street right-of-way, adjacent landscaped areas, or adjacent pedestrian walkways.

Findings: The proposed development meets or exceeds these Required Conditions. The development has designed the parking facilities to include the use of parking bumpers to prevent cars from encroaching on the adjacent landscape. The sidewalk at the pedestrian connection adjacent to the parking has been designed at 7ft wide to allow sufficient travel while the automobile is in contact with the sidewalk, without the use of parking bumpers.

9. Accessible parking shall be provided, constructed, striped, signed and maintained as required by ORS 447.233 and all Oregon Structural Specialty Code requirements.

TABLE 16.10.070					
Minimum dimensional Standard for Parking					
This table and Figure 16.10.070 provide the minimum dimensional standards for parking areas and spaces.					
A = Parking angle in degrees B = Minimum stall width C = Minimum stall depth			D = Minimum clear aisle width E = Minimum clear stall distance at bay side F = Minimum clear bay width		
A	B	C	D	E	F
0 (parallel)	8'0"	-	12'0"	22'0"	20'0"
30	8'6"	16'4"	12'0"	17'0"	28'4"
45	8'6"	18'9"	12'6"	12'0"	31'3"
60	8'6"	19'10"	18'0"	9'10"	37'10"
90	8'6"	18'0"	24'0"	8'6"	42'0"



B. **Access.**

1. The provision and maintenance of vehicular and pedestrian ingress and egress from private property to the public streets as stipulated in this ordinance are continuing requirements for the use of any structure or parcel of real property in the City of Canby. No building permit or other permits shall be issued until scale plans are presented that show how the ingress and egress requirement is to be fulfilled. Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing ingress and egress requirements, it shall be unlawful and a violation of this ordinance to begin or maintain such altered use until the required increase in ingress and egress is provided.

Findings: *The proposed development meets or exceeds these Requirements. Design drawings will be submitted to the City that demonstrate how the requirements of this section will be met.*

2. The City of Canby encourages joint/shared access. Owners of two (2) or more uses, structures, or parcels of land may agree to, or may be required by the City to, utilized jointly the same ingress and egress when the combined ingress and egress of both uses, structures, or parcels of land satisfies their combined requirements as designed in this ordinance, provided that satisfactory legal evidence is presented to the City Attorney in the form of deeds, easements, leases or contracts shall be placed on permanent files with the city recorder.

Findings: *This criterion does not apply to the proposed development. The proposed development does is not adjacent to a parcel of similar use that would facilitate a shared driveway. The small parcel to the east of the facility is currently occupied by a residential use and it is not desirable from a safety standpoint to attempt to coordinate a shared access with the truck traffic from the proposed operations.*

3. All ingress and egress shall connect directly with public streets.

Findings: *The proposed development meets or exceeds these Required Conditions. The development proposes three ingress and egress driveways connected to public streets. Two of the driveways are off SE 13th Ave. and the third is off S. Sequoia Pkwy.*

4. Vehicular access for residential uses shall be brought to within fifty (50) feet of the ground floor entrances or the ground floor landing of a stairway, ramp or elevator leading to dwelling units.

Findings: *This criterion does not apply to this project. The development does not propose any residential uses or alter access to adjacent residential developments.*

5. Required sidewalks shall extend from the ground floor entrances or the ground floor landing of a stairs, ramps or elevators to the sidewalk or curb of the public street or streets that provide the required access and egress.

Findings: *The proposed development meets or exceeds these Required Conditions. The pedestrian connection to SE 13th Ave. allows for easy pedestrian connection to the internal sidewalk to the main office and allow for efficient ingress/egress to the primary building entrances, without crossing the drive aisle and avoiding industrial operations.*

6. To afford safe pedestrian access and egress for properties within the city, a sidewalk shall be constructed along all street frontages, prior to use or occupancy of the building or structure proposed for said property. The sidewalks required by this section shall be constructed to city standards except in the case of streets with inadequate right-of-way width or where the final street design and grade have not been established, in which case the sidewalks shall be constructed to a design, and in a manner approved by the Site and Design Review Board. Sidewalks approved by Board may include temporary sidewalks and sidewalks constructed on private property; provided, however, that such sidewalks shall provide continuity with sidewalks of adjoining commercial developments existing or proposed. When a sidewalk is to adjoin a future street improvement, the sidewalk construction shall include construction of the curb and gutter section to grade and alignment established by the Site and Design Review Board.

Findings: *The proposed development meets or exceeds these Required Conditions. The development has designed the public sidewalks within the right-of-way to be constructed to meet the applicable City/County design standards. Per comments provided at the Pre-Application Conference, the development will be required to construct public sidewalks along the full frontage of the property along S. Sequoia Ave. and SE 13th Ave. Asphalt transitions will be coordinated with the City prior to construction.*

7. The standards set forth in this ordinance are minimum standards for access and egress, and may be increased through the site and design review process in any particular instance where the standards provided herein are deemed insufficient to protect the public

health, safety and general welfare. (Ord. 890 section 12, 1993; Ord. 1237, 2007; Ord. 1338, 2010)

Minimum Access Requirements			
16.10.070(B)(8): Minimum access requirements for residential uses - ingress and egress for residential uses shall not be less than the following (except that in the case of flag lots, section 16.64.0400) shall apply):			
<i>Dwelling units</i>	<i>Minimum number of accesses required</i>	<i>Minimum access width</i>	<i>Sidewalks & Curbs (in addition to driveways)</i>
1 or 2	1	12 feet	none required
3-19	1	20 feet	Minimum of one sidewalk connection to residences and parking areas; curb required if sidewalk adjacent to driveway.
20-49	Option A: 1 access OR Option B: 2 accesses	20 feet 12 feet	Minimum of one sidewalk connection to residences and parking areas; curb required if sidewalk adjacent to driveway.
50-499	Option A: 1 access OR Option B: 2 accesses	30 feet 20 feet	Curbs required; Minimum of one sidewalk connection to residences and parking areas
Over 500	As required by Site and Design Review Board	As required by Public Works Director	
16.10.070(B)(9): Minimum access requirements for commercial or institutional uses - ingress and egress for commercial uses shall not be less than the following:			
<i>Parking spaces required</i>	<i>Minimum number of accesses required</i>	<i>Minimum access width</i>	<i>Sidewalks & curbs (in addition to driveways)</i>
1-4	1	12 feet	None required
5-99	1	20 feet	Curbs required; sidewalk on one side minimum
100-249	2	20 feet	Curbs required; sidewalk on one side minimum
Over 250	As required by Site and Design Review Board	As required by Public Works Director	
16.10.070(B)(10): Minimum access requirements for industrial uses - ingress and egress for industrial uses shall not be less than the following:			
<i>Parking spaces required</i>	<i>Minimum number of accesses required</i>	<i>Minimum access width</i>	<i>Sidewalks & curbs (in addition to driveways)</i>

1-250	1	24 feet	Curbs required; sidewalks on one side minimum
Over 250	As required by Public Works Director		

Findings: *The proposed development meets or exceeds these Requirements. The development includes 3 accesses greater than 24ft in width.*

8. One-Way Ingress or Egress – The hard surfaced pavement of one-way drives shall not be less than twelve (12) feet for multi-family residential, commercial or industrial uses. (Ord. 1514, 2019)

Findings: *The proposed development meets or exceeds these Requirements. The development includes 3 accesses greater than 24ft in width.*

9. Driveways:

- a. Access to private property shall be permitted with the use of driveway curb cuts. The access points with the street shall be the minimum necessary to provide access while not inhibiting the safe circulation and carrying capacity of the street. Driveways shall meet all applicable guidelines of the Americans with Disabilities Act (ADA). Driveway distance shall be measured from the curb intersection point [as measured for vision clearance area (16.04.670)]. Distances to an intersection shall be measured from the stop bar at the intersection.

Findings: *The proposed development meets or exceeds these Requirements. The proposed driveways will be constructed to the applicable design standards of the governing jurisdiction. S. Sequoia Pkwy. Is located within the City of Canby and SE 13th Ave. is located within Clackamas County, outside of the Urban Growth Boundary (UGB).*

- b. Driveways shall be limited to one per property except for certain uses which include large commercial uses such as large box stores, large public uses such as schools and parks, drive through facilities, property with a frontage of over 250-feet and similar uses.

Findings: *The proposed development meets or exceeds these Requirements. The Proposed site has frontage over 250ft. Additionally, the industrial operations require drive through access at the yard and the building as well as appropriate pedestrian access. The Applicant has identified that the three driveways have been determined to be the minimum required for the proposed use.*

- c. Double frontage lots and corner lots may be limited to access from a single street, usually the lower classification street. Single family residential shall not have access onto arterials, and shall have access onto collectors only if there is no other option.

Findings: *The proposed development has located the necessary driveway accesses to maintain the minimum access spacing requirements outlined by the City. The industrial operations require drive through access at the yard and the building as well as appropriate pedestrian access. The Applicant has identified that the three driveways have been determined to be the minimum required for the proposed use.*

- d. If additional driveways are approved by the City Administrator or designee, a finding shall be made that no eminent traffic hazard would result and impacts on through traffic would be minimal. Restrictions may be imposed on additional driveways, such as limited turn movements, shared access between uses, closure of existing driveways, or other access management actions.

Findings: *The proposed development meets or exceeds these Requirements, having been designed in accordance with the City design standards, with the approval of the City’s planning staff and recommendations outlined in the accompanying Traffic Impact Study. Furthermore, the study demonstrates that traffic hazards will not be created by the proposed drive locations. Applications have also been sent to the County for the applicable Design Modification to the single access requirement at SE 13th Ave.*

- e. Within commercial, industrial, and multi-family areas, shared driveways and internal access between similar uses are encouraged to reduce the access points to the higher classified roadways, to improve internal site circulation, and to reduce local trips or movements on the street system. Shared driveways or internal access between uses will be established by means of common access easements at the time of development.

Findings: *This criterion does not apply to the proposed development. The proposed development does is not adjacent to a parcel of similar use that would facilitate a shared driveway.*

- f. Driveway widths shall be as shown on the following table.

Driveway Widths (Minimum/Maximum, Ft.)

Street Classification	Res.	Comm.	Ind.
Arterial:	NA (1)	12/36	12/36
Industrial:	NA (1)	12/36	12/36
Collector:	12/24 (2)	12/36	12/36
Neighborhood Route:	12/24 (2)	12/36	12/36
Local:	12/24 (2)	12/36	12/36
Cul-de-sac:	12/24 (2)	12/36	12/36
Public Alley	12/24 (2)	NA	NA

Res. =
Residential Zone
Comm. =

Commercial Zone
 Ind. = Industrial
 Zone

- Notes:**
- (1) Special conditions may warrant access.**
 - (2) 28' maximum width for 3-car garage.**

Findings: *The proposed development requests approval to exceed the minimum driveway width and construct 40ft driveway accesses at two locations and a 50ft access at SE 13th Ave. the proposed width of the access is like other previously approved and constructed industrial driveway accesses within the Pioneer Industrial Park. The larger drive access is necessary to accommodate large truck traffic while maintaining required turning limitations.*

g. Driveway spacing shall be as shown in the following table.

Minimum Driveway Spacing

<u>Street Classification</u>	<u>Intersection</u>	<u>Driveway</u>
Arterial (2)	330' (1)	330' (1)
Industrial Streets (2)	100' (1)	100' (1)
Collector (2)	100' (1)	100' (1)
Neighborhood Route	50' (1)(3)	10'
Local (all)	50' (1)(3)	10'
Cul-de-sac	50' (1)(3)	10'
Public Alley	50' (1)(3)	

Notes:

- 1) Minimum distance or no closer than 60% of parcel frontage unless this prohibits access to the site, in which case City Administrator or designee may approve a deviation.**
- 2) Direct access to this street will not be allowed if an alternative exists or is planned.**
- 3) For single-family residential houses, the minimum distance between driveways and an intersection shall be thirty (30) feet.**

Findings: *The proposed development meets or exceeds these Requirements. The proposed driveway at S. Sequoia exceeds the minimum spacing s outlined in this section. Accesses onto county roadways will be reviewed for conformance by Clackamas County.*

h. Curb cuts shall be a minimum of five feet from the property line, unless a shared driveway is installed. Single driveways may be paved up to an adjacent property line

but shall maintain a five (5) foot separation from the side property line where the driveway enters the property. Driveways shall not be constructed within the curb return of a street intersection. Deviations may be approved by the City Administrator or designee.

Findings: *The proposed development meets or exceeds these Requirements. The proposed driveway at S. Sequoia exceeds the minimum spacing s outlined in this section. Accesses onto county roadways will be reviewed for conformance by Clackamas County.*

- i. For roads with a classification of Collector and above, driveways adjacent to street intersections shall be located beyond the required queue length for traffic movements at the intersection. If this requirement prohibits access to the site, a driveway with restricted turn movements may be permitted.

Findings: *The proposed drive at Sequoia Parkway is located approximately 450ft from SE 13th providing more than sufficient queuing for vehicles exiting the drive.*

- j. Multi-family access driveways will be required to meet the same access requirements as commercial driveways if the multi-family site generated 100 or more trips per day.

Findings: *This criterion does not apply to this project. The development does not contain any multi-family driveways.*

- k. For circular type driveways, the minimum distance between the two driveway curb cuts on one single-family residential lot shall be thirty (30) feet. (Ord. 1514, 2019)

Findings: *This criterion does not apply to this project. The development does not contain any residential type circular driveways.*

10. When considering a public facilities plan that has been submitted as part of site and design review plan in accordance with this ordinance, the city Public Works Supervisor may approve the location of a driveway closer than fifty (50) feet from the intersection of collector or arterial streets, based on written findings of fact in support of the decision. Said written approval shall be incorporated into the recommended decision of the City Planner for the site and design review plan under the process set forth.

Findings: *Public improvement plans will be submitted for review as part of this site design review plan. Approval of driveway spacing may be reviewed.*

11. Where an existing alley is 20 feet or less in width, the property line setback abutting the alley shall increase to provide a minimum of 24 feet for maneuvering and backing movements from, garages, carports, or parking areas. (Ord. 890 section 12, 1993; Ord. 872, 1991; Ord. 854 section 2 [part], 1991; Ord 848, Part V, section 16.10.070 (A)(B) 1990; Ord. 955 section 3 & 4 1996; Ord. 981 section 44, 1997; Ord. 1019 section 5, 1999; Ord 1237, 2007; Ord. 1514, 2019)

Findings: *This criterion does not apply to this project. There are no alleys associated with this development.*

16.10.080 STREET TREE PLAN

A Street Tree Plan can be provided in lieu of meeting the requirement of planting a tree every 30 lineal feet of street frontage as stated in Ordinance 1385 Exhibit B. The Street Tree Plan can compensate for driveways, utilities, or other obstructions that inhibit the 30 foot spacing requirement. The requirement for the planting of street trees is required under Chapter 12.32 CMC. (Ord. 854, 1991; Ord. 848, Part VI, section 1, 1990; Ord. 1514, 2019)

Findings: *The proposed development meets or exceeds these Requirements. The landscaping design submitted with the application includes the planting of street trees along S. Sequoia Pkwy in compliance with this requirement. Street trees along SE 13th Ave. will be coordinated with Clackamas County.*

16.10.100 BICYCLE PARKING.

Bicycle parking shall be provided for all multi-family residential, institutional, commercial, and industrial uses.

- A. Dimensions and characteristics: Bicycle parking spaces shall be a minimum of six (6) feet long and two (2) feet wide, and overhead clearance in covered spaces shall be a minimum of seven (7) feet. A minimum five (5) foot aisle for bicycle maneuvering shall be provided and maintained beside or between each row of bicycle parking. Bicycle racks located on a sidewalk shall provide a minimum of two (2) feet between the rack and a wall or other obstacle, and between the rack and curb face. Bicycle racks or lockers shall be securely anchored to the surface or a structure. Bicycle racks located in the Downtown Commercial Zone shall be of the inverted U style (a.k.a. staple racks). See Figure 20 of the Canby Downtown Plan for correct rack placement.

Findings: *The proposed development meets or exceeds these Requirements. The development includes bicycle racks to be constructed to meet the standards of this section.*

- B. Location: Bicycle parking shall be located in well-lit, secure locations within fifty (50) feet of the main entrance to a building, but not further from the entrance than the closest automobile parking space, and in no case further than 50 feet from an entrance when several entrances are involved.

Findings: *The proposed development meets or exceeds these Requirements. The development includes bicycle racks to be constructed near the main entrance to meet the requirements of this section.*

- C. Number of spaces: The bicycle parking standards set out in Table 16.10.100 shall be observed. (Ord. 1019 section 1, 1999; Ord. 1076, 2001)

TABLE 16.10.100 BICYCLE PARKING STANDARD	
LAND USE CATEGORY	MINIMUM REQUIRED BICYCLE PARKING SPACES
Residential Multi-family residential, general Multi-family residential, seniors or with physical disabilities	1 space per unit 4, or 1 space per 5 units, whichever is greater
Institutional Schools – Elementary Schools - Jr. High/Middle School Schools - St. High College Transit Centers/Park & Ride Lots Religious Institutions Hospitals Doctor, Dentist Offices Libraries, Museums, etc.	To be determined through design review To be determined through design review To be determined through design review To be determined through design review 5% of auto spaces (or 100% of demand, depending on accessibility to bicyclists) 1 space per 40 seat capacity 1 space per 5 beds 2, or 1 space per 1000 ft ² , whichever is greater 2, or 1 space per 1000 ft ² , whichever is greater
Commercial Retail Sales Auto-oriented Services Groceries/Supermarkets Offices Restaurants Drive-in Restaurants Shopping Centers Financial Institutions Theaters, Auditoriums, etc. Downtown Commercial Zone	0.33 space per 1000 ft ² , whichever is greater 2, or 0.33 space per 1000 ft ² , whichever is greater 0.33 space per 1000 ft ² 2, or 1 space per 1000 ft ² , whichever is greater 1 space per 1000 ft ² 1 space per 1000 ft ² 0.33 space per 1000 ft ² 2, or 0.33 space per 1000 ² , whichever is greater 1 space per 30 seats 4 spaces per block
Industrial Industrial Park Warehouse Manufacturing, etc.	2, or .1 space per 1000 ft ² , whichever is greater 2, or .1 space per 1000 ft ² , whichever is greater 2, or .15 space per 1000 ft ² , whichever is greater

NOTES:

Each individual use needs to be evaluated for bicycle parking – e.g., a commercial accessory use in an industrial district may have different requirements than the industrial uses around it. Similarly, in mixed-use developments, the amount of each use and required bicycle parking needs" evaluation. Finally, within each use category one needs to consider the different user categories - residents, employees, customers, etc. - and parking requirements for each. (Ord. 1019 section I, 1999; Ord. 1043 section 3, 2000; Ord. 1076, 2001)

Findings: *The proposed development meets or exceeds the Requirements of this section. Exterior bike racks will be provided at the primary employee entrances to the building. See Bicycle Parking Calculations provided in the Narrative.*

16.32 M-1 Light Industrial Zone

16.32.010 USES PERMITTED OUTRIGHT.

Uses permitted outright in the M-1 zone shall be as follows:

- A. Manufacturing, fabricating, processing, compounding, assembling or packaging of products made from previously prepared materials such as cloth, plastic, paper, metal, wood (but not including sawmills or lumber mills), the operation of which will not result in
 - 1. The dissemination of dusts, gas, smoke, fumes, odors, atmospheric pollutants or noise which exceed Oregon Department of Environmental Quality standards
 - 2. Danger by reason of fire, explosion or other physical hazard;
 - 3. Unusual traffic hazards;

***Findings:** The proposed development meets or exceeds the Requirements of this section. The proposed use of steel storage and processing does not surpass the limitation of the ODEQ standards. Noise levels will be monitored by the occupant to continue compliance of these requirements.*

- B. Automobile body shop, or heavy repair shop;
- C. Contractor's equipment or storage yard;
- D. Dwelling for watchman or caretaker working on the property;
- E. Food processing plant;
- F. Fuel distribution, wholesale or retail;
- G. Ice or cold storage plant;
- H. Laundry or dry-cleaning plant;
- I. Lumber yard;
- J. Machinery, farm equipment or implement sales, service or rent;
- K. Motor or rail freight terminal;
- L. Railroad tracks and related facilities;
- M. Restaurant, when related and incidental to primary industrial uses of the area;
- N. Service station, when related and incidental to primary industrial uses of the area;
- O. Stone, marble, or granite cutting;
- P. Tire retreading or recapping;
- Q. Transfer and storage company;
- R. Utility storage or service yard;
- S. Veterinarian's office or animal hospital;
- T. Warehouse;
- U. Wholesale distribution, including warehousing and storage;
- V. Wireless or cellular communications facility/tower;
- W. Other light industrial uses as determined by the Planning Commission;

- X. Business or professional office, when related and incidental to primary industrial uses of the area;
- Y. Public building or uses such as fire station, or park or playground.
- Z. Microcell telecommunications facilities pursuant to the standards and requirements of Chapter 16.55. (Ord. 1539, 2020)
- AA. Collocations pursuant to the standards and requirements of Chapter 16.55 (Ord. 1539, 2020)
- BB. Detached telecommunications facilities (monopole or lattice tower), under 150 feet in height and at least 660 feet from the nearest land zoned or planned for residential use or Highway 99E pursuant to the standards and requirements of Chapter 16.55. (Ord. 1539, 2020)
- CC. Detached telecommunications facilities (monopole), under 100 feet in height and less than 660 feet from the nearest land zoned or planned for residential use or Highway 99E pursuant to the standards and requirements of Chapter 16.55. (Ord. 1539, 2020)
- DD. Detached telecommunications facilities (monopole), equal to or over 150 feet in height and at least 660 feet from the nearest land zoned or planned for residential use or Highway 99E pursuant to the standards and requirements of Chapter 16.55. (Ord. 1539, 2020)
- EE. Minor public facility.
- FF. Brewery: General manufacturing of products included in SIC 208: Beverages. (Ord. 890 section 31, 1993; Ord. 749 section 1(A), 1984, Ord. 740 section 10.3.31(A), 1984; Ord. 995 section 10 & 11, 1996; Ord. 981 section 30 & 31, 1997; Ord. 1019 section 10, 1999; Ord. 1237, 2007; Ord. 1514, 2019)

Findings: *The proposed development meets or exceeds the Requirements of this section. The proposed use of steel storage and processing is coincident with warehouse and industrial uses within the M-1 zone as listed above.*

16.32.030 DEVELOPMENT STANDARDS.

The following subsections indicate the required development standards of the M-1 zone:

- A. Minimum lot area: five thousand square feet

Findings: *The proposed development meets or exceeds the Requirements of this section. The lot area of the proposed development is over 11 acres, exceeding the minimum lot area standard of five thousand square feet.*

- B. Minimum width and frontage: fifty feet;

Findings: *The proposed development meets or exceeds the Requirements of this section and exceeds the minimum frontage width of fifty feet.*

- C. Minimum yard requirements:

- 1. Street yard: twenty feet where abutting Highway 99E and S. Ivy Street. Gas station canopies shall be exempted from the twenty foot setback requirements. Properties not fronting on Highway 99E or S. Ivy Street shall maintain a 10 foot street yard setback. Sign

setbacks along Highway 99-E and S. Ivy Street are to be measured from the face of the curb rather than the lot line. Where no curb exists, the setback shall be measured from the property line. Other than signs which are nonconforming structures and street banners which have been approved per the requirements of the Uniform Sign Code, no signs will be allowed to be located within, or to project over, a street right-of-way.

Findings: *This criterion does not apply to this project. The development is not located along HWY 99-E or S. Ivy Street.*

2. Interior yard: none, except ten feet where abutting a residential zone.

Findings: *This criterion does not apply to this project. The interior yard of the proposed development is not adjacent to a residential zone. A minimum 10ft setback has been maintained at the lot line abutting the Rural zone to the east.*

3. Rear yard: none, except ten feet where abutting a residential zone.

Findings: *This criterion does not apply to this project. The rear yard of the proposed development is not adjacent to a residential zone.*

D. Maximum building height:

1. Freestanding signs: thirty feet;

Findings: *This criterion does not apply to this project. The development does not include the design of any free-standing signs.*

2. All other structures: forty-five feet.

Findings: *The proposed development meets or exceeds the Requirements of this section, the building height is less than the maximum of 45ft.*

E. Maximum lot coverage: no limit.

F. Other regulations:

1. Vision clearance distances shall be fifteen feet from any alley or driveway and thirty feet from any other street or railroad.

Findings: *The proposed development meets or exceeds these Requirements. The proposed development will maintain vision clearances as outlined in this section.*

2. All setbacks to be measured from the foundation line of the building. Overhangs shall not exceed two feet.

Findings: *The proposed development meets or exceeds these Requirements. The building setback will be maintained as measured from the foundation line of the building. Canopies or overhangs on the building will not exceed two feet.*

3. Prior to issuance of a building permit, wireless/cellular towers require written certification of approval/compliance from the Federal Communications Commission, Federal Aviation Administration and the Oregon Department of Transportation (Department of Aeronautics).

Findings: *This criterion does not apply to this project. The proposed development does not contain any proposed wireless/cellular towers.*

4. Outside storage areas abutting a residential zone shall be screened from view by a site-blocking fence, landscaping, or berm and shall be of such material and design as will not detract from adjacent residences. (Ord. 890 section 33, 1993; Ord. 830 section 11, 12, 1989; Ord. 740 section 10.3.31(C), 1984; Ord. 955 section 12, 1996; Ord. 981 section 51, 1997; Ord. 1237, 2007; Ord. 1514, 2019)

Findings: *The proposed development meets or exceeds these Requirements. The proposed development will have landscape screening of the yard as required by section 16.49.120.G.1. The screening will be a combination of landscaping in conjunction with the street trees, a sight obscuring fence, and include a graded berm to further add screening beyond the minimum requirements.*

16.35 I-O Canby Industrial Area Overlay Zone

16.35.030 USES PERMITTED OUTRIGHT.

Unless limited by sections 16.35.040 or 16.35.045, uses permitted outright in the C-M zone, M-1 zone, and M-2 zone are permitted outright in the I-O zone, subject to the respective zone district boundaries. (Ord. 1008 section 1 [part], 1998; Ord. 1057 section 2 [part], 2000)

Findings: *The proposed development meets or exceeds these Requirements. The proposed steel storage and processing uses for the development are allowed outright within the M-1 zone.*

16.35.040 CONDITIONAL USES.

Unless limited by subsection A below or section 16.35.045, conditional uses permitted in the C-M zone, M-1 zone, and M-2 zone are permitted as conditional uses in the I-O zone, subject to the respective zone district boundaries.

- A. Any proposed site development, change in use, land division, or other action that results in any of the following requires conditional use approval in the I-O zone:
 1. Less than 3 employees per developed acre. For the purposes of this section only, "developed" means all areas used for buildings, landscaping, vehicle maneuvering and parking areas, outdoor storage, and other areas occupied by the use. For the purposes of

this section only, employees means full-time equivalents unless the City specifically allows other interpretations;

Findings: *The proposed development does not meet the minimum requirements of this section. Please see the concurrent Conditional Use application further outlining the deficiency.*

2. More than 60 acres total in I-O zoning that is occupied by a single use or business. For the purposes of this section, businesses classified in the same NAICS industry group (four-digit code) are considered to be in the same use. This section is intended to apply cumulatively to all properties in the zone;

Findings: *The proposed development will meet these Requirements. The proposed e-commerce development does not contain a development area greater than 60 acres.*

3. Utilization of any public service or utility to such an extent that the utility would not be able to supply all other uses projected in its current long-range plans;

Findings: *The proposed development will meet these Requirements. The development will utilize City utilities but will not adversely impact the supply for future developments.*

4. Uses requiring an H occupancy under the Oregon Structural Specialty Code;

Findings: *The proposed development will meet these Requirements. The development does not propose an H occupancy.*

5. In any C-M zoning overlain by I-O zoning, any retail or commercial use with a building footprint exceeding 50,000 square feet;

Findings: *The proposed development will meet these Requirements. The proposed development does not propose a retail or commercial use.*

6. In any M-1 or M-2 zoning overlain by I-O zoning, any retail or commercial use not related to or supportive of the primary industrial use of the park; or

Findings: *The proposed development will meet these Requirements. The proposed use of steel storage and processing is directly related and supportive of the industrial uses within the park.*

7. In any M-1 or M-2 zoning overlain by I-O zoning, retail areas occupying more than 15% of the building footprint.

Findings: *The proposed development will meet these Requirements. The development does not propose any retail uses. The uses will be limited to steel storage, steel processing and ancillary office space.*

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

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

These criteria are in addition to those provided in Section 16.50.010. In all other aspects, the conditional use process shall be as specified in Chapter 16.50. (Ord 1008 section 1 [part], 1998, Ord. 1057 section 2 [part], 2000; Ord. 1237, 2007; Ord. 1514, 2019).

Findings: *This criterion does not apply to this project. The reduction of required Limited employee counts are due to the nature of the operations. The large site area is primarily used for storage and processing of steel. Employee tasks onsite are mainly crane and equipment operation and do not require large numbers of manual employment.*

16.35.050 DEVELOPMENT STANDARDS.

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

A. Minimum lot area: none.

Findings: *The proposed development meets these Requirements. No Restriction.*

B. Minimum lot width and frontage: none.

Findings: *The proposed development meets these Requirements. No Restriction.*

C. Minimum yard requirements (measured from building foundation to right-of-way line):

1. Street yards(s): 20 feet for buildings up to 25 feet in height; 35 feet for buildings between 25 feet and 45 feet in height. Parking and internal drives (except curb cuts and entrance drives) are prohibited within the required 20 foot street yard.

Findings: *The proposed development meets these Requirements. The building height at the office has been limited to 25ft to maintain the minimum setback of 20ft to maximize the building footprint. All parking has been designed to maintain the 20ft setback as well. The warehouse is over 25ft tall and will maintain a minimum of 35ft setback. The overall height does not exceed 45ft.*

2. Interior yard: 10 feet, except 20 feet where abutting a residential zone. Common-wall lot lines (attached buildings), and development which provide shared parking and circulation with abutting developments, are exempt from interior yard standards.

Findings: *The proposed development meets these Requirements. The side yard setbacks meet the minimum 10-foot requirement.*

3. Rear yard: 10 feet, except 20 feet where abutting a residential zone. Common-wall lot lines (attached buildings), and development which provide shared parking and circulation with abutting developments, are exempt from interior yard standards.

Findings: *The proposed development meets these Requirements. The rear yard setbacks meet the minimum 10-foot requirement.*

- D. Maximum building height: 45 feet.

Findings: *The proposed development meets these Requirements. The proposed building is below the maximum 45ft height.*

- E. Maximum lot coverage: 60 percent in the C-M zone; none in the M-1 and M-2 zones.

Findings: *The proposed development meets these Requirements. The development is within the M-1 zone: No restrictions.*

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

Findings: *The proposed development meets these Requirements. The proposed driveways exceed the minimum spacing requirements of this section and section 16.10.070.*

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

Findings: *The proposed development meets these Requirements. Street right-of-way improvements are limited to street trees, landscape planter and sidewalk at S. Sequoia Pkwy. These improvements will be done in accordance with the TSP.*

- H. Building orientation standards. The following standards are intended to ensure direct, clear, and convenient pedestrian access:

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

Findings: *The building has been oriented to minimize the parking lot area between the building and the street as outlined in the city design guidelines and the design review matrix in section 16.35.070. Due to the topographic constraints of the site, it is not convenient to orient the entrance opposite of the building from the parking lot. The main entrance to the office has been oriented to face the main driveway access and parking area to direct pedestrian auto traffic to the entrance. The pedestrian connection is provided with direct access from the street to the main entrance.*

2. Developments within the C-M zone shall provide continuous, straight-line pedestrian connections between the street(s), buildings, and parking areas.

Findings: *This criterion does not apply to this project. The proposed development does not lie within the C-M zone.*

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

Findings: *The proposed development meets or exceeds these Requirements. The proposed development is designed to include street trees and ground cover within the ROW plantings which shall be approved by the City.*

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

Findings: *The proposed development meets or exceeds these Requirements. The proposed development does not propose the use of metal building finishes.*

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

Findings: *The proposed development meets or exceeds these Requirements. The proposed development includes the addition of street lighting and building lighting to effectively illuminate the pedestrian pathways, parking, drive aisles and loading areas. A photometrics plan has been included with the site plan review submittal.*

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

Findings: *This criterion does not apply to this development. There are no land divisions proposed with this development.*

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

Findings: The proposed development meets these Requirements. The Landscaping plans specify irrigation as required in non-drought tolerant landscape areas.

- N. Other regulations: The C-M zone, M-1 zone, and M-2 zone provide other applicable regulations related to vision clearance, Highway 99E sidewalk width, setback measurement, outside storage, and wireless/cellular tower certification

Findings: The proposed development meets or exceeds these Requirements. The development will meet the requirements of other applicable regulations as referenced above.

- O. Open storage or “laydown yards” shall be screened by a six foot site-obscuring fence or hedge-type vegetation that would become a solid site obscuring barrier within three years of planting. (Ord. 1008 section 1 [part], 1998; Ord. 1237, 2007; Ord. 1299, 2008; Ord. 1514, 2019

Findings: The proposed development meets or exceeds these Requirements. The use being proposed with this development includes a secured yard to be screened on all sides with a galvanized chain-link fence with site obscuring PVC slats. In addition to the site obscuring fence, the yard/fence will be buffered/screened with heavy landscape plantings consisting of a combination of evergreen and deciduous trees/shrubs and an elevated 4ft berm along the yard area at the Sequoia Parkway frontage.

16.35.060 DESIGN GUIDELINES.

The Industrial Area Master Plan provides design guidelines for reviewing development applications. The guidelines, which are incorporated into Table 16.35.040, encourage:

- A. Flexibility to align local streets based on parcelization and development requirements;
- B. Tree retention, planting of large (3-inch) caliper trees, and use of lawn/ground cover planting in front yard setbacks;
- C. Placement of buildings at or near the setback line;
- D. Placement of parking areas to the side or rear of buildings;
- E. Placement of smaller commercial buildings at or near the street;
- F. Building entries visible from the street with direct pedestrian connections;
- G. Use of quality building materials;
- H. Architectural detail to break up and articulate large surfaces and volumes, and to accentuate building entries; and

- I. Open space retention and trail connections, as designated by the Master Plan. (Ord. 1008, section 1 [part], 1998)

Findings: *The proposed development has utilized the Industrial Area Master Plan design guidelines to assist in planning to maximize as many of the City goals as possible while maintaining the useability of the site of the prospective occupants.*

16.35.070 I-O DESIGN REVIEW MATRIX.

The City uses the following matrix to evaluate compliance with the I-O design guidelines. The matrix substitutes for the general design review matrix provided in Chapter 16.49. Design review applications must comply with all other applicable provisions of Chapter 16.49, and achieve scores equal to or greater than the minimum acceptable scores in the matrix. (See Master Plan for illustrations.)

- A. Exception: The City may reduce the minimum acceptable score(s) upon finding that certain provisions do not apply to a proposed development.

**Industrial Overlay Design Review Matrix
Table 16.35.040
CRITERIA**

	Possible Scores		
<u>Parking</u>			
Parking areas located to the side or rear of buildings as viewed from public right-of-way: <50% of parking spaces=0; 50%-75%=1; 75%-100%=2.	0	1	2
Increase minimum interior parking lot landscape over the base 15%: 15%-18%=0; 18%-22%=1; >22%=2.	0	1	2
Increase the base number of trees required by 16.49.120 (all landscape islands must contain 1 tree, 1 tree for every 40' along the required setback): 100%-105% of base requirement=0; 105%-110% of base requirement=1;>110%=2; (# of trees proposed/# of trees required x100=% of base requirement)	0	1	2
Number of parking spaces provided: (% of required minimum): >110%=0; 110%-105%=1; 105%-100%=2. See Table 16.10.050 for required parking. (# of spaces proposed/# of spaces required x100=% of required minimum)	0	1	2
Minimum Acceptable Score	4 points		
	Total: 4 Points		

<u>Landscaping</u>			
Trees installed at 3 inch caliper: <25% of trees=0; 25%-50%=1; 50%-100%=2.	0	1	2
Usable outdoor amenity provided with development (e.g., water features, plazas, seating areas, and similar features): no=0; yes=1; yes and for public use =2.	0	1	2
Amount of grass (less grass is better) (% of total landscaped area)>50%=0; 25%- 50%=1; <25%=2	0	1	2

Minimum Acceptable Score	3 points	Total: 3 Points
<u>Building Appearance and Orientation</u>		
Building orientation at or near the street: parking or drive separates building from street=0; at least 20% of elevation within 5 feet of minimum setback=1; at least 20% of elevation is at minimum setback=2.	0 1 2	
Building entrances visible from the street: no=0; yes=1.	0 1	
Buildings use quality materials: concrete, wood, or wood siding=0; concrete masonry, stucco, or similar material=1; brick or stone=2.	0 1 2	
Articulation and/or detailing to break up large building surfaces and accentuate the building entrance(s): no=0; yes=2.	0 2	
Minimum Acceptable Score	4 points	Total: 4 Points

16.43 Outdoor Lighting Standards

16.43.030 APPLICABILITY.

The outdoor lighting standards in this section apply to the following:

- A. New uses, buildings, and major additions or modifications:
 - 1. For all proposed new land uses, developments, buildings, and structures that require a building permit, all outdoor lighting fixtures shall meet the requirements of this Code.
 - 2. All building additions or modifications of fifty (50) percent or greater in terms of additional dwelling units, gross floor area, or parking spaces, either with a single addition or cumulative additions, shall meet the requirements of this Code for the entire property, including previously installed and any new outdoor lighting.
- B. Minor additions. Additions or modifications of less than fifty (50) percent to existing uses, in terms of additional dwelling units, gross floor area, or parking spaces, shall meet the requirements of this Code with regard to shielding and lamp type for all new lighting.

16.43.040 LIGHTING ZONES.

- A. Zoning districts designated for residential uses (R-1, R-1.5 and R-2) are designated Lighting Zone One (LZ 1). All other zoning districts are designated Lighting Zone Two (LZ 2).

Findings: *The proposed development is zoned M-1.*

- B. The designated Lighting Zone of a parcel or project shall determine the limitations for lighting as specified in this ordinance.

Table 16.43.040 Lighting Zone descriptions

Zone	Ambient Illumination	Representative Locations

LZ 1	Low	Rural areas, low-density urban neighborhoods and districts, residential historic districts. This zone is intended to be the default for residential areas.
LZ 2	Medium	High-density urban neighborhoods, shopping and commercial districts, industrial parks and districts. This zone is intended to be the default condition for commercial and industrial districts in urban areas.

Findings: *The proposed development will follow the Zone Two (LZ 2) requirements.*

16.43.060 PROHIBITED LIGHT AND LIGHTING.

- A. All outdoor light sources, except street lights, shall be shielded or installed so that there is no direct line of sight between the light source or its reflection at a point 3 feet or higher above the ground at the property line of the source. Light that does not meet this requirement constitutes light trespass. Streetlights shall be fully shielded. However, the applicant is permitted to have some unshielded lighting if lumens are within the limits of Table 16.43.070 below.

Findings: *The proposed development meets or exceeds these Required Conditions. The proposed development includes a lighting design that is sensitive to the light trespass requirements outlined in this section. The street lighting will be provided in accordance with the Canby Utility design standards and will also meet the requirements of this section.*

- B. The following lighting systems are prohibited from being installed or used except by special use permit:.

- 1. Aerial Lasers.

Findings: *The proposed development meets or exceeds these Requirements. The development does not include "aerial lasers".*

- 2. "Searchlight" style lights.

Findings: *The proposed development meets or exceeds these Requirements. The development does not include "searchlight" style lights.*

- 3. Other very intense lighting, defined as having a light source exceeding 5200 lumens.

Findings: *The proposed development meets or exceeds these Requirements. The development does not include lighting having a light source that exceeds 5200 lumens.*

16.43.070 LUMINAIRE LAMP LUMENS, SHIELDING, AND INSTALLATION REQUIREMENTS.

- A. All outdoor lighting shall comply with the limits to lamp wattage and the shielding requirements in Table 16.43.070 per the applicable Lighting Zone. These limits are the upper limits. Good lighting design will usually result in lower limits.

Findings: *The proposed development meets or exceeds these Requirements. This application includes a site lighting plan specifying lighting fixtures that comply with the requirements of this section. 'Good lighting' design applications will be utilized where possible.*

- B. The city may accept a photometric test report, lighting plan, demonstration or sample, or other satisfactory confirmation that the luminaire meets the requirements of the shielding classification.

Findings: *The proposed development meets or exceeds these Requirements. This application includes a photometrics plan with lighting fixture specification and cut sheets outlining the luminaires used to meet the requirements of this section.*

- C. Such shielded fixtures must be constructed and installed in such a manner that all light emitted by the fixture complies with the specification given. This includes all the light emitted by the fixture, either directly from the lamp or by a diffusing element, or indirectly by reflection or refraction from any part of the fixture. Any structural part of the fixture providing this shielding must be permanently affixed.

Findings: *The proposed development meets or exceeds these Requirements. This application includes a photometrics plan with lighting fixture specification and cut sheets outlining the luminaires used to meet the requirements of this section.*

- D. All canopy lighting must be fully shielded. However, indirect upward light is permitted under an opaque canopy provided that no lamp or vertical element of a lens or diffuser is visible from beyond the canopy and such that no direct upward light is emitted beyond the opaque canopy.

Findings: *The proposed development meets or exceeds these Requirements. This application includes a photometrics plan with lighting fixture specification and cut sheets outlining the luminaires used to meet the requirements of this section.*

- E. Landscape features shall be used to block vehicle headlight trespass while vehicles are at an external point of service (i.e. drive-thru aisle).

Findings: *The proposed development meets or exceeds these Requirements. The development includes a landscape design that screens the parking spaces with regards to light trespass from vehicle head lights. No external point of service is proposed.*

- F. All facade lighting must be restricted to the facade surface. The margins of the facade shall not be illuminated. Light trespass is prohibited.

Findings: *The proposed development meets or exceeds these Requirements. The development does not propose façade lighting. Building wall pack lighting, pole mounted lights, and down lights at the craneways are the types of on-site lighting proposed with this development. Street lighting in accordance with the City Standards will also be provided.*

Table 16.43.070 – Luminaire Maximum Lumens and Required Shielding

Lighting Zone	Fully Shielded	Shielded	Partly Shielded	Unshielded (Shielding is highly encouraged. Light trespass is prohibited.)
LZ 1	2600 lumens or less	800 lumens or less	None Permitted	Low voltage landscape lighting and temporary holiday lighting.
LZ 2	7800 lumens or less	1600 lumens or less	800 lumens or less	Landscape and facade lighting 1600 lumens or less; ornamental lights of 800 lumens or less.

16.43.080 HEIGHT LIMITS.

Pole and surface-mounted luminaires under this section must conform with Section 16.43.070.

- A. Lighting mounted onto poles or any structures intended primarily for mounting of lighting shall not exceed a mounting height of 40% of the horizontal distance of the light pole from the property line, nor a maximum height according to Table 16.43.080, whichever is lower. The following exceptions apply:
 1. Lighting for residential sports courts and pools shall not exceed 15 feet above court or pool deck surface.
 2. Lights specifically for driveways, and then only at the intersection of the road providing access to the site, may be mounted at any distance relative to the property line, but may not exceed the mounting height listed in Table 16.43.080.
 3. Mounting heights greater than 40% of the horizontal distance to the property line but no greater than permitted by Table 16.43.080 may be used provided that the luminaire is side-shielded toward the property line.
 4. Landscape lighting installed in a tree. See the Definitions section.
 5. Street and bicycle path lights.

Findings: *The proposed development meets or exceeds these Requirements. Site Lighting has been proposed in accordance and below the height and setback limitation of this section.*

- B. Lighting mounted onto buildings or other structures shall not exceed a mounting height greater than 4 feet higher than the tallest part of the building or structure at the place where the lighting is installed, nor higher than 40% of the horizontal distance of the light from the property line, whichever is less. The following exceptions apply:
 - 1. Lighting attached to single family residences shall not exceed the height of the eave. Lighting for driveways shall conform to Table 16.43.080.
 - 2. Lighting for facades may be mounted at any height equal to or less than the total height of the structure being illuminated regardless of horizontal distance to property line.
 - 3. For buildings less than 40 feet to the property line, including canopies or overhangs onto the sidewalk or public right of way, luminaires may be mounted to the vertical facade or the underside of canopies at 16 feet or less.
 - 4. The top exterior deck of parking garages should be treated as normal pole mounted lighting rather than as lights mounted to buildings. The lights on the outside edges of such a deck must be side shielded to the property line.

43.080 – Maximum Lighting Mounting Height in Feet

Lighting Zone	Lighting for Driveways, Parking and Transit	Lighting for Walkways, Plazas and other Pedestrian Areas	All Other Lighting
LZ 1	35.0	18.0	8.0
LZ 2	37.5	18.0	15.0

Findings: *The proposed development meets or exceeds these Requirements. Site Lighting has been proposed in accordance with the limits of this section and below the height and setback maximums.*

16.43.110 LIGHTING PLAN REQUIRED

A lighting plan shall be submitted with the development or building permit application and shall include:

- A. A site plan showing the location of all buildings and building heights, parking, and pedestrian areas.

- B. The location and height (above grade) of all proposed and existing luminaires on the subject property.
- C. Luminaire details including type and lumens of each lamp, shielding and cutoff information, and a copy of the manufacturer's specification sheet for each luminaire.
- D. Control descriptions including type of control (time, motion sensor, etc.), the luminaire to be controlled by each control type, and the control schedule when applicable.
- E. Any additional information necessary to demonstrate compliance with the standards in this section. (Ord.1338, 2010)

Findings: *The proposed development meets or exceeds these Requirements. This application includes a photometrics plan with the lighting fixture specification showing the luminaires used meet the requirements of this section.*

16.46 Access Limitations on Project Density

16.46.020 INGRESS AND EGRESS.

Ingress and egress to any lot or parcel, the creation of which has been approved by the Planning Commission, shall be taken along that portion fronting on a public street unless otherwise approved by the Planning Commission.

- A. Vision Clearance:
Vision clearance distance shall be ten feet from a street to an alley or a street to a driveway and thirty feet from a street to any other street.

Findings: *The proposed development meets or exceeds these Requirements. Vision clearances shall be maintained on regular basis.*

- B. Where an existing alley is 20 feet or less in width, the setback abutting the alley shall increase to provide a minimum of 24 feet for maneuvering and backing movements from, garages, carports, or parking areas. (Ord. 740 section 10.3.62, 1984; Ord. 1514, 2019)

Findings: *This criterion does not apply to this development. The Proposed development is not adjacent to an alley.*

16.46.030 ACCESS CONNECTION.

- A. Spacing of accesses on City streets. The number and spacing of accesses on City streets shall be as specified in Table 16.46.030. Proposed developments or land use actions that do not comply with these standards will be required to obtain an access spacing exception and address the joint and cross access requirements of this Chapter. (Ord. 1043 section 3, 2000; Ord. 1076, 2001; Ord. 1237, 2007)

TABLE 16.46.30

Access Management Guidelines for City Streets*

Street Facility	Maximum spacing** of roadways	Minimum spacing** of roadways	Minimum spacing** of roadway to driveway***	Minimum Spacing** driveway to driveway***
Arterial	1,000 feet	660 feet	330 feet	330 feet or combine
Collector	600 feet	250 feet	100 feet	100 feet or combine
Neighborhood/Local	600 feet	150 feet	50 feet****	

- * Exceptions may be made in the downtown commercial district, if approved by the City Engineering or Public Works Department, where alleys and historic street grids do not conform to access spacing standards.
- ** Measured centerline on both sides of the street
- *** Private access to arterial roadways shall only be granted through a requested variance of access spacing policies when access to a lower classification facility is not feasible (which shall include an access management plan evaluation).
- **** Not applicable for single-family residential driveways; refer to section 16.10.070(B)(10) for single-family residential access standards

Note: Spacing shall be measured between access points on both sides of the street. (Ord. 1340, 2011)

***Findings:** The proposed development meets or exceeds these Requirements and the requirements outlined in Section 16.35.050.F.*

16.46.035 RESTRICTED ACCESS.

The City may allow an access to a City street that does not meet the spacing requirements of Table 16.46.030 if the proposed access is restricted (prevents certain turning movements). The City may require an applicant to provide an engineered traffic study, access management plan, or other information as needed to demonstrate that the roadway will operate within the acceptable standards with the restricted access in place. (Ord. 1237, 2007). Access to OR 99E shall be regulated by ODOT through OAR 734.51. (Ord. 1340, 2011)

16.46.040 JOINT AND CROSS ACCESS.

Any developments requiring site plan review that do not meet access spacing requirements are subject to these requirements. In these cases, the following information shall be shown on the site plan.

- A. Adjacent commercial or office properties classified as major traffic generators (e.g. shopping plazas, office parks), shall provide a cross access drive and pedestrian access to allow circulation between sites.

***Findings:** This criterion does not apply to this development. There are no major traffic generators adjacent to this development.*

- B. A system of joint use driveways and cross access easements shall be established wherever feasible and shall incorporate the following:

1. A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards;
 2. A design speed of 10 mph and a minimum width of 20 feet to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles;
 3. Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive;
 4. A unified access and circulation system plan for coordinated or shared parking areas is encouraged.
- C. Shared parking areas may be permitted a reduction in required parking spaces if peak demands do not occur at the same time periods.
- D. Pursuant to this section, property owners shall:
1. Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive;
 2. Record an easement with the deed that remaining access rights along the roadway will be dedicated to the city and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;
 3. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.
- E. The City may reduce required separation distance of access points where they prove impractical, provided all of the following requirements are met:
1. Joint access driveways and cross access easements are provided in accordance with this section.
 2. The site plan incorporates a unified access and circulation system in accordance with this section.
 3. The property owner enters into a written agreement with the city, recorded with the deed, that pre-existing connections on the site will be closed and eliminated after construction of each side of the joint use driveway.
- F. The Planning Department may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make a development of a unified or shared access and circulation system impractical. (Ord. 1043 section 3, 2000)

16.46.070 EXCEPTION STANDARDS.

- A. An exception may be allowed from the access spacing standards if the applicant can provide proof of unique or special conditions that make strict application of the provisions impractical. Applicants shall include proof that:
1. Indirect or restricted access cannot be obtained;
 2. No engineering or construction solutions can be reasonably applied to mitigate the condition; and
 3. No alternative access is available from a street with a lower functional classification than the primary roadway.

- B. Access Management Plan Required. An applicant requesting an access exception may be required to submit an access management plan. The access management plan shall explain the need for the modification and demonstrate that the modification maintains the classified function and integrity of the facility. An access management plan shall be prepared and certified by a traffic or civil engineer registered in the State of Oregon. An access management plan shall at minimum contain the following:
1. The minimum study area shall include the length of the site's frontage plus the distance of the applicable access spacing standard, measured from each property line or access point(s), whichever is greater. For example, a property with 500 feet of frontage on an arterial (required 660 foot access spacing standard) shall have a minimum study area which is 1,820 feet in length.
 2. The potential safety and operational problems associated with the proposed access point. The access management plan shall review both existing and future access for all properties within the study area as defined above.
 3. A comparison of all alternatives examined. At a minimum, the access management plan shall evaluate the proposed modification to the access spacing standard and the impacts of a plan utilizing the City standard for access spacing. Specifically, the access management plan shall identify any impacts on the operations and/or safety of the various alternatives.
 4. A list of improvements and recommendations necessary to implement the proposed access modification, specifically addressing all safety and operational concerns identified.
 5. References to standards or publications used to prepare the access management plan.
- C. The granting of the exception shall be in harmony with the purpose and intent of these regulations and shall not be considered until every feasible option for meeting access standards is explored.
- D. No exception shall be granted where such hardship is self-created.
- E. Reasons for denying access spacing exception applications include, but are not limited to, traffic safety concerns, expected or planned traffic increases due to development or road construction, and emergency service provision issues. (Ord. 1043 section 3, 2000; Ord 1237, 2007; Ord. 1340, 2011)

Findings: *The proposed primary access at SE 13th is within 60ft of the existing drive that serves the neighboring property to the east. Following discussions with Clackamas County, the County was not concerned with the access spacing of these drives due to the low volume anticipated with the existing residential use. This is also addressed in the TAL provided by*

DKS and within the associated correspondence with the County outlined in the Design Modification.

16.46.080 STATE HIGHWAY STANDARDS.

- A. Refer to the Motor Vehicle Chapter of the Transportation System Plan. ODOT regulates access to OR 99E. ODOT shall review and process applications for approaches to OR 99E consistent with Oregon Highway Plan standards and OAR 734.51 procedures. An ODOT permit to operate and maintain a State Highway Approach must be approved prior to site occupancy.

***Findings:** This criterion does not apply to this development. The Proposed development does not propose any approaches onto OR 99E. The city's traffic consultant DKS, provided the traffic scoping letter and has completed the TAL.*

16.46.090 SHARED ACCESS ONTO STATE HIGHWAY.

- A. Subdivisions with frontage on the state highway system shall be designed into shared access points to and from the highway. Normally, a maximum of two accesses shall be allowed regardless of the number of lots or businesses served. If access off of a secondary street is possible, then access should not be allowed onto the state highway. If access off of a secondary street becomes available, then conversion to that access is encouraged, along with closing the state highway access.

***Findings:** This criterion does not apply to this development. The Proposed development does not propose any approaches onto any State highway.*

- B. New direct accesses to individual one and two family dwellings shall be prohibited on all state highways, unless doing so would deny reasonable access to an existing legal lot of record. (Ord 1043 section 3, 2000)

***Findings:** This criterion does not apply to this development. The Proposed development does not propose any residential approaches.*

16.49 Site and Design Review

16.49.030 SITE AND DESIGN REVIEW PLAN APPROVAL REQUIRED.

- A. The following projects require site and design review approval, except as exempted in B below:
 - 1. All new buildings.
 - 2. All new mobile home parks.
 - 3. Major building remodeling above 60% of value.

4. Addition of more than 5,000 square feet of additional gross floor area in a one year period.
5. Construction activity which causes a decrease in pervious area in excess of 2,500 square feet in a one year period.

None of the above shall occur, and no building permit for such activity shall be issued, and no sign permit shall be issued until the site and design review plan, as required by this Ordinance, has been reviewed and approved by the Board and their designees for conformity with applicable criteria.

Findings: *The proposed development meets these Requirements, and this application serves as the application for site and design review type III for the construction of a new building.*

- B. The following are exempt from site and design review (but still may require a site plan review and/or building permit):
1. Signs that are not a part of a reviewable development project. Signs that are a part of a reviewable development project, and that are proposed more than two (2) years beyond the final occupancy of the reviewed development.
 2. Alterations or remodeling that do not change the exterior of the building.
 3. Temporary public structures which will be removed within two (2) years of placement.
 4. Commercial and industrial accessory structures under 500 square feet.
 5. Temporary commercial tent/canopy structures, which meet the Uniform building or Fire Code, and which will be removed within thirty (30) days of placement.
 6. Temporary Vendor activity permitted pursuant to Section 16.08.140.
 7. Parking lot or paving projects. If no buildings or structures are involved, paving or parking lot development in excess of 2,500 square feet of impervious surface is exempted from a Type III site and design review. However, parking lot and paving projects in excess of 2,500 square feet of impervious surface require Type I site plan review. All new paved areas and parking lots in excess of 2,500 square feet must meet the requirements of Section 16.49.150.
 8. Single family or two-family dwellings and their accessory structures, and any alterations or remodeling thereof.
 9. Minor public facilities.

10. Approved Public Art Murals as defined in CMC Chapter 2.80.020.

Findings: *These exceptions do not apply to this project and this application serves as the application for site and design review type III for the construction of a new building.*

C. Construction, site development and landscaping shall be carried out in substantial accord with the approved site and design review plan. Review of the proposed site and design review plan and any changes thereto shall be conducted in accordance with site and design review procedures.

Findings: *The proposed development will meet these Requirements. Design construction shall be completed in accordance with site and design review procedures.*

D. No fence/wall shall be constructed throughout a project that is/was subject to site and design review approval where the effect or purpose is to wall said project off from the rest of the community unless reviewed and approved by the Planning Commission. (Ord.. 1315, 2009; Ord.. 1237, 2007; Ord.. 1080, 2001; Ord.. 1019 section 2, 1999; Ord.. 981 sections 52&53, 1997; Ord.. 955 section 23, 1996; Ord.. 890 section 43, 1993; Ord.. 848, Part III, section 1, 1991; Ord.. 1341, 2011)

Findings: *The proposed development meets these Requirements. Sight obscuring fences and landscaping are used to screen secured yard areas as required by this code.*

16.49.040 CRITERIA AND STANDARDS.

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

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

Findings: *The proposed development meets or exceeds these Requirements. The site plan, building architecture and landscaping are in substantial conformance with the development standards.*

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

Findings: *The proposed development meets or exceeds these Requirements. The site plan, building architecture and landscaping is compatible with the designs for other similar developments in the same vicinity.*

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.

Findings: *The proposed development meets or exceeds these Requirements. The site plan, building architecture and landscaping are in substantial conformance with the development standards and is compatible with the designs for other similar developments in the same vicinity.*

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

Findings: *The proposed development meets or exceeds these Requirements. The site has minimized impervious surfaces and has included the LID stormwater management practice of using retention ponds and dry wells to allow onsite stormwater to infiltrate the site and negate impacts to public facilities.*

5. The Board shall, in making its determination of compliance with this Ordinances, shall use the matrix in Table 16.49.040 to determine compatibility unless this matrix is superseded by another matrix applicable to a specific zone or zones under this title. An application is considered to be compatible with the standards of Table 16.49.040 if the following conditions are met:
 - a. The development accumulates a minimum of 60 percent of the total possible number of points from the list of design criteria in Table 16.49.040; and
 - b. At least 10 percent of the points used to comply with (a) above must be from the list of LID Elements in Table 16.49.040.

Findings: *This criterion does not apply to this development. The proposed developments lies within the I-O Industrial Area Overlay. The Design matrix in section 16.35.070 has been used to determine compatibility with the criteria and standards.*

6. Street lights installation may be required on any public street or roadway as part of the Design Review Application.

Findings: *The proposed development meets these Requirements. Street lighting will be included in the public improvement design drawings and submitted to the City Public Works for review and approval.*

16.49.050 CONDITIONS PLACED ON SITE AND DESIGN REVIEW APPROVALS.

A. A site and design review approval may include restrictions and conditions. These restrictions and conditions shall be reasonably conceived to:

1. Protect the public from the potentially deleterious effects of the proposal; and/or
2. Fulfill the need for services created, increased or in part attributable to the proposal; and/or
3. Further the implementation of the requirements of the Canby Municipal Code.

***Findings:** The applicant understands that conditions of approval may be included with the approval of this application.*

B. The following types of conditions may be contemplated, and the listing below is intended to be illustrative only and not to be construed as a limitation of the authority granted by this section.

1. Development Schedule. A reasonable time schedule may be placed on construction activities associated with the proposed development, or any portion thereof.
2. Dedications, Reservation. Dedication or reservation of land, or fee in lieu thereof for park, open space purposes, rights-of-way, bicycle or pedestrian paths, green way, riverbank or easements; the conveyance of title or easements to a homeowners' association.
3. Construction and Maintenance Guarantees. Security from the property owners in such an amount that will assure compliance with approval granted.
4. Plan Modification. Changes in the design or intensity of the proposed development, or in proposed construction methods or practices, necessary to assure compliance with this Ordinance.
5. Off-Site Improvements. Improvements in public facilities, including public utilities, not located on the project site where necessary to assure adequate capacity and where service demand will be created or increased by the proposed development. The costs of such improvements may be paid for in full while allowing for recovery of costs from users on other development sites, or they may be pro-rated to the proposed development in proportion to the service demand projected to be created on increases by the project. If determined appropriate by the city based on specific site conditions, off-site roadway improvements may be required to accommodate bicycle and pedestrian travel consistent with the TSP and applicable sections of this code.
6. Other Approvals. Evaluation, inspections or approval by other agencies, jurisdictions, public utilities or qualified consultants may be required for all or any part of the proposed development.

7. Access Limitation. The number, location and design of street accesses to a proposed development may be limited or specified where necessary to maintain the capacity of streets to carry traffic safely, provided that sufficient access to the development is maintained.
8. Screening. The Planning Commission may require additional screening with landscaping, decorative fencing, decorative walls, or other means in Order to screen outdoor storage areas, rooftop/ground mechanical equipment, garbage/recycling areas, or other visual clutter. (Ord.. 890 section 44, 1993; Ord.. 848, Part III, section 3, 1991; 1340, 2011)

Findings: *The applicant understands that conditions of approval may be included with the approval of this application.*

16.49.060 TIME LIMIT ON APPROVAL.

Site and Design Review Board approvals shall be void after twelve (12) months unless:

- A. A building permit has been issued and substantial construction pursuant thereto has taken place, as defined by the state Uniform Building Code; or
- B. 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)

Findings: *The applicant understands the time frame of the site and design review approval.*

16.49.065 BICYCLE AND PEDESTRIAN FACILITIES.

Developments coming under design review shall meet the following standards:

- A. The internal walkway system shall be extended to the boundaries of the property to adjoining properties developed or zoned for commercial, public, or multi-family uses. The walkway shall connect to an existing walkway system on adjoining property or be located so as to provide for development of a logical connection in the future when the adjoining property is developed or redeveloped.

Findings: *This criterion does not apply to this development. There are no adjoining properties developed or zoned for commercial, public, or multi-family uses.*

- B. On-site facilities shall be provided to accommodate safe and convenient pedestrian and bicycle access within new subdivisions, multi-family developments, planned development, shopping centers, and commercial districts, and connecting to adjacent residential areas and neighborhood activity centers. Residential developments shall include streets with sidewalks and accessways.

Findings: *This criterion does not apply to this development. The proposed development does not include any subdivisions, multi-family developments, planned development, shopping centers, commercial districts, adjacent residential areas or neighborhood activity centers.*

C. For new office parks and commercial development:

1. At least one sidewalk connection between the proposed development and each abutting commercial or office property shall be provided. One connection shall also be provided to each neighborhood.
2. Walkways shall be provided to the street for every 300 feet of developed frontage.
3. Walkways shall be direct with minimal driveway crossings.
4. Walkways shall be linked to the internal circulation of the building.
5. Walkways shall be at least five feet wide and shall be raised, or have different paving materials when crossing driveways or other vehicle maneuvering areas.

Findings: *The proposed development meets or exceeds these Requirements by including a pedestrian via a 5ft wide concrete sidewalk. The single pedestrian connection is limited to the main office to keep pedestrian traffic away from industrial operations.*

D. Use of permeable surfacing materials for walkways is encouraged whenever site and soil conditions make it feasible. Permeable surfacing includes, but is not limited to, paving blocks, turf blocks, and porous asphalt. All permeable surfacing shall be designed, constructed, and maintained in accordance with the Canby Public Works Design Standards.

Findings: *The near surface soils on the site have negligible infiltration capabilities which would render any proposed permeable surfacing unfeasible. All surface water will be collected and filtered through an approved storm water quality system prior to being retained on-site. Storm water retention will include a combination of dry wells and storm chamber systems installed at the depth of the dense gravel which occurs 10ft below grade.*

E. Developments that abut the Molalla Forest Road multi-use path shall provide a pedestrian/bicycle access to the path. The city may determine the development to be exempt from this standard if there is an existing or planned access to the path within 300 feet of the development. (Ord. 1043 section 3, 2000; Ord. 1339, 2010; Ord. 1340, 2011; Ord. 1514, 2019)

Findings: *This criterion does not apply to this development. The proposed development is a crossed S. Sequoia Pkwy. from the Molalla Forest Road. Direct access is not achievable.*

16.49.080 GENERAL PROVISIONS FOR LANDSCAPING

- A. The standards set forth in this section are minimum standards for landscaping.
- B. The purpose of these landscaping standards is to provide uniform standards for the development and maintenance of the landscaping of private property and public rights-of-way. The purpose of landscaping is to improve the livability of residential neighborhoods, enhance the customer attraction of commercial areas, increase property values, improve the compatibility of adjacent uses, provide visual separation and physical buffers between incompatible adjacent land uses, provide visual relief from the expanse of parking lots, screen undesirable views, contribute to the image and appeal of the overall community, and mitigate air and noise pollution.

These standards are also intended to facilitate Low Impact Development (LID) techniques through the retention of existing native vegetation and mature, healthy trees, to the extent feasible. Additional LID related goals of this chapter are to: reduce erosion and storm water runoff; preserve and promote urban wildlife habitats; reduce the amount of carbon dioxide in the air; shade and reduce the temperature of adjacent waterways; and enhance the streetscapes along the city's public rights-of-way with an emphasis on trees and LID stormwater facilities.

- C. The minimum area requirement for landscaping for developments coming under design review shall be the percentage of the total land area to be developed as follows. Parking lot landscaping area is included in calculating the following landscape areas:
1. Fifteen (15) percent for all industrial and commercial zones (except the Downtown-Commercial zone, but including the Commercial-Residential zone).
 2. Seven and one-half (7.5) percent for the Downtown-Commercial zone.
 3. Thirty (30) percent for all residential zones.

Findings: *The proposed development exceeds these Requirements. The proposed industrial development includes more than 15% of landscaping.*

- D. LID stormwater management facilities, such as rain gardens and bioretention areas, may be counted toward the minimum landscaping requirement when they are located on private property. LID facilities in the public right-of-way cannot be counted toward the minimum landscaping requirement. The integration of LID stormwater management facilities within required landscaping must be approved by the city and shall comply with the design and construction standards set forth in the Canby Public Works Design Standards.

Findings: *This exception does not apply. The proposed development will use dry wells and bioretention areas for maintenance and site slope/drainage reasons. Minimum landscape requirements will still be met without the use of this exception.*

- E. Trees and other plant materials to be retained shall be identified on the landscape plan. The Site and Design Review Board encourages the retention, to the extent practicable, of existing healthy trees and vegetation.

Findings: *This criterion does not apply. The proposed development is an old filbert orchard. All hazelnut trees are to be removed with this development. No other vegetation will remain.*

- F. During the construction process:

1. The owner or the owner's agent shall provide above and below ground protection for existing trees and plant materials identified to remain.
2. Trees and plant materials identified for preservation shall be protected by chain link fencing placed around the tree, at the drip line.
3. If it is necessary to fence within the drip line, such fencing shall be specified by a qualified arborist, nurseryman or landscape architect.
4. Neither top soil storage nor construction material storage shall be located within the drip line of trees designated to be preserved.
5. Where site conditions make necessary grading, building, paving, trenching, boring, digging, or other similar encroachment upon a preserved tree's drip line area, such grading, paving, trenching, boring, digging or similar encroachment shall only be permitted under the direction of a qualified arborist, nurseryman or landscape architect. Such direction must assure that the health needs of trees within the preserved area can be met.
6. Tree root ends shall not remain exposed.

Findings: *The proposed will meet these Requirements. Trees adjacent to the property line shall be protected in accordance with the requirement of this section.*

- G. Landscaping under preserved trees shall be compatible with the retention and health of said trees.

Findings: *The proposed will meet these Requirements. Landscaping under preserved Trees adjacent to the property line shall be compatible with the trees.*

- H. When it is necessary for a preserved tree to be moved in accordance with the Tree Ordinance, the landscaped area surrounding said tree or trees shall be maintained and replanted with trees which relate to the present landscape plan, or if there is no landscaping plan, then trees which are complimentary with existing, nearby landscape materials.

Findings: *This criterion does not apply. No preserved trees are to be moved.*

- I. Any required landscaped area shall be designed, constructed, installed and maintained so that within three (3) years, the ground shall be covered by living grass or other plant material. (The foliage crown of trees shall not be used to meet this requirement.) A maximum of five percent of the landscaped area may be covered with bark chips, mulch, or other similar materials. A maximum of five percent of the landscaped area may be covered with rock, stones, walkways, or other similar material acceptable to the Board. Required sidewalks shall not be used to meet the landscaping requirements.

Findings: *The proposed meets these Requirements. The landscape plan will specify landscape areas, trees and plants meeting the requirement of this sections.*

- J. All trees and plant materials shall be healthy, disease-free, damage-free, well-branched stock, characteristic of the species. The use of tree and plant species native to the Pacific Northwest is encouraged. Any new street tree planted must be included on the city's list of approved tree species.

Findings: *The proposed meets these Requirements. The landscape plan will specify health vegetation. At time of substantial completion the architect/engineer will walk the site and notify the contractor of trees and plants that do not meet the requirements of this section.*

- K. Landscaping methods should be guided by the provisions of the most recent edition of the Sunset Western Garden Book or similar publication.

Findings: *The proposed meets these Requirements. The landscape plan will specify landscape areas, trees and plants meeting the requirement of this sections.*

- L. The following guidelines are suggested to insure the longevity and continued vigor of plant materials:
 1. Select and site permanent landscape materials in such a manner as to produce a hardy and drought-resistant landscaped area.
 2. Consider soil type and depth, spacing, exposure to sun and wind, slope and contours of the site, building walls and overhangs, and compatibility with existing native vegetation preserved on the site or in the vicinity.

Findings: *The proposed meets these Requirements. The landscape plan will specify landscape areas, trees and plants meeting the requirement of this sections.*

- M. All plant growth in landscaped areas of developments shall be controlled by pruning, trimming or otherwise, so that:

1. It will not interfere with designated pedestrian or vehicular access; and
2. It will not constitute a traffic hazard because of reduced visibility.
3. It will not hinder solar access considerations.

Findings: *The proposed meets these Requirements. The owner will be responsible for maintaining the landscaping as outlined in the operations and maintenance manual.*

- N. After completion of site grading, topsoil is to be restored to exposed cut and fill areas to provide a suitable base for seeding and planting.

Findings: *The proposed meets these Requirements. Design specifications will include topsoil at the planters that meets these requirements.*

- O. All planting areas shall be graded to provide positive drainage.

Findings: *The proposed meets these Requirements. The grading plan will show proper drainage at all landscape areas.*

- P. Neither soil, water, plant materials nor mulching materials shall be allowed to wash across roadways or walkways. (Ord.. 890 section 49, 1993; Ord.. 854 section 1, 1991; Ord.. 848, Part IV, section 2, 1990; Ord.. 955 section 26, 1996; Ord. 1237, 2007; Ord.. 1338, 2010)

Findings: *The proposed meets these Requirements. The owner will be responsible for maintaining the landscaping as outlined in the operations and maintenance manual.*

16.49.090 SPECIFICATIONS FOR TREE AND PLANT MATERIALS.

- A. Deciduous Trees. Deciduous shade and ornamental trees shall be a minimum of two inch (2") caliper, measured six inches (6") above ground, balled and burlapped. Bareroot trees will be acceptable to plant during their dormant season. Trees shall be well branched and characteristically shaped specimen.
- B. Coniferous Trees. Coniferous trees shall be a minimum five feet (5') in height above ground, balled and burlapped. Trees shall be well branched and characteristically shaped specimen.
- C. Evergreen and Deciduous Shrubs. Evergreen and deciduous shrubs shall be at least one (1) to five (5) gallon size. Shrubs shall be characteristically branched. Side of shrub with best foliage shall be oriented to public view.
- D. Ground covers. Ground covers shall be fully rooted and shall be well branched or leafed.

- E. Lawns. Lawns shall consist of grasses, including sod, or seeds of acceptable mix within the local landscape industry. Lawns shall be 100 percent coverage and weed free. (Ord.. 890 section 46, 1993; Ord.. 848, Part IV, section 3, 1990)

***Findings:** The proposed meets these Requirements. The landscape plan will specify landscape areas, trees and plants meeting the requirement of this sections.*

16.49.100 LANDSCAPING INSTALLATION AND MAINTENANCE.

- A. Except as allowed by subsection (2), all landscaping and exterior improvements required as part of the site and design review approval shall be completed prior to the issuance of any certificate of occupancy.
- B. A temporary certificate of occupancy may be issued prior to the complete installation of all required landscaping and exterior improvements if security equal to 110 percent of the cost of the landscaping and exterior improvements, as determined by the Site and Design Review Board or City Planner, is filed with the city, assuring such installation within a time specified by the Board, but not to exceed six (6) months after occupancy. The applicant shall provide the cost estimates of landscaping materials and installation to the satisfaction of the Site and Design Review Board, City Planner, or city forester, prior to approval of the security. Security may consist of a faithful performance bond payable to the City of Canby, cash, certified check, time certificate of deposit, or assignment of a savings account; and the form shall meet with the approval of the City Attorney. If the installation of the landscaping or other exterior improvements is not completed within the period specified by the Board or City Planner, the security may be used by the city to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the city shall be returned. The final landscape and exterior improvement inspection shall be made prior to any security being returned. Any portion of the plan not installed, not installed properly, or not properly maintained shall cause the inspection to be postponed until the project is completed, or shall cause the security to be used by the city.
- C. All landscaping approved through the site and design review process shall be continually maintained, including necessary watering, weeding, pruning and replacement, in a manner substantially similar to that originally approved by the Site and Design Review Board, unless later altered with Board approval. (Ord.. 890 section 47, 1993; Ord.. 848, Part IV, section 4, 1990)

16.49.110 LANDSCAPE AREA CREDIT FOR PRESERVATION OF EXISTING TREES AND TREE GROVES.

- A. Policy. It being the policy of the City of Canby to preserve healthy, mature trees wherever possible within its city limits, a system of landscape area credits is hereby established as an incentive for property owners and developers to preserve existing healthy, mature trees and to include them in the landscape plan for a proposed development.
- B. Purpose. The primary goal of the landscape credit is to prevent haphazard removal and destruction of trees and tree groves, in Order to preserve the ecological health, aesthetic character, and quality of life in Canby. Tree retention provides substantial benefits, including

but not limited to erosion prevention, reduction in storm-water runoff, improved water and air quality, energy conservation, carbon sequestration, reductions in the development impacts on the stormwater drainage system, and better transition between adjacent land uses.

C. Landscape Credit.

1. Program for Landscape Credit. One hundred percent (100%) of the area preserved under any mature, healthy tree or grove of trees retained in the landscape (as approved by the Site and Design Review Board) may be counted directly toward the percentage of landscaping required for a development.

Findings: *Credit is not applicable to this development. The existing hazelnut trees from the orchard will be removed.*

2. Limit to Landscape Area Credit.

- a. Landscape credit for preserved trees or tree groves shall not eliminate or reduce the landscaping requirements pertaining to parking lots, buffering, and screening.
- b. Landscape credits for individual trees shall not comprise more than 40 percent of the total landscape requirement. For example, in districts requiring 15 percent landscaping, preserved tree area shall not count toward more than 9 percent of the requirement).
- c. Landscape credits for preserved tree groves shall not comprise more than 60 percent of the total landscape requirement. A grove is defined as a stand of three or more healthy, mature trees located close together to provide some overlap in canopy coverage.

Findings: *Credit is not applicable to this development.*

3. Trees Near a Property Line:

- a. When the drip line of a tree extends beyond the owner's property line, credit can be granted for that portion of the drip line within the property line if that area exceeds 75 percent of the total drip line area. Trees so close to the property line that their drip line area is less than 75 percent of the total, can only be given credit if a qualified arborist, nurseryman or landscape architect can assure the survival of the tree and its long term health if root damage is sustained by future development on the adjacent property.
- b. Where trees have been preserved near a property line, such that the drip line of the tree spreads onto adjacent property, credit can be obtained by the adjacent property owner for protection of the drip line area that extends onto that adjacent property.

Findings: *This criterion does not apply to this development. Trees will be preserved but are not needed to be used as a credit for landscaping as the proposed development exceeds the minimum requirements without the use of the credits.*

- D. Trees and tree groves to be preserved and counted toward the landscape credit shall be identified on the landscape plan. (Ord. 890 section 48, 1993; Ord. 848, Part IV, section 5, 1990; Ord. 1338, 2010)

Findings: *This criterion does not apply to this development as no credits are proposed.*

16.49.120 PARKING LOT LANDSCAPING STANDARDS.

- A. General Provisions. In addition to the objectives stated in section 2 of this Ordinance, goals of parking lot standards are to create shaded areas in parking lots to reduce glare, enhance the visual environment, and encourage the use of LID practices. The design of the parking area shall be the responsibility of the developer and should consider visibility of signage, traffic circulation, comfortable pedestrian access, and aesthetics. Trees shall not be cited as a reason for applying for or granting a variance on placement of signs.
- B. Application. Parking lot landscaping standards shall apply to any surface passenger vehicle parking area of ten (10) spaces or more, or to any paved vehicular use area 3,500 square feet or larger on the same tax lot or on contiguous tax lots under common ownership. Any paved vehicular area which is used specifically as a utility storage lot or a truck loading area shall be exempt from landscaping requirements within a parking lot.
- C. Landscaping Within a Parking Lot.
1. Area within a parking lot shall include the paved parking and maneuvering area, as well as any area within ten (10) feet of any exterior face of curb surrounding the paved parking and maneuvering area.
 2. Each interior landscaped area shall be a minimum of six (6) feet wide, unless the area is added to the required perimeter landscaping.
 3. The use of LID best management practices in parking lots is encouraged whenever site and soil conditions make it feasible. Such practices include, but are not limited to, permeable surfacing materials, and integrating LID stormwater management facilities into the required landscaping areas.
- D. Computing Minimum Area Required to be Landscaped Within a Parking Lot. Minimum area required to be landscaped within a parking lot shall be as follows:
1. Fifteen (15) percent for all residential, industrial, and commercial zones
 2. Five (5) percent for the Downtown-Commercial Zone for any off-street parking spaces provided.

3. Ten (10) percent for the Core Commercial (CC) sub-area of the Downtown Canby Overlay Zone for any off-street parking spaces provided.

Findings: *The proposed development exceeds these Requirements. The proposed industrial development has more than the required minimum parking lot landscape area.*

- E. All parking areas with more than 16 spaces shall include landscape islands to break up the parking area into rows of not more than 8 contiguous parking spaces.
 1. Landscape islands shall have a minimum area of 48 square feet and a minimum width of six (6) feet.
 2. Landscape islands shall contain at least one tree that meets the standards in section (F) below.
 3. Landscape islands may be counted toward the minimum parking lot landscaping requirements.

Findings: *The proposed development meets these Requirements. Parking lot islands have been included in the proposed design.*

- F. Criteria for Trees in Parking Lots. Deciduous, evergreen and/or shade trees shall meet the following criteria:

1. Reach a mature height of approximately forty (40) feet. Trees must be approximately two-inch (2") caliper at the time of planting.
2. Cast moderate to dense shade in summer.
3. Be long lived, i.e., live to be over approximately sixty (60) years.
4. Do well in an urban environment:
 - a. Be pollution tolerant; and
 - b. Be tolerant of direct and reflected heat.
5. Require little maintenance:
 - a. Be mechanically strong;
 - b. Be insect and disease resistant; and
 - c. Require little pruning.

6. Be resistant to drought conditions.
7. Be barren of fruit production.

Findings: *The proposed development meets these Requirements. The landscaping plan will specify trees that meet the requirements of this section.*

G. Perimeter of Parking and Loading Areas:

1. Screening of parking and loading areas is required. Within three (3) years of planting, screening shall be of such height and density as to shield vehicle headlights from head-on visibility.

Findings: *The proposed development meets these Requirements. The landscaping plan will specify plantings that meet the requirements of this section. The owner will be responsible for maintaining the vegetation to the requirements of this section. The landscaping along the westside of the yard will provide a dense screening buffer to the neighboring development to the west. These plantings will sit atop a 3-4ft elevated berm and the yard will be further screened with a 6ft cyclone fence with black PVC slats.*

2. In addition, one (1) deciduous, evergreen and/or shade tree shall be planted every forty (40) feet, minimum, along the required setback of the vehicular use area.

Findings: *The proposed development meets these Requirements. The landscaping plan will specify the trees that meet the requirements of this section.*

- H. Irrigation System or Available Water Supply Required. Landscaped areas shall be provided with automatic irrigation systems or a readily available water supply with at least one (1) outlet located within approximately 150 feet of all plant materials to be maintained. (Ord.. 890 section 49, 1993; Ord.. 848, Part IV, section 6, 1990, Ord. 1296, 2008; Ord.. 1338, 2010)

Findings: *The proposed development meets these Requirements. The landscaping plan will specify the irrigation system that meet the requirements of this section.*

16.49.130 REVEGETATION IN UNLANDSCAPED AREAS.

The purpose of this section is to ensure erosion protection for those areas which are not included within the landscape percentage requirements so that eventually native plants will re-establish themselves, and so that trees will not be lost due to uncontrolled erosion.

- A. Replanting. Where natural vegetation has been removed or damaged through grading in areas not affected by the landscaping requirement and that are not to be occupied by structures or other improvements, such areas shall be replanted with materials approved by the Site and Design Review Board.

- B. Plant materials shall be watered at intervals sufficient to assure survival and growth for a minimum of two (2) growing seasons. (Ord. 848, Part IV, section 7, 1990)

***Findings:** This criterion does not apply to this development. There are no un-landscaped areas proposed.*

16.49.140 MINOR REVISIONS TO APPROVED LANDSCAPED PLANS.

Minor revisions (less than 10 percent of the landscaped area) to the approved landscaped plans shall be reviewed and approved by the City Planner. The City Planner shall report any minor revisions to the Site and Design Review Board at the next available Board meeting. (Ord.. 890 section 50, 1993)

16.49.150 PARKING LOTS OR PAVING PROJECTS.

All new paving or parking lot projects which create over 2,500 square feet of impervious surface and any new paving added to existing paving areas which creates a total of more than 2,500 square feet of impervious surface must meet City storm drainage requirements, parking lot landscaping standards and the drainage and access standards of the Oregon Department of Transportation (if applicable). Applicants for such paving projects must submit an application to the Planning Department. Application procedures shall be as described in Chapter 16.89. (Ord.. 1019 section 3, 1999; Ord.. 1080, 2001)

***Findings:** The proposed development meets or exceeds these Requirements. All surface water will be collected and filtered through an approved storm water quality system prior to being retained on-site. Storm water retention will include a combination of Bio retention areas and dry wells installed at the depth of the dense gravel per the geotechnical report.*

16.50 Conditional Uses

16.50.10 AUTHORIZATION TO GRANT OR DENY CONDITIONAL USES.

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

- A. The proposal will be consistent with the policies of the Comprehensive Plan and the requirements of this title and other applicable policies of the city;
- B. The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features;
- C. All required public facilities and services exist to adequately meet the needs of the proposed development;

- D. The proposed use will not alter the character of the surrounding areas in a manner which substantially limits, or precludes the use of surrounding properties for the uses listed as permitted in the zone. (Ord. 740 section 10.3.75 (A), 1984)

Findings: *Although the proposed warehousing development is a use permitted outright, the operations will not meet the 3 employee count per developed acre as outlined in the industrial overlay zone (16.35.40.A.1). As noted in the introduction portion of the narrative, initial operations will have 13-15 employees that could expand to 17 if demand necessitates. With exception of the employee count, the proposed development will be consistent with the policies of the comprehensive plan, the site is suitable for the proposed development, public services extended to the site are adequate and the development will not adversely affect the potential development of the surrounding properties.*

16.50.40 PLACING CONDITIONS ON A PERMIT.

In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose conditions which it finds necessary to avoid a detrimental impact and to otherwise protect the best interests of the surrounding area or the community as a whole. These conditions may include the following:

- A. Limiting the manner in which the use is conducted, including restricting the time an activity may take place, and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor;
- B. Establishing a special yard, other open space or lot area or dimensions;
- C. Limiting the height, size or location of a building or other structure;
- D. Designating the size, number, location, and nature of vehicle access points;
- E. Improving the street and/or expanding the rights-of-way;
- F. Designating the size, location, screening, drainage, surfacing or other improvement of a parking area or truck loading area;
- G. Limiting or otherwise designating the number, size, location, height and lighting signs;
- H. Limiting the location and intensity of outdoor lighting and requiring its shielding;
- I. Requiring diking, screening, landscaping or other facility to protect adjacent or nearby property and designating standards for its installation and maintenance;
- J. Designating the size, height, location and materials for a fence;
- K. Protecting and preserving existing trees, vegetation, water, resources, wildlife habitat or other significant natural or open space areas;
- L. Limiting the number, location, and design of street accesses and requiring shared access when appropriate;
- M. Other conditions to assure that the development complies with standards and criteria listed in section 16.50.010. (Ord. 740 section 10.3.75 (D), 1984; Ord. 1019 section 6, 1999)

Findings: *The request for the conditional use is due to the employee count not meeting the required 3/acre count which for the 11.9acre site would require 36 employees. The employee count of 15-17 will not alter or limit surrounding developments and will in fact result in substantially less traffic and public services than would be associated with a more intense industrial use.*

16.50.60 STANDARDS GOVERNING CONDITIONAL USES.

A conditional use shall ordinarily comply with the standards of the zone for uses permitted outright, except as specifically modified by the Planning Commission in granting the conditional use permit, or as otherwise provided as follows:

- A. Building Height. The height limitations of any zone may be exceeded by a conditional use to a maximum height of seventy-five feet; provided that each yard is increased over the yard requirement by the addition of five feet for every five feet or fraction thereof of additional height over the maximum height allowed in the zone.
- B. Utility Substation or Pumping Station. The minimum lot size of the zone in which a public utility is to be located may be waived by the Planning Commission only on finding that the waiver will not result in unacceptable levels of noise or other detrimental effect on adjacent property. No equipment storage shall be permitted on the site of such small lots.
- C. Signs. Signs may be permitted for a conditional use, in keeping with the nature of the use. The Planning Commission may require the applicant to submit details of proposed signs to allow for consideration with the use permit for the structure or use. (Ord. 740 section 10.3.75(F), 1984; Ord. 1237, 2007)

***Findings:** As noted above, the proposed development will be in substantial compliance with all applicable development standards associated with the industrial zoned property within the I-O zone, with exception of the employee count not meeting the 3/acre standard. Exceptions to the building height, lot size for public utility developments and signage do not apply to this conditional use request.*

16.89 Application and Review Procedures

16.89.50 TYPE III DECISION.

- A. Pre-application conference. A pre-application conference may be required by the Planning Director for Type III applications.
- B. Neighborhood meetings. As directed in Table 16.89.020, the applicant may be required to present their development proposal at a neighborhood meeting before the City accepts the application as complete. See Section 16.89.070.
- C. Application requirements. Type III applications shall be made on forms provided by the Planning Director. The application shall be accompanied by all required information and fees.
- D. Public notice.
 1. At least 20 days prior to a public hearing on a Type III decision or a Type II appeal decision, the Planning Director shall mail notice meeting the requirements of state law to:
 - a. All owners of real property and, if the owner's address is different from the site address, all residents of property, within the distance prescribed in Table 16.89.020;
 - b. The appointed chair of any neighborhood association whose boundaries include the subject property;
 - c. Any person who submits a written request to receive notice; and
 - d. Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the City.

- e. For appeals, the appellant and all persons who provided testimony.
 2. Notice of any proposal that includes a new transportation facility or improvement, and where these facilities or improvements included or may impact a collector or arterial street, will be sent to the ODOT and Clackamas County or any special interest transportation groups as appropriate. Special interest transportation groups could include trucking organizations, bicycle and pedestrian interest groups, and interest groups for people with disabilities. Information that should be conveyed with the notice includes the following:
 - a. Project location
 - b. Proposed land use action
 - c. Location of project access point(s)
 3. The City shall prepare an affidavit of mailing for the public notice and make the affidavit part of the application file. Failure of any individual to receive notice as prescribed in this section does not invalidate the proceedings.
 4. Written notice shall be published in a newspaper of general circulation in Canby once in either of the two consecutive weeks prior to the hearing.
 5. At least ten (10) days before the hearing, written notice shall be posted at City Hall and such other conspicuous locations as the Council may determine to be appropriate.
 6. At least ten (10) days before the hearing, the applicant shall post notice of the hearing on the property as directed by the Planning Director.
 7. The Planning Director may expand the notice area or take other steps to assure that affected property owners or residents are made aware of the pending public hearing.
 8. Any application that involves access to the state highway system must be provided to the Oregon Department of Transportation for their review and comment regarding conformance with state access management standards and requirements.
- E. Conduct of public hearing.
1. In all evidentiary hearings required by this title the following procedures shall be followed:
 - a. All interested persons in attendance shall be heard on the matter of hearing, and this fact shall be communicated to those in attendance;
 - b. A summary of the application or other matter for hearing shall be given by the presiding officer or their designee;
 - c. The staff report shall be made followed by questions, if any, of the staff by the hearings body;
 - d. The public hearing shall be opened and testimony shall be received in the following order:
 - (i) Applicant;
 - (ii) Proponents;
 - (iii) Opponents; and
 - (iv) Rebuttal by proponents or applicant;
 - e. Close public hearing;
 - f. Questions and discussion by hearing body;
 - g. Decision by the hearing body except that further discussions, decision, or reopening of the public hearing may be postponed to another meeting, the time, date, and place of which shall be announced before adjournment.

2. All persons who speak at the hearing shall identify themselves by name, address, and interest in the matter. Attorneys or other agents shall be allowed to speak on behalf of all participants.
 3. Physical evidence in the form of written documents, photographs, or other exhibits may be accepted by the hearing body if deemed to be pertinent.
 4. A record made at any prior evidentiary hearing may be accepted, considered, and used by the hearing body at any subsequent hearing, and said body, by majority vote of a quorum present, may deny to accept or hear any repetitious matter.
 5. The hearing body may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested. Upon recessing for these purposes, the hearing body shall announce the time and date when the hearing will be resumed.
 6. Before the conclusion of the initial evidentiary hearing, any participant may ask the hearings body for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing. The hearings body shall grant the request by scheduling a date to finish the hearing as follows:
 - a. If the hearings body grants a continuance, the completion of the hearing shall be continued to a date, time, and place at least seven days after the date of the first evidentiary hearing. An opportunity shall be provided at the second hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the second hearing, any person may request, before the conclusion of the second hearing, that the record be left open for at least seven days, so that they can submit additional written evidence or testimony in response to the new written evidence; or
 - b. If the hearings body leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven days after the hearing. Any participant may ask the City in writing for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the hearings body shall reopen the record as follows:
 - (i) When the hearings body re-opens the record to admit new evidence or testimony, any person may raise new issues which relate to that new evidence or testimony.
 - (ii) An extension of the hearing or record granted pursuant to this subsection is subject to the limitations of ORS 227.178 (120-day rule), unless the continuance or extension is requested or agreed to by the applicant.
 - (iii) If requested by the applicant, the City shall allow the applicant at least seven days after the record is closed to all other persons to submit final written arguments in support of the application, unless the applicant expressly waives this right. The applicant's final submittal shall be part of the record but shall not include any new evidence.
- F. Decision process.
1. Approval or denial of a Type III decision or appeal of a Type II decision shall be based on standards and criteria located in the code.
 2. The hearings body shall issue a final written order containing findings and conclusions that approve, approve with conditions, or deny the application.

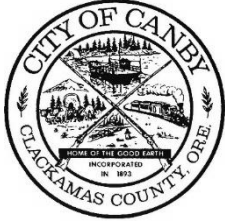
3. The written decision shall explain the relevant criteria and standards, state the facts relied upon in rendering the decision, and justify the decision according to the criteria, standards, and facts.
 4. In cases involving attorneys, the prevailing attorney shall prepare the findings, conclusions, and final order. Staff shall review and, if necessary, revise, these materials prior to submittal to the hearings body.
- G. Notice of Decision.
1. The written findings shall be sent to:
 - a. Any person who submits a written request to receive notice, provides written comments during the application review period, or provides written or oral testimony in the public hearing;
 - b. The applicant and owner of the subject property;
 - c. Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the City.
 2. The written findings shall include information on the application, the City's decision, and a statement explaining how an appeal of the decision may be filed.
- H. Effective Date. A Type III decision is final for purposes of appeal when it is mailed by the City.
- I. Appeal. The Planning Commission's decision on a Type III decision or Type II appeal may be appealed to the City Council as follows:
1. The following have legal standing to appeal:
 - a. The applicant;
 - b. Any person who was mailed notice of the decision;
 - c. Any other person who participated in the proceeding by testifying or submitting written comments; and
 - d. The City Council, on its own motion.
 2. Procedure.
 - a. A Notice of Appeal shall be filed in writing, on forms provided for the purpose by the Planning Director, within 10 days of the date the Notice of Decision was mailed.
 - b. The Notice of Appeal shall be accompanied by all required information and fees.
 - c. The appeal shall be limited to the specific issues raised during the comment period and public hearing process unless the hearings body allows additional evidence or testimony concerning any other relevant issue. The hearings body may allow additional evidence if it determines that such evidence is necessary to resolve the case. The purpose of this requirement is to limit the scope of appeals by encouraging persons to be involved in the public hearing. Only in extraordinary circumstances should new issues be considered by the hearings body on an appeal.
 3. The City Council shall overturn the decision of the Planning Commission only when one or more of the following findings are made:
 - a. That the Commission did not correctly interpret the requirements of this title, the Comprehensive Plan, or other requirements of law;
 - b. That the Commission did not observe the precepts of good planning as interpreted by the Council; or
 - c. That the Commission did not adequately consider all of the information which was pertinent to the case.

4. The Council's action on an appeal shall be governed by the same general regulations, standards, and criteria as apply to the Commission in the original consideration of the application.
- J. Any decision of the Planning Commission may be appealed to the City Council unless otherwise specified in this Title. Such appeals will be processed using the Type III procedures unless otherwise specified in this Title.
- K. The decision of the City Council regarding a Type IV decision, appeal of a Planning Commission decision, or any other process contained within this title, is the final decision of the City. (Ord. 1080, 2001; Ord. 1111 section 5, 2003; Ord 1237, 2007)

16.89.90 MODIFICATIONS.

Any proposed modification to previously approved land use applications, including site plans, elevations, or conditions of approval, shall be reviewed by the Planning Director to determine if they are minor, intermediate, or major. Factors to be considered in this determination include the date of the original application, the impact on neighboring properties, and the impact on public service provision. Modifications shall be processed as indicated in subsections A through D below. Modification applications shall be made on forms provided for the purpose by the Planning Director.

- A. Minor Modification. Minor modifications have a negligible impact on an approved site plan, land use decision, or condition of approval. The Planning Director will review all minor modifications under the Type I process.
- B. Intermediate Modification. Intermediate modifications are those that do not fit the definitions in 16.89.090(A) or (C). The Planning Director will review intermediate modifications under the Type II process. If the Planning Director approves an intermediate modification, notice of the decision will be made in accordance with the Type II process. The individuals noticed may obtain a public hearing on the issue by filing a request in writing within ten days of the notice mailing date. Any additional costs of such hearings shall be paid by the modification applicant. Hearing notice shall follow the requirements of the procedure type of the original application.
- C. Major Modification. Any modification that would result in a substantial impact to an approved site plan, land use decision, or condition of approval is a major modification. Major modifications shall be processed using the procedure type of the original application.
- D. Modification criteria. Modification applications shall be evaluated based on the criteria pertaining to the original application being modified. (Ord. 1111, 2003; Ord 1237, 2007)



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

PRE-APPLICATION SUMMARY

June 23, 2021

VLMK Engineering and Design
Jennifer Kimura
3933 S. Kelly Ave.
Portland, OR 97239

Subject: Pre-Application Conference Summary for Project Old Mac

Dear Ms. Kimura,

Thank you for attending the Pre-Application (Pre-App) conference held on June 8, 2021. We are pleased to provide you with the following summary notes prepared in response to your proposal.

Comments prepared by staff are reflective of the proposal as discussed at the Pre-App conference. A copy of your proposal was also sent to other members of staff who did not attend the Pre-App conference, but may provide comments separate from this summary. Please feel free to contact anyone who provided comments. Contact names, telephone numbers and e-mail addresses are listed herein.

Following every Pre-App conference, staff understands that there may be changes to the plan or use considered. If these changes effectively re-design the site plan or involve a change to a use not discussed, please be advised that such a change could require different land use application(s) than were identified by staff at the Pre-App. It is also possible that different issues or concerns may arise from such change. In these cases, we encourage applicants to request a second Pre-App conference for staff to consider the change and provide revised comments accordingly.

In part, the Pre-App conference is intended to assist you in preparing plans and materials for staff to determine your application(s) to be deemed “complete” as described in Section 16.89.080 of the Canby Land & Development Planning Ordinance. For your application to be deemed complete on the first review, you must provide everything required as identified on the Application Checklist(s) found within the appropriate Land Use Application, in addition to any materials or special studies identified in the summary notes hereto. If you have questions as to the applicability of any item on the Application Checklist(s), or within this summary, please contact me directly.

Sincerely,

Brianna Addotta
Associate Planner
(503) 266-0686

PRE-APPLICATION CONFERENCE SUMMARY NOTES

Prepared for Project Old Mac

PRA 21-14

The following pre-application summary notes have been prepared by Planning staff in order to assist you with the application submittal process. All applicable standards, guidelines and policies of the Canby Land Development & Planning Ordinance, Comprehensive Plan, Transportation System Plan, and the Public Works Design Standards identified herein are available for review on the City's web site at: <https://canbyoregon.gov/>. Copies of these documents are also available for review at the City's Development Services Department. The following is intended to identify applicable code sections, requirements and key issues for your proposed development application.

PRE-APPLICATION CONFERENCE DATE: June 8, 2021

PROJECT INFORMATION:

Project Name: Project Old Mac

Project Description: Development of 11.62 acres for the construction of an approximate 99,000 square foot warehouse building, associated office, and graveled yard that will be designed to accommodate the storage, processing and distribution of steel bar and tubing.

Property Owner(s): AMC
525 Sequoia Parkway
Canby, OR 97013

Project Site Address: No Situs

Tax Lot Number(s): 41E03 00102

Site Size: 11.62 acres

Zoning: M-1 Light Manufacturing
IO Canby Industrial Overlay Zone

Comp. Plan Designation: Light Industrial (City of Canby Comprehensive Plan page 58)

APPLICANT INFORMATION:

Applicant(s): VLMK Engineering and Design
Jennifer Kimura
3933 S. Kelly Ave.
Portland, OR 97239

Phone/Email: (503) 222-4453 / jenniferk@vlmk.com

APPLICATION REQUIREMENTS AND COMPLETENESS:

The completeness process is governed by Section 16.89 of the Canby Land Development and Planning Ordinance. The applicant is encouraged to contact staff to ask any questions or request clarification of any items found on the land use application checklists related to the proposed project.

LAND USE APPLICATION(S) AND FEES:

Based on the plans and materials provided, the applications identified below are applicable to the project.

Site and Design Review Type 3	\$3,600
Major Modification of a Conditional Use	\$2,080

Note: Applicable fees are those in effect at the time a complete application is received and are subject to change. The most up to date fee schedule is available online at: https://canbyoregon.gov/updated_docs/MasterFeeSchedule.pdf

CLASSIFICATION OF APPLICATIONS:

Applications are subject to the procedure (Type III) specified in Table 16.89.050 *Land Use and Development Application Procedures*. When an applicant submits more than one complete application for a given proposal, and the applications are subject to different procedure types, all the applications will be subject to the procedure type which requires the broadest notice and opportunity for public participation.

NEIGHBORHOOD MEETINGS:

A neighborhood meeting must be conducted by the project applicants for Type III applications. At this time (June 2021), applicants may hold meetings virtually through a platform that is free for the public to access. Noticing must include detailed instructions on how to attend the virtual meeting.

SECTION 16.89.070:

At least two weeks prior to the neighborhood meeting, the applicant shall mail notice of the meeting to:

1. The appointed chair of any neighborhood association in whose boundaries the application.
2. Property owners and tenants within 500 feet of the subject property.

In order for an application to be complete, after the meeting applicants shall submit to the City:

1. A copy of the mailed notice and addresses within 500 feet of the subject property.
2. A copy of the attendance sheet.
3. A written summary of pertinent issues raised and a detailed response to each issue.

Applicants or attendees may make audio or video recordings of the neighborhood meeting if desired.

Property: 41E0300102

Neighborhood Association: None

WRITTEN REQUIREMENTS:

A summary providing the scope of the proposal should be provided as explained on the application form. Additionally, in order for your application(s) to be deemed Complete, written responses supported by substantial evidence are necessary to address all applicable approval standards and criteria. Written materials need to explain how and why the proposed application(s) will meet each of the applicable approval criteria found in the *Canby Land Development and Planning Ordinance*. If response to criterion is “Not Applicable”, explain why the criterion is not applicable.

Staff has provided this list of applicable sections of the *Ordinance* in response to applicant materials and discussion at the Pre-Application conference. Other sections may be applicable, particularly if the proposal has changed subsequent to the meeting. Approval standards and criteria in effect at the time an application is received will control and are subject to change.

APPLICABLE CODE SECTIONS:

Chapter	Section
16.08 General Provisions	16.08.150 <i>Traffic Impact Study</i>
	16.08.160 <i>Safety and Functionality Standards</i>
6.10 Off-Street Parking and Loading	16.10.010 <i>Off-street parking required - exceptions</i>
	16.10.050 <i>Parking Standards Designated</i>
	16.10.060 <i>Off-Street Loading Facilities</i>
	16.10.070 <i>Parking lots and access</i> <i>(.3.a engineered aggregate provision)</i>
	16.10.080 <i>Street Tree Plan</i>
	16.10.100 <i>Bicycle Parking</i>
16.32 M-1 Light Industrial Zone	16.30.010 <i>Uses Permitted Outright</i>
	16.30.030 <i>Development Standards</i>
16.35 I-O Canby Industrial Area Overlay Zone	16.35.030 <i>Uses Permitted Outright</i>
	16.35.040 <i>Conditional Uses</i>
	16.35.050 <i>Development Standards</i>
	16.35.060 <i>Design Guidelines</i>
	16.35.070 <i>I-O Design Review Matrix</i>
16.43 Outdoor Lighting Standards	16.43.030 <i>Applicability</i>
	16.43.040 <i>Lighting Zones</i>
	16.43.060 <i>Prohibited Light and Lighting</i>
	16.43.070 <i>Luminaire Lamp Requirements</i>
	16.43.080 <i>Height Limits</i>
16.46 Access Limitations on Project Density	16.43.110 <i>Lighting Plan Required</i>
	16.46.020 <i>Ingress and Egress</i>
	16.46.030 <i>Access Connection</i>
	16.46.035 <i>Restricted Access</i>
16.49 Site and Design Review	16.46.070 <i>Exception Standards</i>
	16.49.030 <i>Site & Design Review Plan Approval Required</i>
	16.49.40.B <i>Criteria and Standards (Type III)</i>
	16.49.050 <i>Conditions Placed on Site & Design Review Approvals</i>
	16.49.060 <i>Time Limit on Approval</i>
	16.49.065 <i>Bicycle and Pedestrian Facilities</i>
	16.49.080 – 16.49.140 <i>Landscaping Requirements</i>
16.49.150 <i>Parking lot or Paving Projects</i>	
16.50 Conditional Uses	16.50.010 <i>Authorization to Grant or Deny Conditional Use</i>
	16.50.040 <i>Placing Conditions on a Permit</i>
	16.50.060 <i>Standards Governing Conditional Uses</i>
16.89 Application & Review Procedures	16.89.050 <i>Type III Procedure</i>
	16.89.90 <i>Modifications</i>

APPLICANT QUESTIONS: Below are responses to questions submitted by the applicant with the request for a Pre-Application Conference. Staff has crafted these responses using comments from service providers and other City departments as well as their own research. The comments at this stage are advisory only and are subject to change upon review of a full application.

1. Utility Extensions and Frontage Improvements:

- a. There is an existing 12' easement along South Sequoia Parkway which is sufficient, no additional dedication will be required. Public improvements (i.e. sidewalk and street trees) must be installed.
- b. South 13th Avenue is a County collector road, comments from Ken Kent, Senior Planner with Development Engineering at Clackamas County have been included with this summary.
- c. Applicant has indicated they have received an answer to this question. The applicant can work directly with City staff from Planning and Finance to confirm the outstanding fees applicable to the site.

2. Building Orientation and Setbacks: The setbacks shown on the site plan submitted generally appear to meet setbacks of the IO overlay zone as found in CMC 16.35.050. A rail spur shown on in the southeastern corner of the site looks to encroach into the setback; during the meeting images of a rail spur at another location were presented and appear to be under the minimum height required to meet setbacks (30"). If it is determined the rail spurs will be above 30" in height, the applicant shall work with staff to find a design solution to accommodate both the necessary infrastructure and the intent of the required setback.

3. Driveway Access Locations: South 13th Avenue is a County Collector roadway, notes from Clackamas County have been provided with the applicable County requirements. South Sequoia Parkway is a City Arterial roadway. Required spacing between driveways and between driveways and intersections is 330' for arterial roadways. All driveway widths must be 20 and 36 feet (CMC 16.10.070.9.f). Driveways shall be limited to one per property except for property with a frontage of over 250 feet. If additional driveways are to be considered, a finding that no eminent traffic hazard would result and impacts on through traffic would be minimal. Restrictions may be imposed on additional driveways, such as restricted turning movements. A Transportation Planning Rule memo is required as part of the application package to provide answers regarding unique conditions of the property, such as the proximity to the overpass. This memo is further discussed in the following section under "Traffic Impact".

4. Approval Process and Timeline: Applications required for this proposal have been discussed previously in this summary. Processing details for Type III applications can be found in CMC 16.89.050.

5. Secured Storage Yard and Truck Count: Provisions for engineered aggregate for outdoor storage can be found in CMC 16.10.070. It is the applicant's responsibility to provide sufficient information to address City standards. Long term dust control maintenance should also be addressed for the outdoor storage area. Screening of the storage yard is required and is addressed in CMC 16.35.050., lighting requirements are found in CMC 16.43, and noise control is addressed in CMC 9.48. Minimum standards for each of these sections must be met; further, staff recommend presenting any additional considerations to address the perceived impacts of the storage yard abutting residential development across South Sequoia Parkway. Proposed operational hours should also be identified.

6. Employee Count per Acre: A Conditional Use permit is required for developments that would employ less than 3 people per acre. This is applicable to the time the use is established. While forecasted growth may be provided to support the application, it would not negate the necessity of the Conditional Use.

7. Auto Parking: The site plan provided shows 34 total parking spaces proposed for the development, which is 31% of the required number of 108. Because this lower parking count is being proposed to reflect the number of employees expected and not due to a unique characteristic of the property, staff recommend against submitting an application for variance and instead respond to CMC 16.10.010 Exception to Parking Minimums. This provision states "a lesser number of spaces may be permitted by Planning

Commission based on clear and objective findings that a lesser number of parking spaces will be sufficient to carry out the objective of [the parking and loading section of the CMC].” Documentation of evidence showing that the proposed parking is adequate for the proposed use needs to be provided for staff to make findings supporting the reduced parking. **Also shadow parking for the anticipated possible users of the property in the future would support the proposed reduced parking.** One possible use would be a combined warehouse and office space for example. This was discussed during the pre-application conference meeting.

- 8. Right of Way Dedication/Lot Line Adjustment:** The legal description of the lot reflecting the 2014 right-of-way dedication must be shown to be filed with Clackamas County. Please contact Clackamas County to obtain copies of these records. The site plan submitted with the Pre-Application materials reflect the correct lot configuration.

These comments have been provided from City departments and reviewing agencies in response to the Pre-Application materials and discussion during the Conference. The comments at this stage are advisory only and are subject to change upon review of a full application. Included below is the contact information for key members of City and agency staff should you have any specific questions regarding these comments.

Jason Berning, Canby Utility: jberning@canbyutility.org 503-263-4322

Daryll Hughes, City Wastewater Pretreatment Coordinator: hughesd@canbyoregon.gov 503-266-1248

Spencer Polack, City of Canby Public Works PolackS@canbyoregon.gov 503-519-6936

Curt McLeod, P.E., Consulting City Engineer: cjm@curran-mcleod.com 503-684-3478

Jim Walker, Canby Fire: jwalker@canbyfire.org 503-266-5851

We sincerely thank you for your interest in developing in the City of Canby, we look forward to working with you.

Sincerely,

Brianna Addotta
Associate Planner
(503) 266-0686
addottab@CanbyOregon.gov



Pre-Application Meeting

Old Mac Project June 8, 2021

Attended by:

Curt McLeod, Curran-McLeod Engineering, 503-684-3478
Ryan Mullens
Nicole Heater, American Steel
Greg Blefgen, VLMK
Jennifer Kimura, VLMK
Darryl Hughes, NW Natural

Jason Burning, Canby Utility, 503-263-4331
Lonnie, Canby Utility
Brianna Addotta, Canby Planning
Jim Walker, Canby Fire District, 503-878-0187
Jerry Nelzen, Canby Public Works
Jason Peterson, Canby GIS

This document is for preliminary use only and is not a contractual document.

Applicant

- Nicole Heater—We are planning to move one of our locations from Portland to Canby, however we are calling it Old Mac because employees are not aware of the move. We are keeping it quiet until we get further along in the process. We want to build a steel distribution warehouse facility, much like the American Steel facility. The big difference is that this company distributes in commercial construction markets. The warehouse will house all of the tubing, bar, and channels as well as saws and the yard will be storage for beams. Most of the outdoor yard product will be moved during the day. The interior will be open at night. The expected hours are 5:30 a.m. to 11 p.m. There will be two shifts, Monday through Friday, with very little overtime in the off hours and on weekends. We might work four Saturdays per year. We currently employ 12 people and at most there will be 15-17 employees. We chose Canby because of accessibility to the rail line and the location near American Steel. It will reduce traffic going from Portland to Canby every day, which averaged 12-15 trucks per day in and out of the facilities.

CURRAN-MCLEOD ENGINEERING, Curt McLeod

- We did get all of the right-of-way and 12 foot easement from the [adjacent property owner] when we developed Sequoia Parkway. There is no dedication required on Sequoia Parkway. 13th will require dedication and improvement, but it is not a City road. There is a fee for the sanitary sewer line that went in through an Advanced Financing District. The improvements on Sequoia are limited to sidewalks and street trees. The improvements on 13th will be according to the County's requirements.

Applicant

- Nicole Heater said someone told us there is a trail system and a sidewalk will not need to go in on Sequoia.

CURRAN-MCLEOD ENGINEERING, Curt McLeod

- There is a trail across the street, the Logging Road trail. I have not heard any discussion about not requiring sidewalks.

CITY OF CANBY, PUBLIC WORKS, Jerry Nelzen

- We will require sidewalks.

CITY OF CANBY, PLANNING DEPARTMENT, Brianna Addotta

- I did not see any issues with any of the proposed setbacks. There is a protrusion, and if it is over 30 inches tall it needs to meet the setback.

Applicant

- Greg Blefgen, applicant's consultant, said it is a rail extension. There is a rail spur that parallels Sequoia and extends beneath the rail yard through the building. To allow for complete unloading of the rail car in the southern bay there will be a door that opens up to allow rail cars to extend through it during operating hours. It is similar to American Steel's rail extension to the south end of their building. It will be screened and there will be a rail stop.

CITY OF CANBY, PLANNING DEPARTMENT, Don Hardy

- We will need the details of that. We will have to make an argument why it does not need to meet the setback requirement.

CITY OF CANBY, PLANNING DEPARTMENT, Brianna Addotta

- Other than that the setbacks and orientation look great. The office is closer to the street with a pedestrian connection.
- We can't completely answer the traffic circulation questions yet. Our traffic consultant could provide a scope for the project for a fee.
- Driveway standards for arterials are that there is at least 330 feet of separation between driveways and a maximum of two driveway accesses because you have two frontages. The proposed third access is going to be a discretionary decision and you will have to provide enough support that it is required for your use and that it is safe.
- Vision clearance is 15 feet from another driveway or alley and 30 feet from the street or railroad.

Applicant

- Greg Blefgen asked about the location of the driveway and the vertical curve coming up the overpass. He thought the transportation consultant could look at it.

CITY OF CANBY, PLANNING DEPARTMENT, Brianna Addotta

- We have standards regarding use of gravel in the code. It is possible to have a gravel storage yard.

- In terms of screening, we require a minimum six foot fence or hedge for complete screening. We ask for additional considerations for screening the west side because across from Sequoia is existing residential.
- Noise considerations are standard in the code, from 7 a.m. to 10 p.m. Because this is industrial you have the highest allowance. We will want to see some information about acceptable noise levels.
- Regarding employee count per acre, we will need to have a conditional use. It will tie into the parking reduction request.
- Regarding the parking reduction request, by standard 108 parking stalls is required and you are proposing 34 which is 31% of the standard. Variances require hardship to the property, not to the use. I am not sure that you would reach the threshold for a variance hardship request for reduced parking. We do have a provision in the code for exceptions to parking minimums. It will require clear and objective findings made by the applicant. It is a high bar and these types of request have been denied before.

CITY OF CANBY, PLANNING DEPARTMENT, Don Hardy

- For the use you are proposing the parking reduction seems reasonable. The Planning Commission will be looking at this in light of the use changing over time. That is the challenge. He suggested the transportation analysis look at the discretionary standard in the off street parking section of the code and give the evidence as documentation for the request. It is a substantial reduction to what is normally required and will need to be substantially evidenced. You will get questions that if that building was changed in the future will there be a parking problem for the next tenant.

Applicant

- Greg Blefgen said there is plenty of yard if we need to accommodate additional parking, but we don't need the parking. We have less than 20 employees and providing almost double the parking count. We have three acres of graveled yard that could be converted to parking. We want to move forward with a variance and are requesting staff's support given the nature of the development. We can illustrate conceptual parking for future development, but we hope we wouldn't have an acre and a half of unusable yard to meet a parking count that we are never going to use.

CITY OF CANBY, PLANNING DEPARTMENT, Brianna Addotta

- You will want to look at an exception to the parking which can be applied to the circumstances of the specific use. Giving an option if down the line there needs to be more parking and that it can be done with minimum disruption will help.

CITY OF CANBY, PLANNING DEPARTMENT, Don Hardy

- The request is a variance to the standard, but it is not a variance application process. The exception will go through design review and in the design review narrative you will state why the proposed parking is sufficient and include shadow parking showing if there was a need in the future that it could still work. It is an administrative standard versus a variance standard which is more difficult to meet and an additional application.

CITY OF CANBY, PLANNING DEPARTMENT, Brianna Addotta

- Regarding lighting, you are in Lighting Zone #2 which is more intensive. A lighting plan will be required and there needs to be effort to provide compatibility and shielding from the residential neighborhood.

Applicant

- Greg Belfgen said we will work with the County on right-of-way requirements on 13th. I think 13th is classified as a collector. We intend to extend the water service from Sequoia.

CITY OF CANBY, PUBLIC WORKS DEPARTMENT, Jerry Nelzen

- It's pretty cut and dry what is needed for sidewalks, street lighting, and stormwater.

CANBY UTILITY, ELECTRIC/WATER, Jason Berning

- We have questions regarding fire suppression needs and domestic water supply needs. The Fire Department will probably want a fire hydrant on the east corner of the property and we will need to get water to that hydrant. They will have to have both private interior hydrants and some on 13th east of Sequoia.

Applicant

- Greg Belfgen said our intent is to loop the building.

CANBY FIRE, Jim Walker

- We try to look within 500 feet of existing hydrants and if they are not there we typically look at a public hydrant placement. We can work with you on the private line as well as the public line.

CANBY UTILITY, ELECTRIC/WATER, Lonnie

- What are your domestic water needs going to be?

Applicant

- Greg Belfgen said probably about an inch and a half line. It is just going to be the office for domestic use and an 8 inch line for fire water. There is no equipment that needs water.

CANBY UTILITY, Jason Burning

- Do you know where the electrical room will be on the structure?

Applicant

- Greg Belfgen said not at this point. Electrical is down Sequoia and ideally we would find a home for it close to the west side of the building. The rail car will come in the building from the west side also. If we have to extend it from 13th, we might be able to put it in the west end closer to the office appendage or southeast corner of the warehouse.

CANBY UTILITY, Jason Berning

- There will need to be street lighting on 13th and since we are there, we can run conduit down 13th for future use.

- There might need to be two transformers as the voltage will be different for the office and the warehouse.

Applicant

- Greg Blefgen asked what is the requirement for putting in another transformer? Is it 2,500 amps and then you need two transformers?

CANBY UTILITY, Jason Berning

- The cut off is 2,000 amps.

Applicant

- Greg Blefgen explained the design of the rail spur. The rail cars can extend through during operating hours but more than likely it will be pulled back into the building and the door pulled down during off hours. It will not be very visible and can be screened with landscaping.

NW Natural, Daryl??

- What will the gas usage needs be?

Applicant

- Greg Blefgen said it will be freeze protection in the warehouse and a couple of package units on the roof.
- Nicole Heater did not think they would need gas for any of the equipment.
- Greg Belfgen asked if there are any concerns about the proposed lay down for the gravel.

CITY OF CANBY, PLANNING DEPARTMENT, Don Hardy

- One thing to address with the gravel is generation of dust and how it will be minimized, especially for the adjacent residents.

CITY OF CANBY, PUBLIC WORKS, Jerry Nelzen

- How will you get off the spur line since it is a lower elevation? There might be a conflict with the utilities.

Applicant

- Greg Blefgen said that is an illusion. There is not much grade difference on the spur. He showed pictures of the spur and surrounding area.

CITY OF CANBY, PLANNING DEPARTMENT, Don Hardy

- I would include in the narrative the frequency of the rail cars.

Applicant

- Greg Blefgen asked will we need to include a pathway that connects to the Logging Road?

CITY OF CANBY, PLANNING DEPARTMENT, Brianna Addotta

- I will look it up in the TSP.

Applicant

- Greg Blefgen asked about the code regarding the number of driveways allowed. The drive in the middle of the warehouse will be used primarily for exiting the truck traffic.

CITY OF CANBY, PLANNING DEPARTMENT, Brianna Addotta

- You will need to explain and justify why you need the additional third driveway. If you are putting certain restrictions on it, such as restricted turn movements or large trucks only or exit only, that will be important to include.
- Daryl from Canby Wastewater wants to verify all processed wastewater will be generated at the office and none will be used in the warehouse for manufacturing processes.

Applicant

- Nicole Heater verified there will be no processed water at the warehouse.
- Greg Blefgen will begin the traffic study and application processes. There was discussion regarding the timeline for the processes.
- Nicole Heater said the Advanced Financing District fee will be around \$60,000.

CURRAN-MCLEOD ENGINEERING, Curt McLeod

- All of the utilities are in a 12 foot easement on Sequoia and crossed under the railroad. The spur will have no impact on the utilities.



MEMORANDUM

TO: City of Canby
FROM: Kenneth Kent, Senior Planner, Development Engineering
DATE: June 8, 2021
RE: Pre-Application, Old Mac Industrial Development, 13th Ave and Sequoia Pkwy
41E03 00102

This office has the following comments pertaining to this proposal:

1. The project site includes frontage on the north side of SE 13th Avenue, which is under the jurisdiction of Clackamas County. Submittal of plans and issuance of a Development Permit from Clackamas County for access and frontage improvements on SE 13th Avenue will be required.
2. A traffic impact study (TIS) will be required per Section 295 of the Clackamas County Roadway Standards. Contact Christian Snuffin for details on scoping 503-742-4716 (CSnuffin@co.clackamas.or.us).
3. SE 13th Avenue is classified as a **minor arterial roadway** by Clackamas County. It appears the right-of-way is outside the city boundary and outside the urban growth boundary. Although the county considers the roadway a rural arterial, urban improvements will be required along the project site frontage.
4. Driveway access on arterial roadways is limited. County standards require access is first taken from lower functional classification roadways. In this case, Sequoia Parkway is a lower classification collector roadway and should be where primary access is taken. As an exception, one driveway to 13th will be acceptable. Minimum driveway spacing is 250 feet. As shown on site plan, if more than one driveway is proposed on 13th Avenue, the applicant can propose an access modification under Section 170 and 220.6 of the Roadways Standards, with evaluation provided in the project Traffic Impact Study. It will be necessary to provide justification for a second access and show why access cannot be provided from Sequoia Parkway.
5. The minimum right-of-way width for an arterial roadway is 80 feet. It appears a 20-foot wide dedication will be required to provide a minimum 40-foot one half right-of-way. To

accommodate a full center turn lane additional dedication may be needed, or if there is adequate right-of-way, widening provided on the south side of the roadway.

6. An 8-foot wide public easement for sign, slope and public utilities will be required along the entire frontage of SE 13th Avenue.
7. The applicant will be required to design and construct improvements along the entire site frontage of SE 13th Avenue to arterial roadway standards for a three-lane section, per Clackamas County Roadway Standards, Standard Drawing C140. These improvements shall consist of:
 - a. Up to a one half-street improvement with a minimum paved width of 34 feet from the centerline of the right-of-way. (Note: This assumes two access points and the need for continuous center turn lane) The structural section shall be designed and constructed per Standard Drawing C100 for an Arterial roadway.
 - b. Tapers shall be provided per Section 250.6.4 of the Clackamas County Roadway Standards.
 - c. Standard curb, or curb and gutter if curblane slope is less than one percent, with the curb face located 34 feet from the centerline of the right-of-way.
 - d. A 5-foot wide sidewalk behind a 5-foot wide landscape strip, including street trees shall be constructed along the entire site frontage. Where the sidewalk does not connect to sidewalk on adjacent property, the end of the sidewalk requires an ADA compliant curb ramp, providing a transition from the new sidewalk to the edge of pavement.
 - e. Dual Curb ramps shall be provided at the SE 13th Avenue/S Sequoia Parkway intersection, constructed per Oregon Standard Drawings.
 - f. Storm drainage facilities in conformance with *Clackamas County Roadway Standards* Chapter 4.
8. Provide truck turning templates for access on SE 13th Avenue.



MEETING MINUTES

Project: Project Old Mac - Neighborhood Meeting *Date:* July 8th, 2021
Project Number: 20210299 *Meeting Name:* Neighborhood Meeting
Address: S. 13th Ave & S. Sequoia Parkway *Client:* Old Mac
Assessors Tax Lot Numbers – 41E03 00102
Location: Virtual (Microsoft Teams)
File Path: G:\Acad2021\20210299\PERMITS\02 Neighborhood Meeting\02 Meeting Notes and Sign In

ATTENDEES AT MEETING

Please see attached Attendee Sheet.

SUMMARY OF MEETING

Greg Bleggen with VLMK Engineering presented the project to the attendees via Teams Meeting. Jennifer Kimura with VLMK Engineering coordinated the meeting taking notes and confirming attendees. The following provides an abbreviated summary of the presentation and responses to questions raised by some of the attendees;

Greg's Presentation

A power point slide show was utilized for presentation purposes. As some of the attendees participated via phone, a copy of the visual presentation was emailed to attendees following the meeting and also included herein.

Project Old Mac proposes to develop the 11.6acre site with an approximate 99,000sf warehouse building designed to accommodate the storage and distribution of steel bar and tubing. The perimeter walls of the warehouse will extend to approximately 40ft with office walls extending to a maximum height of 25ft. The warehouse will include overhead craneways running the length of the building to serve the 'steel bar' and 'steel tubing' bays. An approximate 5,000sf ancillary office appendage will be located at the primary truck entrance providing accommodations for the administrative office, operations and warehouse personnel.

Steel members to include wide flange beams, tube and bar stock will be delivered to the site via truck and rail. Materials will be off-loaded from the rail cars and trucks via forklifts and overhead craneways located inside and outside of the building. Steel wide flange beams will be stored on the gravel yard.

The initial phase of operations will include 12-17 employees with 10-15 working day shifts and 5-10 working swing shifts. Hours of operations will be Monday through Friday from 5:30am - 11:00pm with occasional Saturday day shifts. Anticipated truck traffic will include Old Mac's fleet of 5-6 trucks delivering 1-2 loads/day with another 4-5 client trucks picking up loads throughout the day.

The yard will be illuminated in the early morning (5:30 - 7am) and late evening (7-11pm) with a combination of pole, crane and wall mounted lights. The warehouse be approximately 200ft x 470ft with 90ft and 110ft bays for the 'bar' and 'tubing' storage. The steel members will be stored within racks or directly on the floor. The steel will be cut to length with various saws positioned throughout the warehouse. The 120ft clear span exterior craneway will parallel and extend the length of the warehouse.

The Land Use Approval process will require a Type 3 Site Design Review. Neighbors will receive notice of the land use application submission, there will be a posting on the site and at that time there will be a two-week comment period. The applicant will respond to the comments and questions at or before the hearing.

The site will be served with 3 driveways with all traffic entering the site via the eastern most drive at S 13th Ave. All auto traffic will utilize the eastern most drive to exit and a majority of the trucks will exit the yard via the drive which extends thru the building. A handful of trucks will exit the yard via the secondary exit drive at Sequoia Parkway.

The yard will be secured with a 6ft cyclone fence with PVC slats and the setback along Sequoia will be screened with dense landscape plantings.

The City will require street trees and a sidewalk along the Sequoia Parkway frontage. The County will require S 13th Ave to be improved to a Collector Street standard which will include Right-of-Way dedication and Public Utility easements to include a 25ft paved half street, 6ft planter strip with street trees & lights, a 6ft sidewalk and extension of franchise utilities to include power, Natural Gas and cable/fiber.

Construction of the project is anticipated to begin in the spring of 2022 with completion occurring within 7-8mos. We hope to submit our Site Design Review app to the city within 5-6 weeks.

ATTENDEE QUESTIONS & RESPONSES

Barb Fontana

Q: What is the height of the crane in comparison to the building?

A: Greg stated that the craneways (both exterior and interior) will likely be at least 25ft above grade with the exterior walls of the building being around 40ft.

Q: Is there a sound abatement in place?

A: Greg stated that there will be a 6ft fence with PVC slats in addition to dense evergreen plantings along the fence line at Sequoia Parkway.

Q: There is concern from the railway regarding noise.

A: Greg responded, as I understand it, rail spur deliveries will occur once a week. We could consider constructing a berm along the Sequoia Parkway setback to supplement the noise abatement provided by the fence and landscape plantings. The project will be required to be in compliance with the noise ordinance which is outlined in section 9.48 of the City of Canby municipal code.

Fred Joiner

- Q: The headlights from the trucks driving out of the yard via the Sequoia drive will shine directly into his house. He suggested modifying the site plan to locate the rail and building away from Sequoia and ideally paralleling the railroad. Fred also felt that trucks exiting onto Sequoia should have an acceleration lane added along the frontage.
- A: Greg responded, we have looked at several site plan configurations but the alternatives do not provide adequate rail car staging or the contiguous yard required by the client. As for the acceleration lane, we will be following recommendations provided within the traffic study as coordinated by the City's traffic consultant.

Ron Rhodes

- Q: Ron asked Greg if there were other residential developments abutting industrial parks and suggested that we consider rotating the building.
- A: Greg responded that he did not know if there were other residential developments that abutted industrial zoned properties within the City. In regards to rotating the building, we have evaluated alternative site plan configurations but they do not meet the criteria required by the client. I will review sound abatement alternatives with the client, specifically along the Sequoia Parkway setback. Their operations will need to comply with the City's sound ordinance.

Merrit Walker

- Q: Have you considered angling the building so that it could be located against the railroad..??
- A: Greg responded, yes we have evaluated alternative site plans to include locating the building and exterior rail against the railroad and having the building parallel Sequoia. Both of these options did not allow for adjacency of the office to the main truck entrance nor did they allow for adequate rail car staging or a contiguous yard.

Oshawna ???

- Q: What is the height of building?
- A: Greg responded that the warehouse walls will be 36-40ft whereas the office walls will be at or below 25ft
- Q: Will trucks go down 13th, how will construction effect traffic and what are the hours?
- A: Greg responded, the primary truck access and egress will travel down 13th with some secondary truck egress exiting via the drive at Sequoia parkway. Construction will be M-F and potentially on some Saturdays. Construction start/end times are usually 7am – 4pm. Duration of construction will be about 7 months. Roadway construction that could impact traffic will be on 13th and the road may be limited to one lane for a small duration of the project. Construction timeline and schedules will be firmed up once a contractor is selected. The contractor will have a superintendent staged at the site in a work trailer and we will request that the contractor communicate schedule and potential lane closures with the neighbors. The contractor will also be required to comply with the City's noise ordinance.

Julie ??

- Q: How tall are the lights? What kind of shielding?

A: Greg responded that the yard will have some pole lights positioned within and around the yard. These lights are required to be in compliance with development standard which limits the height of the lights to 40% of the length of the setback with a maximum height of 37.5 ft. We will be required to submit a photometric plan and cut sheets of the fixtures to the City to confirm compliance with the development standards.

Eric Stratton

Q: Is there going to be an environmental impact study? If work is based on daylight hours, will this change seasonally?

A: Greg responded that with exception of the Level 1 Environmental study completed by the applicant, an environmental impact study is not required for the project. Storm water will be retained on site and water usage will be limited to domestic use for the ancillary office and for fire protection purposes only. No processed water is proposed with the operations. As I understand the clients operations, the operational hours will be from 530am – 11pm.

Jerry Johnson

Q: You mentioned 35ft between ROW on Sequoia and railway. Jerry would like to see a berm and taller fence, preferably a concrete wall.

A: Greg responded that the site plan reflects a 35ft setback between building and right of way. The rail spur is another 15ft beyond that. The distance from the center line of Sequoia to the center line of the railway is approximately 87ft. The fence line is about 30ft from the right of way which means we could construct an approximate 4ft berm along this setback. The concrete barrier will likely be cost prohibitive, but we could certainly look at locating the fence at the top of the berm and providing landscape buffering on each side of the fence.

Samantha Rose

Q: Will there be forklifts and if so, how many?

A: Greg responded, yes there will be forklifts and I would anticipate at least two.

Q: If business increases, will the train run more often?

A: Greg responded, as of now, I'm only aware of one delivery per week.

Q: Are they purchasing the land?

A: Greg responded, yes, the company will be purchasing the land.

Q: Will there be hazmat materials on site?

A: Greg stated that he is not aware of any proposed hazmat materials that will be stored/used on site.

Q: Will there be a way to contact the company if their drivers are not following protocol? Is this facility requiring background checks and drug tests for all employees? Is their concern for air pollution?

A: Greg responded, yes the ownership can be contacted during normal operational hours by checking into the administrative office. I'm knowledgeable about the clients drug testing policies but anticipate that they would. The gravel lay down area could create a potential for dust, however the operations will ensure that the yard is maintained and dust is minimized. This concern was raised during pre-application conference and the client ensured City staff that the yard will be continuously maintained.

Merrit Walker

Q: What is the employee size if everything is fully staffed and business increases? Are there any safeguards in place where if it exceeds that number they have to get approval? Can we have the location of the building in Las Vegas used as an example?

A: Greg responded, as I understand it the maximum employee count proposed for the site is 17. The business operations is primarily for staging/storing of steel beams, tubing and bar. Due to the low employee count, we will be requesting conditional use approval as the development standards require three employees per acre, which would equate to approximately 36. The example illustrated in the photo is the PDM Steel facility in Las Vegas.

Jerry Johnson

Q: Greg, did you say that the noise decibel limit was 70 DBA..??

A: Greg responded, the ordinance states that the noise decibel limit is 75dba during the day and 70dba at night as measured at or within the property boundary.

Jennifer Kimura

From: Lori Grady <loriqpi@aol.com>
Sent: Wednesday, July 14, 2021 3:05 PM
To: Amy Tallent; barbfontana@canby.com; rancherofred@outlook.com; ambermathiesen@outlook.com; jstiers@yahoo.com; Terri.Lynn_3@icloud.com; Wey1013@mac.com; samanthaamberrose@yahoo.com; Jmc091360@gmail.com; Rcrhodes7@msn.com; pzenhoefer@gmail.com; Jerry5498@aol.com; Stratton.squad@gmail.com; meritw@winnetworks.com; mike@questbenefitsnw.com; linneagrimsrud@gmail.com; rcrhodes7@msn.com
Cc: Jennifer Kimura; Greg Blefgen; Ben Hagerman
Subject: Re: Old Mac Neighborhood Meeting

Thanks for the info. I know we all appreciate you keeping us in the loop. The meeting conversation let your company know that we (Timber Park subdivision) are concerned about the noise, lights, traffic, and air issues. Many of us spoke together after the meeting and are in hopes that a re-design putting the train, crane, forklift noise, and lighting, as far away from our subdivision as possible would help. Also, berms and cement walls on both sides of Sequoia to shield the lights and noise would be helpful too. Thank-you for your time. Lori Grady PS Ronn and Carol Rhodes email is Rcrhodes7@msn.com.

-----Original Message-----

From: Amy Tallent <amyt@vlmk.com>
To: barbfontana@canby.com <barbfontana@canby.com>; loriqpi@aol.com <loriqpi@aol.com>; rancherofred@outlook.com <rancherofred@outlook.com>; ambermathiesen@outlook.com <ambermathiesen@outlook.com>; jstiers@yahoo.com <jstiers@yahoo.com>; Terri.Lynn_3@icloud.com <Terri.Lynn_3@icloud.com>; Wey1013@mac.com <Wey1013@mac.com>; samanthaamberrose@yahoo.com <samanthaamberrose@yahoo.com>; Jmc091360@gmail.com <Jmc091360@gmail.com>; Rcrhodes7@msn.com <Rcrhodes7@msn.com>; pzenhoefer@gmail.com <pzenhoefer@gmail.com>; Jerry5498@aol.com <Jerry5498@aol.com>; Stratton.squad@gmail.com <Stratton.squad@gmail.com>; meritw@winnetworks.com <meritw@winnetworks.com>; mike@questbenefitsnw.com <mike@questbenefitsnw.com>; linneagrimsrud@gmail.com <linneagrimsrud@gmail.com>
Cc: Jennifer Kimura <jenniferk@vlmk.com>; Greg Blefgen <gregb@vlmk.com>; Ben Hagerman <benh@vlmk.com>
Sent: Wed, Jul 14, 2021 11:48 am
Subject: Old Mac Neighborhood Meeting

Thanks for joining us for the Old Mac Neighborhood meeting. Attached is the slide show that was presented in the meeting. Please let me know if you have any questions.



Amy Tallent | Front Office Coordinator

VLMK Engineering + Design

3933 S Kelly Avenue | Portland, OR 97239 | tel: 503.222.4453 | VLMK.COM

direct: 971-254-8307 | cell: 503.481.3668 | email: amyt@vlmk.com

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[Not spam](#)

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Jennifer Kimura

From: Fred Joyner <rancherofred@outlook.com>
Sent: Wednesday, July 14, 2021 6:49 AM
To: Jennifer Kimura
Subject: Old Mac Project

Jennifer,

I appreciate the efforts you have made regarding the proposed development, as to trying to inform residents as to the scope of work.

After talking with many of the homeowners, I can only say that further discussion is warranted.

I would be glad to talk to Greg at any time, or meet if necessary,

I will have more after I attend the upcoming city council meeting, to voice my concerns.

I think there could be ways to develop this project that addresses the concerns of the neighborhood, while serving the purposes of the project.

Thank you,
Fred Joyner
2297 SE 11th AVE
Canby Or.
503-702-5914

NOTE: This message was trained as non-spam. If this is wrong, please correct the training as soon as possible.

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TECHNICAL MEMORANDUM

DATE: September 8th, 2021

TO: Brianna Addotta and Don Hardy, City of Canby

FROM: Kevin Chewuk, Alex Correa, and Chris Maciejewski, P.E. | DKS Associates

SUBJECT: Canby Project Old Mac
Transportation Analysis Letter

EXECUTIVE SUMMARY

A summary of key findings from the Canby Project Old Mac Transportation Analysis Letter is provided below:

- **Expected Additional Vehicle Trips:**

- Approximately 22 a.m. peak hour trips, 23 p.m. peak hour trips, and 208 daily trips.
- The adjacent Arterial and Collector streets (i.e., Sequoia Parkway and SE 13th Avenue) and most nearby intersections will maintain a level of traffic volume that is consistent with their classifications and planned growth from the TSP.
- This proposed project will contribute its proportional share towards System Development Charge improvement projects from the TSP that are needed to accommodate the forecasted growth.
- Two intersections have realized growth rates higher than the TSP planned for (i.e., OR 99E intersections with S Ivy Street and Haines Road) and do not have planned transportation improvements within the planning horizon of the Canby TSP (through the year 2030).
- The City's alternate fee-in-lieu approach for these intersections will be applied to this proposed project that would result in a fee-in-lieu of \$62,245, beyond the System Development Charge Fee noted above.

- **Proposed Site Access:**

- Access proposed via three driveways, including two along SE 13th Avenue and one along Sequoia Parkway.
- Access for all entering and exiting light vehicles will be via the easternmost driveway to SE 13th Avenue. All truck traffic will also enter the site via this driveway, with most exiting via the western driveway to SE 13th Avenue and the remainder exiting via the Sequoia Parkway driveway.
- Access spacing standards are met for most of the proposed driveways. However, the proposed eastern driveway to SE 13th Avenue will be located near the east property line and will require a design modification to the County Code. No operational or safety issues are anticipated due to the low number of vehicles using the existing driveway that serves a single-family residence.
- Preliminary sight distance evaluation indicated that adequate sight lines would likely be provided for each of the proposed roadway accesses should the sight triangle be cleared.

However, prior to occupancy, sight distance at the proposed driveways will need to be verified, documented, and stamped by a registered professional Civil or Traffic Engineer licensed in the State of Oregon.

- **Proposed Circulation:**

- Internal drive aisles will provide access from the connecting roadways to the on-site parking area and connect the driveways. Three proposed driveways will provide access for vehicles and bicycles.
- Sequoia Parkway includes bike lanes, and a shared-use path along the west side. The east side will be improved along the frontage of the proposed site to include a sidewalk with a buffer/landscape strip.
- SE 13th Avenue will be improved with half-street improvements that will consist of an 8-foot bike facility, and a 5-foot-wide sidewalk behind a 5-foot-wide landscape strip along the frontage of the proposed site.
- The site includes a proposed sidewalk from SE 13th Avenue to the on-site parking area and to the entrances of the office building.
- These facilities can adequately accommodate the expected additional vehicle, pedestrian, and bicycle trips.

- **Transportation Approval Criteria and Livability Measures:**

- The proposed site adequately addresses each transportation approval criteria and livability measure.

INTRODUCTION

This memorandum summarizes the transportation impacts associated with the proposed Canby Project Old Mac development located at the northeast corner of the Sequoia Parkway and SE 13th Avenue intersection in Canby, Oregon. The proposed site will consist of a 96,410 square foot warehouse building with associated office uses designed to accommodate the storage and distribution of steel bar and tubing¹.

LEVEL OF TRANSPORTATION ANALYSIS REQUIRED

The City requires transportation impacts to be assessed with any proposed development that will increase trips on the transportation system, consistent with requirements in the Canby Municipal Code 16.08.150. These transportation studies implement Sections 660-012-0045(2)(a), -0045(2)(b) and -0045(2)(e) of the State Transportation Planning Rule (TPR), which require the City to adopt access spacing and performance standards and a process to apply conditions to land use proposals to minimize impacts on and protect transportation facilities. These standards are specified in the Canby Municipal Code 16.08.160, with each proposed development approval dependent on meeting the specified criteria. In addition, the City assesses livability measures to each study for neighborhood traffic and pedestrian and bicycle circulation.

Transportation impacts are assessed by comparing the adopted standards to conditions before and after the proposed development is constructed. In general terms, a full transportation impact analysis (TIS) is required of developments that are presumed to generate a significant number of additional trips (i.e., the site is expected to generate 25 or more trips during the AM and/or PM peak hours or 250 or more daily trips), while those that will not provide analysis consistent with the City Transportation Analysis Letter (TAL) requirements. The key difference between the two levels of analysis is that the TAL does not require peak hour intersection operations to be analyzed. Peak hour intersection operations will not be degraded by proposed developments that generate fewer than 25 AM and/or PM peak trips since these trips are distributed system wide and do not all impact a single location, including intersections and roadway segments. Therefore, these proposed developments are consistent with the approval criteria 16.08.160.F (i.e., adopted intersection mobility standards) and only need to provide a level of analysis that is consistent with the other specified approval criteria included in the Canby Municipal Code 16.08.160, and the various neighborhood traffic and pedestrian and bicycle livability measures.

The proposed development will not result in a significant increase of additional trips (i.e., the site is expected to generate 25 or fewer trips during the AM and/or PM peak hours and fewer than 250 daily trips), so this analysis is consistent with the City TAL requirements as documented in the project scoping memorandum².

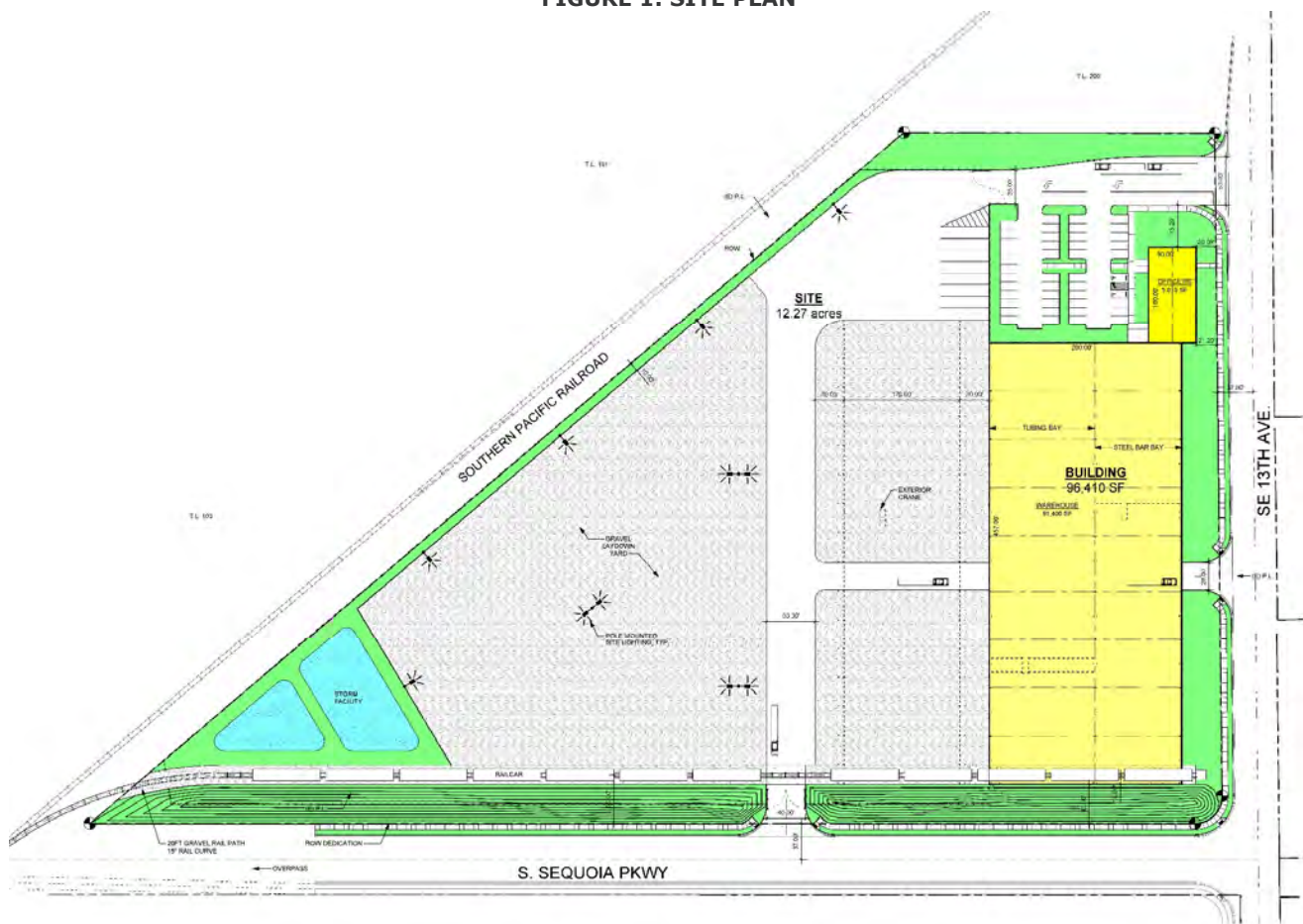
¹ Canby Project Old Mac site plan, Revised July 23, 2021.

² Scope of Work – Project Old Mac, July 21st, 2021.

PROJECT DESCRIPTION

The proposed project is located on the north side of SE 13th Avenue, just to the east of Sequoia Parkway in Canby, Oregon. The existing site currently contains a hazelnut orchard and has been used for agriculture for several decades. The proposed development is for a 96,410 square foot building, with 91,400 square feet of warehouse designed for the storage and distribution of steel bar and tubing, along with 5,010 square feet of office for business administration, operations, and warehouse employees. The site is zoned for M-1 (Light Industrial) and is in the Industrial Area Overlay (I-O). The site plan can be seen in Figure 1.

FIGURE 1: SITE PLAN



SITE ACCESS AND CIRCULATION

SITE ACCESS

Access to the site is proposed via three driveways, including two along SE 13th Avenue and one along Sequoia Parkway. The proposed eastern driveway to SE 13th Avenue will be full access, while the proposed driveway to Sequoia Parkway and the western driveway to SE 13th Avenue will only serve exiting truck traffic.

ACCESS SPACING

The City of Canby has jurisdiction over Sequoia Parkway and applies a functional classification of "Collector" to it. It is also located within the Industrial Overlay Zone area. City standards require driveways to be spaced at least 200 feet apart on the same side of Collectors in the Industrial Overlay Zone³ and spaced at least 100 feet from intersections⁴. The proposed driveway to Sequoia Parkway will be approximately 450 feet north and more than 700 feet south of the nearest roadways or driveways, complying with the spacing standard.

Clackamas County has jurisdiction over SE 13th Avenue, which includes a County functional classification of "Minor Arterial". County standards require full-access driveways to be spaced at least 250 feet apart on Minor Arterials⁵. The proposed western driveway to SE 13th Avenue will be approximately 250 feet east of Sequoia Parkway, and about 350 feet from the proposed eastern driveway to SE 13th Avenue, complying with the spacing standard. However, the proposed eastern driveway will be located near the east property line, approximately 50 feet west of an existing driveway. Although the proposed driveway would be located 200 feet closer than the 250-foot spacing standard, no operational or safety issues are anticipated due to the low number of vehicles using the existing driveway that serves a single-family residence. A design modification to the County Code will be required.

SIGHT DISTANCE

The sight triangle at intersections should be clear of objects (large signs, landscaping, parked cars, etc.) that could potentially limit vehicle sight distance. In addition, all proposed accesses should meet AASHTO sight distance requirements as measured from 15 feet back from the edge of pavement⁶.

The proposed driveway to Sequoia Parkway would require a minimum of 390 feet of sight distance based on a 35-mph design speed. Preliminary sight distance evaluation from the approximate location of the driveway indicates that the proposed connection would be expected to provide sight

³ Canby Municipal Code 16.35.050.F. Retrieved August 2021.

⁴ Canby Municipal Code 16.46.030. Retrieved August 2021.

⁵ Clackamas County Roadway Standards, Section 220.3 Access Spacing Standards. Updated June 1, 2020.

⁶ AASHTO – *Geometric Design of Highways and Streets*, 7th edition, 2018.

distance to SE 13th Avenue looking to the south (about 450 feet) and at least 700-feet of sight distance looking to the north.

The proposed driveways to SE 13th Avenue would require a minimum of 445 feet of sight distance based on an assumed 40-mph design speed. Preliminary sight distance evaluation from the approximate location of the western driveway indicates that the proposed connection would be expected to provide sight distance of at least 600-feet looking to the west and at least 550-feet of sight distance looking to the east. Preliminary sight distance evaluation from the approximate location of the eastern driveway indicates that the proposed connection would be expected to provide sight distance to Sequoia Parkway looking to the west (about 600-feet) but only about 200-feet of sight distance looking to the east. Hedges and other vegetation along the property line between the proposed site and the neighboring property to the east, and along SE 13th Avenue in front of this neighboring property, limit the line of sight from this proposed driveway. Should this vegetation be pruned to clear the sight triangle, an estimated 350 feet of sight distance would likely be available to the curve of SE 13th Avenue⁷. While this is less than the requirement assuming a 40-mph design speed, this curve has a posted speed limit of 25-mph, so westbound traffic will be traveling at slower speeds. This correlates to a design speed of 30-mph (or 5 mph over the posted speed), which requires 335 feet of sight distance. In this case, the proposed driveway would be expected to provide adequate sight distance.

However, prior to occupancy, sight distance at all access points will need to be verified, documented, and stamped by a registered professional Civil or Traffic Engineer licensed in the State of Oregon.

SITE FRONTAGE

The proposed site has frontage along Sequoia Parkway and SE 13th Avenue. As documented earlier, the City of Canby has jurisdiction over Sequoia Parkway and applies a functional classification of "Collector" to it, while Clackamas County has jurisdiction over SE 13th Avenue, which includes a County functional classification of "Minor Arterial".

Sequoia Parkway is improved to meet the City's cross-section standard for Collector streets, with one travel lane in each direction, a center turn lane, bike lanes, and a shared-use path along the west side. The east side will be improved along the frontage of the proposed site to include a sidewalk with a buffer/landscape strip. The existing roadway, with the frontage pedestrian improvements, can adequately accommodate the additional vehicle, pedestrian, and bicycle traffic expected.

SE 13th Avenue has an estimated 20-foot paved width along the frontage of the proposed site. The applicant will be required to design and construct half-street improvements along the entire site frontage of SE 13th Avenue to County arterial roadway standards for a three-lane section⁸. These

⁷ This distance was approximated since vegetation is blocking the line of sight.

⁸ Clackamas County Roadway Standards, Standard Drawing C140.

improvements will consist of a minimum paved width of 34 feet from the centerline of the right-of-way consisting of one 12-foot travel lane, a 14-foot center turn lane, and an 8-foot bike facility, and a 5-foot-wide sidewalk behind a 5-foot-wide landscape strip. With the frontage improvements, SE 13th Avenue can adequately accommodate the additional vehicle, pedestrian, and bicycle traffic expected.

INTERNAL SITE CIRCULATION

The proposed site plan (shown earlier in Figure 1) shows the site is proposing three driveways, including two along SE 13th Avenue and one along Sequoia Parkway. The proposed eastern driveway to SE 13th Avenue will be full access, while the proposed driveway to Sequoia Parkway and the western driveway to SE 13th Avenue will only serve exiting truck traffic. Access for all entering and exiting light vehicles will be via the easternmost driveway to SE 13th Avenue. All truck traffic will also enter the site via this driveway, with most (about 70 percent) exiting via the western driveway to SE 13th Avenue and the remainder (about 30 percent) exiting via the Sequoia Parkway driveway. Internal drive aisles will provide access from the connecting roadways to the on-site parking area and connect the driveways. These can provide adequate circulation for motor vehicles and bicycles to the surrounding existing roadway network, and internally within the site.

The site plan also includes a proposed sidewalk from SE 13th Avenue to the on-site parking area and to the entrances of the office building.

TRIP GENERATION

The amount of new vehicle trips generated by the proposed use was estimated using the trip generation estimates based on ITE Code 150 (Warehousing) and ITE code 710 (General Office Building) using the latest version of the ITE Trip Generation Manual (10th Edition). Trip generation estimates for the proposed development are provided for daily, morning, and evening peak hours, and are summarized in Table 1. The proposed site will be expected to generate 22 a.m. peak trips, 23 p.m. peak trips, and 208 daily trips. This includes up to 2 truck trips during the a.m. peak hour, up to 3 truck trips during the p.m. peak hour, and up to 55 truck trips in a day.

The applicant also provided supplemental trip information based on their current operations⁹. This data suggests the trips generated will be much lower than the amount estimated using ITE, with 12 a.m. peak trips, 12 p.m. peak trips, and 70 daily trips. The applicant also estimates that trucks will account for 12 of these daily trips¹⁰.

However, the total from ITE was utilized as a conservative method to account for the potential usage of the proposed space. Despite this, the estimated trip generation of the proposed site will not be expected to result in an increase significant enough to degrade peak hour intersection

⁹ Project Narrative for Project Old Mac. Dated May 13, 2021.

¹⁰ Email from VLMK. Dated August 19, 2021.

operations and is therefore consistent with the transportation approval criteria 16.08.160.F (i.e., adopted intersection mobility standards).

TABLE 1: TRIP GENERATION FOR THE PROPOSED PROJECT

LAND USE (SIZE)	AM PEAK			PM PEAK			DAILY TRIPS
	IN	OUT	TOTAL	IN	OUT	TOTAL	
WAREHOUSING - ITE CODE 150 (91,400 SQ FT)							
LIGHT VEHICLES	11	3	14	3	11	14	104
TRUCKS	1	1	2	1	2	3	55
TOTAL VEHICLES (LIGHT VEHICLES + TRUCKS)	12	4	16	4	13	17	159
GENERAL OFFICE BUILDING - ITE CODE 710 (5,010 SQ FT)							
LIGHT VEHICLES	5	1	6	1	5	6	49
TRUCKS	0	0	0	0	0	0	0
TOTAL VEHICLES (LIGHT VEHICLES + TRUCKS)	5	1	6	1	5	6	49
TOTAL PROJECT TRIPS							
TOTAL PROJECT LIGHT VEHICLES	16	4	20	4	16	20	153
TOTAL PROJECT TRUCKS	1	1	2	1	2	3	55
TOTAL PROJECT VEHICLES (LIGHT VEHICLES + TRUCKS)	17	5	22	5	18	23	208

TRIP DISTRIBUTION AND ASSIGNMENT

The estimated site generated traffic for the proposed project was distributed and assigned to the nearby arterial and collector roadway network. These nearby roadways can accommodate the additional trips expected. A summary of the peak project trips added to nearby intersections is shown in Table 2. As shown, fewer than 21 peak trips will be expected to be added to nearby non-highway intersections, and fewer than 8 peak trips at highway intersections. This includes an expected 11 additional a.m. peak trips along Sequoia Parkway north of the project site, 9 along SE 13th Avenue west of the project site, and 2 along SE 13th Avenue east of the project site, and 13 additional p.m. peak trips along Sequoia Parkway north of the project site, 8 along SE 13th Avenue west of the project site, and 2 along SE 13th Avenue east of the project site.

In total, approximately 111 additional daily trips will be expected along Sequoia Parkway north of the project site, about 79 additional daily trips along SE 13th Avenue west of the project site, and about 18 additional daily trips along SE 13th Avenue east of the project site.

TABLE 2: PEAK HOUR PROJECT TRIPS ADDED

INTERSECTION	TRIPS ADDED BY MOVEMENT												TOTAL PEAK TRIPS
	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR	
AM PEAK HOUR													
S IVY STREET/OR 99E	1	0	0	0	0	0	0	1	3	0	0	0	5
S PINE STREET/OR 99E	0	0	0	0	0	0	0	0	1	0	0	0	1
SEQUOIA PARKWAY/OR 99E	0	1	1	0	2	0	0	0	0	4	0	0	8
HAINES ROAD/OR 99E	0	1	0	0	4	0	0	0	0	0	0	0	5
SEQUOIA PARKWAY/S TOWNSHIP ROAD	0	2	0	0	6	0	0	0	1	0	0	0	9
SEQUOIA PARKWAY/SE 13 TH AVE	0	0	0	7	0	0	0	9	0	0	2	2	20
PM PEAK HOUR													
S IVY STREET/OR 99E	3	0	0	0	0	0	0	0	2	0	1	0	6
S PINE STREET/OR 99E	1	0	0	0	0	0	0	0	0	0	0	0	1
SEQUOIA PARKWAY/OR 99E	0	1	4	0	1	0	0	0	0	1	0	0	7
HAINES ROAD/OR 99E	0	4	0	0	1	0	0	0	0	0	0	0	5
SEQUOIA PARKWAY/S TOWNSHIP ROAD	1	5	0	0	2	0	0	0	0	0	0	0	8
SEQUOIA PARKWAY/SE 13 TH AVE	0	0	0	2	0	0	0	3	0	0	10	6	21

Actual Traffic Volume Growth Compared to TSP Forecast

The traffic volumes resulting from the proposed project at nearby intersections were compared to existing traffic volumes, as well as the projected volumes from the City’s Transportation System Plan (TSP). This analysis shows how actual traffic volume growth on the roadway network compares to conditions that were planned for with improvement projects in the TSP. As shown in Table 3, traffic volume growth at 4 of the 6 intersections is similar or lower than what has been planned for in the TSP, indicating acceptable volumes at these locations consistent with the TSP.

Growth on the highway (OR 99E) at the east and west ends of the City (i.e., S Ivy Street and Haines Road intersections) has occurred at a slightly higher rate than the TSP forecast, with both locations having realized an annual growth rate about 1 percent higher. However, realized growth at intersections between those two (i.e., S Pine Street and Sequoia Parkway intersections) has been slightly lower than the TSP. Non-highway intersections near the project site (i.e., Sequoia Parkway intersections with S township Road and SE 13th Avenue) have realized growth rates between 2 and 4 percent lower than what the TSP planned for.

TABLE 3: ACTUAL TRAFFIC VOLUME GROWTH COMPARED TO TSP FORECAST (P.M. PEAK)

INTERSECTION	CURRENT VOLUME (2021)	ESTIMATED SITE TRIPS	TOTAL VOLUME (2021)	TSP VOLUME (2009) *	TSP ESTIMATED FUTURE VOLUME (2030) *	TSP FORECASTED ANNUAL GROWTH RATE (2030-2009)	REALIZED ANNUAL GROWTH RATE (2021-2009)
S IVY STREET/ OR 99E	3,620	6	3,626	2,909	3,550	1%	2%
S PINE STREET/ OR 99E	3,108	1	3,109	2,222	4,030	4%	3%
SEQUOIA PARKWAY/ OR 99E	3,009	7	3,016	1,938	3,940	5%	5%
HAINES ROAD/ OR 99E	2,722	5	2,727	2,020	2,890	2%	3%
SEQUOIA PARKWAY/ S TOWNSHIP ROAD	860	8	868	444	1,360	10%	8%
SEQUOIA PARKWAY/ SE 13 TH AVE	429	21	450	161	810	19%	15%

* Source: 2009 TSP Existing Volumes; 2030 TSP Financially Constrained Volumes

Improvement Project Contribution

The City’s TSP includes improvement projects that are needed to accommodate all the growth that was forecasted to occur through 2030. These projects are included on the City’s Transportation System Development Charge improvement list, which is the one of the main funding mechanisms for implementing these TSP projects. Every new development in the City pays its proportional share of these improvements based on the actual development size. Accordingly, this proposed project will contribute its proportional share towards these System Development Charge improvement projects. This includes all projects from the TSP that are needed to accommodate the forecasted growth outlined in Table 3.

The two intersections from Table 3 with realized growth rates higher than the TSP planned for (i.e., OR 99E intersections with S Ivy Street and Haines Road) do not have planned transportation improvements within the planning horizon of the Canby TSP (through the year 2030). Oregon Highway Plan Action 1F.5 requires that in this case, further degradation of intersection operations must be avoided. Any traffic generated from new developments that are expected to travel through these intersections will cause operations to further degrade. The City has developed an alternate fee-in-lieu approach for these intersections that each project must contribute towards¹¹, beyond the System Development Charge fee. This approach means the proposed project would contribute their mitigation fees to advance a beneficial system improvement in lieu of paying for capacity improvements at the two impacted intersections. Proportional share of the project is based on project generated PM peak hour trips at the intersection compared to the overall TSP forecasted growth. For this proposed project, that would be 0.3 percent at the OR 99E / S Ivy Street intersection, and 0.6 percent at the OR 99E / Haines Road intersection, for a fee-in-lieu of \$62,245.

TABLE 4: FEE-IN-LIEU MITIGATION COSTS

LOCATION	PROJECT	PROPOSED PROJECT GROWTH SHARE	PLANNING LEVEL COST ESTIMATE (ASSUMED YEAR OF OPENING - 2022)*	ESTIMATED FEE-IN-LIEU
OR 99E/IVY STREET	Dual westbound left turn lanes on OR 99E	0.3%	\$8,200,000	\$27,018
OR 99E/HAINES ROAD	Dual-lane, rural roundabout	0.6%	\$6,200,000	\$35,227
TOTAL			\$14,400,000	\$62,245

Note: * Planning level cost estimate adjusted from the current year (2021) to the expected year of opening (2022) using a 3 percent growth rate derived from the National Highway Construction Cost Index.

¹¹ Canby South Fee-In-Lieu Analysis, June 10, 2021.

APPROVAL CRITERIA AND LIVABILITY MEASURES

The following sections summarize how the proposed project adequately addresses the transportation approval criteria and the livability measures for neighborhood traffic and pedestrian and bicycle circulation.

TRANSPORTATION APPROVAL CRITERIA

The Canby Municipal Code 16.08.160 includes transportation approval criteria that each proposed development must satisfy. This includes criteria B, D, E, and F, as summarized below. While Criteria A, C and E.3 are not transportation related criteria, they are still applicable for approval. See the respective documents or plans for more details on how this proposed development meets Criteria A, C and E.3.

A. ADEQUATE STREET DRAINAGE, AS DETERMINED BY THE CITY.

Non-transportation related criteria. See respective project documents/plans for information.

B. SAFE ACCESS AND CLEAR VISION AT INTERSECTIONS, AS DETERMINED BY THE CITY.

The proposed driveway to Sequoia Parkway will be approximately 450 feet north and more than 700 feet south of the nearest roadways or driveways, complying with the spacing standard. The proposed western driveway to SE 13th Avenue will be approximately 250 feet east of Sequoia Parkway, and about 350 feet from the proposed eastern driveway to SE 13th Avenue, complying with the spacing standard. However, the proposed eastern driveway to SE 13th Avenue will be located near the east property line, approximately 50 feet west of an existing driveway. Although the proposed driveway would be located 200 feet closer than the 250-foot spacing standard, no operational or safety issues are anticipated due to the low number of vehicles using the existing driveway that serves a single-family residence. A design modification to the County Code will be required.

Prior to occupancy, sight distance at the proposed driveways will need to be verified, documented, and stamped by a registered professional Civil or Traffic Engineer licensed in the State of Oregon. Preliminary sight distance evaluation from the approximate location of the Sequoia Parkway driveway, and the approximate location of the western driveway to SE 13th Avenue indicates that the proposed connections would be expected to provide adequate sight distance in both directions.

Preliminary sight distance evaluation from the approximate location of the eastern driveway to SE 13th Avenue indicates that the proposed connection would be expected to provide adequate sight distance looking to the west, but not to the east. Hedges and other vegetation along the property line between the proposed site and the neighboring property to the east, and along SE 13th Avenue in front of this neighboring property, limit the line of sight from this proposed driveway. Should this vegetation be pruned to clear the sight triangle, an estimated 350 feet of sight distance would likely be available to the curve of SE 13th Avenue. While this is less than

the requirement assuming a 40-mph design speed, this curve has a posted speed limit of 25-mph, so westbound traffic will be traveling at slower speeds. This correlates to a design speed of 30-mph (or 5 mph over the posted speed), which requires 335 feet of sight distance. In this case, the proposed driveway would be expected to provide adequate sight distance.

C. ADEQUATE PUBLIC UTILITIES, AS DETERMINED BY THE CITY.

Non-transportation related criteria. See respective project documents/plans for information.

D. ACCESS ONTO A PUBLIC STREET WITH THE MINIMUM PAVED WIDTHS AS STATED IN SUBSECTION E BELOW.

Access to the site is proposed via three driveways, including two along SE 13th Avenue and one along Sequoia Parkway. The proposed eastern driveway to SE 13th Avenue will be full access, while the proposed driveway to Sequoia Parkway and the western driveway to SE 13th Avenue will only serve exiting truck traffic. Access for all entering and exiting light vehicles will be via the easternmost driveway to SE 13th Avenue. All truck traffic will also enter the site via this driveway, with most exiting via the western driveway to SE 13th Avenue and the remainder exiting via the Sequoia Parkway driveway. Internal driveways will provide access from the connecting roadways to the on-site parking area and connect the driveways. The site also includes a proposed sidewalk from SE 13th Avenue to the on-site parking area and to the entrances of the office building.

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.**

Not applicable- Sequoia Parkway is a Collector Street and SE 13th Avenue is an Arterial Street.

- 2. For collector and arterial streets, a minimum paved width of 20 feet along the site's frontage.**

The proposed site has frontage along Sequoia Parkway and SE 13th Avenue. Sequoia Parkway is improved to meet the City's cross-section standard for Collector streets, with one travel lane in each direction, a center turn lane, bike lanes, and a shared-use path along the west side. The east side will be improved along the frontage of the proposed site to include a sidewalk with a buffer/landscape strip.

SE 13th Avenue has an estimated 20-foot paved width along the frontage of the proposed site. The applicant will be required to design and construct half-street improvements along the entire site frontage of SE 13th Avenue to County arterial roadway standards for a three-lane section. These improvements will consist of a minimum paved width of 34 feet from the centerline of the right-of-way consisting of one 12-foot travel lane, a 14-foot center turn

lane, and an 8-foot bike facility, and a 5-foot-wide sidewalk behind a 5-foot-wide landscape strip.

3. For all streets, a minimum horizontal right-of-way clearance of 20 feet along the site's frontage.

Non-transportation related criteria. See respective project documents/plans for information.

F. COMPLIANCE WITH MOBILITY STANDARDS IDENTIFIED IN THE TSP. IF A MOBILITY DEFICIENCY ALREADY EXISTS, THE DEVELOPMENT SHALL NOT CREATE FURTHER DEFICIENCIES.

The proposed development will generate no more than 23 peak hour trips, and 208 daily trips, and met criteria for a TAL level of analysis. Peak hour intersection operations will not be degraded by proposed developments that generate fewer than 25 AM and/or PM peak trips since these trips are distributed system wide and do not all impact a single location, including intersections and roadway segments. Proposed developments that meet the TAL criteria are deemed consistent with this approval criteria (i.e., adopted intersection mobility standards).

LIVABILITY CRITERIA

In addition, each project must comply with livability measures for neighborhood traffic and pedestrian and bicycle circulation. A summary is provided below for the proposed project.

NEIGHBORHOOD TRAFFIC

The proposed site will access directly to adjacent Arterial and Collector streets (i.e., Sequoia Parkway and SE 13th Avenue) and does not have an impact on residential local streets.

PEDESTRIAN AND BICYCLE CIRCULATION

The proposed site has frontage along Sequoia Parkway and SE 13th Avenue. Sequoia Parkway includes bike lanes, and a shared-use path along the west side. The east side will be improved along the frontage of the proposed site to include a sidewalk with a buffer/landscape strip. SE 13th Avenue will be improved with half-street improvements that will consist of an 8-foot bike facility, and a 5-foot-wide sidewalk behind a 5-foot-wide landscape strip along the frontage of the proposed site. The existing roadways, with the frontage improvements, can adequately accommodate the additional pedestrian and bicycle traffic expected.

FINDINGS

The proposed site adequately addresses each transportation approval criteria and livability measure. It is estimated to generate an additional 22 trips in the morning peak period, 23 trips in the evening peak period and 208 daily trips. The adjacent Arterial and Collector streets (i.e., Sequoia Parkway and SE 13th Avenue) and most nearby intersections will maintain a level of traffic volume that is consistent with their classifications and planned growth from the TSP. This proposed project will contribute its proportional share towards System Development Charge improvement projects from the TSP that are needed to accommodate the forecasted growth.

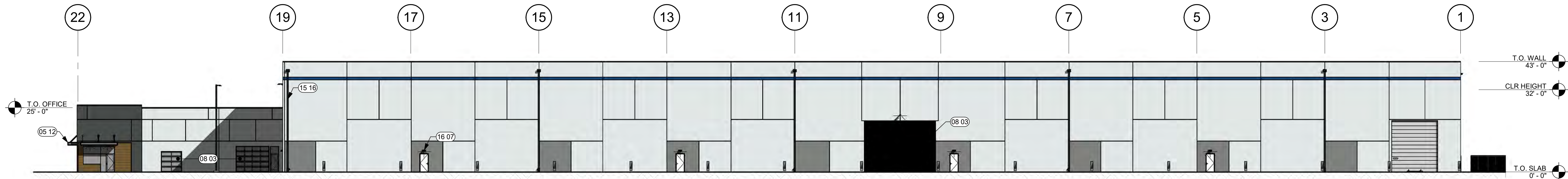
Two intersections have realized growth rates higher than the TSP planned for (i.e., OR 99E intersections with S Ivy Street and Haines Road) and do not have planned transportation improvements within the planning horizon of the Canby TSP (through the year 2030). The City's alternate fee-in-lieu approach for these intersections will be applied to this proposed project based on project generated PM peak hour trips at the intersections compared to the overall TSP forecasted growth. For this proposed project, that would result in a fee-in-lieu of \$62,245, beyond the System Development Charge Fee noted above.

The proposed site will include three driveways, including two along SE 13th Avenue and one along Sequoia Parkway that will provide access for vehicles and bicycles. Access for all entering and exiting light vehicles will be via the easternmost driveway to SE 13th Avenue. All truck traffic will also enter the site via this driveway, with most exiting via the western driveway to SE 13th Avenue and the remainder exiting via the Sequoia Parkway driveway. Sequoia Parkway includes bike lanes, and a shared-use path along the west side. The east side will be improved along the frontage of the proposed site to include a sidewalk with a buffer/landscape strip. SE 13th Avenue will be improved with half-street improvements that will consist of an 8-foot bike facility, and a 5-foot-wide sidewalk behind a 5-foot-wide landscape strip along the frontage of the proposed site. These facilities can adequately accommodate the expected additional vehicle, pedestrian, and bicycle trips.

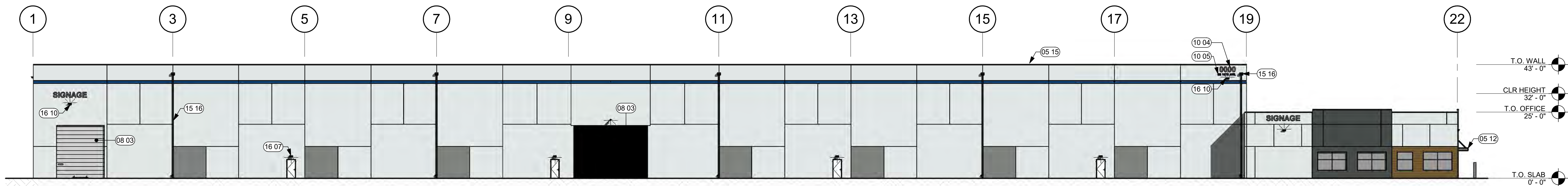
Access spacing standards are met for most of the proposed driveways. However, the proposed eastern driveway to SE 13th Avenue will be located near the east property line and will require a design modification to the County Code. No operational or safety issues are anticipated due to the low number of vehicles using the existing driveway that serves a single-family residence.

Preliminary sight distance evaluation indicated that adequate sight lines would likely be provided for each of the proposed roadway accesses should the sight triangle be cleared. However, prior to occupancy, sight distance at the proposed driveways will need to be verified, documented, and stamped by a registered professional Civil or Traffic Engineer licensed in the State of Oregon.

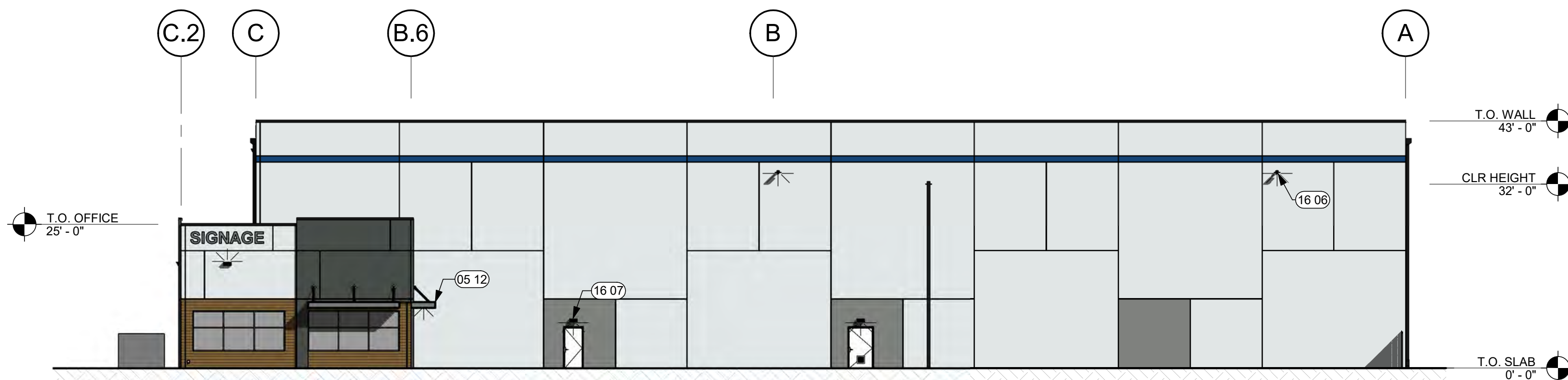
If you have any questions, please feel free to call or email.



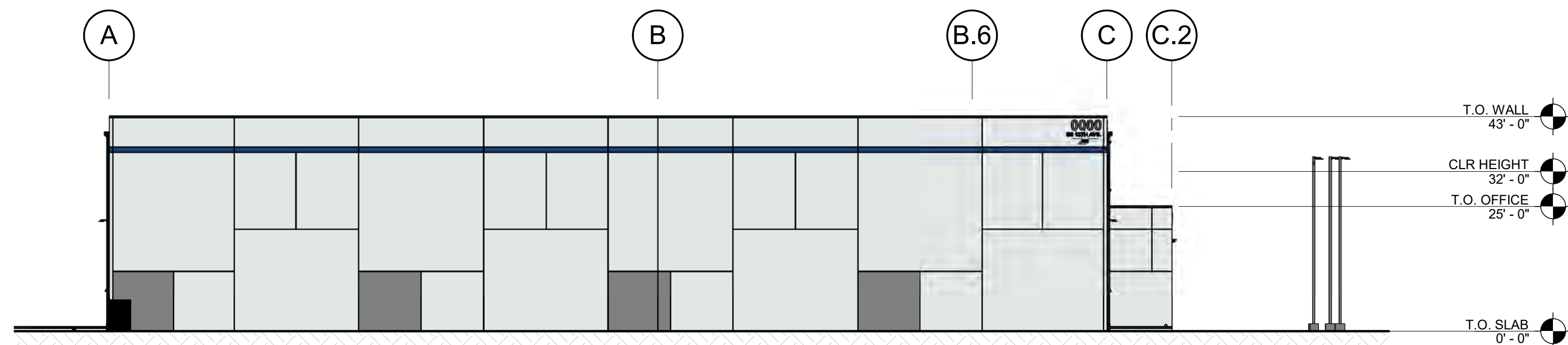
2 NORTH ELEVATION
A2.0 1" = 20'-0"



3 SOUTH ELEVATION
A2.0 1" = 20'-0"



4 EAST ELEVATION
A2.0 1/16" = 1'-0"



5 WEST ELEVATION
A2.0 1" = 20'-0"

COLOR LEGEND

BODY COLOR LIGHT GRAY	BODY COLOR MEDIUM GRAY	BODY COLOR DARK GRAY
BODY COLOR BLUE	MULLIONS CLEAR ANODIZED	FORM LINER WOOD TONE
SHERWIN WILLIAMS NAME: TBD NUMBER: TBD	SHERWIN WILLIAMS NAME: TBD NUMBER: TBD	SHERWIN WILLIAMS NAME: TBD NUMBER: TBD
SHERWIN WILLIAMS NAME: TBD NUMBER: TBD	SHERWIN WILLIAMS NAME: TBD NUMBER: TBD	SHERWIN WILLIAMS NAME: TBD NUMBER: TBD

KEYNOTE LEGEND

05 12	STEEL CANOPY PER PLANS AND DETAILS. SEE STRUCTURAL FOR MORE INFORMATION*
05 15	SHEET METAL CAP FLASHING, TYPICAL AT PARAPET ON ALL SIDES. SEE ROOF DETAILS.
08 03	OVERHEAD DOOR AT GRADE LEVEL PER DOOR SCHEDULE.
10 04	24" HIGH, 1/2" THICK BLACK ACRYLIC BLOCK NUMBERS, PROVIDE SUBMITTAL FOR APPROVAL BY THE FIRE MARSHAL.
10 05	APPROX. 9" HIGH, 1/2" THICK STREET IDENTIFICATION LETTERING TO MATCH APPEARANCE OF NUMBERS. 6"x 6" DOWNSPOUT PER DETAIL. SEE CIVIL UTILITY PLAN FOR LEADER.
15 16	6"x 6" DOWNSPOUT PER DETAIL. SEE CIVIL UTILITY PLAN FOR LEADER.
16 06	WALL LIGHT, SEE ELECTRICAL (BIDDER DESIGN).
16 07	EMERGENCY EGRESS LIGHT - PER ELECTRICAL (BIDDER DESIGN)
16 10	UP LIGHTING, SEE ELECTRICAL (BY OTHERS).

ELEVATION NOTES

- FOR ADDITIONAL INFORMATION SEE STRUCTURAL PANEL ELEVATIONS.
- FOR PANEL REINFORCING, EMBED, AND CONNECTION INFORMATION, SEE STRUCTURAL PANEL ELEVATIONS.
- ALL PANEL THICKNESS TO BE AS INDICATED ON THE STRUCTURAL ELEVATIONS.
- ALL BUILDING ELEVATIONS ARE DRAWN FROM THE EXTERIOR FACE, U.O.N.
- VERTICAL BARS IN REINFORCEMENT CAGES ARE FULL HEIGHT AND PLACED EACH FACE, SEE DETAIL.
- SEE FOUNDATION PLAN AND ARCHITECTURAL SHEETS TO DETERMINE PANEL DIMENSIONS AND ELEVATIONS.
- DO NOT LOCATE TIES AT REVEALS. CONTRACTOR TO CONFIRM ALL CLEARANCE REQUIREMENTS ARE MAINTAINED AT REVEAL LOCATIONS.
- PROVIDE CHAIRS FOR TOP BARS WHERE WIDTH OF CAGE EXCEEDS 4'-0".
- SEE SPECIFICATIONS FOR PANEL CONCRETE MIX REQUIREMENTS

PROJECT NAME

**PROJECT: OLD
MAC
STEEL BAR AND TUBING
STORAGE/PROCESSING
FACILITY**

SE 13TH AVENUE AT
S. SEQUOIA PKWY
CANBY, OR

REVISIONS

DATE	DESCRIPTION

FOR REFERENCE ONLY
NOT FOR CONSTRUCTION

DATE SEPTEMBER, 2021

SCALE AS NOTED	PROJ. NO. 20210299
DRAWN JDA	CHECKED GJB

**BUILDING
ELEVATIONS**

A2.0



City of Canby

PO Box 930
222 NE 2nd Ave
Canby, OR 97013

Phone: 503.266.7001
www.canbyoregon.gov

Development Services

DR 21-10 / CUP 21-02 Attachment D: Public Comments

CITY OF CANBY – COMMENT FORM

If you are unable to attend the Public Hearing, you may submit written comments on this form or in a letter. Please send comments to the City of Canby Planning Department by

E-mail: PublicComments@canbyoregon.gov

Mail: Planning Department, PO Box 930, Canby, OR 97013

Written comments to be included in Planning Commission packet are due by Wednesday, December 29, 2021.

Written comments can be submitted up to the time of the Public Hearing and oral comments may also be delivered via Zoom during the Public Hearing.

Application: DR 21-10 OLD MAC

COMMENTS:

While my neighbors feel there is no point commenting because "they are gonna do what they are gonna do", I would like to take the chance of giving you my thoughts. I have only two concerns:

While I'm confident the noise level from this development will not exceed Oregon Department of Environmental Quality standards, I am concerned about two sources of noise that are especially annoying when inflicted on a residential community early in the morning. Especially noticeable in an otherwise quiet neighborhood without tons of ambient background noise like in Portland. These two sources are:

1. That beeping noise trucks and equipment make when backing up, and
2. Any outdoor public address system used to call employees to the office (or wherever).

I am looking forward to what I hope and expect will be some nice landscaping, sidewalks, trees, etc.

Thank you for the work you do on behalf of our city.

NAME: Keith Johnson

EMAIL: kjtehr@gmail.com

ADDRESS: 2255 SE 11th Place

PHONE # (optional): 503-704-8735

DATE: Dec. 9, 2021

PLEASE EMAIL COMMENTS TO
PublicComments@canbyoregon.gov

Thank you!

Laney Fouse

From: Ryan Potter
Sent: Friday, August 20, 2021 9:23 AM
To: PublicComments
Subject: FW: Old Mac: Steel Bar and Tubing Facility at Sequoia Parkway & SE 13th AVE

Follow Up Flag: Follow up
Flag Status: Flagged

See below

From: Melissa Bisset
Sent: Friday, August 20, 2021 8:59 AM
To: Don Hardy <HardyD@canbyoregon.gov>; Ryan Potter <PotterR@canbyoregon.gov>; Jerry Nelzen <nelzenj@canbyoregon.gov>; Jamie Stickle <StickleJ@canbyoregon.gov>
Subject: FW: Old Mac: Steel Bar and Tubing Facility at Sequoia Parkway & SE 13th AVE

Please see email below.

Melissa

From: Fred Joyner [REDACTED]
Sent: Wednesday, July 14, 2021 6:38 AM
To: Melissa Bisset <bissetm@canbyoregon.gov>
Subject: Old Mac: Steel Bar and Tubing Facility at Sequoia Parkway & SE 13th AVE

To the Board,

Recently, there was a community meeting regarding the proposed development.

Homeowners, in the residential area West of the development, have voiced their concerns regarding the design and layout of the proposed facility.

To be specific:

Lighting: At night, even shielded lights on 30' tall buildings still cast light towards the houses that back up along S. Sequoia pkwy

Fencing or Sound Barrier: As we were told hours of work are from 5:30 AM to 10:30 PM. It is enough to say that chain link fencing with vinyl slats offer no sound barrier.

Rail Siding: Running parallel to S. Sequoia: this means that rail cars will be clearly visible, over the proposed fencing, and in plain sight to those houses

Noise and Sound: Clearly, a lay down yard, cranes, rail cars, fork lifts and trucks will generate an unreasonable amount of noise, that will not be suppressed by a chain link fence with vinyl slats.

Truck Traffic: In general, how has the City, State, and County prepared surface streets around the City to handle all the truck traffic. What is being done to offer an alternative route into, or out of Canby. Clearly last falls train derailment taught us that this city is like an island with one way in and out.

Half Street Improvement along the West Side of S. Sequoia: Since developments are responsible for the street improvement along their projects, to include landscaping and street trees. Who is responsible for the half street improvement on the West Side of the Street. In other words, there is an entire row of houses that back up to S. Sequoia. There are no street trees, maintained landscaping, sound barrier plantings and so on to help soften the sound and sight of the new proposal. So the question is: How has the City Planned to handle this, and what are the designs for that. In other words: Is Old Mac responsible for this as well, or is this on the City.

As this project is one of the few in the light industrial area that is directly adjacent to single family homes, we would appreciate the opportunity to voice our concerns regarding the issues.

Please notify me as to what will be further required so that I can notify the neighborhood as to how to proceed in making preparations to attend the city council meeting and talk regarding these issues.

Sincerely,
Fred Joyner



PUBLIC RECORDS LEGAL DISCLOSURE

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

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Development Services

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Application: DR 21-10 OLD MAC

— Timber Park —

COMMENTS:

There is a subdivision of 92 homes across the street. That means say - 4 people (approx) per house x 92 = 368 people will be affected, by noise and outdoor lights. Quality of life, everyday. So the noise needs to be dealt with so it does not bother 368 people. Noise - truck noise on gravel, beeping noises from backing up, slamming of equipment etc. Lights beyond 10pm that light up the subdivision need to be addressed too.

NAME: _____

Lon Gradul

EMAIL: _____

Lorig.pi@qol.com

ADDRESS: _____

2263 SE 11th Ave, Canby.

PHONE # (optional): _____

DATE: _____

12/20/2021

PLEASE EMAIL COMMENTS TO
PublicComments@canbyoregon.gov

Thank you!

John and Barbara Fontana
1095 S. Willow Street
Canby, Oregon 97013

Public Comments for
DR 21-10 OLD MAC/VLMK, CU21-02

We know, based on zoning, and previous developments, City of Canby will likely approve this project. With that in mind, we have expressed our concerns below, hoping the planning commission can direct the developers to adapt their plan for a win/win, or compromises that retain quality of life for the neighborhood, while allowing them to move forward. In the comments and questions below, we have referenced the City of Canby Comprehensive Plan.

As a precursor, we wanted to note that several of our neighbors have commented on the industrial areas in Wilsonville, and how beautification has been a consistent element in their designs. Of particular note is the area east of I-5, where neighborhoods abut industrial areas. The businesses are beautifully landscaped, and pleasing to walk through or drive thru. They do not distract from the residential areas, but compliment and add to the overall beauty of the city.

1. Page 52 of the Comprehensive Plan (CP) Finding No.1 speaks to the techniques to minimize conflicts between adjacent land use issues. It specifically mentions the use of berms and landscaping. Will the city require a berm? What is being planted in the green area, how high will it be, and what additional noise abatement measures are planned? **Note:** The cyclone fencing with slats has not proved to be effective in noise, or in beauty. An example is the cyclone fence at American Steel on Sequoia which has been substantially damaged and is bowing out toward the sidewalk.

* Finding No. 2 also states that appropriate design, the utilization of land can be maximized without adverse impacts on neighborhood appearance or overall quality of life in Canby.

* CP Policy No. 7-R also speaks to improving the overall scenic and aesthetic qualities of the city.

2. Based on CP Policy No. 3-R referring to standards for air, water and land pollution, what are the potential impacts of this project? Additionally what is the impact of additional cement on global warming? What measures will be required to mitigate dust and compromised air quality during construction? What measures will be taken to minimize the impact of dirt accumulation on houses along Sequoia, pest control/displacement of birds mice, voles, moles during excavation?
3. CP Policy No. 4-R addresses noise pollution implementation measures generated from new proposals. Regarding landscaping for noise abatement, is there a sound dampening wall included in the development? If not, could that be added in

addition to a berm? What are the specific sound abatement measures? What is the impact of construction in terms of noise? What will be the hours of operation during and after construction?

4. How many truck and train trips are planned per day, week, etc. What measures are planned for the increased traffic? There is currently an increased amount of traffic on Sequoia at high speeds and a significant amount of traffic on S. 13th Street. What measures will be taken to discourage use of 13th street from Sequoia to Berg Parkway? Is it possible to consider speed humps on Sequoia?
5. The proposed site plan includes a rail spur along Sequoia. Will it be visible from the street, or will it be below a berm or wall that helps to mitigate noise? What is the frequency of the train travel? Is it possible to consider locating the spur along side the existing Southern Pacific Railroad?
6. What are the plans to block/minimize lights shining into the Timber Park neighborhood?

Our main concerns in short, are noise, aesthetics, traffic, and pollution. In short, is this proposal the best use of this land as it pertains to Canby residents?



City of Canby

Public Works

PO Box 930
1470 NE Territorial Road
Canby, OR 97013

Phone: 503.266.0798
Fax: 503.266.7238
www.canbyoregon.gov

Utility Notes Old Mac December 15, 2021

Public Works

Streets

1. We have no comments.

Sanitary Sewer

1. We have no comments.

Stormwater

1. We have no comments.

Canby Fire Department

1. Maintain hydrant placements.
2. Inner access looks good.

Canby Utility

Water

1. Need clarification that you are tapping off the water main (per code), not the fire line.
2. The engineering design team for Old Mac and Canby West need to design a looped water system. Old Mac needs to take the 14" water main from SE 13th Avenue to Mulino Road. Canby West will take the 14" water main from Mulino Road to SE 13th Avenue. You will need to work with Canby Utility and coordinate with Canby Fire for hydrant placements.

Electric

1. We will need move the 8 x 10 vault and possibly the 644 vault (at owner's expense). Coordinate with Canby Utility, Josh Muravez, at 503-263-4307.
2. The street light at the corner of SE 13th Avenue and Sequoia Parkway will need to be moved back out of the ADA ramp and sidewalk area. The City of Canby is requiring additional street lights on SE 13th Avenue. Coordinate with Canby Utility, Josh Muravez, 503-263-4307.

DirectLink

1. We will follow the electric in the utility trench you provide and we will need a trench from the SE corner of the property on SE 13th Avenue to the mechanical/communication room. Contact DirectLink a week in advance of the



trench opened for us. The contact number is 503-266-8242, please leave a voicemail with the date and time of the trench being open.

2. See attached DirectLink informational comments.

Comments from DirectLink for New Building with D-mark in side:

- The Developer/Owner is required to provide all trenches for placing underground communication facilities from the existing connection point. We will place and provide all materials.
- We will follow the power design as much as possible to minimize trenching; however, a separate trench may be required for communication services.
- If the D-marc is required to be placed in a communication / power room, the requirements are:
 - 1- 2" schedule 40 PVC from the telephone connection point outside, into the Communication / power room with a 36" sweep (minimum).
 - 2- One 4'x8' 3/4" plywood backboard or coated with fire retardant paint.
 - 3- #6 stranded grounds (MGN) connected to approved ground provided at the backboard.
 - 4- One 15 Amp electrical outlet located next to / or on backboard.
- For temporary service (job shack), contact our Customer Care Center to place an order.
- We do not charge development fee.

Contact Information:

Engineering Manager	Eric Kehler	503-266-8255
Field Inspector	Matt Downs	503-266-8252
Customer care center		503-266-8111
Open trench hotline		503-266-8242



Molalla Forest Road, Traverso Section: Final Development Plan

Prepared for
City of Canby



April 2021

Prepared by
Parametrix

CITATION

Parametrix, 2021. Molalla Forest Road, Traverso Section:
Development Plan. Prepared by Parametrix, Portland, Oregon.
April 2021.

ACKNOWLEDGEMENTS

Calvin LeSueur, City of Canby Project Manager

City of Canby Bicycle and Pedestrian Advisory Committee

Mindy Montecucco - Chair

Jeff Springer

Russell Heinemann

Clifford Ash

Michael Hemelstrand

Bruce Parker

Britt Ash

Stakeholder Advisory Committee

Asako Yamamuro, Molalla River Watch

Becky Wolf, Equestrian Advocate

Bruce Parker, Clackamas County Bicycle and Pedestrian Advisory Committee

Chris Wright, Canby Public Works

Jason Paolo, Canby Rod & Gun Club

Jorge Tro, Canby Police Department

Kevin Claggett, Cycling Advocate

Lynda Tucker, Boating Advocate

Mindy Montecucco, Canby Bicycle and Pedestrian Advisory Committee

Mitch Magenheimer, MFR neighbor

Samara Phelps, Clackamas County Tourism and Cultural Affairs

Ryan Potter, Canby Planning

Scott Archer, Canby City Administrator

Scott Trexler, Molalla River Watch

Consultant Team

Ryan Farncomb, Project Manager

Mike Pyszka, PE, Trail Engineer

Eddie Montejo, Trail Planner and Outreach Lead

Jason Nolin, Trail Planning

*This project was led by the City of
Canby with funding support from
Clackamas County Tourism and
Cultural Affairs*



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APPENDICES

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1. INTRODUCTION

This Development Plan describes the major features, amenities, design approach, and implementation measures for a future trail on the Traverso Section of the Molalla Forest Road. The Traverso Section is 3.3 miles in length, running from SE 13th Ave on the edge of the City of Canby southeast to Macksburg Road; this Development Plan only concerns this specific section of the Molalla Forest Road. This Development Plan reflects public and stakeholder conversations and feedback and provides a path forward for funding, design, and construction of the trail. This plan was made possible by a grant from Clackamas County Tourism and Cultural Affairs.

The Development Plan is exclusively applicable to the Traverso Section of the Molalla Forest Road, a property generously donated to the City by the Traverso family (see Figure 1). This property presents a unique opportunity to create a safe and enjoyable trail that provides access to nature and recreation for the citizens of Canby and the surrounding community. The Traverso Section connects to the existing Logging Road Trail in the City of Canby.

1.1 Project Background

The Molalla Forest Road (MFR) is a historical logging road that connects the Willamette River just north of the City of Canby to the Molalla River Recreation Area located south of the City of Molalla. The MFR generally follows the alignment of the Molalla River, which includes critical habitat for salmonid species listed under the federal Endangered Species Act, as well as floodplains. Land uses surrounding the MFR primarily consist of farming, low-density rural residential, and natural areas. Parts of the Traverso Section of the MFR are used for property access and by farm equipment, while some areas are inaccessible due to previous flooding. The following list details a brief history of efforts to establish a trail on the MFR:

- 1994 – The Cities of Canby and Molalla and Clackamas County published the *Molalla River Pathway Plan*, a blueprint for a 22.4-mile walking, bicycling, and equestrian trail from Molalla River State Park in Canby to the Glen Avon Bridge in the foothills of the Cascades (see Figure 2).
- 1996 – A flooding event caused significant portions of the MFR to wash out in the Traverso Section. To this day, much of the Traverso Section remains inaccessible due to significant overgrowth, roadway damage, and damage to the Molalla River Bridge.
- 2017 – The Traverso family donated a 3.3-mile segment of the MFR to the City of Canby for development into a future path (Figure 2). The Traverso Section extends from SE 13th Street to S Macksburg Road in unincorporated Clackamas County (see Figure 1).
- 2020 – The City of Canby received a grant from Clackamas County Tourism and Cultural Affairs to create a plan for trail improvements along the Traverso Section of the MFR.

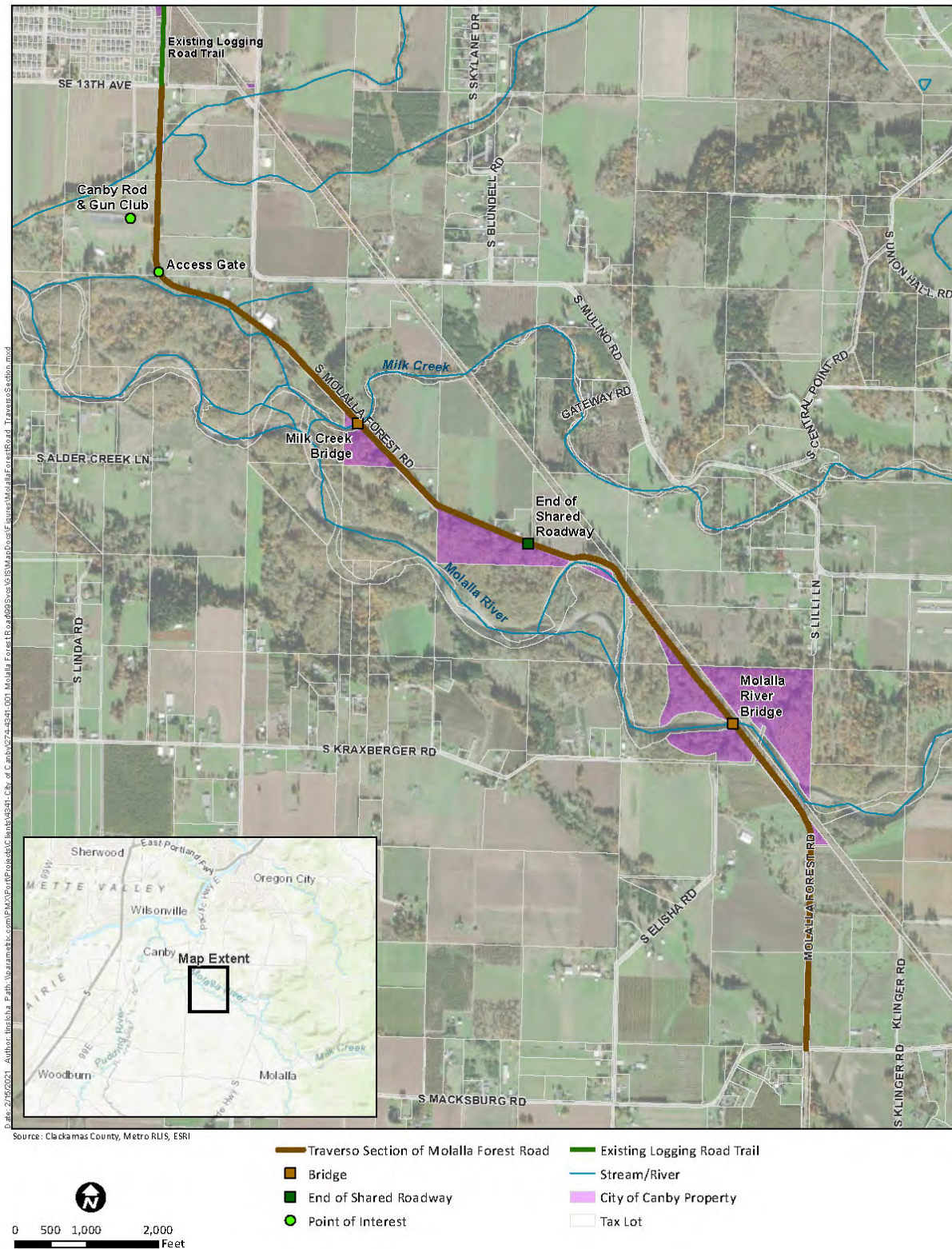
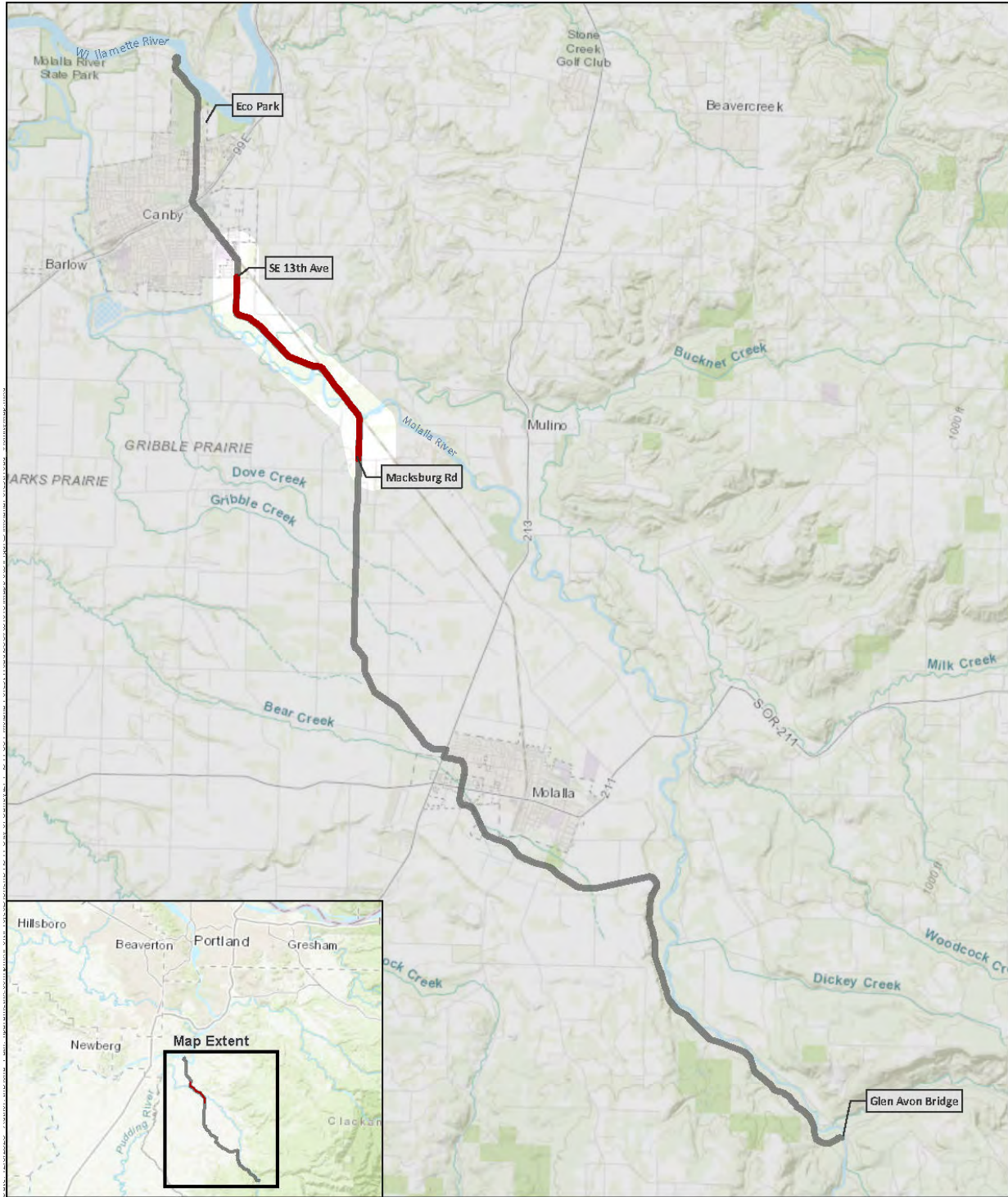
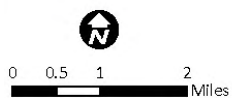


Figure 1. Molalla Forest Road – Traverso Donation Section



Source: Clackamas County, Metro RUS, ESRI

Vicinity Map
 Molalla Forest Road



— Molalla Forest Road - Traverso Section
 — Molalla Forest Road

Clackamas County, Oregon

Figure 2. Molalla Forest Road – Willamette River north of Canby to Glen Avon Bridge south of Molalla

1.2 Plan Process

The Development Plan process started in October 2020 and was completed in April 2021. The process started with identifying opportunities and constraints for trail development in the corridor (Appendix A), as well as developing key principles that support trail planning in the corridor. The City engaged stakeholders via a project Advisory Committee and through outreach to the general public.

1.2.1 Advisory Committee

The project Advisory Committee is composed of a broad group of community stakeholders including property owners along the Traverso Section, representatives of the Molalla River Watch, citizens, City of Canby staff, local law enforcement, and others. This diverse group of stakeholders ensured that diverse viewpoints were introduced to the project planning discussion. The Advisory Committee met three times during the planning process and will continue to advise the City as the trail moves from planning to later stages of refinement and implementation.

It is the intent of the City that the Advisory Committee will continue on after the Development Plan process to inform later stages of trail development.

1.2.2 Public Outreach

The project team conducted two rounds of outreach as part of the Development Plan process. This effort represented the start of ongoing engagement with the community that is required to continue refining the trail project and its future design and construction. For detailed summaries of outreach, see Appendix B.

Key themes from outreach include:

- Provide opportunities for all users to safely recreate
- Include trail connectivity and continuity in planning
- Create opportunities for the local economy to benefit
- Ensure the project accommodates a variety of uses
- Preserve nature and provide educational opportunities
- Improve legal access to the Molalla River for fishing, swimming, boating, and other outdoor recreation
- Address property owner concerns about privacy, security, and trail access
- Review the need for facilities and amenities
- Address property owner concerns about illegal uses occurring in the corridor today

When reviewing the Draft Development Plan, people expressed strong support for considering formal access to the Molalla River, but noted that potential environmental issues and trespassing are major concerns if access is provided. Additionally, there was no clear consensus that equestrian use of the trail would be desirable. People thought that maintenance and enforcement are very important and that a volunteer group to assist with these activities is critical.

Findings from outreach directly informed this Development Plan, including the trail configuration in the corridor, amenities, and implementation.

2. TRAIL PRINCIPLES AND USERS

2.1 Trail Users

The 1994 *Molalla River Pathway Plan* described the intended users as bicyclists, joggers, equestrians, and those who use mobility devices (e.g., wheelchairs and walkers). The trail will be developed as a multiuse trail meeting state standards for width and surfacing. Identifying user groups is critical to developing trail design concepts that meet the varied and unique needs of different users. Based on discussions with stakeholders, the project team identified the following key user groups that were considered during creation of this MFR Development Plan:

- Pedestrians – walkers, joggers, and hikers
- People who have physical disabilities who may use mobility devices such as wheelchairs. Accommodating these users is also important in meeting federal funding standards (Americans with Disabilities Act [ADA]).¹
- Road cyclists, mountain bike, and gravel cyclists
- Users with pets

Equestrian use was considered during drafting of the Plan. However, public outreach indicated mixed desire for equestrian use of the trail, and there are challenges in terms of creating a space for equestrian staging along the Traverso Section. Additionally, there would be potential conflicts between pedestrians, cyclists, and equestrian users in the constrained trail environment.

2.2 Development Plan Principles

Based on discussions and feedback from the City, stakeholders, and the broader community, the project team developed the following principles for the Development Plan:

- Provide opportunities for different trail users, especially transportation-disadvantaged community members, to enjoy the trail and minimize potential conflicts between them.
- Respect adjacent private property owners, maintain existing property access, and collaborate to resolve concerns and integrate solutions into the Development Plan .
- Enhance access to the Molalla River and provide off-trail recreation opportunities on City-owned land.
- Build trail improvements that complement the natural setting, and include opportunities for education about the environment and the history of the corridor.
- Develop trail access points and parking areas that maximize safety and security, while minimizing impacts to adjacent private property.
- Provide safe and comfortable connections to the existing and future walking, cycling, and trail network.

These principles informed this Development Plan process, as well as future phases of design, construction, and trail operations and maintenance.

¹ The trail would not provide any other exceptions for motorized vehicles including all-terrain vehicles (ATVs), dirt bikes, or other recreational motorized vehicles.

3. TRAIL DESIGN CONCEPTS

3.1 Conditions Summary

Figure 3 shows the Traverso Section major features and segmentation used to develop trail design concepts. As of late 2020, the Traverso Section of the MFR consisted of the original asphalt-paved roadway in varying degrees of disrepair. Two bridge structures exist along the MFR – the Milk Creek Bridge and the Molalla River Bridge. The following provides a general description of existing conditions in the Traverso Section.

Segment 1

- The northernmost section near SE 13th Street is currently a shared roadway, used for private property access and deliveries, as well as by farm equipment.
- Between SE 13th Street to Milk Creek Bridge, the roadway ranges from fair to poor condition, with relatively intact but poorly maintained asphalt in some places and substantially deteriorated asphalt or pot-holed areas in others.
- The Milk Creek Bridge is a single-span prestressed concrete girder bridge that is 12 feet wide and approximately 100 feet long. The concrete bridge deck is in serviceable condition with some small areas of minor deterioration. Currently, the Milk Creek Bridge sees very little vehicle traffic, consisting mainly of local access to nearby properties.
- The roadway surface from Milk Creek Bridge to the end of the shared roadway near the washout consists primarily of deteriorated chip-seal pavement that degrades to gravel. Some patches of remnant pavement are still present. This segment has high potential of future use as a trail segment, assuming repaving and/or asphalt rehabilitation.

Segment 2

- South of the end of the shared roadway, the original roadway is overgrown and there is an approximate 1,000-foot-long section that completely washed away in the 1996 flood. The bank is continuing to erode in this section, and there is no walkable surface at the original road elevation on City property.
- The 1996 event combined with a lack of use and maintenance has rendered some segments along the Segment 2 impassable by vehicles or pedestrians.

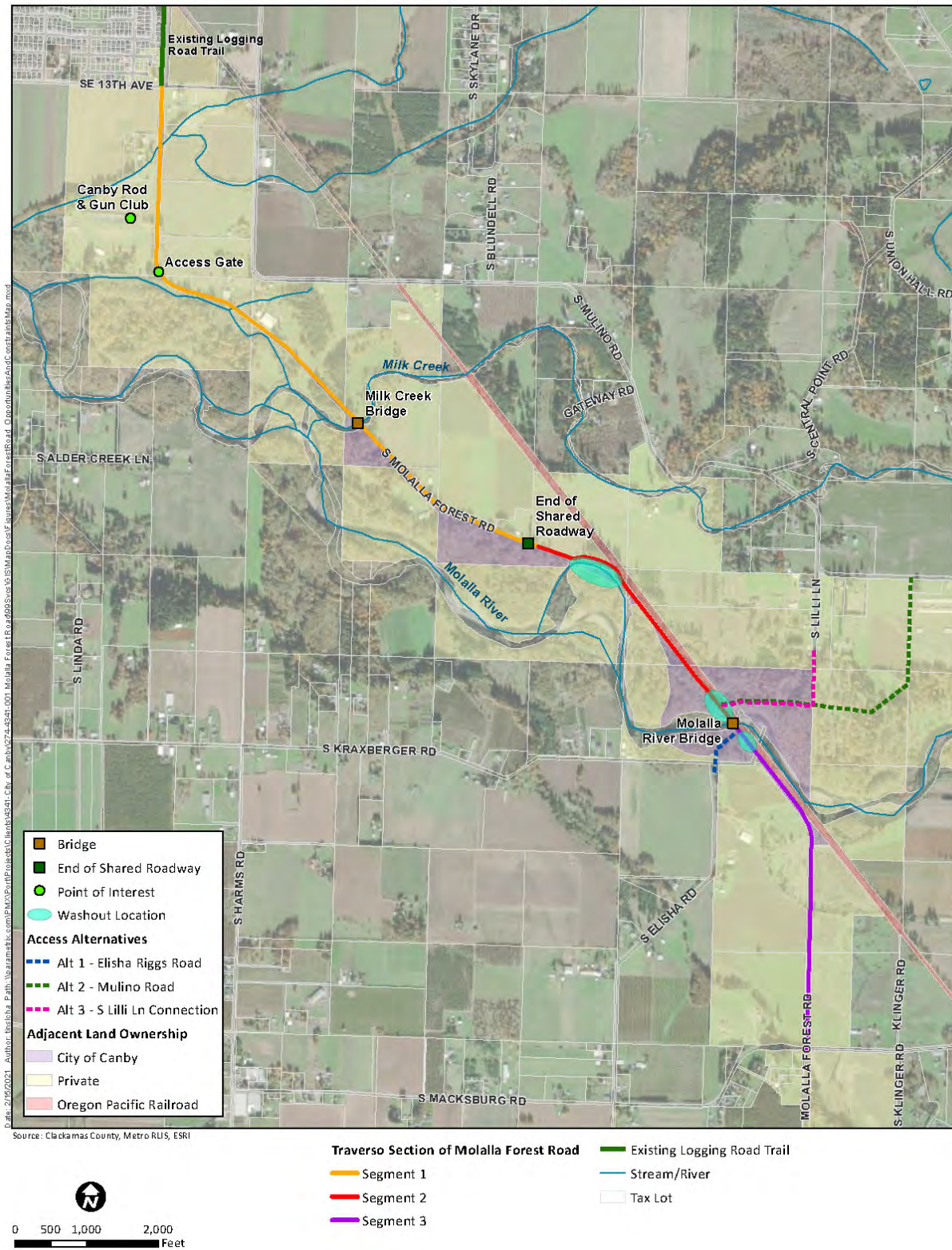


Figure 3. Traverso Section Overview

Segment 3

- The Molalla River Bridge is a two-span prestressed concrete girder bridge that is 12 feet wide and approximately 180 feet long. The concrete bridge deck is deteriorating with several soft spots where the aggregate has separated from the concrete. The north end approach structure is missing completely, resulting in an approximate 60-foot gap between the bank and the north end of the bridge. There is an approximately 20-foot-wide hole at the south end where the earthen approach fill has washed away. The damage at both ends has rendered the bridge inaccessible for vehicles and only accessible for pedestrians at the south end.
- South of the bridge, the existing roadway is overgrown and the surface is deteriorated. This section is not used by property owners to access property, but there is incidental farm equipment use by adjacent properties.

For more details about the existing condition of the corridor, see Appendix A

3.2 Trail Design Concepts

This Development Plan includes trail design concepts for the three segments of the Traverso Section (Figure 3). Trail design concepts were developed with consideration of the following:

- **Accessible Multiuse Trail** – The trail will generally be designed to be a multiuse trail accessible for people of all abilities, including for those who use mobility devices. The trail is intended primarily for use by walkers, hikers, and cyclists.
- **Surfacing** – A continuous paved or hard-surface trail is proposed for the entire Traverso Section, except for potential off-MFR side trails which would be soft-surface. Several segments of the Traverso Section are currently used for vehicle access to properties and by farm equipment; a hard-surface trail is needed to maintain these uses. Future pavement design will need to consider areas of the trail that would experience routine vehicle, road cyclist, and mobility device use.
- **Maintenance/Emergency Vehicle Access** – For those sections of the trail that do not have regular vehicle access to property (primarily Segments 2 and 3), the trail will be designed to allow for maintenance and emergency vehicle access. Since motorized use will otherwise be prohibited, removable bollards will be located at points where the trail intersects sections of the trail that do allow vehicles.
- **Crime Prevention Through Environmental Design (CPTED)** – CPTED is a suite of design principles that uses the built environment to reduce the incidence of unwanted behavior and activities. CPTED relies on four principles: natural surveillance, territorial reinforcement, natural access control, and maintenance to foster the best outcomes. The trail concepts described in this section, in addition to the amenities and implementation measures in Section 4, rely on CPTED principles to ensure a safe and enjoyable experience for trail users, as well as to address safety and security concerns from private property owners.

The remainder of this section details segment-by-segment trail development concepts.

3.2.1 Segment 1 – SE 13th Street to End of Shared Roadway (Approximately 1.7 miles)

Figure 4 and Figure 5 show alternative trail cross sections for Segment 1. Further design work and outreach is needed prior to determining the preferred trail cross section. The Traverso property deed requires that any potential trail be on the east side of the MFR property in the vicinity of the Canby Rod and Gun Club. Additionally, Segment 1 is critical to accessing homes, farms, and businesses along this section of the MFR. The road is used for accessing properties by car, for deliveries (including large trucks to the Canby Rod and Gun Club), and for farm using the road. Therefore, the alternative trail cross sections all propose maintaining the existing roadway and augmenting the corridor with trail facilities on the east side of the corridor, until the trail passes to the southeast of the gun club, where it would cross the road and continue on the west side of the roadway.

Notably, it is proposed that cyclists ride on the road in this section, with sharrows (pavement markings as shown in Figure 4) indicating that cyclists are likely to be present. Because the roadway experiences low vehicle traffic, cyclist use of the main road should function well. Public outreach indicated a slight preference for separating cyclists from pedestrian traffic as shown in Figure 4.

The trail concept for this segment envisions widening of the existing paved surface. This widening would likely trigger stormwater conveyance and potentially water quality treatment requirements that would be incorporated into the design and are considered in the cost estimates in Section 4. Additionally, construction of the trail would require retaining structures in some places and the potential for culvert extensions to accommodate the wider cross section; these improvements are constructable, but do increase the cost of the proposal.

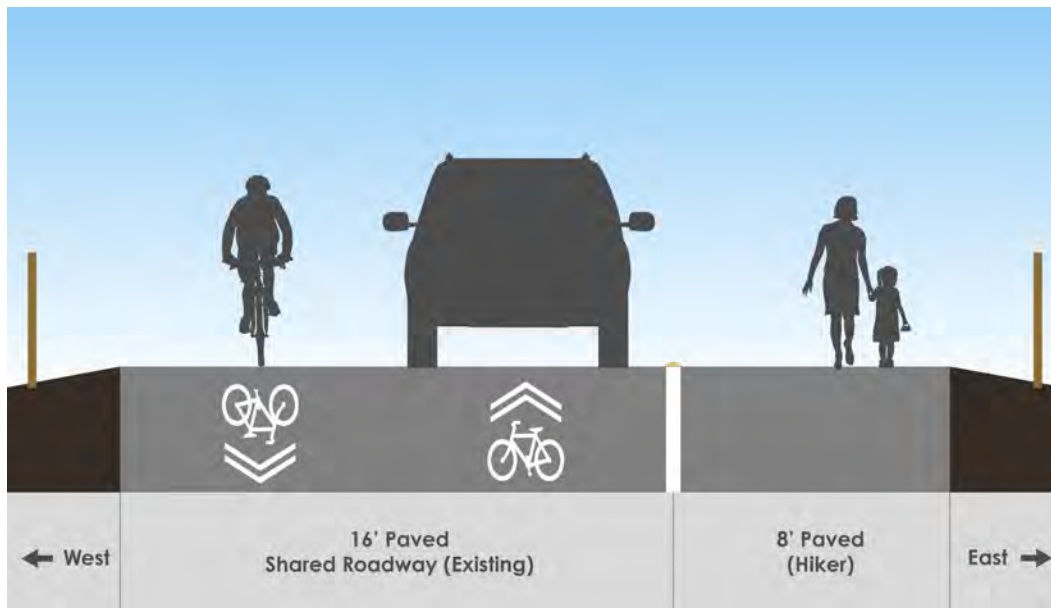


Figure 4. Segment 1 Paved Multiuse Trail Alternative

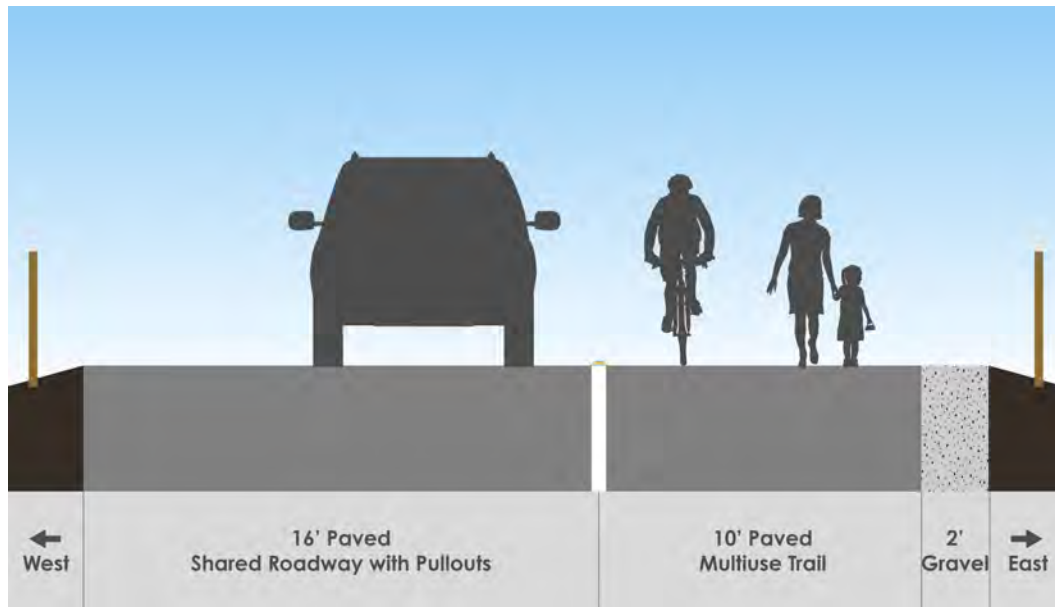


Figure 5. Segment 1 Paved Multiuse Trail Alternative

The Milk Creek Bridge, located about midway on Segment 1, is approximately 100 feet long and 12 feet wide, carrying a single lane of traffic. Two alternatives are proposed for the Milk Creek Bridge:

- Minimal improvements – Repair deck surface, add railing, and add warning signage to the bridge. Trail users would look for vehicle traffic and cross the bridge. Warning signage would alert drivers that trail users may be on the bridge. Button-activated warning lights could be installed so trail users could indicate they are using the bridge. Vehicle use of the MFR here is very low.
- Major improvements – Construct parallel Milk Creek trail crossing structure. This would provide the greatest separation from the roadway and potential vehicle conflicts. However, this alternative would be very costly compared to the potential safety or comfort benefit for users.

To accommodate the previously mentioned deed condition that the trail be on the east side of the MFR until it passes beyond the gun club property, a crossing could be built where the trail crosses to the other side of the MFR. The trail would continue on this side of the corridor until its terminus at Macksburg Road. Figure 6 shows the proposed crossing location.



Figure 6. Proposed Trail Crossing on south end of Segment 1

3.2.2 Segment 2 – End of Shared Roadway to Molalla Bridge (Approximately 0.7 miles)

This section includes the most complex design considerations in the corridor related to the washout and river crossing. At the north end of Segment 2, starting at the end of the shared roadway, the trail is not used for private property access. The roadbed in Segment 2 is deteriorated and overgrown by brush, and is missing altogether in the 1996 washout area. Clearing the brush from this area and restoring good sight lines would allow for more “eyes on the trail” to deter unwanted activities. The preferred trail cross section accommodates a multiuse trail that would be exclusive to pedestrians, cyclists, and useable by maintenance or emergency vehicles as needed (see Figure 7).

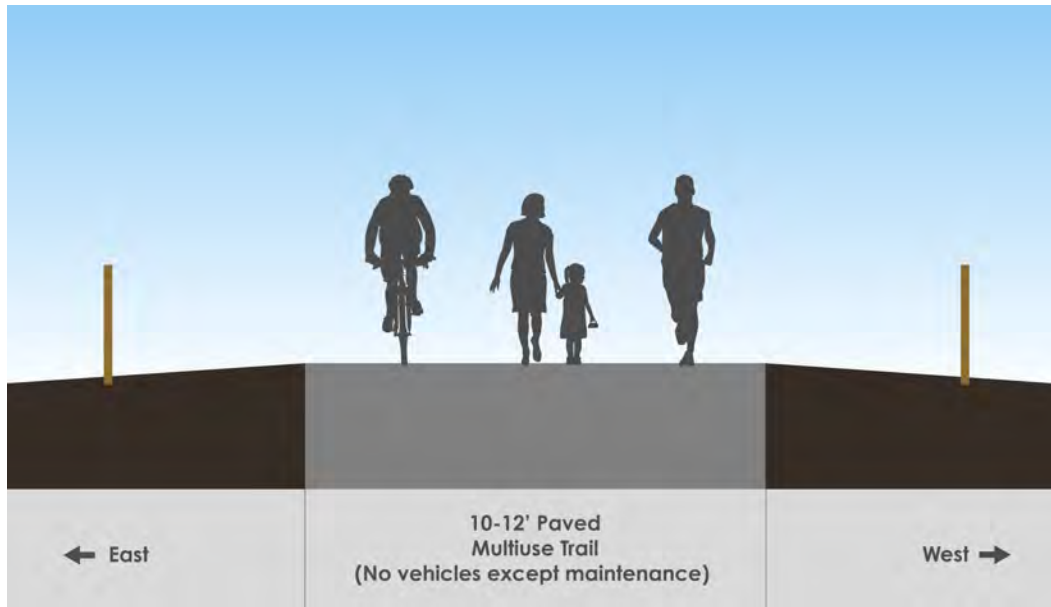


Figure 7. Segment 2 Preferred Trail Cross Section

The Molalla River Bridge structure is intact, and field visits indicated that it is in useable condition, though further engineering investigation is needed. Table 1 describes different alternatives for constructing a trail in the washout area and connecting to the existing bridge structure. Figure 8 shows the different alignments of these alternatives.

Table 1. Alternatives for Rebuilding Washed-Out MFR

Alt. No. ¹	Alternative Description	Pros/C	Likely Cost
1	Rebuild the trail along the original MFR alignment	<ul style="list-style-type: none"> • Would not require easements • Requires significant infill, structural support, and grading 	\$\$\$
2	Reconstruct the MFR along the elevated stable ground adjacent to the railroad corridor <i>(recommended approach)</i>	<ul style="list-style-type: none"> • Requires an easement on private property with minimal impacts • Lowest-cost solution 	\$
3	Rebuild the MFR along the railroad right of way	<ul style="list-style-type: none"> • Requires an easement from the railway; this may be difficult to obtain • More difficult from a construction and permitting perspective 	\$\$

1 Number refers to the alternative shown in Figure 8.

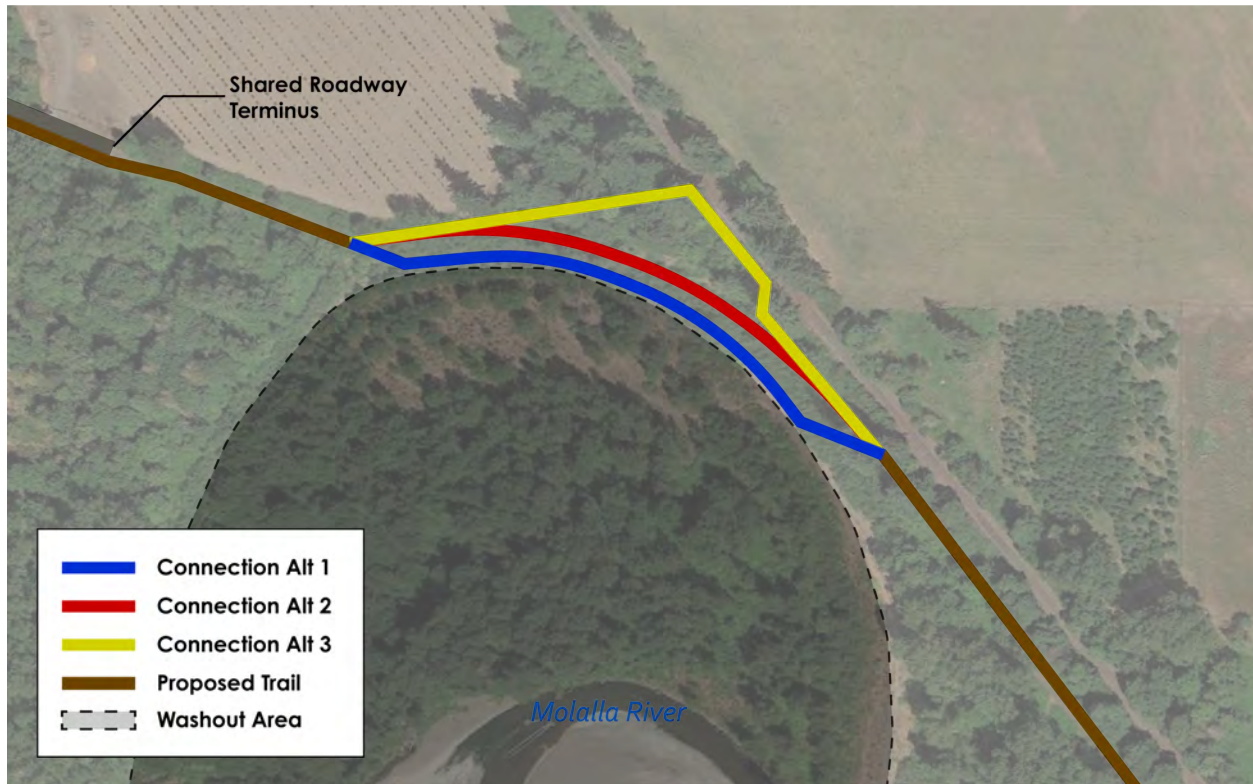


Figure 8. Connection Alternatives for Rebuilding Washed-Out MFR

3.2.3 Segment 3 – Molalla Bridge to S Macksburg Road (Approximately 0.9 miles)

This segment of the Traverso Section is not used by vehicles to access property, though it is used occasionally by farm equipment. The trail design concept accommodates this use.

The trail concept for this segment widens the existing paved surface (see Figure 9). This widening would trigger stormwater conveyance and potentially water quality treatment requirements that would be incorporated into the design and are considered in the cost estimates in Section 4.

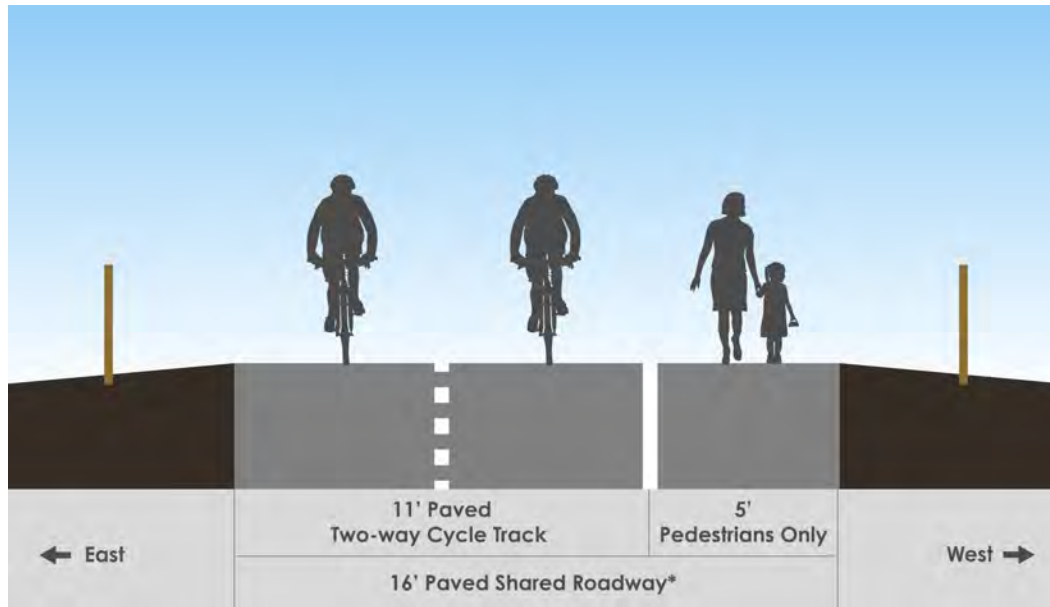


Figure 9. Segment 3 Trail Alternative

3.2.4 Off-MFR Trails

The Traverso Section property owned by the City of Canby has several locations where the property extends well beyond the MFR roadbed. Soft-surface trails could be considered as side trails from the main MFR trail route. Soft-surface paths would increase access to nature and the recreational value of the trail system. Increased access to nature would provide opportunities for environmental education and interpretation, which were identified by the advisory committee and public as important features. Section 4 of this Development Plan includes discussion of a potential off-MFR trail that would serve as a terminus for Phase 1 improvements to the Traverso Section.

3.3 Access Points

Trail access is important to provide multiple opportunities for users to access the trail, ensure access for those who use mobility devices (ADA accessibility), and for redundant accesses to facilitate quick emergency response and trail safety enforcement activities.

3.3.1 North Access (SE 13th Avenue)

The north end of the Traverso Section would connect directly to the existing shared-use path in the City of Canby at the intersection of SE 13th Avenue and Sequoia Parkway. No parking area or major trailhead access is proposed for this section because of this direct connection to the existing trail. Additionally, there is no obvious location for developing a trailhead or parking in the vicinity.

The intersection of SE 13th Avenue and Sequoia is an all-way stop-controlled intersection. Minor improvements to the intersection are needed to facilitate safe crossings for cyclists and pedestrians. Figure 10 shows conceptual intersection improvements. Additionally, signage is proposed to deter non-local traffic from using the road near this intersection.

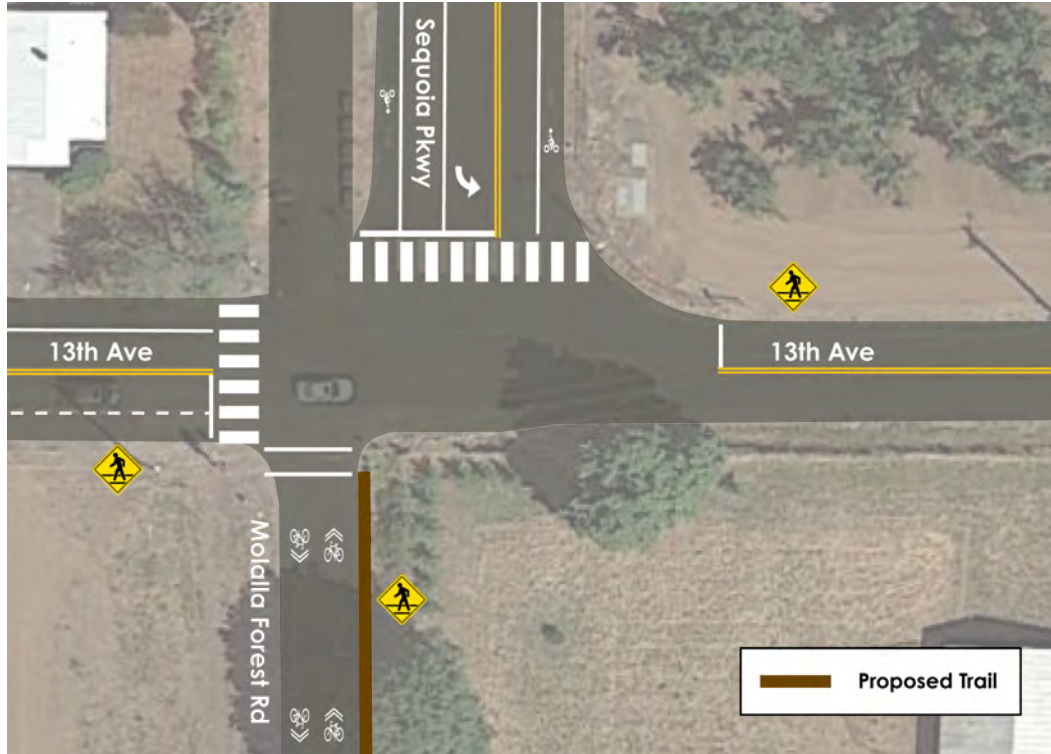


Figure 10. SE 13th Intersection Concepts

3.3.2 Mid-Point Access Alternatives

The original 1994 *Molalla River Pathway Plan* conceived of a trailhead near the Molalla River. A trailhead access point near the Molalla River is desirable to facilitate trail access for all users and improve connectivity and maintenance and emergency access. There are several alternatives that could be considered to facilitate access at this location (see Figure 11); these alternatives require further public and property owner outreach as well as engineering and environmental investigation prior to moving forward.

3.3.2.1 Alternative 1 – S Elisha Road

Given the access limitations at the north end, primary access to the trail could be achieved via S Elisha Road, which is located just south of the Molalla River Bridge and west of the MFR. Clackamas County currently owns the road right-of-way to the City property south of the bridge, which could be potentially developed into a small parking area.

The property adjacent to this access point is privately owned. Further outreach is needed to determine feasibility, including environmental permitting considerations. Additionally, access control at this location would be desirable, such as bollards or other barriers, to prevent or control vehicle access on this road. A strategy would also be needed to manage parking at this location if it moves forward, as demand is anticipated to be high. Elisha Road is owned by Clackamas County and any changes here would require County engagement and concurrence.

3.3.2.2 Alternative 2 – S Mulino Road

An alternative access point to the trail could be achieved off S Mulino Road through private property. Access could be obtained via the private property located immediately to the south of S Mulino Road to provide access to the City of Canby–owned property just north of the Molalla River. Preliminary conversations with one of the property owners indicated they are open to discussions around the long-term purchase of their property for this purpose. This alternative would require a railroad easement, which may be very difficult to obtain.

3.3.2.3 Alternative 3 – S Lilli Lane Connection

Alternative access to the City of Canby property north of the Molalla River could be achieved via S Lilli Lane, which currently terminates at a juncture with private property; an easement through this property could provide a direct connection to the City of Canby property adjacent to the Molalla River. The private property located immediately to the east of the City of Canby property has also expressed openness to considering using part of their property for trail access

This alternative would require a railroad easement which could be very difficult to obtain. Ongoing conversation with adjacent property owners is needed to gain a better understanding of these opportunities.

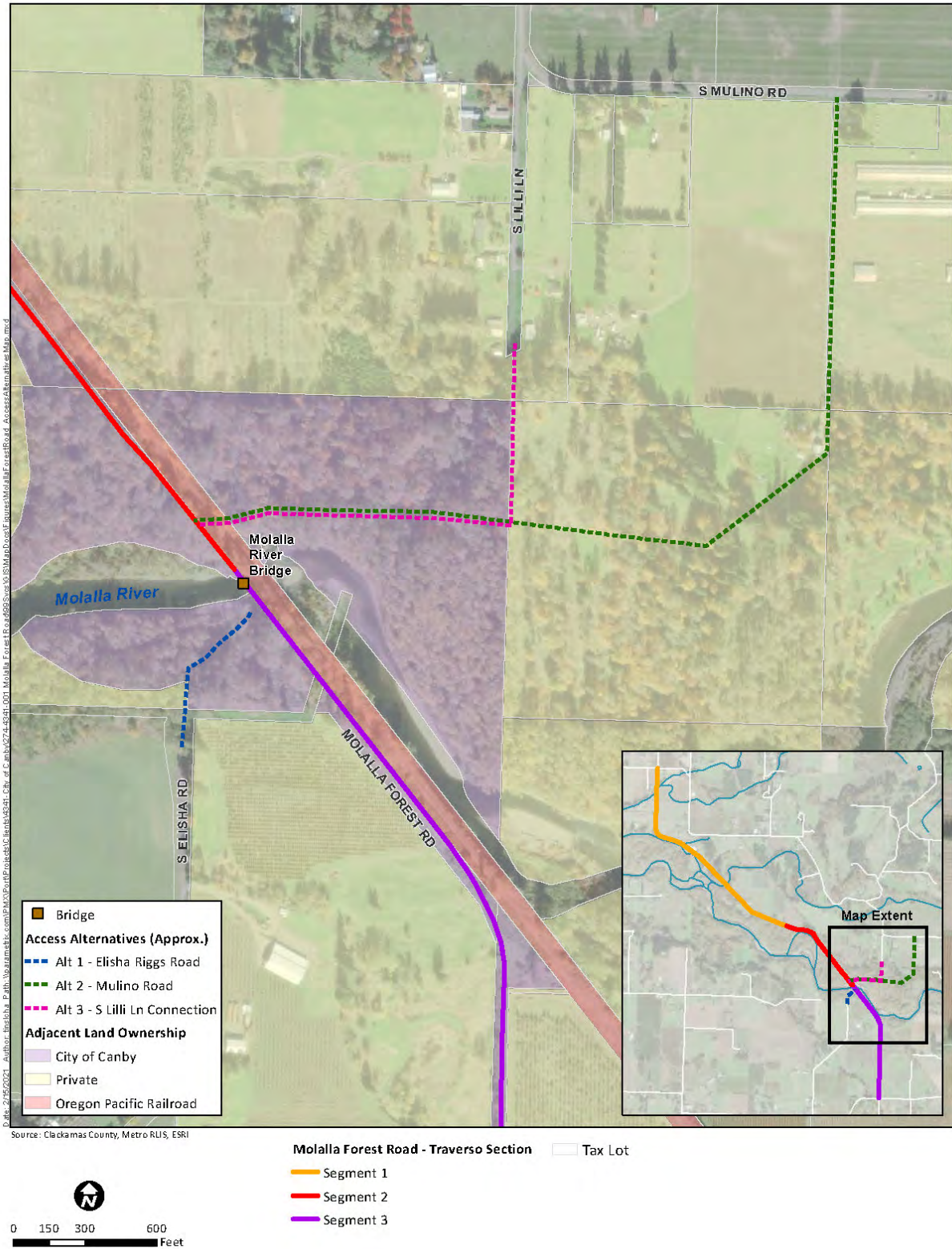


Figure 11. Mid-Point Access Alternatives

3.3.3 S Macksburg Road

Parking opportunities near Macksburg Road are limited, making this an undesirable point for a major trailhead. The City of Canby owns a narrow strip of property that runs along the west side of the MFR. There is an opportunity to use some of this property to create a minor pull-off and parking area for users accessing a future trail, but this location is undesirable for pull-off parking because of high traffic volumes and speeds on Macksburg Road that would make pulling off/onto the road potentially unsafe. If future access is considered, the City could pursue acquiring additional property at this location to construct a formal trailhead access point.

3.3.4 River Access

Access to the Molalla River was discussed with stakeholders during public outreach. Public input received indicated a strong desire from many for access to the Molalla River for fishing, swimming, and boating, though many also expressed concerns about environmental damage, trespassing, and other potential negative issues. According to state law, people are allowed to use the Molalla River for these purposes and to use the river up to the ordinary high water mark. Additionally, the public may engage in “uses incidental to a water dependent use,”² including walking on the shore while fishing. The nearest public river access is approximately 5 river miles downstream at Canby Community Park or 4.5 miles upstream at Wagonwheel Park, meaning there is a long stretch of river without any public access.

River access would provide recreation and environmental education opportunities, including fishing, swimming, and boating access. However, drawbacks include potential riparian environmental harm, potential trespassing onto private property, and the potential for river user demand to exceed trailhead capacity. This Development Plan does not specify whether river access should be integrated into the future trail; this decision requires further engagement and community discussion in a later phase of the project to understand the full implications of providing formal access to the Molalla River.

3.4 Amenities and Features

Trail amenities are important to the user experience; they help establish a unified “look and feel” to the trail and enhance safety and security for users and adjacent property owners.

Branding

The City or stakeholders should establish a unified brand for the Traverso Section trail that could be shared with the existing Logging Road Trail in Canby. Branding elements could include a logo and graphic design standards (colors, fonts, etc.).

Signage

Guidance on signing is available from several sources. The substantial Latino community in Canby means that many trail users may be Spanish-speakers and therefore, bilingual signage is desirable. The FHWA Manual on Uniform Traffic Control Devices (MUTCD) and the Oregon supplement provide guidance on regulatory and warning signs. Regulatory and warning signage needs to be closely coordinated with city, county, and ODOT standards. Signage should be consistent throughout the trail corridor, including the existing shared-use path in the City of Canby, to create a consistent brand and messaging to trail users throughout the entire corridor.

² <https://www.oregon.gov/dsl/WW/Documents/PublicRightUseWaterways.pdf>



Figure 12. Examples of Trail Wayfinding and Educational Signage

- Informational, Education and Interpretation – The setting of the Traverso Section lends itself to informational and educational signage opportunities that highlight the historic nature and uses of the road, the agricultural setting, and natural assets such as the Molalla River.
- Warning, Hazards, and Regulatory – Signage warning users about trail hazards and conditions (e.g., “trail crossing ahead”). Also important is prominent signage that discourages users from straying from the trail and Traverso Section property (e.g., “no trespassing,” “respect private property, please don’t trespass”). Other regulatory signage includes providing information about trail rules (e.g., “no smoking or alcohol use on trail”, “no river access,” “no trespassing – private property”) (see Figure 13).

The Intertwine *Regional Trails Signage Guidelines*³ developed for the Intertwine Trail in the Portland metro area provide an excellent example of signage standards.

Furnishings

Areas for trail users to rest and enjoy the setting are important design considerations. Benches could be placed at trail destinations (see Phase 1 section below). No specific bicycle infrastructure is proposed, though simple staple bike racks could be considered at the trail terminus and at other trail destinations for short-term bicycle use.

Trash receptacles could be provided periodically along the trail. Providing trash receptacles helps discourage littering, though they also carry the risk of illegal use and also require regular trash pickup by maintenance staff. Pet waste stations should be included periodically along the length of the trail. These should be located near trash receptacles, if provided.

Maintenance requirements associated with these amenities are discussed in Section 5.



Figure 13. Examples of Regulatory Signage

³ <https://www.oregonmetro.gov/sites/default/files/2017/11/21/2017-Intertwine-%20Trail-Sign%20Guidelines.pdf>

Fencing and railings

Context-sensitive fencing along the trail could add aesthetic character to the corridor and also help clearly delineate the line between public trail and private property. Railings would be required along crossings and bridge structures for user safety. Fencing provides “territorial reinforcement” by showing clear boundaries for where trail users should and should not be. Figure 14 shows an example of such fencing.



Figure 14. Example of Context-Sensitive Fencing Using Natural Materials

4. IMPLEMENTATION

The following section describes potential phasing of trail improvements. In all cases, additional outreach with property owners, the broader public, and establishment of robust trail management and enforcement protocols is required prior to moving forward (see Section 5).

4.1 Phase 1

The goal of Phase 1 is to develop a useful and enjoyable segment of the trail that is low-cost and relatively uncomplicated to design and construct. Phase 1 would function as an extension of the existing Logging Road Trail in Canby from SE 13th Avenue south to near the washout, and it would essentially develop most of Segment 1. Phase 1 would create 1.5 miles of trail, stopping before the washout area. At this location, the Traverso property includes a relatively large (approximately 9-acre) triangle-shaped parcel that extends to near the Molalla River. Phase 1 could include development of a soft-surface trail on this property that ends at small overlook of the Molalla River (see Figure 15). This would provide a destination for trail users and a natural turnaround point until the trail is extended farther south. River access would not be permitted.

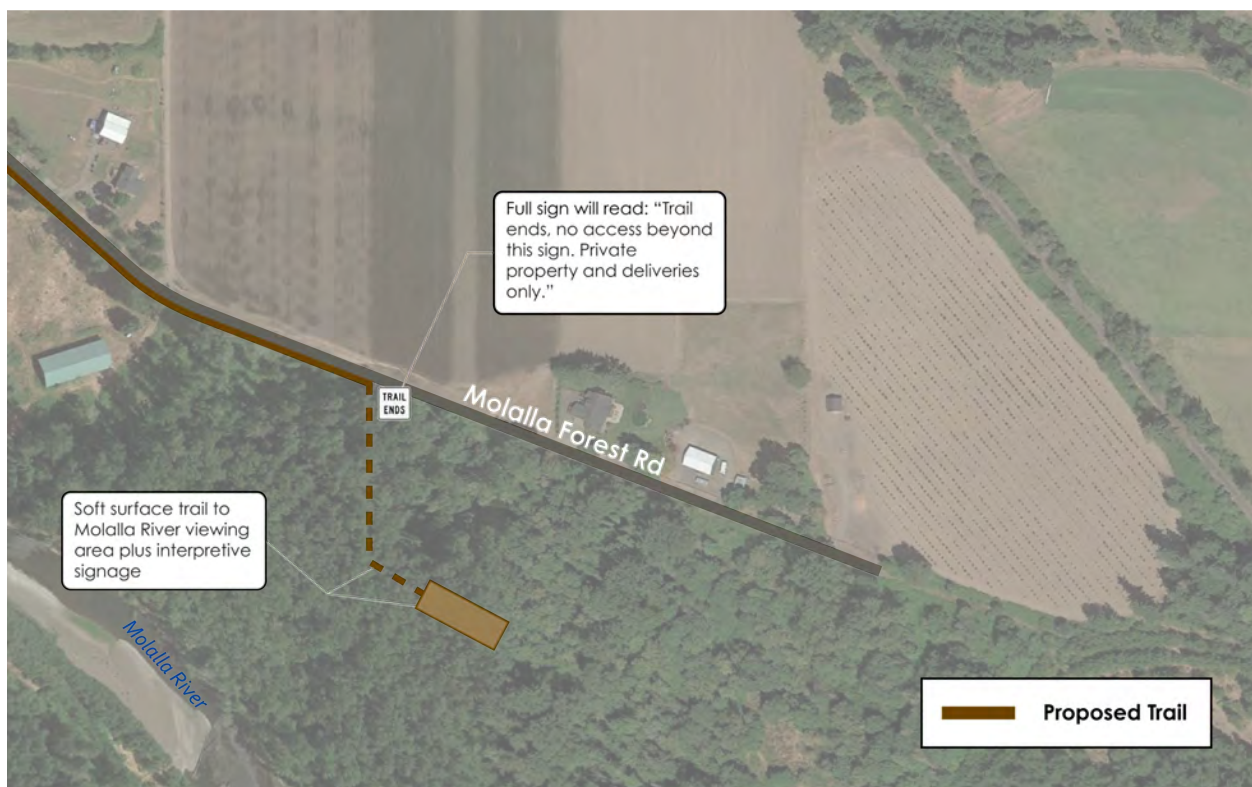


Figure 15. Potential Phase 1 Terminus

Phase 1 would also include:

- Development of signage (wayfinding, regulatory, hazards, etc.)
- Trail fencing
- Trash receptacles and a pet station at the intersection of SE 13th Ave, off of the existing Logging Road Trail. This location would be visible to help deter illegal use and if placed on the existing Logging Road Trail, would limit access to just those using the trail.

Phase 1 requires confirmation of the potential trail terminus as well as further design, environmental permitting considerations, and implementation of trail management elements discussed in Section 5.

4.2 Phase 2

Phase 2 would include full construction of a trail from the washout south to S Macksburg Road (all of Segments 2 and 3). This phase includes complex issues and design considerations including re-establishing the roadbed/trail through or parallel to the washout and addressing the bridge across the Molalla River. It would also include determination of the preferred mid-point access location. Phase 2 requires additional alternatives evaluation to determine the best alternatives that balance costs, potential impacts to environmental resources, the needs of neighboring property owners, and trail users. It also requires determination of design solutions for the washout area and Molalla River Bridge that will be durable and be unlikely to suffer permanent damage as a result of future flooding.

4.3 Cost Estimate

Table 2 shows the estimated costs by segment, including alternatives. Appendix C includes a detailed breakdown of estimated costs. Phase 1 corresponds to the Segment 1 improvements while Phase 2 generally corresponds to the Segments 2 and 3 improvements. The total estimated cost is inclusive of permitting, design, and construction costs.

Table 2. Cost Summary

Segment	Description	Start MP	Stop MP	Total Length (miles)	Total Estimated Cost (Rounded)	Total Estimated Cost/Mile
1A	SE 13th to End of Pavement at Gate	0.00	0.48	0.48		
	Shared Use Roadway				\$ 331,000	\$ 684,000
	Roadway with Multiuse Trail				\$ 482,000	\$ 996,000
1B	End of Pavement at Gate to End of Shared Roadway	0.48	1.76	1.27		
	Shared Use Roadway				\$ 1,908,000	\$ 1,498,000
	Roadway with Multiuse Trail				\$ 2,296,000	\$ 1,802,000
2	End of Shared Roadway to Molalla River Bridge	1.76	2.47	0.72		
	Alt 1 - Rebuild existing				\$ 3,337,000	\$ 4,653,000
	Alt 2: Adjacent to existing				\$ 1,725,000	\$ 2,405,000

Segment	Description	Start MP	Stop MP	Total Length (miles)	Total Estimated Cost (Rounded)	Total Estimated Cost/Mile
3	South of Molalla River Bridge to Macksburg Rd.	2.47	3.41	0.94		
	Multiuse Trail				\$ 1,166,000	\$ 1,241,000
			Total Length	3.41		
Total Cost with Preferred Options (Segment 1 Roadway with Multiuse Trail and Segment 2 Adjacent to Existing)					\$ 5,669,000	\$ 1,660,000

4.4 Future Phases

As envisioned in the original 1994 plan, the Traverso Section is one piece of the greater regional trail vision of connecting Canby to the City of Molalla and points south. Improvements to the Traverso Section conceived in this Development Plan consider this future vision. The City has had preliminary conversations with a property owner south of Macksburg Road who is potentially interested in their property being part of the trail in the future.

The trailhead access points discussed in Section 3 would also serve a future regional trail. Any trailhead access improvements developed at S Macksburg Road should consider the potential for the trail to continue farther south in the future; there was formerly an elevated crossing of the MFR at this location. Given traffic volumes and speeds, an elevated crossing at this location may be ideal in terms of trail user safety and comfort.

4.5 Environmental and Permitting Considerations

The Molalla River is designated as Essential Salmonid Habitat by the Oregon Department of State Lands (DSL) and is designated as critical habitat for Endangered Species Act (ESA)-listed salmonids. The river and surrounding lands are considered high quality habitat by Clackamas County. Land beyond the toe of the bank is within a mapped Federal Emergency Management Agency (FEMA) floodplain. Due to the environmental sensitivity of resources in this area, a site visit and corresponding report would be required to determine the extent of wetlands, waters, and any locally protected natural resources present at the river bend as the project moves beyond conceptual design and into design phases. Impacts to wetlands versus waters will drive permitting requirements. Additionally, the site near the Molalla River is mapped as high-quality habitat by Metro, and the City may need to address local habitat protection ordinance requirements.

If federal funding is granted to the project (or a federal permit required), the provisions of the National Environmental Policy Act (NEPA) would apply. Once project elements have been further refined during design, the City would need to complete the appropriate NEPA process; it is likely that work contemplated on the trail would be classified as a “documented categorical exclusion” for NEPA purposes, which has a reduced level of documentation as compared to an environmental assessment or environmental impact statement.

In addition to federal permits, local permits may be required to improve facilities; the entire Traverso Section is in unincorporated Clackamas County and permitting needs would be determined during design. The Traverso Property is an existing transportation corridor, having been a private logging road

prior to the City's ownership as well as its continued use as an access road by abutting private property owners.

5. OPERATIONS, SAFETY AND SECURITY

The trail management recommendations in this section are based consultant experience with trail management best practices and are informed by the feedback received from the public and adjacent private property owners.

5.1 Trail Management

The Traverso Section is owned entirely by the City of Canby, though the property itself lies outside of the City limits in unincorporated Clackamas County. As the City is the owner of the property, City government is the lead management agency for the trail. It is assumed that Clackamas County regulations pertaining to parks and trail uses would be applicable to the Traverso Section. Section 5.4 also describes the potential roles of volunteers in management and maintenance of the trail; these partnerships between local government and engaged citizens are critical.

5.2 Maintenance

Trail maintenance is critical to the enjoyable use of the trail and to maintaining a clean environment. Consistent maintenance is a core CPTED principle that deters unwanted uses and behavior on trails by reinforcing ownership of the trail and showing regular attention. Canby Parks and Recreation is the proposed lead maintenance authority for the trail. Canby Parks has several full-time staff dedicated to maintaining city parks and recreation facilities, including the existing developed section of the MFR trail within the city limits of Canby.

Table 3 shows an example maintenance schedule for a future fully developed trail on the Traverso Section. This maintenance schedule does not account for natural events such as floods or landslides which could cause unpredictable damage to the trail, nor does it account for materials or equipment costs. The maintenance estimate indicates that trail maintenance would require 0.13 full-time equivalent (about 5 hours per week, perhaps more during times of high use and less during times of low use) of City maintenance staff time. However, many of these activities could be undertaken by volunteers, reducing maintenance costs to the City, as indicated in the rightmost column in the table.

Table 3. Example Maintenance Schedule

Activity	Frequency	Average Annual Labor Hours	Opportunity for Volunteer Engagement?
Mowing: 4-ft min. width each side of trail where applicable.	3-4 times annually	32	Low
Pruning: Prune woody vegetation 4 feet back from sides of trail – 14 feet vertical clearance – remove invasive vines.	Annually	24	Medium
Trash pick-up: access areas (if trash cans provided)	Weekly	104	High
Litter pick-up: Trailside, access areas. Encourage users to pack it in/pack it out.	Monthly	48	High

Activity	Frequency	Average Annual Labor Hours	Opportunity for Volunteer Engagement?
Removal of trees/limbs: Evaluation/removal of unhealthy or dead trees and limbs.	Annually	16	Low
Signage	Periodically	8	Low
Pet cleanup bags	Refilled periodically (occurs same time as trash pickup, no additional hours assumed)	N/A	Medium
Access control: Replace damaged access control devices.	Assume replacement of 10% annually	8	Low
Trail surfacing	Shared roadway – every 10 years Paved path – every 10 years Soft surface – annual maintenance	24	Low
Drainage: Clean inlets, keep swales clear of debris.	Annually	8	High
Bridge inspections: Inspection/maintenance of bridge to ensure structural integrity.	Every 2 years (County or ODOT inspection)	N/A	N/A
Total		272 (0.13 FTE)	

Source: American Trails

FTE = full-time (employee) equivalent

5.3 Safety and Emergency Services

It is essential that the City establish a robust and formal approach to monitoring the trail to deter unwanted uses and ensure safety and comfort of trail users and adjacent property owners. Property owners noted concerns about existing undesirable uses and behavior in the corridor, including trash dumping, illegal trespassing, and other activities. Establishing a formal structure for enforcement on the future trail, coupled with engaged volunteers to provide a “trail watch” (see Section 5.4), will ensure that there are eyes on the trail to deter illicit activity. It is important to note that research has shown that trails themselves do not attract more crime than other kinds of land uses, and regular users on trails have been shown to deter crime and unwanted behavior.⁴

Because the Traverso Section is in unincorporated Clackamas County, the Clackamas County Sherriff technically has jurisdiction over the area. City staff have had preliminary conversations with the Sherriff about regular patrols of the trail area, including trailhead access areas and shared roadway sections of the trail that will be passable by car. Canby police have also been engaged in the trail planning process.

The City could seek an intergovernmental agreement (IGA) between the City and County for the mutual patrol of the Traverso Section. The IGA would clearly define enforcement responsibilities and jurisdiction, as well as any agreements between the City and County pertaining to City police jurisdiction over the trail. This is an important step to memorializing law enforcement over the trail and ensuring

⁴ <https://www.railstotrails.org/resourcehandler.ashx?id=3503>

that property owners adjacent to the trail or those experiencing an emergency on the trail know who to call and who will respond.

A “good neighbor program” can also be established by the City to support coordination with private property owners and maintain good relationships. If interested, nearby landowners can augment volunteer and municipal/county enforcement by monitoring the trail and notifying the City about maintenance, safety, and other operational matters. It is important that everyone living near the trail know who to contact with questions, suggestions, or concerns and that they will be taken seriously. A good neighbor program would formalize this communication with property owners by:

- Providing information to all abutting property owners on who to call for trail issues (maintenance, emergencies, or otherwise).
- Streamlining communication by identifying a point person at the City who manages communications with private property owners.
- Providing information to new property owners (when property changes hands) about the trail, its allowed uses, and who to contact with concerns or issues.

5.4 Volunteers and Civic Organization Engagement

Given the limited resources of the City of Canby, volunteers (either individuals or groups) represent a major opportunity to share in the work of trail maintenance and safety, while fostering greater community ownership of the trail. The Canby Bicycle and Pedestrian Committee (or subcommittee thereof) is a natural potential “owner” of the trail and could act as a steering committee into the future, serving as a forum for trail management and maintenance issues. This group could be convened for the Traverso Section trail, but also for the existing segment within the city. The steering committee should convene a “Friends of Molalla Forest Road Trail” or similar group to engage in the following volunteer activities:

- Litter pick-up – Conduct regular organized litter pick-up events along the trail.
- Trail watch – An organized group of volunteers that patrol the trail individually or in groups to deter unwanted behavior. Trail watches can be organized easily through online tools and can require minimal time to manage.
- Light repairs and maintenance – Volunteers could be deployed to make light repairs to trail infrastructure or surfacing, address vandalism, and help with other general maintenance activities.
- Education and interpretation – Volunteers could assist with interpretive and education activities in the trail corridor, including development and maintenance of interpretive signage that cover the natural and cultural history of the MFR setting.

6. NEXT STEPS

This Development Plan is the starting point for continued conversation with the public, stakeholders, and property owners to determine the best trail solutions for the Traverso Section. Next steps for the City and stakeholders are as follows:

Conduct additional project refinement work on key areas.

The washout area and Molalla River crossing require more detailed planning and design, environmental review, and refined cost estimates. This Development Plan presents several viable alternatives that should be evaluated further.

Additionally, this Development Plan presents several alternatives for developing trailhead access at the midpoint of the Traverso Section. Each of these alternatives has pros and cons, as discussed previously, and further discussion with the community, stakeholders, property owners, and regulators is required.

Continue to engage the public, stakeholders, and property owners.

During the Development Plan process, the City heard from many interested community members. Continued input from the community is essential to refining trail alternatives that meet community needs while respecting private property rights, minimizing any environmental concerns, and maximizing the benefits of the trail to the community as a whole.

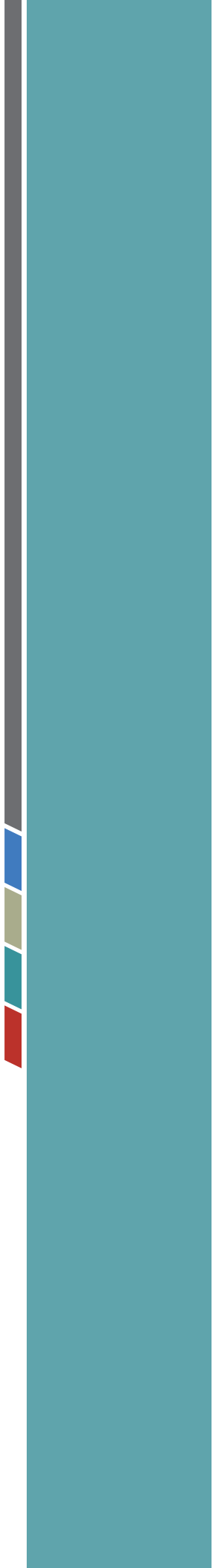
Property owners have expressed concerns about the development of a trail, which this Development Plan acknowledges and describes approaches for mitigating any potential issues. The City should continue conversation with private property owners to ensure that their concerns are addressed; the trail should be viewed as a beneficial asset to not just trail users, but everyone in the greater community.

Determine whether access to the Molalla River is desired.

Public outreach showed a strong interest in facilitating access to the Molalla River. Benefits would include increased community access to recreation, including swimming, fishing, and boating. However, the potential drawbacks include damage to riparian habitat, user demand that exceeds capacity of any trailhead parking area, and potential for trespassing onto private property. The pros and cons of facilitating river access require further discussion with the community and with environmental regulatory authorities and advocates.

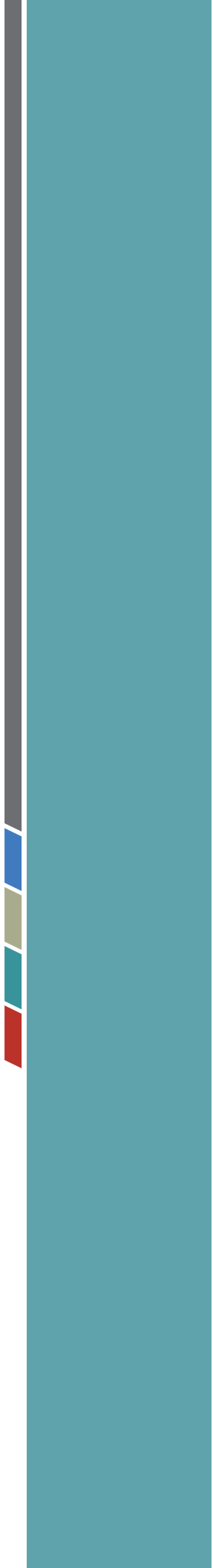
Appendix A

Opportunities and Constraints Memorandum



Appendix B

Public Engagement Summary



Fred and Sherry Joyner

2297 SE 11th Ave.

Canby, Oregon 97013

Re: Public comments regarding DR21-10 Old MAC/VLMK, CU21-02

City Council,

There are many concerns regarding this project. In an effort to make this a win/win scenario, I would hope that some considerations would be made regarding the project. I know that the Old Mac operation wants to operate in harmony with the home owners in the neighborhood.

1. The fencing around the project, running parallel to Sequoia Parkway, is simply not acceptable.
 - a. Chain link fencing, with vinyl slats offer almost no visual screening protection.
 - b. The submitted plans show no landscape detail as to types of screening plants, trees, variety, and density of plantings.
 - c. Is the city going to consider parkway plantings and landscape improvements to the West side of Sequoia Parkway to further improve screening and noise abatement.

2. PLEASE CONSIDER:
 - a. The rail cars and box cars, sitting on the rail spur, will be 8, 10 and possibly up to 14 feet tall covered in GRAFITTI!
 - b. The homeowners, along the West Side of Sequoia Parkway, will be looking at this.
 - c. CHILDREN in second story bedrooms will look directly at this.
 - d. Then, there are the light issues at night.
 - e. The noise issues, day and night.
 - f. Increase traffic flow, large trucks and so on.

IN CONCLUSION: I have only one simple question.

WHY IS THE CITY ALLOWING THE PROJECT TO PUT THE BACKSIDE OF THE PROJECT ALONG SEQUOIA PARKWAY?

Resolution: Flip this plan over. Place the Office and parking area to the West, move the rail spur to side along the existing rail line on the East side of the project. Submit a Landscape design plan for review. Consider building a berm along the West Fence Line to lift the fencing and plantings to allow for more screening.

**CANBY CITY COUNCIL
REGULAR MEETING MINUTES
January 19, 2022**

PRESIDING: Council President Traci Hensley

COUNCIL PRESENT: David Bajorin, Christopher Bangs, Traci Hensley, Sarah Spoon, Greg Parker, and Shawn Varwig.

COUNCIL ABSENT: Mayor Hodson

STAFF PRESENT: Scott Archer, City Administrator; Joseph Lindsay, City Attorney/Assistant City Administrator; Melissa Bisset, HR Director/City Recorder; Maya Benham, Deputy City Recorder; Todd Wood, Transit Director; Jerry Nelzen, Public Works Director; Jeff Snyder, Parks Lead.

CALL TO ORDER: Mayor Hodson called the Regular Meeting to order at 7:55 p.m. in the Council Chambers.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS: Patrick Sampson was representing the Oregon Youth Soccer Association. They were looking at a space in Canby to build a new facility that included multiple sports fields for the region's use, amphitheater, and walking trails. They were meeting with community groups to shape the vision for how the facility could best meet the needs of the City.

Jason Padden, Canby resident, asked for an update on the agreement between the City and County for the City to take jurisdiction of some County roads.

Scott Archer, City Administrator, and Jerry Nelzen, Public Works Director, said the transfer had been completed. They explained the improvement projects that had been done.

CONSENT AGENDA:

****Councilor Varwig moved to adopt the minutes of the November 17, 2021 Joint Work Session of the Planning Commission and City Council and Regular City Council meeting. Motion was seconded by Councilor Spoon and passed 6-0.**

RESOLUTION & ORDINANCE: Resolution 1361 – Mr. Archer said this resolution was a budget action related to internal reorganization within the sewer fund. This would exchange a currently vacant position in the Sewer Collections Division with a position in the Wastewater Treatment Plant.

****Councilor Bangs moved to adopt Resolution 1361, A RESOLUTION TRANSFERRING APPROPRIATION AUTHORITY FROM SEWER COLLECTIONS TO SEWER WASTEWATER EXPENDITURES. Motion was seconded by Councilor Varwig and passed 6-0.**

Ordinance 1567 – Todd Wood, Transit Director, explained the Intergovernmental Agreement with ODOT to improve areas for the installation of six bus shelters on 99E.

There was discussion regarding the prep work, the City’s contribution, project budget, purchasing the shelters now and storage issues, and purchasing more shelters.

****Councilor Spoon moved to approve Ordinance 1567, AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO AGREEMENT #34634 WITH ODOT FOR 99E BUS STOP IMPROVEMENTS IN THE CITY OF CANBY to come up for second reading on February 2, 2022. Motion was seconded by Councilor Bangs and passed 6-0 on first reading.**

NEW BUSINESS: Discussion Regarding Tree Removal – Mr. Archer said the proposed tree removals were a result of damage from the ice storm last winter. The contract for the tree removals would come back to the next Council meeting.

Mr. Nelzen discussed the funding from FEMA for the ice storm cleanup. FEMA would also fully reimburse the City for removal of the damaged trees that were still left.

Jeff Snyder, Parks Lead, listed the trees that were proposed to be removed and explained the process with FEMA.

There was discussion regarding the trees on School District property, plan for replacing the trees, use of the wood of the removed trees, and citizen input.

Discussion regarding Oregon Department of Transportation Tolling Program – Council President Hensley said the Mayor requested the Council direct staff to draft a letter to ODOT and the OTC opposing tolling. The diversion traffic needed to be mitigated prior to the implementation of tolling.

There was consensus for staff to request ODOT representatives come to the next Council meeting to discuss the issue with the Council before drafting a letter.

MAYOR BUSINESS: None

COUNCILOR COMMENTS & LIAISON REPORTS: Council President Hensley reported on the Traffic Safety Commission who was still working on parking issues on S 2nd and 3rd. They also wanted to send a letter to ODOT with recommendations for right turn only signs onto 99E. They also wanted to submit traffic safety tip articles to the *Canby Herald*. She suggested a resolution come back to the Council that set a policy for city committees who were going to the public representing the City to go through City staff and Council liaisons.

There was consensus to discuss the policy at the upcoming Council Goal Setting.

Council President Hensley noted the Traffic Safety Commission was also exploring better promotion of truck routes. She thanked Representative Christine Drazan and Senator Bill Kennemer for representing the Canby community.

Councilor Varwig reported on the Planning Commission meeting and welcomed the new Planning Commissioners, Chair, and Vice Chair.

Councilor Bangs reported on the Library Board meeting where the Christmas Lights Tour, monthly book sales, and Library District funds were discussed. The Canby School Board met and discussed the financial audit, impact of Covid, and new snow policy.

Councilor Spoon reported on the Parks Master Plan meeting. The information presented was available on the City's website.

CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS: Mr. Archer said the new gazebo at Maple Street Park had been installed. The pickle ball courts would be completed in the spring.

CITIZEN INPUT: None

ACTION REVIEW:

1. Approved the consent agenda.
2. Approved Resolution 1361.
3. Passed Ordinance 1567 to a second reading on February 2, 2022.

EXECUTIVE SESSION:

****Councilor Spoon moved to go into Executive Session pursuant to ORS 192.660(2)(i) Performance Evaluation of Public Officer. Motion was seconded by Councilor Varwig and passed 6-0.**

Council President Hensley read the Executive Session announcement and recessed the Regular meeting at 9:11 p.m.

Mayor Hodson reconvened the Regular Meeting at 9:37 p.m.

NEW BUSINESS: Amendment to the City Administrator's Employment Contract – The Council reviewed the amended contract.

****Councilor Bangs moved to approve the amendment to the City Administrator's Employment Contract Section 5 as presented. Motion was seconded by Council President Hensley and passed 6-0.**

Mayor Hodson adjourned the Regular Meeting at 9:43 p.m.

Melissa Bisset
City Recorder

Brian Hodson
Mayor

Assisted with Preparation of Minutes - Susan Wood



City of Canby

PO Box 930
222 NE 2nd Ave
Canby, OR 97013

Phone: 503.266.4021
Fax: 503.266.7961
www.canbyoregon.gov

City Council Staff Report

DATE: March 16, 2022
TO: Honorable Mayor Hodson and City Council
THRU: Scott Archer, City Administrator
FROM: Jerry Nelzen, Public Works Director
ITEM: Undergrounding Utilities on S Ivy Street

Summary

City Council directed City Staff to proceed in working with Canby Utility Board (CUB) and Clackamas County to underground electric utilities on the S Ivy Street Improvement project. Since this time, staff has met with and developed an agreement with CUB that would accomplish this directive. CUB has offered to underground the power utilities with a not-to-exceed cost estimate of \$400,000. Additionally, the estimate includes the credit of \$310,000 from CUB. The credit is an allowance from CUB in place of relocating the power lines. The decision to underground utilities versus moving powerlines was previously discussed at a City Council Work Session.

Background

There has been an ongoing discussion about whether or not the City has funding to underground the power on S Ivy Street from HWY 99E to approximately Canby Sign & Graphics. The City Council wanted to know what options the City has to fund this project and what the impacts would be on other street capital projects. After reviewing Canby Utilities cost estimate the City can fund this project.

Discussion

The City Council will review the CUB cost estimates which will be put into three phases. The S Ivy Street project is a partnership between CUB and the City of Canby to underground utilities. There are sufficient fund balance reserves to pay for the undergrounding.

Attachments

- Canby Utility cost estimates broken into phases.
- Map of S Ivy Street detailing where the undergrounding of power will be.

Fiscal Impact

- Approximately \$400,000

Options

1. City Council can adopt Ordinance No. 1569.
2. Direct City Staff to provide more information on the S. Ivy Street project.

Recommendation

Staff recommends City Council adopt Ordinance No. 1569.

Proposed Motion

I move to adopt Ordinance No. 1569, An Ordinance Authorizing the City Administrator to Contract with or Expend budgeted funds to Canby Utility for the Underground of Power on S Ivy Street to come up for second reading on March 16, 2022.

ORDINANCE NO. 1569

**AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO
CONTRACT WITH OR EXPEND BUDGETED FUNDS TO CANBY UTILITY
FOR THE UNDERGROUNDING OF POWER ON S IVY STREET.**

WHEREAS, the City of Canby wishes to underground the overhead power lines on S Ivy Street between Highway 99e and 1000 S Ivy Street;

WHEREAS, the City of Canby wishes to share costs with Canby Utility in the desired undergrounding of power lines on S Ivy Street;

WHEREAS, the City of Canby currently has a not to exceed price for the three phases of the project provided by Canby Utility in the estimated amount of \$391,030.46;

WHEREAS, the City of Canby has budgeted for this project in the adopted 2021/22 budget in the amount of \$693,000; and

WHEREAS, the City Council meeting and acting as the Contract Review Board for the City of Canby has reviewed this price estimate, reviewed the staff report and believes it to be in the best interest of the City to partner with Canby Utility to underground the power lines on S Ivy Street.

NOW, THEREFORE, THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. The City Administrator is hereby authorized to make, execute, and declare in the name of the City of Canby and on its behalf, an appropriate contract with Canby Utility or to otherwise expend adopted 2021/22 budgeted funds to share the costs of undergrounding the Power lines on S Ivy Street between Highway 99 E and 1000 S Ivy Street.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, March 2, 2022, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on Wednesday, March 16, 2022, commencing at the hour of 7:30 PM in the Council Meeting Chambers located at 222 NE 2nd Avenue, 1st Floor, Canby, Oregon.

Melissa Bisset
City Recorder

on second and final reading by the Canby City Council at a regular meeting thereof on the 16th day of March, 2022 by the following vote:

YEAS _____

NAYS _____

Brian Hodson
Mayor

ATTEST:

Melissa Bisset, CMC
City Recorder

CANBY UTILITY ELECTRIC PROJECT CHARGE NOTICE	
February 8, 2022	W/O# 2022-12137
Customer Name: City of Canby- Ivy St Improvements Phase 1	
Project Address: 181 S. Ivy St, Canby OR 97013	

Please Present This Form with Your Payment


Canby Utility (CU) is an independent subdivision of the City of Canby that provides electric and water service to customers within the city. Pursuant to CU Board Resolution No. 227, commercial and industrial electric project charges are to be determined on a case-by-case basis. As a non-profit municipal government, CU's project charge is based on materials, equipment, and labor costs provided to the project. Based on the project information provided to CU, we have estimated the charges for the electric project below.

You are required to pay the minimum amount due prior to the start of construction on this project. The remaining balance of actual costs will be due upon completion of the project and reconciliation by Canby Utility of all materials, equipment, and labor costs provided to the project.

Electric Project Estimate	\$ 47,792.17
Canby Utility Project Allowance	\$ 21,700.00
Estimated Total Project Cost	\$ 26,092.17
Minimum Amount Due Prior To Project Start	\$ 26,092.17

The electric project estimate quoted above is to provide a cost at the time of design and shall not be considered a final cost. After reconciliation of all costs to Canby Utility for the completion of the project, Canby Utility will provide a total cost invoice to the developer. Canby Utility will provide and install all materials in a customer provided trench. Please refer to the accompanying scope of work for details. Any easements that CU deems necessary for the project to allow CU to operate the municipal electric system safely and effectively must be recorded and provided to CU at no charge.

Additional Terms: Contractor is responsible for excavation/trenching.

	Canby Utility Board 1265 SE 3 rd Ave Canby Oregon, 97013 P:503-266-1156 Fax: 503-263-8621 https://www.canbyutility.org			Project Name Here			
	Reviewed By	ENG/DRN by	DATE	W/O No.	DRAWING No.	SHEETS	REV
		J.Muravez	2-8-2022	2022-12137		1 OF 1	1

CANBY UTILITY ELECTRIC PROJECT CHARGE NOTICE	
February 14, 2022	W/O# 2022-12141
Customer Name: City of Canby-Ivy St Improvements Phase 2	
Project Address: S Ivy St, Canby OR 97013	

Please Present This Form with Your Payment


Canby Utility (CU) is an independent subdivision of the City of Canby that provides electric and water service to customers within the city. Pursuant to CU Board Resolution No. 227, commercial and industrial electric project charges are to be determined on a case-by-case basis. As a non-profit municipal government, CU's project charge is based on materials, equipment, and labor costs provided to the project. Based on the project information provided to CU, we have estimated the charges for the electric project below.

You are required to pay the minimum amount due prior to the start of construction on this project. The remaining balance of actual costs will be due upon completion of the project and reconciliation by Canby Utility of all materials, equipment, and labor costs provided to the project.

Electric Project Estimate	\$ 259,706.32
Canby Utility Project Allowance	\$ 114,700.00
Estimated Total Project Cost	\$ 145,006.32
Minimum Amount Due Prior To Project Start	\$ 145,006.32

The electric project estimate quoted above is to provide a cost at the time of design and shall not be considered a final cost. After reconciliation of all costs to Canby Utility for the completion of the project, Canby Utility will provide a total cost invoice to the developer. Canby Utility will provide and install all materials in a customer provided trench. Please refer to the accompanying scope of work for details. Any easements that CU deems necessary for the project to allow CU to operate the municipal electric system safely and effectively must be recorded and provided to CU at no charge.

Additional Terms: Contractor is responsible for excavation/trenching.

	Canby Utility Board 1265 SE 3 rd Ave Canby Oregon, 97013 P:503-266-1156 Fax: 503-263-8621 https://www.canbyutility.org			Project Name Here			
	Reviewed By	ENG/DRN by	DATE	W/O No.	DRAWING No.	SHEETS	REV
		J.Muravez	2-14-2022	2022-12141		1 OF 1	1

CANBY UTILITY ELECTRIC PROJECT CHARGE NOTICE	
February 14, 2022	W/O# 2022-12142
Customer Name: City of Canby-Ivy St Improvements Phase 3	
Project Address: S Ivy St, Canby OR 97013	

Please Present This Form with Your Payment


Canby Utility (CU) is an independent subdivision of the City of Canby that provides electric and water service to customers within the city. Pursuant to CU Board Resolution No. 227, commercial and industrial electric project charges are to be determined on a case-by-case basis. As a non-profit municipal government, CU's project charge is based on materials, equipment, and labor costs provided to the project. Based on the project information provided to CU, we have estimated the charges for the electric project below.

You are required to pay the minimum amount due prior to the start of construction on this project. The remaining balance of actual costs will be due upon completion of the project and reconciliation by Canby Utility of all materials, equipment, and labor costs provided to the project.

Electric Project Estimate	\$ 393,531.97
Canby Utility Project Allowance	\$ 173,600.00
Estimated Total Project Cost	\$ 219,931.97
Minimum Amount Due Prior To Project Start	\$ 219,931.97

The electric project estimate quoted above is to provide a cost at the time of design and shall not be considered a final cost. After reconciliation of all costs to Canby Utility for the completion of the project, Canby Utility will provide a total cost invoice to the developer. Canby Utility will provide and install all materials in a customer provided trench. Please refer to the accompanying scope of work for details. Any easements that CU deems necessary for the project to allow CU to operate the municipal electric system safely and effectively must be recorded and provided to CU at no charge.

Additional Terms: Contractor is responsible for excavation/trenching.

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	Reviewed By	ENG/DRN by	DATE	W/O No.	DRAWING No.	SHEETS	REV
		J.Muravez	2-14-2022	2022-12142		1 OF 1	1

The red line represents power line to be buried. The blue line represents power line to remain overhead.





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City Council Staff Report

DATE: March 16, 2022
TO: Honorable Mayor Hodson and City Council
THRU: Scott Archer, City Administrator
FROM: Curt McLeod, City Engineer of Record
ITEM: Property Relinquishment for ODOT Sidewalk

Summary

This staff report is to request Council Approval of a resolution to relinquish 437 square feet of City of Canby fee simple property obtained for the Quiet Zone project, to ODOT for operation and maintenance.

Background

In February 2020, the City of Canby negotiated for the purchase of 347 square feet of private property needed to construct the larger radius curb return for the Quiet Zone project at the intersection of Elm Street and Highway 99E. The City was required to follow the provisions of the Federal Relocation and Real Property Acquisition Act, which required an appraisal and offer. The City paid \$8,188 for the property.

Discussion

As shown on the attached documents, these 437 square feet of property are located at the Elm Street and Highway 99E intersection and are surrounded by sidewalk under ODOT ownership. There is no benefit to the City retaining this property and there is some liability exposure common to all sidewalks.

It would have been more reasonable for this property to be purchased in the Name of ODOT as opposed to the City. ODOT has requested this land be relinquished to the State of Oregon and then ODOT will operate and maintain the area to the same extent as the surrounding ODOT areas.

Attachments

Resolution requesting Council Approval
Relinquishment Deed

Fiscal Impact

There are no financial impacts to this action other than the cost of recording.

Recommendation

Staff recommends the Council approve the resolution.

Proposed Motion

I move to approve Resolution Number 1363, Authorizing the City Administrator to Execute the relinquishment deed to transfer 437 square feet of property at the intersection of Elm Street and Highway 99E to the State of Oregon.

RESOLUTION NO. 1363

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE DOCUMENTS TO RELINQUISH REAL PROPERTY TO THE OREGON DEPARTMENT OF TRANSPORTATION

WHEREAS, on February 26, 2020, the City of Canby purchased a tract of land recorded as Fee Number 2020-032499 Clackamas County Deed Records, from the ZZZ Company, LLC, in accordance with the requirements in ORS 35.510;

WHEREAS, the track of land was required for construction of a section of sidewalk adjacent to the ODOT right-of-way for Pacific Highway 99E, and said section of sidewalk was installed in 2021;

WHEREAS, the property totals 437 square feet and is located within the ODOT right-of-way and has ODOT sidewalk on each side; and

WHEREAS, the ODOT Maintenance District 2B Manager has agreed to accept this tract of land and the accompanying maintenance requirements.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF CANBY CITY COUNCIL, that the City Council authorizes the City Administrator to execute documents to relinquish the property secured under Fee Number 2020-032499 to the Oregon Department of Transportation at no cost.

This resolution will take effect on March 16, 2022.

ADOPTED this 16th day of March 2022, by the Canby City Council.

Brian Hodson
Mayor

ATTEST

Melissa Bisset, CMC
City Recorder

EXHIBIT A
Legal Description

Parcel 1 – Fee

A parcel of land lying in the Philander Lee DLC No. 56, Township 3 South, Range 1 East, W.M., Clackamas County, Oregon and being a portion of that property described in that Statutory Warranty Deeds to WSCO Petroleum corp., an Oregon corporation, recorded December 31, 2003, as Recorder's Fee No. 2003-167020 and to ZZZ Company LLC, an Oregon limited liability company, recorded December 31, 2003, as Recorder's Fee No. 2003-167021, Film Records of Clackamas County; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Northwesterly side of the center line of the relocated Pacific Highway East, which center line is described as follows:

Beginning at Engineer's center line Station "L2" 523+47.60, said station being 429.60 feet North and 1,312.49 feet West of the South quarter corner of Section 33, Township 3 South, Range 1 East, Willamette Meridian; thence South 64°52' West 20.97 feet; thence on a spiral curve left (the long chord of which bears South 65°08'45" West 199.96 feet) 200.00 feet; thence on a 1432.39 foot radius curve left (the long chord of which bears South 57°48'30" West 233.28 feet) 233.54 feet; thence on a spiral curve left (the long chord of which bears South 47°48'13" West 399.65 feet) 400.00 feet; thence South 45°08'15" West 295.53 feet to Engineer's center line Station "L2" 534+97.64

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Northwesterly Side of Center Line
523+74.62		523+97.00	46.53 in a straight line to 63.41
523+97.00		524+07.00	70.00

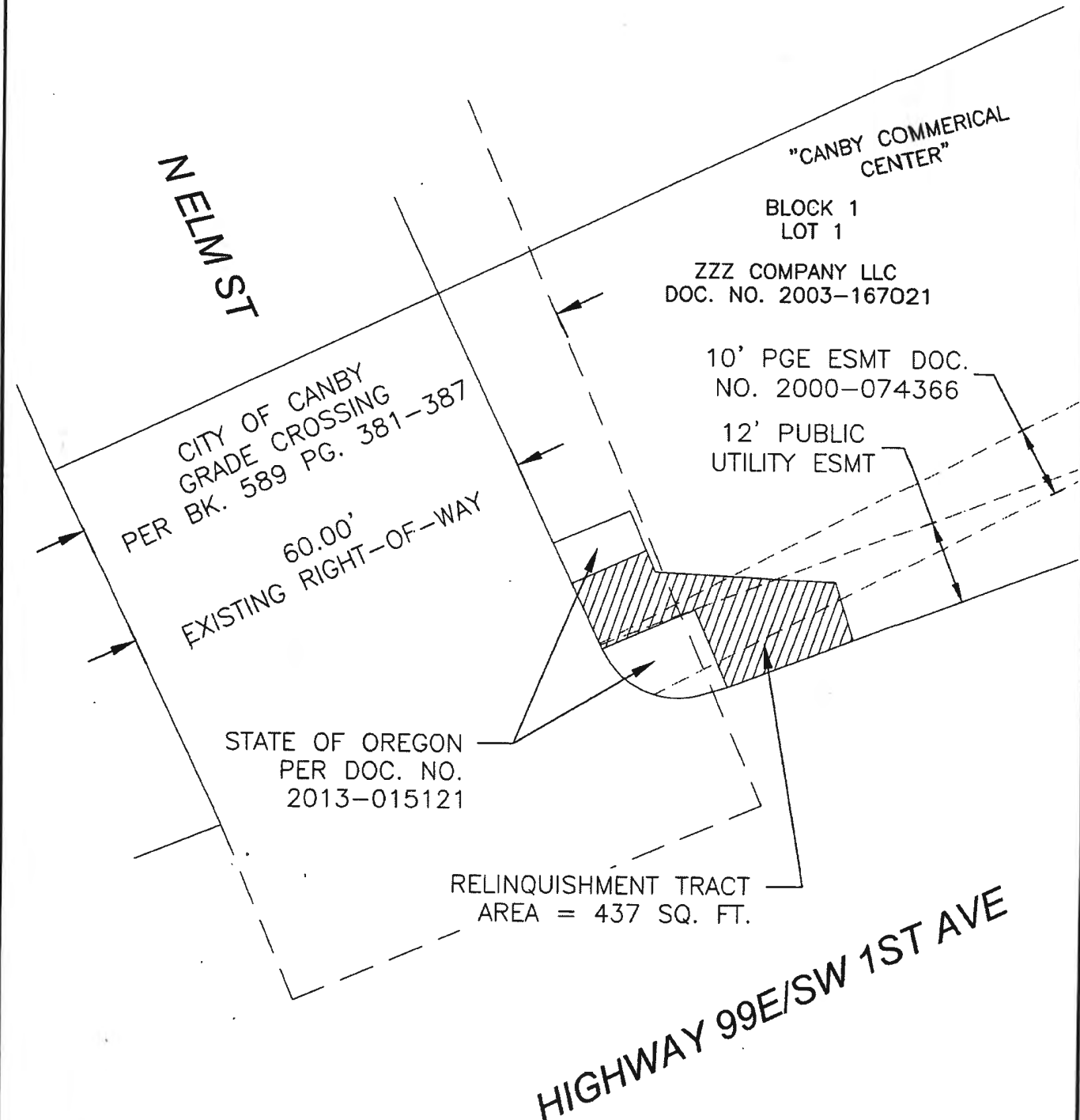
Bearings are based on County Survey No. 2010-45, filed March 3, 2010, Clackamas County, Oregon.

EXCEPT that portion which lies in that fee parcel deeded to the State of Oregon in Document No. 2013-015121.

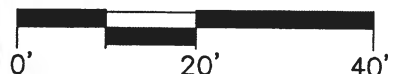
Contains in all 437 square feet more or less, outside the existing right of way.

See Exhibit Map attached hereto.

EXHIBIT B



J:\Canby\1009-HWY99E and SE 1ST RELINQUISHMENT\1009-Relinquishment Tract.dwg, 1/19/2022 1:53:06 PM, DWG To PDF.pc3



Scale: 1"=20'

RELINQUISHMENT TRACT
HWY 99E & SW 1ST AVE
CITY OF CANBY, CLACKAMAS COUNTY, OREGON

CURRAN-McLEOD, INC.
CONSULTING ENGINEERS

6655 S.W. HAMPTON ST., SUITE 210
PORTLAND, OREGON 97223
PHONE (503) 684-3478



City of Canby

PO Box 930
222 NE 2nd Ave
Canby, OR 97013

Phone: 503.266.4021
Fax: 503.266.7961
www.canbyoregon.gov

City Council Staff Report

DATE: March 16th, 2022

TO: Honorable Mayor Hodson and City Council

THRU: Scott Archer, City Administrator

FROM: Jamie Stickel, Economic Development Director + Communications Specialist

ITEM: City of Canby Dog Park

Summary

City of Canby staff will present information on the proposed Canby Dog Park on N. Territorial Road.

Background

At the November 3rd City Council meeting, the Canby City Council had a robust discussion regarding the formation of a dog park on N. Territorial Road. The City Council discussed previous work used to create the 2013 plan, as well as future funding, volunteer assistance, maintenance, and timelines.

At the December 1st, 2021 meeting, City Council directed staff to prepare information for a discussion regarding the dog park and bring the topic back as an agenda item for a future meeting. Staff compiled a preliminary plan and identified the process for land use for moving forward.

Discussion

City staff will present information regarding the dog park which will include preliminary plans on how to carry out the vision of the dog park from the 2013 plan. The discussion will cover initial topics including land use, funding, maintenance, and design.

Attachments

None.

Fiscal Impact

None.

Options

None.

Recommendation

City staff recommends the City Council provide staff direction whether or not to move forward with the dog park as designed.

Proposed Motion

None.



**City of Canby Bi-Monthly Report
 Department: Administration
 For Months of January & February 2022**

To: The Honorable Mayor Hodson & City Council
 From: Melissa Bisset, City Recorder/ HR Manager
 Prepared by: Erin Burkhard, Office Specialist II
 Through: Scott Archer, City Administrator
 Date: March 16, 2022

Board and Commissions

Board/ Commission/ Committee	Vacancy	Applications Received	Status
Budget Committee	2	1	Interview scheduled for 03/23/2022
Planning Commission	1	3	In process of scheduling interviews
Transit Advisory Committee	1	0	
Urban Renewal Budget Committee	3	0	1 application received on 11/30/2021
Library Advisory Board	1	0	
Canby Utility Board	1	1	Appointed on March 2.
Traffic Safety Commission	2	2	Appointed on March 2.

Business Licenses

	Issued	Inactivated	Renewals Mailed	Total Licenses
January & February 2022	23	44	236	669 have Canby Addresses 1497 Total
January & February 2021	16	29	239	683 have Canby addresses 1533 Total

Cemetery

	Property purchases recorded	Internments recorded
January 2022	2	5
February 2022	9	4

Recruitments

- Police Officer
- Economic Development and Tourism Coordinator
- AP/ Transit Tax Technician
- Lifeguards
- Head Lifeguard
- Wastewater Treatment Operator
- Office Specialist – Transit

Liquor Licenses/ Noise Variance Application

Processed one liquor license and annual liquor license renewals.

Public Records Requests

Processed five public records requests.

Special Animal Permits

One Special Animal Permit was issued.



City of Canby Bi-Monthly Report
 Department: Court
 January and February, 2022

To: The Honorable Mayor Hodson and City Council
 Prepared By: Jessica Roberts, Municipal Court Supervisor
 Through: Scott Archer, City Administrator
 Date: March 16, 2022

Canby Municipal Court has jurisdiction over all city and state law offenses committed within city limits other than felonies. These include: violations, traffic crimes, misdemeanors and City code violations. *Note: Statistic category terms outlined on page 2*

Monthly Statistics	January	February
Misdemeanors		
Offenses Filed	22	31
Cases Filed	18	21
Warrants Issued	19	14
Misdemeanor Case Detail		
Diversion/Deferred Sentence	2	0
Offenses Dismissed	6	8
Offenses Sentenced	11	12
Offenses not filed by City Prosecutor	0	2
Traffic & Other Violations		
Offenses Filed	204	161
Cases/Citations Filed	146	110
Parking Citations Filed	13	17
Traffic & Other Violations Case Detail		
Diversion (Good Driver Class/MIP)	3	15
Dismissal (Fix It Tickets)	4	10
Dismissed by City Prosecutor or Judge	11	14
Sentenced by Judge	21	36
Handled by Violations Bureau	55	76
Guilty by Default	29	58
Traffic and Criminal Trials		
Court Trial (Misdemeanor)	0	0
Jury	0	0
Traffic Trial	3	5
Defendant Accounts referred to Collections	\$24,727.50	\$30,300.00
Fines & Surcharges Collected	\$36,567.95	\$44,910.40

Explanation of terms:

1. Difference between Offenses Filed vs. Cases Filed
 - Multiple offenses (charges) can be filed on any one defendant from a single traffic stop or arrest.
 - Offenses filed reflects this number. Cases filed (also called docket numbers) refers to a single defendant's matter before the court.
2. Offenses not filed by City Prosecutor. Crimes cited by the police department go to the city prosecutor for review. At times those charges are not filed on against the defendant at the determination of the City Prosecutor.
3. Guilty by Default. When a defendant does not appear or contact the court on their scheduled court date a defaulted conviction is entered against them on the following Thursday. A court clerk processes the default convictions.
4. The Violations Bureau applies to traffic violations only.

Under the Judge's authority, court clerks can accept pleas, offer a deferred sentence program (if qualified) and set a payment plan. Where a crime is charged, a court appearance before the judge is mandatory.

If a defendant qualifies, the clerks can offer an option to participate in an informative driving education course for a fee to the court. If there are no convictions during the following two months, the case will be dismissed.

Current programs and to qualify:

- Good Drivers Program (no prior traffic convictions in the last five years and no further convictions for 60 days)
- 1st Offender - Minor in Possession of Alcohol/Marijuana citation

5. Fix It Citations

The court offers a Fix It program, which allows the defendant to have a citation dismissed if an issue with their vehicle, registration or license is fixed. There is a \$50 dismissal fee owed for each fixed violation.



City of Canby Bi-Monthly Report
Department: Economic Development
For Months of: January & February 2022

To: The Honorable Mayor Hodson & City Council
 From: Jamie Stickel, Economic Development Director
 Prepared by: Same as above
 Through: Scott Archer, City Administrator
 Date: 3/16/2022

Economic Development Updates

Economic Development + Tourism Coordinator: The City of Canby hired Tyler Nizer to serve as its new Economic Development and Tourism Coordinator. Tyler brings years of experience in marketing and event coordination to the City. Over the last four years, Tyler has worked for the Clackamas County Fairgrounds and Event Center as its Marketing Manager. Previously, he worked for Hope Village and the Canby Herald. Additionally, Tyler has served as the President of the Canby Area Chamber of Commerce in 2021 and currently serves as the past president. Nizer joined the City on Monday, February 14th. The Economic Development and Tourism Coordinator position serves the city in the coordination of events and promotions, small business outreach and development, and marketing Canby to residents and visitors. The position became vacant in early August 2021.

First Thursday Night Market: The City’s Economic Development Director has continued efforts with local businesses in an effort to reinvigorate the First Thursday event. The First Thursday Night Market is held the first Thursday of the month and many local businesses stay open late, provide offerings for patrons such as giveaways and sales. The City has hosted coordination meetings with local businesses and the Chamber of Commerce at the Backstop Bar + Grill to seek input and ideas on how to increase attendance. During planning efforts, a consensus chose to amend the name from “First Thursday” to “First Thursday Night Market”. The concept is that adding “Night Market” to the name will help to better brand the event and give enhanced context to those who may see the City of Canby and local businesses promoting the event. Additionally, the dahlia was chosen as the main focus of the logo in an effort to connect to the City’s overall branding efforts. The 2022 calendar kicked off with First Thursdays Night Markets on January 6th and February 3rd. Ongoing marketing efforts include social media campaigns, the rebranding of the First Thursday Night Market logo, and outreach on cohesive messaging for the event with local businesses and non-profit organizations.

First Thursday NIGHT MARKET
 Downtown Canby
 January 6, 2022
 5:00p - 8:00p

Join in the "sweet" fun at **Art-O-Maddic Gallery and Gifts** for First Thursday! Every person who make a purchase over \$20 will receive complimentary cookies courtesy of **B's Bake Shoppe!**

Ebner's Custom Meats will be cooking up some fun for downtown's First Thursday! Head over to see what they have in the case and to sample some of your favorite foods!

Dahlia Home & Garden will be participating once again in the upcoming First Thursday promotion! Once again, Dahlia Home & Garden will be partnering with additional businesses and have signature cocktails and treats available for everyone (as well as wonderful winter sale items).

Visit **Ellison Team Homes** at their First Thursday hangout, the **Dahlia Home & Garden!** Cocktails, treats, and fun are on the menu.

Nothing says First Thursday like Happy Hour all night long, and that's just what **Siren Song** has on the menu! Check out Canby's newest bar with craft cocktails and delicious eats!

The Book Nook will be open late for you to treat yourself during the New Year. New and previously loved books cover topics far and wide or find yourself new journals and notebooks to set those 2022 intentions (which should include reading more books, obviously).

Which downtown Canby business has trivia every Thursday night including First Thursday? Why, **Wayward Sandwiches** of course! Stop by for a sandwich and to participate in the fun or just to take a peek at all the action!

Retro Revival offers specialty antique and vintage items just across the street from Wat Park! Open late every First Thursday, head down to discover treasures and relive memories!

Stop by and see **Robbi Bryan and Diane Harbeck** from **Better Homes and Gardens Realty Partners** who will be at **Ebner's Custom Meats** during First Thursday. Warm up with a complimentary seasonal drink. Every purchase made at Ebner's will be entered into a drawing for pepperoni pizza!

Canby's very own **Backstop Bar + Grill** will be serving up specialty drink and food options for First Thursday! Stop by for happy hour and stay all night! Kick things off with **Santas Brown Sugar Bourbon Mule** and their **Smoked Turkey Dinner Special**.

Red Door Antiques will be open late for First Thursday in January. Freshen up your decor for the New Year with beautiful and unique antique items.

For more information, follow Canby Business on Facebook and Instagram

First Thursday NIGHT MARKET
 Downtown Canby
 February 3, 2022
 5:00p - 8:00p

Spreading the love throughout downtown, as well as everywhere homes are ready to be sold **Ellison Team Homes** will be back at Dahlia Home + Garden for more First Thursday love!

Retro Revival offers specialty antique and vintage items just across the street from Wat Park! Open late every First Thursday, head down to discover treasures and relive memories!

Love is in the air at Canby's **Backstop Bar + Grill!** Stop by for happy hour and stay all night! Start your Valentine's Day early by splitting a bottle of wine and a dessert of your choice, or if nachos are more your style you can order the nachos and a grab a greaser to go!

What better way to start February than stopping by to see **Robbi Bryan and Diane Harbeck** with **Better Homes And Gardens Realty Partners** at **Fairway Independent Mortgage Canby Branch** (149 N Holly St) for a chance to Date Night Dinner gift card or a bottle of wine. As if that's not enough to love, try mustard + cheese samples from **Good News BBQ**.

Red Door Antiques will be open late for First Thursday in January. Freshen up your decor for Valentine's Day with beautiful and unique antique items.

For those who want to stay out late, **Siren Song** is featuring classic movie Thursdays! After you are done with your First Thursday shopping stop in for a cocktail and catch a movie at 9:00p!

Whether it's romance, cooking, or science fiction that you love there is a book for everyone. **The Book Nook** will be open late for First Thursday in February with **Candlelit Candles** pop-up shop showcasing their literary romance sets from 5:00 - 8:00p!

Which downtown Canby business has trivia every Thursday night including First Thursday? Why, **Wayward Sandwiches** of course! Stop by with your sweetie for a sandwich and to participate in the fun or just to take a peek at all the action!

Dahlia Home + Garden will be participating once again! Enjoy late night shopping to find the perfect gifts for the Valentine in your life, or treat yourself while you are at it! Every inch of Dahlia Home + Garden is filled with fun and beautiful items + explore children's toys, dog accessories, or add to your home bar selection!

King's Farm to Table Canby Market has reopened just in time for First Thursday! Open until 8:00p with new entrees, side salads, and side dishes - grab dinner to go and make it a delicious night to remember!

Stop into **B's Bake Shoppe** for a very special night! B's will be open late for First Thursday and will be releasing their special Valentine's Day muffin box. Throughout the evening you can customize your own box. (Scan shopping for your sweetheart at First Thursday)

First the perfect gift for the most loved in your life at **Ebner's Custom Meats**. Open late for First Thursday, Ebner's will have samples and you can begin to plan for Valentine's Day!

Bring your Valentine to **Art-O-Maddic** for their "Make Your Own Valentine" station. Art-O-Maddic will have 50 pre-cut hearts, stickers, plastic gem stones, envelopes, and pens - so that all ages can make a Valentine for that someone special in your life.

For more information, follow Canby Business on Facebook and Instagram

Bike and Pedestrian Committee: The City's Bike and Pedestrian Committee continues to meet and discuss various projects in Canby. The committee met on January 11th and February 8th to discuss the National Parks Service grant for future master planning work on the Molalla Forest Road, Traverso Section, engagement with outside committees and agencies, and outreach from the committee. The Bike and Pedestrian Committee discussed the City's Parks Master Planning efforts as it relates to cycling and pedestrian traffic. They are eager to ensure the Master Plan includes input from the Bike + Pedestrian Committee as well as parks and trail users who may use outdoor recreation in the form of walking and cycling. Furthermore, the Bike and Pedestrian Committee has outlined "Rules of the Road" signage for the Logging Trail in order to encourage cyclists to be good stewards of the roadway.

- The Economic Development Director attended the State Agency Funding and Assistance webinar on February 9th. The webinar was hosted by various state agencies and the Oregon Pathways Grant was of particular importance as the Bike and Pedestrian Committee had previously applied for a grant during the inaugural cycle of funding for projects. The Oregon Department of Transportation manages the Oregon Community Pathways Grant and noted the funding was awarded to projects that identified the first mile or last mile of a transportation project. City staff will report back at the March meeting to the Bike and Pedestrian Committee.

Heritage and Landmark Commission Certified Local Government Grant: The City's Heritage and Landmark Commission met January 3 and February 7th. The Commission continued to discuss the Certified Local Government grant which was awarded in early 2021 and continues through summer 2022. The funding is being used to contract with NW Vernacular for two projects: 1) a reconnaissance level survey on the south side of HWY 99 and 2) Clackamas County Fairgrounds and Event Center historic context and reconnaissance level survey. The City's Economic Development Director distributed a postcard for local residents to alert them to NW Vernacular's work for the reconnaissance level surveys. While the surveys are not invasive – they occur from the street/sidewalk – it is important to the commission that local residents understood why the consultants were reviewing properties in the area. These projects are running concurrently and help to serve as the building blocks for future projects and potentially historic districts. The City worked with NW Vernacular for the creation of the Preservation Plan in 2020. The Heritage and Landmark Commission is also looking to explore additional ways an additional \$2,000 in Certified Local Government grant funds can be spent which may include training for commissioners or a project to digitize files from the former Historic Review Board.

URA Project List: In 2021, the City of Canby's former finance director refinanced the City's Urban Renewal funding which saved the city \$6.9 million. The Urban Renewal Agency spent time in late 2021 identifying which projects from the original Urban Renewal plan could be included before the Urban Renewal District sunsets in 2025-26. Furthermore, the Urban Renewal Agency has asked staff to investigate options should the Urban Renewal Agency choose to use the savings to pay down the debt service. The City of Canby's Economic Development Director and Public Works Director have worked together to refine the list and get preliminary cost estimates for the projects. The Urban Renewal Agency will review the project list and preliminary cost estimates at a meeting in March. The Urban Renewal Plan outlines the four adopted goals for Urban Renewal in Canby:

- **Goal One:** To diversify economic base and family wage jobs within the district.
- **Goal Two:** To maintain effective, efficient and safe traffic system for vehicular and pedestrian users.
- **Goal Three:** To improve and retain existing businesses.
- **Goal Four:** To improve attractive visual amenities for customers and community members throughout the district.

SE Walnut Street Extension RFQ: The City of Canby issued an RFQ for the SE Walnut Street Extension from the Canby Pioneer Industrial Park to HWY99E. The RFQ opened on February 11th, 2022 and will remain open for a month to solicit bids. This request for qualifications shall be used to compile a list of interested and qualified firms who will be ranked in accordance with procedures as outlined in this document and the City of Canby's Public Contracting Rules. Qualified firm(s) selected will negotiate compensation requirements upon completion of the qualifications based selection of candidates. Do not include any price or cost considerations with this Statement of Qualifications (SOQ). The proposed work consists generally of professional engineering and technical services from qualified engineering firms or consultants with demonstrated experience to provide engineering services such as geometric design, traffic counts, reports, right-of-way expertise, modeling, surveying, geotechnical engineering, structural engineering, complete plan design, cost estimating, construction documentation, construction inspection, technical expertise in both field and office settings, limited project management, specialized inspection, transportation specialist support at public meetings, value engineering, or other transportation planning and engineering services

as may be needed to support the project. The RFQ will close on Friday, March 11th at 4:00p. The project has been identified as an opportunity to provide better access from the south side of Canby to HW99E, which includes moving traffic – cars and trucks – from the industrial park to the highway. The project was included in the 2019 Transportation Systems Plan amendment and has shown to be important to decision makers, developers, businesses, and Canby residents.

Communications Specialist: On July 1st, the City Administrator expanded the Director of Economic Development's role to include Communications Specialist. As Communications Specialist, a great deal of work will be finding new and creative ways of expanding outreach in the community including residents, businesses, and visitors. The work will include assisting the leadership team in expanding the City's communication by writing and distributing news releases, social media posts, and assisting at events.

News Releases and outreach focused on following topics:

- **Parks Outreach:** Targeted assistance with outreach for the Parks Master Plan efforts.
- **City Offices Closed:** Martin Luther King JR Day and Presidents Day.
- **City Hires New Economic Development and Tourism Coordinator:** Introduction to Tyler Nizer in his new Economic Development role.
- **Economic Opportunity Analysis and Housing Production Strategy:** Outreach to support Planning Department on the creation of the two plans.
- **Carol Palmer Honored with Home Town Hero Award:** Longtime volunteer, Carol Palmer, was awarded the Home Town Hero award at the February 2nd City Council Meeting.
- **City Committee Offer Opportunities for Civic Engagement:** Ongoing recruitment for boards, committees, and commissions.

Fleet Service BI-Monthly Report
By Robert Stricker, Lead Mechanic

Jan-22

Department	Work Orders	Labor Cost	Material Cost	Fuel Cost	Total Cost
Administration	0	\$0.00	\$0.00	\$0.00	\$0.00
Adult Center	1	\$0.00	\$0.00	\$72.72	\$72.72
Facilities	0	\$0.00	\$0.00	\$326.47	\$326.47
Wastewater Collections	2	\$279.38	\$115.48	\$308.89	\$703.75
Wastewater Treatment	2	\$361.31	\$1,165.53	\$70.32	\$1,597.16
Parks	8	\$917.13	\$1,050.97	\$583.35	\$2,551.45
Police	14	\$3,477.96	\$1,274.02	\$5,513.70	\$10,265.68
Streets	7	\$887.07	\$570.11	\$1,945.94	\$3,403.12
Fleet Services	1	\$351.40	\$4.49	\$134.22	\$490.11
Canby Area Transit (CAT)	29	\$4,545.92	\$3,000.98	\$9,591.84	\$17,138.74
Total	64			Total	\$36,549.20

Feb-22

Department	Work Orders	Labor Cost	Material Cost	Fuel Cost	Total Cost
Administration	0	\$0.00	\$0.00	\$0.00	\$0.00
Adult Center	0	\$0.00	\$0.00	\$167.73	\$167.73
Facilities	3	\$127.16	\$24.72	\$417.58	\$569.46
Wastewater Collections	4	\$673.06	\$115.08	\$112.79	\$900.93
Wastewater Treatment	1	\$14.54	\$3.00	\$0.00	\$17.54
Parks	5	\$2,312.38	\$173.90	\$1,045.30	\$3,531.58
Police	12	\$2,287.14	\$2,833.16	\$6,015.84	\$11,136.14
Streets	6	\$883.14	\$175.71	\$1,663.34	\$2,722.19
Fleet Services	1	\$1,371.24	\$0.00	\$65.18	\$1,436.42
Canby Area Transit (CAT)	24	\$2,599.37	\$1,183.12	\$9,079.37	\$12,861.86
Total	56			Total	\$33,343.85

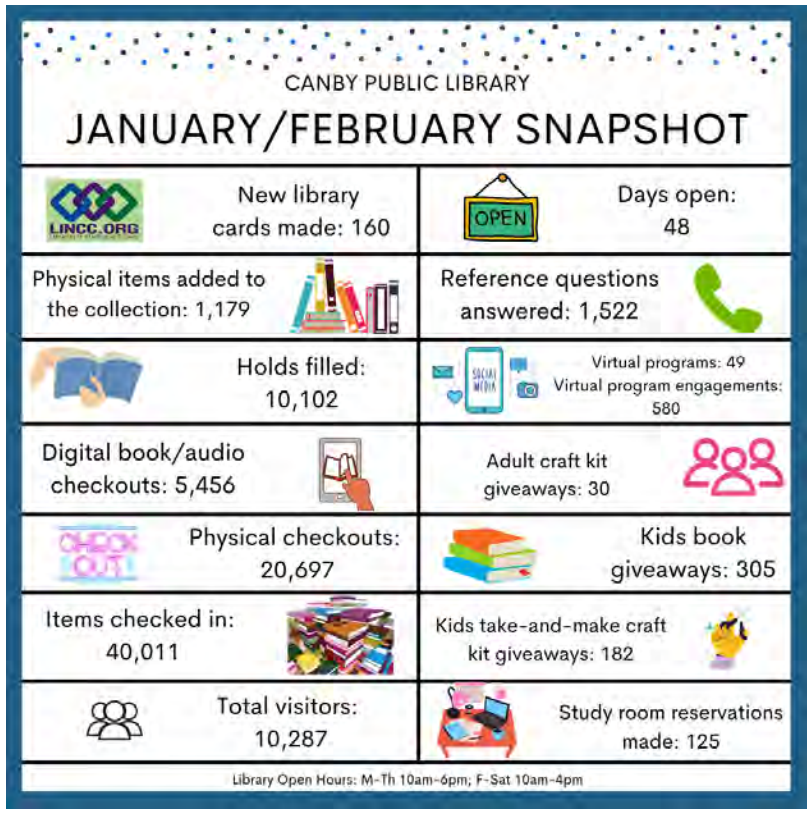
Fleet Service Highlights



City of Canby Bi-Monthly Report
Department: Library
For Months of: January & February 2022

To: The Honorable Mayor Hodson & City Council
 From: Danny Smith, Library Director
 Prepared by: Same as above
 Through: Scott Archer, City Administrator
 Date: 3/16/2022

Usage Metrics Overview



Staff

No updates for this reporting period.

Spaces

The library now has a new art collection on display throughout the facility. Canby is partnering with Ginny Stevens of Aurora who specializes in watercolor painting and has brought sixteen pieces to display in the library for the months of March and April 2022.

Collections

Staff are in the process of adding a number of tabletop games to the Library of Things collection. These are the first additions since 2019, so it's a welcome update to the collection. The addition of these games was made possible through support from the Canby Kiwanis.

- Betrayal at House on the Hill
- Castle Panic
- Dead Panic
- Double or Nothing
- Dragonwood
- Punderdome
- Smash Up
- Stratego



To ensure long term usability and accessibility, several local history video tapes (VHS) were recently converted to DVD format. The following titles are now available for use on DVDs and available for check out.

- Railroad Slide Show
- Baker's Prairie Slide Show
- History of the Clackamas County Fair
- History of Transportation in Clackamas County
- The Canby Flood, 1996: A View From the Air

General News

Canby Reads

In partnership with the Friends of the Library, 100 copies of *The House in the Cerulean Sea* were distributed to Canby residents for the 2022 Canby Reads program. A community discussion will be held on March 24th, 2022 at 2:00 p.m. to discuss the book in a group setting.

Programs Update

Due largely to the surge of the Omicron variant around the nation, the Library had very limited in-person gatherings of any kind for the months of January and February. Instead, staff continue to focus on DIY and asynchronous programs and activities that members of the community can do in the comfort of their own homes.





City of Canby Bi-Monthly Report
Department: Parks
For Months of: January & February 2022

To: The Honorable Mayor Hodson & City Council
 From: Jeff Snyder, Parks Maintenance Lead Worker
 Prepared by: Same as above
 Through: Scott Archer, City Administrator
 Date: 3/16/2022

Two Month Deferred Maintenance Report
January and February

City Park Properties	January February 2021	January February 2022	Deferred Maintenance Tasks
	Snapshot of Actual Hours		
Arneson Gardens	21	18	Decrease in landscaping/storm debris
Baker Prairie Cemetery	9	8.5	Decrease in landscaping/storm debris
Beck Pond trail	23	8.5	Decrease in landscaping/storm debris
Community Park	113.5	105.5	Decrease in landscaping/storm debris
Disc Golf	10	2	Decrease in debris removal
Eco Park	4	6	Increase in maintenance
Faist 5 - Undeveloped	0	0	Service as needed
Legacy Park	128	98	Decrease in landscaping
S. Locust Park	263.5	58.5	Decrease in hours, playground demolition complete
Forest Road Path	46	31	Decrease in storm debris cleanup
Fish Eddy	1.5	7.5	Service as needed
Maple Park	79	116.5	Increase in maintenance
19 th Loop	6	0	Service as needed
Northwood Park	6.5	25	Increase in landscaping
Simnitt - Undeveloped	1	1	Service as needed
Skate Park	22	27.5	Service as needed
Territorial CLC	0	0	Maintained by volunteers
Timber Park	74	47	Decrease in landscaping/storm debris
Triangle Park	7.5	2	Decreased in landscaping
Wait Park	308	119.5	Decrease in storm debris removal

Within the body of the January/February snapshot, the difference between the 2021 and 2022 cycles, there has been a decrease of 441.5 hours dedicated towards all park maintenance.

Parks Maintenance

January and February 2022

Park Renovations

R.L. Reimers installed the gazebo at the pickleball court at Maple St. Park in early January. The court lighting has also been installed. Lighting designs are still being reviewed for design compliance. The Park Board is in discussion about the pickleball court signage.



Park Maintenance

Ordinance 1568 was passed by City Council to address the storm damaged trees. Arbor Pro Tree Experts has been tentatively scheduled to start the week of March the 21st.

Staff completed the warehouse and office moves at the shops complex. All Main Street event materials has been moved from storage are at Zion Cemetery .All the Christmas decorations have been taken down throughout town and stored until next season. The Christmas tree drop off was utilized by the citizens at Maple St. Park. The new chipper made quick work of the 300 plus trees dropped off.

Staff has been busy with hazard tree/storm debris removals, shrub bed trimming, bark dusting and building maintenance. The department has also started mowing, edging, weed spraying and shrub bed cleanup.

Playground equipment was repaired as needed and new trees were planted at Maple St. Park.

The Parks Department spent 5 hrs. addressing graffiti and vandalism over the last two months.

Maintenance was performed at the 34 areas the Parks Department is responsible for, the Adult Center, Arneson Gardens Horticultural Park, Baker Prairie Cemetery, Beck Pond, Community Park (River), CPIP sign, Disc Golf Park, Eco Park natural area, Faist V property, Holly & Territorial welcome sign property, Hulbert's welcome sign property, Klohe Fountain, Knights Bridge right of way, Legacy Park, South Locust Street Park, Logging Road Trail and Fish Eddy/Log Boom property, Maple Street Park, Nineteenth Loop Natural area, Northwood Estates Park, NW 1st Ave., NW 2nd Ave., Police Department landscaping, Simnitt Property, Skate Park, Shop Ground, Swim Center, Timber Park, Territorial Estates Future CLC Park, Transit Bus Stop, Triangle Park, Wait Park, Willow Creek Wetlands (19th Loop), WWTP property and Zion Cemetery.

Meetings attended

I attended the Park and Recreation meetings.

I attended a meeting to discuss potential Dog Park locations.

I attended a Park Masterplan meeting

Ken Daniels attended pesticide recertification classes.

I attended a Leadership training meeting, Leading With Love.

I attended a meeting to discuss the Cruise In Car show returning to the core area around Wait Park.

Zion Cemetery

At the cemetery storm debris cleanup and mowing was performed. Floral decoration cleanup, building maintenance issues and sexton duties were performed as needed.

For your Information

Plans are being reviewed altered and adjusted to fit proposed Dog Park location under consideration.

Restroom designs and parking expansions are being explored for Community Park as a future project for consideration.

Please see attached park maintenance actual hours for the months of January and February 2022. Hours are based on number of employee's (each day) x 7.5hrs.

Parks Department January 2022 Actual Hours Total

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	
Adult Center																																0.0
Arneson Gardens			1.0				0.5			0.5			0.5	0.5				1.0			1.0			0.5	0.5	0.5	0.5				1.0	7.5
Baker Prairie Cem.													8.0																		8.0	
Beck Pond			0.5							0.5				0.5				1.0						0.5	1.5	0.5					5.0	
Community Park			3.0	2.0	1.0	1.0	1.0			2.0	1.0	2.0	17.0					4.0	2.0	2.0	1.5			2.0	18.5	3.0	1.0	2.0			2.0	68.0
PIP Sign Property																															0.0	
Disc Golf Course																																0.0
Eco Park			0.5				0.5			0.5								0.5						0.5								2.5
Faist V (5)																																0.0
Holly-Territorial Sign																																0.0
Hulberts-sign property																																0.0
Klohe Fountain																																0.0
Knights Brdg.																																0.0
Legacy Park			2.0	1.0	1.0	1.0	1.0			2.0	1.0			1.5				1.0	1.0	2.0	1.5			3.0	2.0	1.0	1.0	7.5			9.5	40.0
S. Locust Park			2.0		1.0	1.0	1.0			2.0	1.0	2.0	1.5					2.0	1.0	1.0	1.0			1.0	2.0	1.0	2.0	1.0			2.0	25.5
Logging Rd. Path			1.0							1.0			2.0					2.0		1.0				2.0	1.0	1.0	1.0				2.0	13.0
Fish Eddy-Log Boom												1.0						0.5							1.0							2.5
Maple St. Park			2.0	1.0	1.0	1.0	1.0			17.0	1.0	3.5	4.5					5.0	1.0		6.0			4.0	5.0	1.5	2.5	3.0			1.0	61.0
19th Loop																																0.0
Northwood Park			1.0							1.0			1.5					1.0		0.5	1.5			0.5	6.5	6.0	0.5				1.0	21.0
Street Landscaping										4.0										6.0	4.0			0.5	15.0						8.5	38.0
Storm/Collect mow																								5.5							8.0	13.5
Police Department																							1.0				2.0				3.0	0.0
Simmitt Property																																0.0
Skate Park			0.5	0.5			0.5			0.5		0.5	1.5					1.0		1.0				0.5		4.0	1.5				12.0	0.0
Shops/tools-trucks			17.5	33.0	33.5	34.5	30.0					10.0	2.5					12.0	24.5	20.5	1.0			0.5		5.0	7.5			0.5	232.0	0.0
Swim Center																							0.5									0.5
Territorial-CLC Prop.																																0.0
Timber Park			1.0	1.0	0.5	0.5	0.5			1.0		8.5	1.5					2.0	1.0	0.5	1.5			1.0	0.5	0.5	10.5	0.5			2.0	34.5
Transit Bus stop			1.0	0.5						1.0		1.0	1.5					1.0		1.0	1.0			1.0	3.0	1.5	0.5	0.5			1.0	15.5
Triangle Park																									0.5		1.0					1.5
Wait Park			5.0	1.0	1.0	1.0	1.0			44.0	12.0	6.0	1.5					7.0	1.0	1.0	1.5			4.0	1.0	2.0	1.0				2.0	94.0
Veterans Memorial			0.5				0.5				28.0																1.0					31.0
WWTP property																																0.0
Zion Cemetery			7.5	7.5	7.5	7.5	7.5			4.5	7.5	9.5	7.5					7.5	15.0	15.0	15.0			7.5	7.5	7.5	4.0				7.5	168.0
Administration			2.0	5.0	5.0	5.0	4.0				5.0	2.0						3.0	6.0	2.0	7.5			7.5	1.0	2.0	7.5				1.0	65.5
Monthly Total																																963.0

Parks Department

February 2022 Actual Hours

Total

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31		
Adult Center							22.5																									22.5	
Arneson Gardens		0.5		1.0			0.5	1.5		0.5	0.5						0.5	1.0				0.5	0.5	0.5	2.0						1.0	10.5	
Baker Prairie Cem.																0.5							0.5		1.0							0.5	3.5
Beck Pond	0.5			1.0													0.5						0.5		1.0							3.5	
Community Park	1.0	2.0	1.0	3.0			3.0	1.0	1.0	1.0	1.0			3.5	1.0	2.0	2.0	1.0				2.0	2.0	2.0	6.0						2.0	37.5	
CPIP Sign Property																																0.0	
Disc Golf Course														2.0																		2.0	
Eco Park							0.5	0.5								0.5		0.5				0.5			0.5							3.5	
Faist V (5)																																0.0	
Holly-Territorial Sign								4.0										1.0														5.0	
Hulberts-sign property								8.0																								8.0	
Klohe Fountain							2.0											0.5														4.0	
Knights Brdg.																																0.0	
Legacy Park		27.5	10.0	0.5	1.0		1.0	1.0		1.0	3.5			1.5	1.0	1.0	2.0					2.0	2.0	1.0							2.0	58.0	
S. Locust Park	1.0	2.0	0.5	2.0			1.0	5.0	9.0	1.0	1.0			0.5	1.0		2.0	2.0				1.0	1.0	1.0	2.0						33.0		
Logging Rd. Path	4.0			2.0			1.0	2.0	1.0		1.0			1.0				2.0				2.0			1.0						18.0		
Fish Eddy-Log Boom				0.5																		2.0			0.5							5.0	
Maple St. Park	1.0	1.0	0.5	1.0			4.0	3.0	5.0	5.0	10.0			2.0	1.0	4.0	1.0	5.5				2.0	2.0	2.0	3.5						2.0	55.5	
19th Loop									0.5									1.0							0.5							4.0	
Northwood Park																																0.0	
Street Landscaping							2.0							30.0	30.0			7.5				30.0	22.5	22.5	9.0						30.0	208.5	
Storm/Collect mow																		0.5														0.5	
Police Department									22.0	6.0																						28.5	
Simmitt Property		1.0																														1.0	
Skate Park	0.5			1.0				12.0								0.5		1.0						0.5								15.5	
Shops/tools-trucks			3.5	6.0			2.0			6.0				28.0	4.5		3.0						1.0	1.0	9.0							64.0	
Swim Center		17.5	30.0																													47.5	
Territorial-CLC Prop.																																0.0	
Timber Park	0.5	0.5	0.5	3.0			0.5	0.5	0.5	1.0	0.5			0.5	0.5		0.5	1.0				0.5	0.5	0.5	1.0							12.5	
Transit Bus stop	0.5	0.5		1.0						24.5	15.5			0.5	0.5	0.5		1.5				0.5		0.5	1.0							47.5	
Triangle Park																0.5																0.5	
Wait Park	1.0	1.5	0.5	2.0			1.0	2.0	1.0	1.0	1.0			1.0	1.0	1.0	1.5					2.0	1.0	2.0	2.0							25.5	
Veterans Memorial	0.5			1.0														1.0						0.5	1.0							4.0	
WWTP property																																0.0	
Zion Cemetery	7.5	7.5	7.5	15.0																												144.0	
Administration	2.0	1.0					1.5	2.0	2.0	1.0	2.0			2.0	2.0	2.0	1.0	3.5				2.0	9.0	11.0	4.0							48.5	
Monthly Total																																896.0	



City of Canby Bi-Monthly Report
Department: Police
For Months of: January & February 2022

To: The Honorable Mayor Hodson & City Council
 From: Chief Jorge Tro
 Prepared by: Katie McRobbie, Administrative Supervisor
 Through: Scott Archer, City Administrator
 Date: 3/16/2022

	JAN	FEB
Calls for Service - Dispatched 911 and Non-Emergency Calls	990	916
PROPERTY CRIMES REPORTED		
Burglary	2	0
Unauthorized Use of Motor Vehicle / Unlawful Entry into Motor Vehicle	13	6
Robbery	0	0
Theft I, II, & III	11	16
Forgery / Counterfeiting	1	0
Trespass	5	4
Vandalism / Criminal Mischief	6	3
PERSON CRIMES REPORTED		
Assault I, II, IV	1	3
Carrying Concealed Weapons (knife, blade, etc.)	0	0
Disorderly Conduct (includes resisting arrest)	0	2
Endangering Welfare of a Minor / Recklessly endangering	1	1
Felon in possession of firearm / restricted weapon	1	1
Harassment, Intimidation or Threats	6	5
Identity Theft	3	4
Interfering with Peace Officer	0	0
Menacing	0	1
Sex Offenses	2	2
Strangulation	0	0
ARRESTS		
Warrant Arrests (and contempt of court, restraining order, parole violations)	17	19
Adult and Juvenile Custodies (includes juvenile curfew)	29	34

DRUG CRIMES		
Possession Controlled Substance (Cocaine, Heroin, Marijuana, Meth)	0	0
Delivery of a Controlled Substance (Cocaine, Heroin, Marijuana, Meth)	0	0
Manufacture Controlled Substance (Cocaine, Heroin, Marijuana, Meth)	0	0
TRAFFIC CRIMES, ACCIDENTS, CITATIONS		
Attempt to Elude		
Driving Under the Influence of Intoxicants (Alcohol & Controlled Substance)	10	13
Other Traffic Crimes (Hit & Run, Driving While Suspended / Revoked, Reckless Driving, UUMV, Failure to Surrender Suspended License / Use Invalid License)	14	18
Traffic Accidents	13	11
Traffic Citations	319	276

CANBY POLICE DEPARTMENT – TRAFFIC UNIT

SGT. TIM GREEN

OFFICER ALLEN MILLER

OFFICER CHRIS MACOM

MONTHLY TRAFFIC SAFETY REPORT

JANUARY 2022

CITATIONS:	319
DUII ARRESTS:	10
TRAFFIC CRIMES:	14
TRAFFIC CRASHES:	Injury (Traffic): 3 Injury (Patrol): 1 Non-Injury (Traffic): 2 Non-Injury (Patrol): 2 Hit & Run (Traffic): 3 Hit & Run (Patrol): 2 TOTAL CRASHES: 13
TRAFFIC COMPLAINTS:	8

CANBY POLICE DEPARTMENT – TRAFFIC UNIT

SGT. TIM GREEN

OFFICER ALLEN MILLER

OFFICER CHRIS MACOM

MONTHLY TRAFFIC SAFETY REPORT

FEBRUARY 2022

CITATIONS:	276
DUII ARRESTS:	13
TRAFFIC CRIMES:	18
TRAFFIC CRASHES:	Injury (Traffic): 1 Injury (Patrol): 1 Non-Injury (Traffic): 1 Non-Injury (Patrol): 3 Hit & Run (Traffic): 3 Hit & Run (Patrol): 2 TOTAL CRASHES: 11
TRAFFIC COMPLAINTS:	9



City of Canby Bi-Monthly Report
Department: Development Services
For Months of: January & February 2022

To: The Honorable Mayor Hodson & City Council
From: Don Hardy, Planning Director
Prepared by: Laney Fouse Lawrence, Planning Office Specialist II
Through: Scott Archer, City Administrator
Date: 3/16/2022

The following report provides a summary of Planning and Development Services activities for the months of January and February 2022. Please feel free to call department staff if you have questions or desire additional information about any of the listed projects or activities. This report identifies ongoing planning activities, a list of pre-application and pre-construction applications, a list of project hearings and the number of projects for which the City has performed site plan review for building permits.

Development Services Activities:

- 1. DLCD Housing Needs Analysis (HNA) and Housing Production Strategy (HPS) and Economic Opportunity Analysis (EOA) Grants.** DLCD has awarded \$100,000 in HNA and HPS grants and \$50,000 in EOA grants to the city. Project advisory committee meetings are scheduled for the end of March with an open house in April.
- 2. Parks Master Plan.** BerryDunn (formerly Greenplay) is currently preparing the draft Parks and Recreation Master Plan. The plan will synthesize findings assembled by the consultant team over the past year, including stakeholder interviews, a public survey, field work, and digital mapping, among other inputs. In late March, the consultant team is expected to bring the draft document before a joint session between City Council and the Parks and Recreation Advisory Board/Steering Committee. City Council is anticipated to formerly adopt the plan in April.
- 3. Food Carts Hearings.** The Planning Commission hearing is scheduled for March 28 with the City Council adoption hearing anticipated on May 4.
- 4. Comprehensive Plan and Transportation System Plan Costing.** Angelo Planning Group/MIG with DKS Associates will be preparing the anticipated cost estimate for the comprehensive plan and transportation system plan with the costing to be completed by the end of April. This will then be used for FY 22/23 budgeting purposes for Council approval.

LAND USE APPLICATION ACTIVITY

A. Pre-Application Conferences Submitted January 1 – February 28, 2022:

- 1. Project Sequoia Building to be located at the corner Sequoia Parkway and South Walnut Street**
Robert Evans Company is planning to construct a new 24,000 square foot, single story concrete tilt-up building on the undeveloped site at the corner of Sequoia Parkway and South Walnut Street in Canby, Oregon. Site area is being left to accommodate a 5,000 square foot future expansion. The site is located within the M-1 Industrial zone and will house a single building. The proposed use of this building is an office and warehouse facility. Therma-Glass is a local company that designs and supplies high end bathtubs and shower enclosures. This will be their corporate headquarters and warehouse facility.

2. **Backstop Bar and Grill**

The project will consist of construction of a new 3-story Restaurant and Brewery at 241 North Grant adjacent to the existing Backstop Bar and Grill. The existing one-story office building on the site will be demolished. Along with this new building, the Owner would like to explore the addition of awnings to the Backstop Bar and Grill building along NW 2nd Ave and North Grant Street facades. To improve pedestrian access and enhance the outside dining area on NW 2nd Avenue they are interested in widening the sidewalk. This would require reducing the depth of the existing angled parking spaces. The project will consist of Construction of a new 3 story Restaurant and Brewery at 241 North Grant adjacent to the existing Backstop Bar and Grill. The existing one-story office building on the site will be demolished. Along with this new building, the Owner would like to explore the addition of awnings to the Backstop Bar and Grill building along NW 2nd Ave and North Grant Street facades.

Area J

This pre-application conference involved a potential future application for the annexation of three properties on the Northeast edge of Canby City limits comprising a total of approximately 49.43 acres (Tax Lots 1100, 1101, and 400 of Clackamas County Assessor's Map 31E34A). The lots are within Canby's Urban Growth Boundary and are designated in the Comprehensive Plan as Mixed Density Residential. The lots are also within the Area of Special Concern "Area J." Prior to the annexation of the three properties, the city of Canby has requested that the applicant provide a Development Concept Plan (DCP) for all properties that comprise the ±190-acres within Area J. Area J consists of approximately 50 lots developed with single family homes, two churches, a bar (Route 99 Roadhouse), and several small farms. The three lots included in this proposed annexation are largely undeveloped, consisting of trees, a few single-family homes, and a man-made lake.

Pre-Construction Conferences held January 1 – February 28, 2022:

1. Faist Addition 9

Create a 6 lot subdivision near SE 10th Place and S Vine St.

- B. Planning Commission Agenda Items Reviewed January 1 – February 28, 2022:** January 10, 2022 the Commissioners reviewed and approved the following Old Mac Steel Bar Processing Facilities, Lucky Foods and Okada America; on January 24th the Commissioners reviewed and discussed the Food Cart Text Amendment; on February 14th there was a discussion of the starting at 6 pm for future Planning Commission hearings, continued Mark's Place Subdivision to next meeting and approved Canby High School Improvements and new wing; on February 28th a continuation of Mark's Place Subdivision which was approved, and the NE Territorial two four-plex apartment complex was approved. Also, the Planning Commission will start meeting at 6:00 pm beginning March 14.
- C. Site Plans Submitted for Zoning Conformance January 1 – February 28, 2022:** 41 site plan review applications were submitted and have been or are being released for building permits.
- D. Signs Submitted for Plan Review January 1 – February 28, 2022:** Approved Dragonberry Produce's illuminated wall sign as well as a new tenant cabinet sign on the exterior of 691 Se 1st Ave.



City of Canby Bi-Monthly Report
Department: Public Works
For Months of: January & February 2022

To: The Honorable Mayor Hodson & City Council
 From: Jerry Nelzen, Interim Public Works Director
 Prepared by: Same as above
 Through: Scott Archer, City Administrator
 Date: 3/16/2022

Facilities

Facility Maintenance Department had installed the new security glass at City Hall.



Facilities	Total Hours
January	330
February	305.5

Streets Department

Public Works crew installed a new guard rail after being hit by a vehicle at Township Road and walking trail.



January Streets	Total Hours
Street Sweeping	95
Street Maintenance	281
Sidewalks Inspections	4
Driveway Approach Inspections	4
Street Sign Manufacturing	15
Street Sign Maintenance	5
Street Sign Installation	2
Street Lights	10
Dump Truck	10
Vactor	8
Mini Trackhoe	6

February Streets	Total Hours
Street Sweeping	43
Street Maintenance	428
Sidewalk Inspections	3
Driveway Approaches	10
Street Manufacturing	10
Street Sign Maintenance	20
Street Sign Installation	5
Street Lights	7
Tree Trimming	2
Dump Truck	26
Vactor Usage	10
Mini Trackhoe	77

Sewer Collections

Our Collections crew working with vector moving pipe.



January Sewer	Total Hours
Sewer Cleaning	17
Sewer Maintenance/Repair	75
Sewer TV'ing	13
Lift Station Maintenance	28.5
Locating Utilities	45
Sewer Inspections	9
Vactor Usage	20

February Sewer	Total Hours
Sewer Cleaning	3
Sewer TV	7.5
Sewer Laterals/Maintenance	38
Lift Station Maintenance	6
Locating Utilities	14
Vactor Usage	19

Storm Water

Erosion Control Inspector ensuring contractors are following our erosion control measures off of SW 3rd Avenue.



January Stormwater	Total Hours
Catch Basin Maintenance	15
Storm Line Maintenance/Repair	6
Erosion Control	4
Storm Line Inspections	2
Vactor Usage	12
Storm Line Maintenance/Repair	6

February Stormwater	Total Hours
Drywell Maintenance	2
Erosion Control	2
Storm Line Maintenance/Repair	22
Vactor Usage	10



City of Canby Bi-Monthly Report
Department: Canby Swim Center
For Months of: January & February 2022

To: The Honorable Mayor Hodson & City Council
From: Eric Laitnen, Aquatic Program Manager
Prepared by: Same as above
Through: Scott Archer, City Administrator
Date: 3/16/2022

The last two months have been going pretty well but have not been without their problems. The demand of the pool and especially swimming lessons has been high. Many of the pools in the area are not doing swimming lessons due to the worker shortage. We are almost to that point. We have scheduled lessons for the next few months but are not sure we can fill all the instructor spots. We seem to be losing employees faster than we can find and train them. Stay tuned on this front in the next couple of months, but we will continue to offer as much as we can with the staff that we have.

We are continuing to work on the renovation plan and want to make sure any funds we spend on the facility are going to be used to sustain the pool for the next stage of its use. Basically if we spend the money, we want to look at the big picture and cover all the possible needs of any facility maintenance. We cannot foresee all possible issues, but want to make sure we cover the big ones. We want to make sure we do this renovation right the first time.

The Canby Gators and Canby High school swimmers have continued to compete at a high level. Canby High School finished the season with first place at districts for the girls and 3rd with the boys. Both finishes are better than they have done in several years. They also finished 10 for girls and 22nd for boys at OSAA 6A state. Best finish for the girls since 2007. The Canby Gators are doing very well too as some of the swimmers are shared between CHS and Canby Gators. The Gators just finished up at 11-14 state where they had nearly ALL best times at the meet. The team will be swimming at Senior Championships this weekend and then host a full team meet on March 12 & 13. The older swimmers will finish up with senior zones in Utah at the end of the month.

SUBJECT: January 2022 Attendance Numbers
DATE: 2021-2022

CANBY SWIM CENTER January	ADMIT 2021	ADMIT 2022	PASS 2021	PASS 2022	TOTAL 2021	TOTAL 2022	YTD TOTAL 20-21	YTD TOTAL 21-22
MORNING LAP	0	20	0	233	0	253	1917	1841
ADULT RECREATION SWIM	0	35	0	331	0	366	644	2556
MORNING WATER EXERCISE	0	5	0	138	0	143	0	1285
PARENT/ CHILD/ Family Swim	0	31	0	7	0	38	0	1430
MORNING PUBLIC LESSONS	0	0	0	0	0	0	0	3000
SCHOOL LESSONS	0	0	0	0	0	0	0	0
NOON LAP	0	84	0	282	0	366	0	2052
TRIATHLON CLASS	0	0	0	0	0	0	0	0
AFTERNOON PUBLIC	0	182	0	1	0	183	0	2102
PENGUIN CLUB	0	0	0	0	0	0	0	765
CANBY H.S. SWIM TEAM	0	0	0	560	0	560	324	1124
CANBY GATORS	0	0	0	680	0	680	1751	5015
MASTER SWIMMING	0	0	0	7	0	7	0	41
EVENING LESSONS	0	446	0	0	0	446	0	4839
EVENING LAP SWIM	0	26	0	38	0	64	0	453
EVENING PUBLIC SWIM	0	67	0	14	0	81	0	1815
EVENING WATER EXERCISE	0	0	0	0	0	0	0	0
ADULT SWIMMING	0	10	0	0	0	10	0	62
GROUPS AND RENTALS	0	0	0	0	0	0	0	44
OUTREACH SWIMMING	0	0	0	0	0	0	0	0
TOTAL ATTENDANCE	0	906	0	2,291	0	3,197	4636	28424

SUBJECT: February 2022 Attendance Numbers
DATE: 2021-2022

CANBY SWIM CENTER February	ADMIT 2021	ADMIT 2022	PASS 2021	PASS 2022	TOTAL 2021	TOTAL 2022	YTD TOTAL 20-21	YTD TOTAL 21-22
MORNING LAP	117	27	545	266	662	293	2579	2134
ADULT RECREATION SWIM	50	33	233	305	283	338	927	2894
MORNING WATER EXERCISE	0	15	0	145	0	160	0	1445
PARENT/ CHILD/ Family Swim	0	212	0	4	0	216	0	1646
MORNING PUBLIC LESSONS	0	0	0	0	0	0	0	3000
SCHOOL LESSONS	0	0	0	0	0	0	0	0
NOON LAP	0	93	0	284	0	377	0	2429
TRIATHLON CLASS	0	0	0	0	0	0	0	0
AFTERNOON PUBLIC	0	162	0	16	0	178	0	2280
PENGUIN CLUB	0	0	0	133	0	133	0	898
CANBY H.S. SWIM TEAM	0	0	472	217	0	217	324	1341
CANBY GATORS	0	0	0	1078	472	1078	2223	6093
MASTER SWIMMING	0	0	0	12	0	12	0	53
EVENING LESSONS	0	720	0	0	0	720	0	5559
EVENING LAP SWIM	0	23	0	29	0	52	0	505
EVENING PUBLIC SWIM	0	137	0	22	0	159	0	1974
EVENING WATER EXERCISE	0	0	0	0	0	0	0	0
ADULT SWIMMING	0	0	0	0	0	0	0	62
GROUPS AND RENTALS	0	0	0	0	0	0	0	44
OUTREACH SWIMMING	0	0	0	0	0	0	0	0
TOTAL ATTENDANCE	167	1,422	1,250	2,511	1,417	3,933	6053	32357



City of Canby Bi-Monthly Report
Department: Tech Services
For Months of: January & February 2022

To: The Honorable Mayor Hodson & City Council
From: Danny Smith, Library Director
Prepared by: Valerie Kraxberger, IT Office Specialist
Through: Scott Archer, City Administrator
Date: 3/16/2022

The City of Canby Tech Services Department issued:

January 2022

74 Work Orders with 68 being completed

February 2022

47 Work Orders with 43 being completed

Some of the projects we have worked on in January and February are:

- Researching various hardware issues in Finance – Explorer crashes
- Issues with ORMS Software has resolved
- Worked with Public Works regarding emergency power for City Hall
- Ongoing PD MDT and WatchGuard issues
- Set up remote workstations for Auditors
- Resolved several remote access issues
- On-boarded 6 new employees, off-boarded 3 employees and moved 3 workstations
- Council Chamber Meetings monitoring



City of Canby Bi-Monthly Report
Department: Transit
For Months of: January & February 2022

To: The Honorable Mayor Hodson & City Council
 From: Todd Wood, Transit Director
 Prepared by: Same as above
 Through: Scott Archer, City Administrator
 Date: 3/16/2022

1) Grant Funding and Contracts:

The following grant activities have taken place

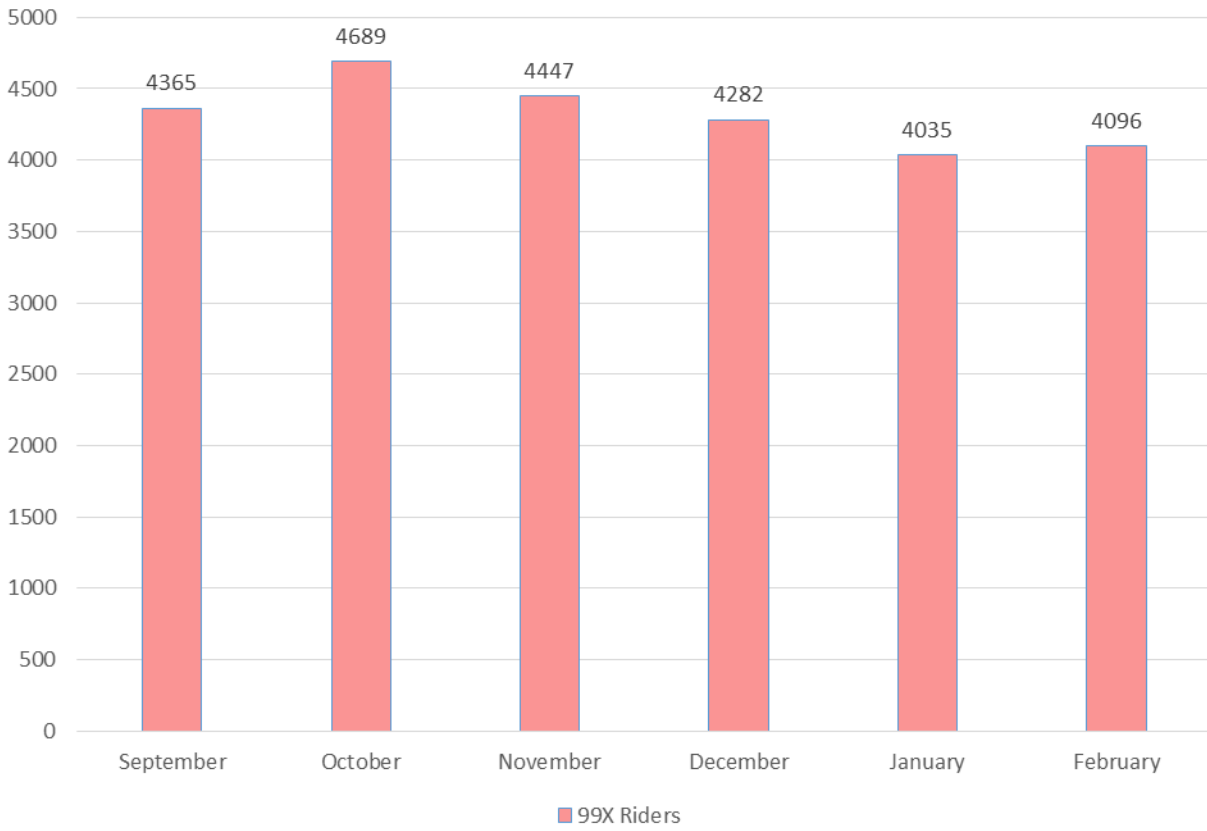
- Quarterly 5311 & 5310 reports submitted to ODOT
- Quarterly STIF reports submitted to TriMet
- Monthly Elderly and Disabled reports have been submitted to TriMet
- Continued negotiations with TriMet and ODOT for STIF IGA
- 5339 grant for shelters was extended to December 2023 to accommodate ODOT 99E project

2) Ridership:

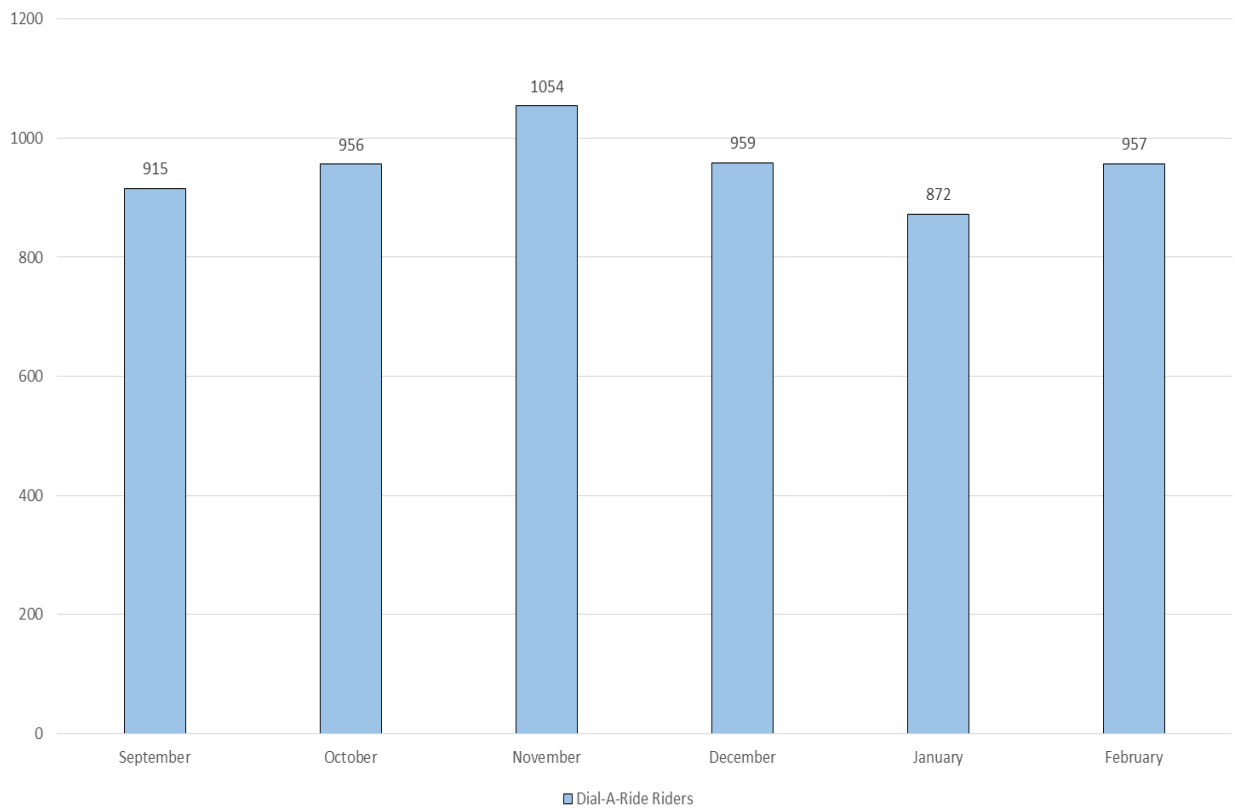
Beginning in this report the Canby Loop numbers are included on their own chart. Ridership continues a slow recovery from COVID with seasonal ups and downs. The Canby Loop continues to grow at a steady pace.

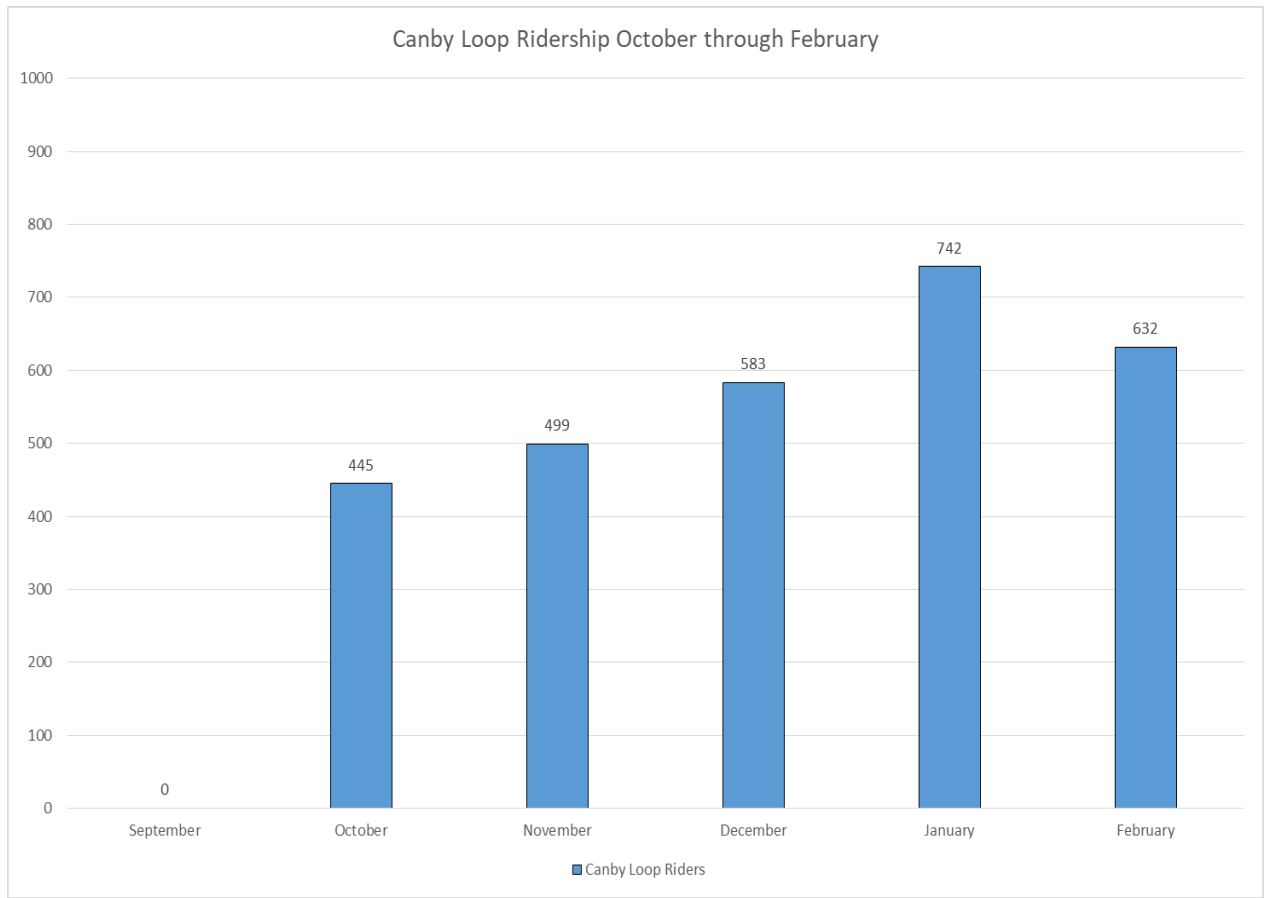
January average daily weekday daily 99x route ridership:	178 trips
January average daily weekend daily 99x route ridership:	73 trips
February average daily weekday daily 99x route ridership:	193 trips
February average daily weekend daily 99x route ridership:	60 trips
January average daily weekday Dial-a-Ride route ridership:	48 trips
January average daily weekend Dial-a-Ride route ridership:	12 trips
February average daily weekday Dial-a-Ride route ridership:	61 trips
February average daily weekend Dial-a-Ride route ridership:	15 trips
January average daily Canby Loop ridership:	37 trips
February average daily Loop ridership:	30 trips

99X Ridership September Through February



Dial-A-Ride Ridership September through February





3) COVID-19:

- a) **Masks remain in effect until further notice.**
- b) **Extra bus cleaning continues.**
- c) **All other COVID measures have been returned to normal operation.**

4) Transit Advisory Committee:

The advisory committee will meet on January 27, 2022 at 6:00 PM virtually.

The advisory committee considered changes to the Canby Loop service including schedule changes, and a minor route change.

The advisory committee will meet March 24, 2022 at 6pm in the City Council Chambers.

5) City Loop Update:

The Canby Loop is considering two changes:

- Removal of the 5:30am Trip in favor of an additional PM trip at 7pm
- Changing route from SE 4th to Township

Both changes are in response to ridership patterns. There are nearly zero riders at 5:30am and there are no on and off trips on SE 4th.

The PM route will allow the service to run later, and the change to 4th will accommodate the middle school and future development near Township and Sequoia.

A public survey was held through February to gain feedback on the changes.

6) Shelter Project:

The shelter project is tied to ODOT's 99E project. There are 10 stops that will be updated in accordance with the project. Of the stops 6 will be prepared by ODOT and completed by the City. Four will be prepared and completed by the City.

Curran-McLeod is working on the engineering of four of the stops, after which all shelters will be ordered.

7) New Staff:

CAT welcomes Melody Thompson to the position of Part Time Office Specialist. Melody will fill a much needed gap in administration of the Transit offices.



City of Canby Bi-Monthly Report
Department: Wastewater Treatment Plant
For Months of: January & February 2022

To: The Honorable Mayor Hodson & City Council
From: Dave Conner, Wastewater Services Manager
Prepared by: Same as above
Through: Scott Archer, City Administrator
Date: 3/16/2022

Facility Operation & Maintenance:

The water quality for the months of January and February have been good. Treatment plant is running well and all reports and DMR's were completed on time and without issue.

Biosolids Program

- **January** Production: Belt run time = 17 days. 6 loads to Heard Farms, 179 wet tons.
- **February** Production: Belt run time = 19 days. 5 loads to Heard Farms, 156 wet tons.

Pretreatment, Stormwater and FOG Program

- **January** Pump Outs: 22 Inspections: 0 fog, 1 pretreatment
- **February** Pump Outs: 22 Inspections: 15 fog, 4 pretreatment

Industrial permit/compliance data review of reports and working with businesses on BMP agreements. Updated stormwater TMDL matrix, submitted TMDL annual report to DEQ

Daily Lab Activity

- Continued OSU Covid 19 Wastewater Study sampling.
- Daily and Weekly BOD's, E-coli, solids, NH3 and Alkalinity testing.
- Tier I/II toxics sampling for permit renewal
- Copper BLM and Aluminum sampling for permit renewal.