



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

**AN APPEAL OF THE DENIAL FOR SITE) FINDINGS, CONCLUSION & FINAL ORDER
AND DESIGN REVIEW FOR A STEEL BAR) APP 22-01
PROCESSING FACILITY) DR 22-01
) Old Mac Steel Bar Processing Facility**

NATURE OF THE APPLICATION

An appeal of the denial of DR 22-10 and CUP 22-02 was submitted within the duly noticed appeal period for the proposed steel processing facility at the northeast corner of S Sequoia Parkway and SE 13th Avenue. The appeal included materials addressing the Planning Commission’s two findings of denial: employment density and compliance with ODEQ noise standards.

The Site and Design Review application proposes a new warehouse building with accessory office and exterior laydown yard. The facility would 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. It would have a rail spur extension into the building with service provided by Molalla Rail (OPR).

The Conditional Use application was necessary for the original proposal. The original proposal forecast a total of 13 to 17 employees working on the 12.3 acre site, an employment density of 1 to 1.5 per acre. This property is located in the M-1 zone and the I-O overlay. The Industrial Area overlay requires a conditional use permit for development that employ less than 3 employees per acre.

HEARINGS

The Planning Commission considered applications **DR 21-10 AND CUP 21-02** after the duly noticed hearing on January 10, 2022 and DENIED the applications by a 7/0 vote. Final Findings of the denial were sent on January 28, 2022. Subsequently, the applicant submitted an appeal application on February 4, 2022 with additional information addressing the Planning Commission’s findings for denial. The appeal was brought before Mayor and City Council on March 16, 2021, where they voted to remand the project back to Planning Commission for final decision. The appeal was heard at the April 25, 2022 Planning Commission hearing.

CRITERIA AND STANDARDS

In judging whether or not the appeal shall be granted, the Planning Commission is required to consider the new information provided to address the two original final findings of denial made by the Planning Commission on January 10, 2022.

FINDINGS AND REASONS

The Staff Report was presented, and written and oral testimony was received at the public hearing. Staff recommended approval of appeal of the decision to deny 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. The two original final findings and how they were sufficiently addressed during the course of the appeal are listed below.

Insufficient Employee Density

An organization chart and operations details were provided showing an employee count of 39 who will work on the 12.3 acre site, which meets the 3 employees per acre minimum required by the I-O overlay. Thus, the Conditional Use permit is no longer required.

Unclear Noise Impact

A noise study conducted by a license acoustical engineer was submitted showing compliance with ODEQ noise standards. Additional design elements were added to the proposal including additional landscape buffer, increased berm slope to provide additional acoustic diffraction, use of acoustic-block material on the fencing and saw shed, and a change in access orientation for the saw shed away from S Sequoia Parkway.

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. 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. A looped water system is required. A 14" water main is required from SE 13th Avenue to Mulino Road, or some other mutually agreeable solution with Canby Utility.
16. 13th Avenue and Mulino Road hydrants must be 300 feet on center or less for spacing when the road improvements are done. The street improvement with the water line and the fire hydrants will be installed, flushed, hydro tested, and the hydrants will be identified as out of service on all three ports. This line may be installed and then determined dry until the loop is completed.
17. The Building Fire Department Connection FDC must be within 50 feet or less of a hydrant designated for the FDC.
18. The fire flow for the building will be determined and the number and location of hydrants for the property shall be adequate for fire operations and Chapter 33 of the fire code for construction. The dry hydrants that are not in operation cannot be in the equation.
19. 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.
20. A non-residential wastewater survey must be submitted for review and approval prior to final building occupancy.
21. 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.
22. 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)
23. 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).

24. 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.
25. 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.
26. 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.
27. 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.
28. 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.
29. 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.
30. 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.
31. All fencing and walls shall be kept in good condition. This includes any broken slats, bowing panels, and cut or bent wires.
32. Prior to occupancy, all parking striping, wheel stops, ADA space requirements and signage shall be installed.
33. Prior to occupancy, all pedestrian infrastructure including sidewalks, pathways and striping shall be installed.

DETERMINATION

THE PLANNING COMMISSION DETERMINED THAT THE INFORMATION PROVIDED IN APP 22-01 WAS SUFFICIENT TO ADDRESS THE FINDINGS FOR DENIAL OF DR 21-10 AND STATE THE PROPOSED DEVELOPMENT IS CONSISTENT WITH DESIGN REVIEW AND CONDITIONAL USE PERMIT APPROVAL CRITERIA, AS CONDITIONED. THEREFORE, IT IS ORDERED BY THE PLANNING COMMISSION OF THE CITY OF CANBY THAT APP 22-01 BE APPROVED, REVERSING THE ORIGINAL DECISION FOR DR 22-10.