

**DRAFT MINUTES**  
**CANBY PLANNING COMMISSION**  
6:00 PM – April 25, 2022  
City Council Chambers – Virtual Meeting via Zoom

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**PRESENT** – Commissioners, Michael Hutchinson, Jason Padden, James Hieb, Judi Jarosh, Chris Calkins, Dan Ewert, and Matt Ellis

**ABSENT** – None

**STAFF** – Don Hardy, Planning Director; Brianna Addotta, Associate Planner; Ryan Potter, AICP, Senior Planner

**OTHERS** – Greg Blefgen, Ben Hagerman, et al.

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**1. CALL TO ORDER**

Chair Padden called the meeting to order at 6:00 p.m.

**2. CONSENT ITEMS** – None

**3. CITIZEN INPUT ON NON-AGENDA ITEMS** – None

**4. NEW BUSINESS** – None

**5. PUBLIC HEARINGS**

**a. Remand of Appeal of Planning Commission decision on Conditional Use and Design Review applications for Old Mac Steel Processing Facility on Sequoia Parkway and 13th Avenue**

Chair Padden opened the public hearing and read the hearing statement. He asked if any Commissioner had conflicts of interest or ex parte contacts to declare. There were none.

**STAFF REPORT:** Brianna Addotta, Associate Planner, presented the staff report. This was an appeal of the denial for the Old Mac Steel Bar Processing Facility. She gave a background on the application and reasons for the denial, new information in the appeal, City Council remand to the Planning Commission, and options for a decision. She reviewed the subject property and proposal, findings of denial due to employment density and unclear noise impact, information provided by the applicant to refute the findings, and consolidated conditions of approval including the water line and fire hydrants. Staff recommended the Planning Commission approve the appeal with the conditions in Attachment D of the staff report, reversing the decision of denial.

**APPLICANT TESTIMONY:** Greg Blefgen, architect and engineer, was representing the applicant. He discussed the options for the layout of the property, current site plan, landscaping, street cross section, acoustiblok product, and screening/berms.

Nicole Heater, representing the applicant, gave a background on American Metals Corporation. She explained the organizational chart for American Steel/Lampros Steel and the number of employees, interior buildings and exterior yard layout, shifts, noise, job safety analysis, and being a good neighbor.

Tobin Cooley, acoustics engineer, reviewed the noise study that was done.

PROPOSERS: None.

OPPOSERS: Fred Joiner, Canby resident, was concerned about the noise, especially with the product, rail cars, and trucks as well as the work shifts. There were already issues with noise on the street and this would increase it. He wondered about recourse if the noise levels exceeded the standard.

John Fontana, Canby resident, noted there would be no new jobs added or significant revenue added with this development. The projected trip generation would be 208 daily trips and he was concerned about the streets the trucks would use. He thought it would be operated seven days per week and it was not clear when the rail cars would operate. He did not think this was well suited to be located near residential. The fee in lieu would not be enough to address the congestion. He did not think this was helping the City grow in quality of life.

Lori Grady, agreed with what had been said and thought the concerns should be considered when the Commission made their decision.

REBUTTAL: Mr. Blefgen discussed the neighborhood meeting that was held and noise, light, and traffic were the primary concerns. With the results of the noise study, they planned to put in a 14-foot sound barrier. He explained the updated employee count and how the density was now beyond the required three per acre. The majority of the traffic would circulate via 13<sup>th</sup> with a secondary exit onto Sequoia that would be used occasionally. The gate would be kept closed and have the acoustiblok product to help with the noise. The fee in lieu for traffic would address one of the intersections not in the TSP. He explained what they would be contributing in development fees, including those for traffic improvements. He also discussed the traffic impact study and how they were well within the standards. They would be in compliance with DEQ noise standards as well.

Ms. Heater discussed the gate on Sequoia and how it would not be open before 7 a.m. She explained when it would be used, and that it would be closed if there was any movement of rail cars. They would have two shifts, however the operation would not regularly run seven days per week.

Mr. Cooley said the equipment would not be particularly noisy and there would be a significant barrier and berm put in. The noise would be well under the maximum allowed.

Questions for the applicant included DEQ standards for noise and how there would be no enforcement from DEQ, how there were no City standards for noise, there would be minimal backup noises on site, clarifying the numbers in the studies which were confusing, staggered shifts, number of people on site at one time, adequacy of parking, number of truck trips, off street parking, sound barrier details, condition for maintaining

the fence, benefits to the community, hours of operation, types of saws used, and truck routes.

Chair Padden closed the public hearing.

**DISCUSSION:** The Commission discussed the request for reduction of the parking standard, changes made to the site to be a good neighbor, public comments/concerns, clarity on the number of employees, no need for more parking, how solutions to traffic congestion were needed, and that the sound barrier and landscaping were important improvements.

Ms. Addotta noted there was already a condition regarding maintenance of the fence.

**Motion:** A motion was made by Commissioner Ewert and seconded by Commissioner Hutchinson to approve APP 22-01 with the proposed conditions. Motion passed 6/0.

Commissioner Ewert left the meeting.

**b. Code Amendments (TA 22-02)**

Don Hardy, Planning Director, reviewed the proposed code amendments. The first was pre-application conferences would expire one year after the meetings. The second was changing the term “lot line adjustment” to “property line adjustment” and to add clarifying language to the proposed review procedure change from a Type II review down to a Type I review process. The third was single phase partitions and subdivisions shall be recorded within four years following original approval. Multiple phase subdivisions shall be recorded within six years of the original approval. The Planning Director may approve a single one-year extension to the original approval.

The fourth was requiring a narrative describing how each condition of approval from the original entitling action had been or would be met by the applicant to accompany the final plat. The fifth was to make the property line adjustment a Type I in the Land Use and Development Application Procedures table, which meant there would be no notice or neighborhood meeting. The sixth was to change the notice of appeal to be filed in writing 12 days from the date the notice of decision was mailed instead of 10 days.

The seventh was to change the conduct of a public hearing to have staff give a brief introduction of the project, no more than 5 minutes, and the applicant to give a longer presentation for 20 minutes. Proponents and opponents would have 3 minutes each with no more than 15 minutes total for each respectively, rebuttal for no more than 10 minutes, and then questions of staff and the applicant. After the hearing was closed, additional questions and discussion would be limited to the record and testimony heard by the hearing body. The eighth was Council may choose to remand decisions to the Planning Commission if new information was presented that was not part of the original Planning Commission record.

The Commission wanted more information about the remand language and to discuss it further.

**c. HB 2001 Model Code Ordinance**

Mr. Hardy discussed the new middle housing model ordinance.

**d. Permit Fee Updates**

Mr. Hardy explained how the City contracts with Clackamas County for building official services. The City gets a percentage of the revenue back from the County. He thought it would be difficult to bring those services back in house.

Ben Hagerman asked about the sequencing of the process and submitting designs to Public Works concurrently with design review approval. He suggested submitting the final engineering plans with the original application with a fee and upon approval of the design review, they would pay the final fee. If the processes could be done concurrently, it would help with construction timelines. Mr. Hardy said they could discuss an expedited review process in the future.

There was discussion regarding tying all of the fees to an index for an annual inflation increase. There was consensus to add the index for inflation and review the fees in 2 years.

A motion was made by Commissioner Hutchinson and seconded by Commissioner Ellis to recommend approval of the code changes with the exception of the remand process and approval of the permit fee changes, adding that the fees would be tied to an annual inflation index and reviewed every two years. Motion passed 5/0.

**6. ITEMS OF INTEREST/REPORT FROM PLANNING STAFF**

- The next Planning Commission meeting will be held on Monday, May 9, 2022, at 6:00 pm

Mr. Hardy gave an update on getting packets online and code issues to address such as variances, fences, and housing.

**7. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION**

The Commission discussed future issues to address including options for appeals and remands, Zoom training, parking standards in the Industrial Park, and public vs. private alleyways.

**8. ADJOURNMENT:**

**Meeting adjourned at 10:20 p.m. (approximate)**