



CITY COUNCIL Agenda

222 NE 2nd Avenue, Canby, OR, 97013 | Ph: (503) 266-4021 | www.canbyoregon.gov

November 12, 2025

The City Council meeting may be attended in person in the Council Chambers at
222 NE 2nd Avenue, Canby, OR 97013

The meetings can be viewed on YouTube at:

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

The public can register to attend the meeting virtually by contacting the Deputy City Recorder;
ridgleyt@canbyoregon.gov or call 503-266-0637.

For questions regarding programming, please contact: Willamette Falls Studio (503) 650-0275;
media@wfmcastudios.org

SPECIAL CALLED MEETING – 6:30 PM

1. CALL TO ORDER

- 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. If you would like to speak virtually, please contact the Deputy City Recorder by 4:30 pm on November 12, 2025, with your name, the topic you'd like to speak on and contact information:
ridgleyt@canbyoregon.gov or call 503-266-0637.

3. ORDER

- a. Consider Adopting **Order 25-01:** An Order Granting a Modified Noise Variance Application from Perlo Construction/Trammell Crow for Early Morning Concrete Pours and Concrete Tilt Panel Crane Picks at 2121 SE Township Road from 5:30 a.m. – 10:00 p.m. December 1, 2025, through February 2, 2026.

Pg. 1

4. CITY ADMINISTRATOR REPORT UPDATE

5. ADJOURN

WORK SESSION – 7:00 PM

1. CALL TO ORDER

2. COUNCIL POLICIES & OPERATING GUIDELINES – PAGE TURN

3. ADJOURN

*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 Teresa Ridgley at 503-266-0637. A copy of this Agenda can be found on the City's web page at www.canbyoregon.gov.



CITY COUNCIL Staff Report

Meeting Date: 11/12/2025

To: The Honorable Mayor Hodson & City Council
Thru: Randy Ealy, Interim City Administrator
From: Emily Guimont, City Attorney
Agenda Item: Consider Adopting Order 25-01: An Order Granting a Modified Noise Variance Application from Perlo Construction/Trammell Crow for Early Morning Concrete Pours and Concrete Tilt Panel Crane Picks at 2121 SE Township Road from 5:30a.m. – 10:00p.m. December 1, 2025, through February 2, 2026.
Goal: N/A
Objective: N/A

Background

On September 29, 2025, the Trammell Crow Company (Applicant) applied for a noise variance in order to conduct early morning concrete pours, early morning concrete tilt panel crane anticipated to emit heavy machinery noise, high-intensity vibrations, grinding, drilling, etc., at 2121 SE Township Rd, Canby, OR 97013 from December 1, 2025, to February 2, 2026 (Application), that would otherwise be in violation Canby Municipal Code (CMC) 9.48.

On November 5, 2025, the City Council conducted a public hearing in which it received the staff report, testimony from the Applicant, and public testimony on the Application. This evidence comprises the record. The City Council closed the hearing and directed staff to prepare findings for Council's adoption.

Pursuant to that direction, attached to this staff report is an order granting the Application subject to the modification that gained Council consensus. Also attached are written findings to support the order. An order is the correct vehicle for Council to approve the modified Application because, in this matter, Council is making a quasi-judicial decision. Council acts in a quasi-judicial capacity when the Council applies rules or criteria, established in the code, to factual evidence in order to reach a final decision based on the factual evidence and rules or criteria. In this case, the code calls upon Council to receive and consider factual evidence via, in part, by a public hearing, to evaluate that factual evidence based on the code's established factors and criteria, and then make a final decision on the Application based on Council's evaluation.¹

¹ Council makes two other kinds of decisions: Council makes legislative decisions when it adopts laws (the code) that apply to the City. The vehicle for adopting these laws is the ordinance. For example, Council acts legislatively when it adopts or amends new code. As you well know, new code is adopted via ordinance. Council also makes administrative decisions when it makes decisions on the administrative functions of the City. The vehicle for making administrative decisions is the ordinance. For example, the City's fees are part of the City's administration. The Council adopts or amends fees via resolution.

The findings articulate the Council's consideration and evaluation underlying its decision. The findings explain the applicable code requirements and criteria and explain, based on the evidence in the record, why those requirements and criteria are met. Please review the findings for more information.

Attachments

Order on Noise Variance Application
Exhibit A - Findings on Noise Variance Application

Fiscal Impact

None

Options

1. Grant the Trammell Crow Company Noise Variance Application, subject to modification, in accordance with the Order.
2. Deny the Trammell Crow Company Noise Variance Application, subject to modification, in accordance with the Order.
3. Remand matter to staff for further action.

Recommendation

Grant the Trammell Crow Company Noise Variance Application, subject to modification, in accordance with the Order.

Proposed Motion

"I move to grant the Trammell Crow Company Noise Variance Application, subject to modification, in accordance with the Order."

**BEFORE THE CITY COUNCIL
OF THE CITY OF CANBY**

In the Matter of the Trammell Crow
Company Noise Variance Application,
Submitted September 29, 2025

ORDER GRANTING APPLICATION
WITH MODIFICATION

WHEREAS, the Applicant, the Trammell Crow Company, submitted an application for a noise variance pursuant to Canby Municipal Code (CMC) 9.48.050 in order to conduct early morning concrete pours, early morning concrete tilt panel crane anticipated to emit heavy machinery noise, high-intensity vibrations, grinding, drilling, etc., at 2121 SE Township Rd, Canby, OR 97013 (Application) that would otherwise be in violation of CMC 9.48; and

WHEREAS, the City Council, on November 5, 2025, conducted a duly-noticed public hearing on the Application in accordance with CMC 9.48.050.

NOW, THEREFORE, IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

Section 1. The Council GRANTS the Application with the following modification:

1. The noise variance shall be permitted from 5:30 AM to 10:00 PM.

Section 2. In support of this Order, the City Council adopts the findings set forth the attached Exhibit A, which is incorporated herein by this reference.

SO ORDERED by the City Council this 12th day of November, 2025, and signed by the Mayor and City Recorder in authentication of its passage.

CITY OF CANBY, OREGON

Brian Hodson, Mayor

ATTEST:

Maya Benham, CMC, City Recorder

EXHIBIT A

FINDINGS IN SUPPORT OF ORDER GRANTING NOISE VARIANCE APPLICATION WITH MODIFICATIONS

1. Factual Background.

On September 29, 2025, the Trammell Crow Company (Applicant) applied for a noise variance in order to conduct early morning concrete pours, early morning concrete tilt panel crane anticipated to emit heavy machinery noise, high-intensity vibrations, grinding, drilling, etc., at 2121 SE Township Rd, Canby, OR 97013 from December 1, 2025, to February 2, 2026 (Application), that would otherwise be in violation Canby Municipal Code 9.48.

On November 5, 2025, the City Council conducted a public hearing in which it received the staff report, testimony from the Applicant, and public testimony on the Application. This evidence comprises the record. The City Council closed the hearing and directed staff to prepare the following findings for Council's adoption.

1. Procedural Requirements.

CMC 9.48.030 and 9.48.040 regulations the types, amounts, levels, duration, and times of the emission of noises within the City. CMC 9.48.050 permits the granting of variances to the noise regulations and establishes the procedural and substantive criteria for the review of applications for noise variances.

a. Application Requirements.

CMC 9.48.050(B)(1) requires an application for a noise variance to be submitted to the City on the form prescribed by the City Recorder and shall contain all required information, fees, and a list of all property owners within 200 feet of the location of the variance. The Application satisfies these requirements.

b. Hearing Requirements.

CMC 9.48.050(B)(4) requires the City Council to conduct a public hearing before granting an application for a noise variance. Notice of the public hearing must be published in a newspaper at least 10 days prior to the public hearing. Notice of the public hearing must also be mailed to all property owners within 200 feet of the location for the variance at least 10 days prior to the public hearing. The public hearing was noticed and conducted in satisfaction of these requirements.

2. Findings.

The Council makes the following findings on the Application based on its consideration of the evidence in the record under the factors established by CMC 9.48.050(B)(2):

- The protection of health, safety and welfare of citizens as well as the feasibility and cost of noise abatement;
- The surrounding type of existing land use;
- The acoustical nature of the sound emitted; and

EXHIBIT A

- Whether compliance with the provision would produce a benefit to the public.
 - a. FINDING: Granting the Application with modifications will not be materially detrimental to other property within the same vicinity.

Under CMC 9.48.050(B)(5)(a), the Council shall not grant an application for a noise variance that will be materially detrimental to other property within the same vicinity.

The Council finds that granting the Application with modifications that permit the Applicant to begin work at 5:30AM will not be materially detrimental to the other property within the same vicinity because the Applicant testified that its emission of construction noises in connection with concrete pouring will not typically begin until one hour after the Applicant begins work at the construction site. This means that the Applicant likely will not begin emitting these noises until 6:30 AM. This is only one half-hour before the time at which the Applicant could begin emitting these noises without a variance. The impact of that one-half hour on properties within the same vicinity is not materially detrimental. The Applicant also testified that the concrete trucks pouring concrete at the construction site will not emit standard “back-up beepers” when backing up but will emit, instead, a white-noise alert sound which is less obtrusive. This use of white-noise further reduces the impact on other properties within the same vicinity to less than materially detrimental.

Furthermore, the Council finds that the public may be benefitted by the Applicant starting work earlier than the 7:00 AM permitted by the code because the Applicant testified that the number of the Applicant’s concrete trucks on the road during general commuting hours will be reduced.

The Council finds that, based testimony received from area property owners, permitting the Applicant to begin emitting noises earlier than 5:30AM would be materially detrimental to the health of the property owners in the vicinity. Many of the properties in the vicinity are residential with school-age children who especially require sufficient sleep for development.

- b. FINDING: Special circumstances render strict compliance unreasonable or impractical for the Applicant due to special physical conditions or cause.

CMC 9.48.050(B)(5)(a) permits, but does not require, the Council to grant an application for a noise variance if the Council finds any one of the following:

- Strict compliance with the rule, regulations or order is inappropriate because of conditions beyond the control of the persons requesting the variance; or
- Special circumstances render strict compliance unreasonable or impractical due to special physical conditions or cause; or
- Strict compliance would result in substantial curtailment or closing down of a business, plant or operation; or
- No other alternative facility or method of handling is yet available.

The Council finds that special circumstances render strict compliance unreasonable or impractical for the Applicant due to special physical conditions or cause. The Applicant testified that the period of time for which the Applicant seeks a noise variance is a difficult time of year to

EXHIBIT A

successful pour concrete because of the lower temperature conditions and wetter weather conditions. These conditions have the effect of delaying the curing of concrete after it is poured. The Applicant further testified that if the concrete does not sufficiently cure with enough time for the Applicant to score the cured during the same workday, then the concrete is at high risk of cracking. For this reason, the Applicant has requested a noise variance to begin working earlier so that the poured concrete has a longer period of time to cure and be scored.

Based on this evidence, the Council finds that the temperature and weather conditions for the period of time for which the Applicant seeks a noise variance are special circumstances and physical conditions that render strict compliance with CMC 9.48 unreasonable or impractical for the Applicant.

- c. FINDING: The variance as modified in accordance with the Council's Order is the minimum that will alleviate the Applicant's hardship.

CMC 9.48.050(B)(5)(a) requires that any variance granted shall be no more than the minimum that that will alleviate the Applicant's hardship. Based on the Applicant's application and testimony, the staff report, and the testimony of property owners within the vicinity, the Council finds that granting a noise variance that permits the Applicant to begin emitting construction sounds at 5:30 AM is the minimum to alleviate the Applicant's hardship described in the finding above.

3. Conclusion.

The Council GRANTS the Application subject to the following modification:

The noise variance shall be permitted from 5:30 AM to 10:00 PM.