



City of Canby

Staff Report/Notice of Decision
File #: MOD 23-05
Caruso Produce Freezer Addition

STAFF REPORT DATE: September 8, 2023
DIRECTOR DECISION: September 8, 2023
STAFF: Ryan Potter, AICP, Planning Manager

Applicant Request

The project applicant, Caruso Produce, requests approval to modify application DR 19-02, a previously approved Site and Design Review application to construct a 91,319-square-foot produce distribution facility at 23625 S Mulino Road (now 2100 SE 4th Avenue) in the Canby Pioneer Industrial Park. This project was approved by the City of Canby Planning Commission on January 13, 2020 and opened in May 2021.

The modified project is substantially similar to the approved project except that the project applicant proposes to construct an addition on the existing building.

Property/Owner Information

Location: 2100 SE 4th Avenue
Tax Lots: 31E34 02400
Property Size: 9.43 acres
Comprehensive Plan: LI – Light Industrial
Current Zoning: M-1 – Light Industrial; Canby Industrial Area Overlay (I-O) Zone
Owner: Caruso Produce (BOTT, LLC)
Applicant: VLMK Engineering + Design for Caruso Produce
Application Type: Modification (MOD) of Site and Design Review (DR)
City File Number: MOD 23-05

Attachments

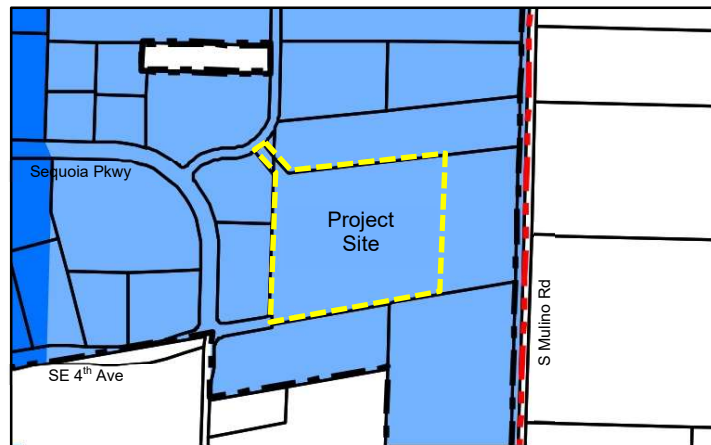
- A. Modification Application
- B. Application Narrative and Drawings
- C. Staff Report and Final Findings for Approved Project (DR 19-02)
- D. Agency Comments

Existing Conditions

The subject property is located in the Canby Pioneer Industrial Park and is surrounded by other parcels that are also zoned M-1, Light Industrial. These parcels are generally either vacant or contain light industrial uses. Across S Mulino Road to the east in the unincorporated County are agricultural uses.

The project site is currently built out with the approved project, with the exception of an unimproved area on the eastern third of the site that has been set aside for potential future expansion of the business. The western two-thirds of the project site includes the Caruso Produce warehouse and office building, loading docks, surface parking, landscaping, and paved areas for vehicular maneuvering and circulation.

Vicinity Map



Approved Project

The approved, constructed project is a 91,319-square-foot fresh produce distribution facility that includes cooler storage; conditioned warehouse staging and loading areas; and office space. The facility allowed Caruso Produce to relocate the entirety of its operations to the project site. The building is a concrete “tilt-up” building employing approximately 70 employees divided among three shifts. The facility features 30 loading berths, 96 parking spaces, and three access points from public streets: one on S Walnut Street and two on SE 4th Avenue.

Proposed Modification

As described in the application narrative (see Attachment B to this staff report), the project applicant is proposing to install a 6,706-square-foot, free-standing exterior freezer and fenced mechanical area. The new freezer would provide additional storage capacity for the business. It would be accessed by the addition of a new overhead door, which would allow forklift traffic to travel between the freezer and the existing main building. The addition would consist of insulated architecturally-ribbed metal panels and a structural racking system anchored on a conventional concrete foundation.

Caruso Produce is not proposing any changes to its overall day operations, including the number of employees and the number or timing of employee shifts.

Applicable Criteria

Section 16.89.90 of Chapter 16.89, *Application and Review Procedures*, of the Canby Municipal Code (CMC) outlines criteria for processing modifications to previously approved land use applications. The section identifies three types of modifications:

- 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.

Finding 1: As shown above, the three types of modifications are not explicitly defined. However, because the modified project would not result in a change or scale of use or a change in layout of the site's design or circulation, Planning Staff conclude that the impact of the modification would not warrant analysis as a Major Modification.

However, because the proposed modification would increase the footprint and building mass of the Caruso Produce facility, Staff believe that it is appropriate to reassess the project's compliance with approval criteria identified for the original land use approval. For this reason, the Planning Director has determined that the proposed modification shall be reviewed under the Type II process for Intermediate Modifications, which includes public notice to surrounding property owners and the opportunity for appeal.

Analysis and Findings

Code sections identified below are those that were analyzed for the approved project's design review application. The below analysis focuses on if and how previous analysis would be affected by the proposed project changes.

Section 16.08.150: *Traffic Impact Study*

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

Finding 2: A Transportation Impact Analysis (TIA) was prepared for the approved project by DKS Associates in December 2019. Using existing traffic data and projections for the generation of new vehicle trips by the proposed project, the TIA analyzed impacts of the project on the area's circulation network, including roadways and intersections.

The TIA projected that the approved project would generate 19 AM peak hour trips, 20 PM peak hour trips, and 185 overall daily vehicle trips. Based on data for Caruso

Produce's existing operations, approximately 31 percent of these 185 daily trips were truck trips (58 trips).

The TIA concluded that vehicle trips generated by the proposed project and surrounding development would not be anticipated to trigger unacceptable levels of service or volume/capacity ratios at any of the studied intersections.

As discussed in the project applicant's narrative for the modified project, the proposed modification is intended to add more freezer storage space for Caruso Produce's existing operations; not expand their operations or introduce new types of business activity. Therefore, no new vehicle (passenger car) or truck trips are expected. Although the proposed freezer storage would be located in what is currently a paved maneuvering area, it would not affect vehicular and truck circulation around the perimeter of the project site; a looped route around the building would remain. Therefore, upon construction of the proposed addition, the distribution of trips coming to and from the project site—and the offsite intersections those trips travel through—would not change.

Therefore, Planning Staff finds this request, as originally conditioned, remains consistent with applicable provisions of the CMC.

Section 16.08.160: Safety and Functionality Standards

This section of the CMC aims to ensure that development does not occur in areas where the surrounding public facilities are inadequate.

Finding 3: In the staff report for the approved project, Planning Staff determined that, as conditioned, the project would be adequately served by infrastructure and utilities. Conditions of approval identified for the approved project addressed needed extensions of water lines and street frontage requirements. The proposed modification would have no impact on how the site is served by utilities or how access to the site is provided.

Furthermore, on July 21, 2023, the applicant submittal for the modified project was circulated by Planning Staff to agencies and utility providers that serve the project site. No utility providers identified concerns or additional conditions of approval. Representatives from DirectLink, Canby Utility (electric division), and Curran-McLeod, Inc. (the City's consulting engineer) provided written responses to this effect.

Therefore, Planning Staff finds this request, as originally conditioned, remains consistent with applicable provisions of the CMC.

Chapter 16.10: Off-Street Parking and Loading

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

Finding 4: Analysis for the approved project found that adequate parking would be provided. The proposed modification would have no impact on off-street parking because the proposed addition would be adjacent to the northern elevation of the existing building where no parking spaces are currently sited. Therefore, no existing parking would be lost. Furthermore, Caruso Produce has no plans to expand its workforce and the freezer space would be operated by existing employees and the current number of truck trips; no additional employee or truck parking spaces would be needed to serve the additional freezer space.

Therefore, Planning Staff finds this request, as originally conditioned, remains consistent with applicable provisions of the CMC.

Chapter 16.32: M-1 Light Industrial Zone

This chapter of the CMC identifies which land uses are allowed in the M-1 Zone and identifies development standards for those uses.

Finding 5: The approved project was determined to be consistent with the M-1 Zone. The proposed modification would not affect the project's land use, lot area or width, or maximum building height. The proposed building addition would create a reduced setback from the site's northern boundary. However, the M-1 Zone has no rear yard requirement and the building would continue to be a substantial distance from the property boundary to the north (approximately 90 feet).

Therefore, Planning Staff finds this request, as originally conditioned, remains consistent with applicable provisions of the CMC.

Chapter 16.35: Canby Industrial Area Overlay (I-O) Zone

The Industrial Area Overlay (I-O) Zone allows land uses which are permitted by the underlying zone districts but identifies a number of additional standards and regulations that apply to development in the industrial park.

Finding 6: The staff report for the approved project determined that the project is consistent with applicable provisions of Chapter 16.35. The proposed modification would not affect the project's land use, lot area or frontage, maximum building height, building orientation, pedestrian infrastructure, or outdoor amenities.

Although the proposed addition would reduce the building's rear setback, the I-O Zone requires a minimum of 10 feet and the modified building would provide approximately 90 feet of setback from its northern property boundary. The addition would also increase the project site's lot coverage. However, the I-O Zone establishes that there is no maximum lot coverage requirement where the underlying zoning designation is M-1 (see Subsection 16.35.050(E)). The addition would not increase the site's impervious area because the area is already paved.

Subsection 16.35.050(J) establishes that metal building exteriors are prohibited. While the proposed freezer addition would be clad in metal panels, the existing primary structure would remain a concrete tilt-up building. The existing building is the most visually prominent aspect of the project site and it would be substantially taller than the proposed freezer addition; the addition would be largely hidden from public view behind the building. Only minor views of the addition and its metal cladding would be visible from S Walnut Street to the northwest.

Therefore, Planning Staff finds this request, as originally conditioned, remains consistent with applicable provisions of the CMC.

Chapter 16.42: Signs

This chapter of the CMC identifies standards for the location, number, and size of signs, and gives specific attention to the relationship between signage and a building's exterior elevations.

Finding 7: No signs were proposed as part of the approved project and the project's land use approval (DR 19-02) did not extend to signage. Two flag signs were approved for the walls of the main building under City File SN 21-10. The facility's other two painted

wall signs are unpermitted.¹ However, the proposed building addition would be located on the opposite side of the building from its signage and would have no material impact on their number or dimensions.

Therefore, Planning Staff finds this request, as originally conditioned, remains consistent with applicable provisions of the CMC.

Chapter 16.43: Outdoor Lighting Standards

The purpose of this chapter is to provide regulations for outdoor lighting that will minimize glare and light trespass, among other goals. The chapter identifies requirements related to the placement, shielding, height, and intensity of outdoor light fixtures.

Finding 8: Analysis for the approved project found, as conditioned, the approved project would comply with Chapter 16.43.

The proposed addition would presumably have exterior lighting. However, no light fixtures are shown on the submitted drawings and lighting is not discussed in the submitted project narrative for the modified project. For this reason, Planning Staff have identified a condition of approval requiring submission of a lighting plan for the proposed freezer addition (see Condition #26, below).

Therefore, Planning Staff finds this request, as conditioned, remains consistent with applicable provisions of the CMC.

Chapter 16.46: Access Limitations on Project Density

This chapter addresses the number of street access points required compared to the level of development proposed, along with minimum dimensions of private drives.

Finding 9: Analysis for the approved project found, as conditioned, that project would comply with Chapter 16.46. The proposed modification would not change the number or location of the project site's access points.

Therefore, Planning Staff finds this request, as originally conditioned, remains consistent with applicable provisions of the CMC.

Chapter 16.49: Site and Design Review Criteria

This chapter provides review criteria to be used in the design review process.

Finding 10: Analysis for the approved project found, as conditioned, the project would comply with Chapter 16.49. The proposed addition to the existing building would have no effect on most aspects of the project's design. Perhaps most importantly, the proposed addition would not affect the scoring of the project using the required I-O Design Review Matrix, which supersedes the Site and Design Review Matrix in Chapter 16.49 for projects in the industrial overlay zone. This matrix includes criteria related to parking, transportation/circulation, landscaping, and building appearance/orientation.

Therefore, Planning Staff finds this request, as originally conditioned, remains consistent with applicable provisions of the CMC.

¹ The site plan release letter for the two flag signs (SN 21-10) acknowledges that a request for a cumulative area of wall signage coverage was requested by Staff but not provided.

Chapter 16.89: Application and Review Procedures

This chapter of the CMC identifies procedures for processing different types of applications, including requirements for public notice and hearings.

Finding 11: Unlike the approved project, which was reviewed under a Type III procedure, the proposed Intermediate Modification is eligible for a Type II procedure. This does not affect the processing of the original application. For this reason, Planning Staff finds this request, as originally conditioned, remains consistent with applicable provisions of the CMC.

Conditions of Approval

Conditions of approval #1-25 related to the previously approved project still apply. These include 22 conditions identified in the original staff report for DR 19-02 (#1-22) and three additional conditions (#23-25) identified in a Staff memo dated January 10, 2019 (see Attachment C to this Staff Report). As discussed in the analysis above, Planning Staff have identified one additional condition of approval:

26. Prior to, or concurrent with, submission of the site plan application for the freezer addition, the project applicant shall submit a lighting plan to City of Canby Planning Staff. This plan shall identify exterior light fixtures proposed for the freezer addition and shall demonstrate compliance with Chapter 16.43 of the CMC.

Summary and Conclusions

Planning Staff find that the proposed modification would have a negligible impact on the previously approved design review application. Therefore, Staff conclude that the application meets the standards and approval criteria associated with an Intermediate Modification. As conditioned, the project remains consistent with applicable provisions of the CMC.

Decision

Based on the application materials submitted as part of the record and the facts, findings, and conclusions reached and provided in this report, the City of Canby Planning Director **Approves** Intermediate Modification File MOD 23-05 as conditioned, which permits changes to the previously approved Caruso Produce project (City File DR 19-02).