



2/13//24:

ODOT #13010

Updated ODOT Response

Project Name: Chipotle Mexican Grill	Applicant: MAJ Canby LLC
Jurisdiction: City of Canby	Jurisdiction Case #: MOD 23-07
Site Address: 597 SW 1 st Ave	State Highway: OR 99E

The site of this proposed land use action is adjacent to SW 1st Ave (OR 99E). ODOT has permitting authority for this facility and an interest in ensuring that this proposed land use is compatible with its safe and efficient operation. **Please direct the applicant to the District Contact indicated below to determine permit requirements and obtain application information.**

LAND USE PROPOSAL

The proposed project is a remodel of the former Dairy Queen site. Since the proposed tenant is the same type of use as the previous tenant (drive-through restaurant) and the building shell will remain, this project is being reviewed under a Type II Intermediate Modification process. The Chipotle project will remodel the interior and exterior of the 2,750 square foot building along with parking lot improvements and a new trash enclosure. There are two existing accesses on the site, one shared with U.S. Bank and the other will be converted to ingress only.

COMMENTS/FINDINGS

The property has one existing highway access and shares a highway access with the adjacent property. The site plan shows an entrance arrow for the access on their tax lot. ODOT supports the entrance only designation for this access. The applicant will be required to obtain an ODOT State Highway Road Approach Upgrade Permit for the entrance only access. The access will need to be marked clearly so drivers understand that the access is for entrance only.

ODOT recommends that the city require the applicant to bring sidewalks up as necessary to be consistent with current city and ODOT standards. If additional right of way is needed it must be donated to ODOT through deed.

All alterations within the State highway right of way are subject to the ODOT Highway Design Manual (HDM) standards. Alterations along the State highway but outside of ODOT right-of-way may also be subject to ODOT review pending its potential impact to safe operation of the highway. If proposed alterations deviate from ODOT standards a Design Exception Request must be prepared by a licensed engineer for review by ODOT Technical Services. Preparation of a Design Exception request does not guarantee its ultimate approval. Until more detailed plans have been reviewed, ODOT cannot make a determination whether design elements will require a Design Exception.

Note: Design Exception Requests may take **4 months or longer** to process.

ODOT RECOMMENDED LOCAL CONDITIONS OF APPROVAL

Frontage Improvements and Right of Way

- Curb and sidewalk shall be constructed as necessary to be consistent with local, ODOT and ADA standards.
- Right of way donated to ODOT as necessary to accommodate the planned cross section shall be provided. The deed must be to the State of Oregon, Oregon Department of Transportation. The ODOT District contact will assist in coordinating the transfer. ODOT should provide verification to the local jurisdiction that this requirement has been fulfilled. The property owner must be the signatory for the deed and will be responsible for a certified environmental assessment of the site prior to transfer of property to the Department.

Note: It may take up to **6 months or longer** to transfer ownership of property to ODOT.

Access to the State Highway

- A State Highway Approach Road Upgrade Permit from ODOT for the proposed use is required. The access shall be demarcated as entrance only. Site access to the state highway is regulated by OAR 734.51. For application information go to <http://www.oregon.gov/ODOT/HWY/ACCESSMGT/Pages/Application-Forms.aspx>.

Note: It may take up to **6 months to 1 year or longer** to process a State Highway Approach Road Permit depending on the level of complexity of the project and plan review timeline.

Permits and Agreements to Work in State Right of Way

- An ODOT Miscellaneous Permit must be obtained for all work in the highway right of way. When the total value of improvements within the ODOT right of way is estimated to be \$100,000 or more, an agreement with ODOT is required to address the transfer of ownership of the improvement to ODOT. An Intergovernmental Agreement (IGA) is required for agreements involving local governments and a Cooperative Improvement Agreement (CIA) is required for private sector agreements. The agreement shall address the work standards that must be followed, maintenance responsibilities, and compliance with ORS 276.071, which includes State of Oregon prevailing wage requirements.

Note: If a CIA is required, it may take **6 months or longer** to process.

- The applicant must obtain an ODOT permit to place trees in the state right of way. Tree spacing and design must be consistent with the ODOT Highway Design Manual section 4.2.6 (http://www.oregon.gov/ODOT/Engineering/Documents_RoadwayEng/HDM_04-Cross-Sections.pdf).

If proposed tree placement deviate from ODOT standards (such as placement in a planter strip), a Design Exception Request for clear zone must be prepared by a licensed engineer for review by ODOT Technical Services. Preparation of a Design Exception request does not guarantee its ultimate approval.

Note: It may take **4 months or longer** to process a Design Exception.

- Illumination within the ODOT right of way must be in accordance with AASHTO illumination standards and the ODOT Lighting Policy and Guidelines, which states that local jurisdictions

must enter into an Intergovernmental Agreement (IGA) with ODOT wherein the local jurisdiction is responsible for installation, maintenance, operation, and energy costs.

Issuance of City Occupancy Permit

- The contractor shall make an advance deposit or place a performance bond with ODOT equal to engineering cost estimate for the frontage improvements within the State's ROW required by the City.
- City shall not issue any type of Occupancy permit (including a temporary occupancy permit) until completion of the State Highway Approach Road Permit process. All ODOT permits including approval of the plans, construction of the approach and inspections shall be completed before the ODOT District 2B contact will sign-off for the City to issue their occupancy permit.

Please send a copy of the Notice of Decision including conditions of approval to:

ODOT Region 1 Planning
Development Review
123 NW Flanders St
Portland, OR 97209

ODOT_R1_DevRev@odot.oregon.gov

Development Review Planner: Marah Danielson	503.731.8258, marah.b.danielson@odot.oregon.gov
District Contact: District 2B Permits	D2bup@odot.oregon.gov