

City of Canby

Staff Report
File #: DR 23-03 & CUP 23-01
Clackamas County Fairgrounds Multipurpose Building

HEARING DATE: January 8, 2024
STAFF REPORT DATE: December 29, 2023
TO: Planning Commission
STAFF: Emma Porricolo, Associate Planner

Applicant Request

The applicant, Clackamas County Facilities Management, requests Planning Commission approval for the proposed 44,069-square-foot multipurpose building with 31,104 square feet of multipurpose space for events. The building would be primarily used as an event space, serving as a livestock barn, assembly space, vendor display area, show arena, and a potential gathering space for community members to assemble during future catastrophic events. Approval of the project requires a Type III Site and Design Review (DR) and a Conditional Use Permit (CUP), subject to Planning Commission approval.

Figure 1. Vicinity Map



Image Source: Clackamas County CMaps

Staff Recommendation

Based on the application submitted and the facts, findings, and conclusions of this Staff Report, Planning staff (Staff) recommend **Approval** of Applications DR 23-03 and CUP 23-01 pursuant to the conditions of approval identified in Section VII of this Staff Report.

Property Owner/Information

Location:	694 NE 4th Avenue
Tax Lots:	31E33 00100
Property Size:	38.76 acres
Area of Improvements:	Approx. 105,000 square feet
Building Footprint:	42,730 square feet
Total Building Area:	44,069 square feet (31,104 square feet of multipurpose space)
Current Zoning:	R-1, Low Density Residential
Comp. Plan Designation:	P-Public
Owner:	Clackamas County Facilities Management
Applicant:	Clackamas County Facilities Management c/o Steven Bloemer
Application Types:	Site and Design Review (DR) and Conditional Use Permit (CUP)
City File Numbers:	DR 23-03 and CUP 23-01

Attachments

- A. Applicant Submittal
 - 1. Applicant Narrative
 - 2. Appendix A – Land Use Application, Legal Lot Record
 - 3. Appendix B – Pre-Application Notes
 - 4. Appendix C – Neighborhood Meeting Materials
 - 5. Appendix D – Technical Reports
 - a. Stormwater Report
 - b. Traffic Impact Analysis (TIA)
 - c. Parking Analysis
 - 6. Appendix E – Land Use Plans
 - 7. Appendix F – Sight Distance Photographs
 - 8. Appendix G – Lighting Plan
 - 9. Appendix H – Noise Control
 - 10. Tree Removal Memo
- B. Staff Responses to Design Matrix (Table 16.49.040, Site Design Review Menu)
- C. Transportation Findings and Scope of Work Comments from DKS

I. Executive Summary

The Clackamas County Fairgrounds & Event Center (Fairgrounds) is an event complex located in Canby that first opened in 1909. The event complex, comprised of all the tax lots under Fairgrounds' ownership, is herein referred to as the Fairgrounds campus. The Fairgrounds hosts a variety of events each year, from monthly meetings of local organizations to its largest event, the Clackamas County Fair. The applicant is proposing a new multipurpose building at the campus that would primarily be used as an event space.

Since the Fairgrounds has been at the current location since 1909, it predates most, if not all, city codes and policies. Based on available City records, the campus in its entirety has never been subject to a comprehensive review from a land use or policy perspective. Therefore, the Fairgrounds is considered a pre-existing legal nonconforming use. Per CMC 16.04.440, a nonconforming lot, use, or structure means it lawfully existed prior to the adoption of the zoning requirements for the zone in which it is located and with which it does not comply. This application evaluates the impacts of the new proposed multipurpose building with an awareness of its context within the existing Fairgrounds campus and operations.

In 2014, the Fairgrounds demolished the Livestock Barn, built in 1924, because of structural issues. The applicant proposes a new building to replace the Livestock Barn generally in the same location. The new building would be a multipurpose building with the capacity to serve additional uses beyond the Livestock Barn. The building would be used as a livestock barn, assembly space, vendor display area, show arena, and a potential gathering space for community members to assemble during future catastrophic events. Additionally, it would be fully climate controlled with heating and cooling.

Since the Livestock Barn was demolished, the Fairgrounds has used large temporary tent structures in place of the barn (see #17 and #18 on Figure 2). According to the applicant, the temporary tents have been used to continue normal operations since the demolition of the Livestock Barn. They indicate that the additional capacity the new structure would provide is limited considering the normal operations continued with the temporary tents after the Livestock Barn was removed. The new multipurpose building would have a lower maximum total occupant load than the Livestock Barn and the temporary tents. The Livestock Barn was 48,400 square feet and had a maximum occupant load of approximately 3,065 persons. The new multipurpose building would have an estimated maximum occupancy of 2,695 persons.

The Fairgrounds would not operate the new multipurpose building at full capacity, including during the campus' largest event, the Clackamas County Fair. In terms of large events, the Fairgrounds anticipates hosting approximately five events each year that might result in sellout attendance of approximately 2,074 attendees. Staff supports the applicant's findings that based on estimated programming for the building, no transportation mitigation or the need for additional parking are triggered.

The multipurpose building would be 44,069 total square feet with a 31,104 square-foot multipurpose event space. The other floor area would be used for storage, equipment, offices, and restrooms. The building would be a metal structure with white façades, similar to other buildings at the campus. The building is approximately 35 feet tall and would have exposed mechanical equipment.

This application reviews the applicable standards and criteria for the Site and Design Review and Conditional Use Permit, including neighborhood compatibility, parking, and landscaping.

Figure 2. Fairgrounds Facilities Map. Multipurpose building would replace 17,18 and 32 (Source TIA, Attachment A.5.b)



II. Introduction

Existing Conditions

The Clackamas County Fairgrounds hosts a variety of events annually from monthly meeting of local organizations to the annual Clackamas County Fair. The purpose of the Fairgrounds is to provide space for various private and public events that serve the local and regional community. The Fairgrounds is a major asset to the Canby community that brings tourists to Canby for the various events hosted there.

Since the Fairgrounds has been at the existing location since 1909, it predates most, if not all, city codes and policies. Based on available City records, the campus in its entirety has never been subject to a comprehensive review from a land use or policy perspective. Therefore, the Fairgrounds is considered a pre-existing legal nonconforming use. Per CMC 16.04.440 a nonconforming lot, use, or structure means it lawfully existed prior to the adoption of the zoning requirements and it does not comply with the current zoning standards.

Currently, there are seven primary buildings at the Fairgrounds, including the Rodeo Arena. An overview of the structures are shown in Figure 3 below. The Livestock Barn was torn down in 2014 because of structural issues. The barn was 48,400 square feet and had a maximum occupant load of approximately 3,065. There are currently temporary tents up in place of the barn that are generally approximately 40,000 to 45,000 square feet and have a similar maximum occupancy as the Livestock Barn.

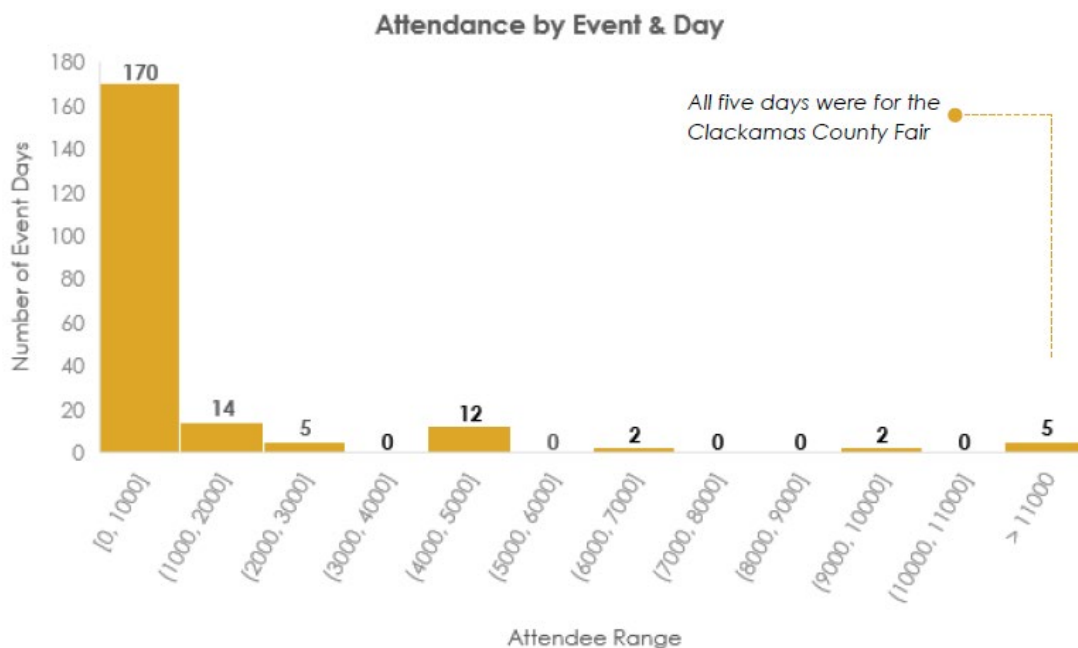
*Figure 3. Existing Conditions of Fairground Facilities as of 2018
(Source: Clackamas County Fairgrounds Phase I Report)*

Facility	Capacity	Fair Use	Non-Fair Use
Main Pavilion	200-533	Exhibit Space	Rentals: meetings, parties, fundraisers, weddings, memorial services, product shows
4-H Hall	350	4-H	Rentals: meetings, weddings, dinners, memorial services
Clackamas Hall	95		Meetings, classes, parties
Horning Hall	200		Meetings, parties, classes, memorial services
Ely Arena	300 (seating)	Livestock stalls, exhibition space	Horse events, livestock shows, dog events
Rodeo Arena	4,000	Rodeo, music, entertainment	Rodeo / horse events;
Rabbit Barn		Rabbits and poultry	
Rosebrook Arena			Auctions, livestock shows, swap meets
Floral Area		Master Gardener	Lightly used

Current Operations

The Fairgrounds allows space to be rented on a temporary basis for a wide variety of events. The vast majority of events held throughout the past year (June 2022 – June 2023) had fewer than 1,000 attendees; nearly 75% had fewer than 100 attendees (see Figure 4). However, there are several annual large events at the Fairgrounds that attract large crowds with daily attendance above 4,000 daily attendees. Many events span several days, such as the annual fair, recreational vehicle shows, holiday bazaars, seasonal auto shows, music festivals, and flea markets. The Clackamas County Fair is the largest annual event at the Fairgrounds.

Figure 4. Fairgrounds Patron Distribution from June 2022 to June 2023 (Source: TIA, Attachment A.5.b)



Site Context

The Fairgrounds campus spans nine tax lots, including accessory tax lots for parking. All tax lots that comprise the Fairgrounds campus are shown in Figure 5. The proposed improvements are limited to two tax lots (31E33 00100 and 31E33AD00700), herein referred to as the subject properties. Tax lot 31E33 00100 (tax lot 100) is the primary lot of the Fairgrounds (herein referred to as primary lot) and is where the proposed multipurpose building is proposed. The new rain garden would be located on tax lot 31E33AD00700 (tax lot 700).

The primary Fairgrounds lot (tax lot 100) has the majority of the campus' structures and has frontage on NE 4th Avenue, where the main entrance and access to the Fairgrounds is located. Some additional lots used for event parking are across NE 4th Avenue and off of N Pine Street and NE 10th Avenue. All other accessory lots are connected to the primary lot (see Figure 5).

The subject properties are located in the Low-Density Residential Zone (R-1). The surrounding neighborhood is comprised of mostly low-density residential detached housing zoned R-1, Low Density Residential, and R-2, High Density Residential. To the south, across NE 4th Avenue are a handful of industrial buildings and uses, zoned M-1, Light Industrial (see Figure 6).

Figure 5. Fairgrounds Campus (see full image in Attachment A.6, Sheet C210)

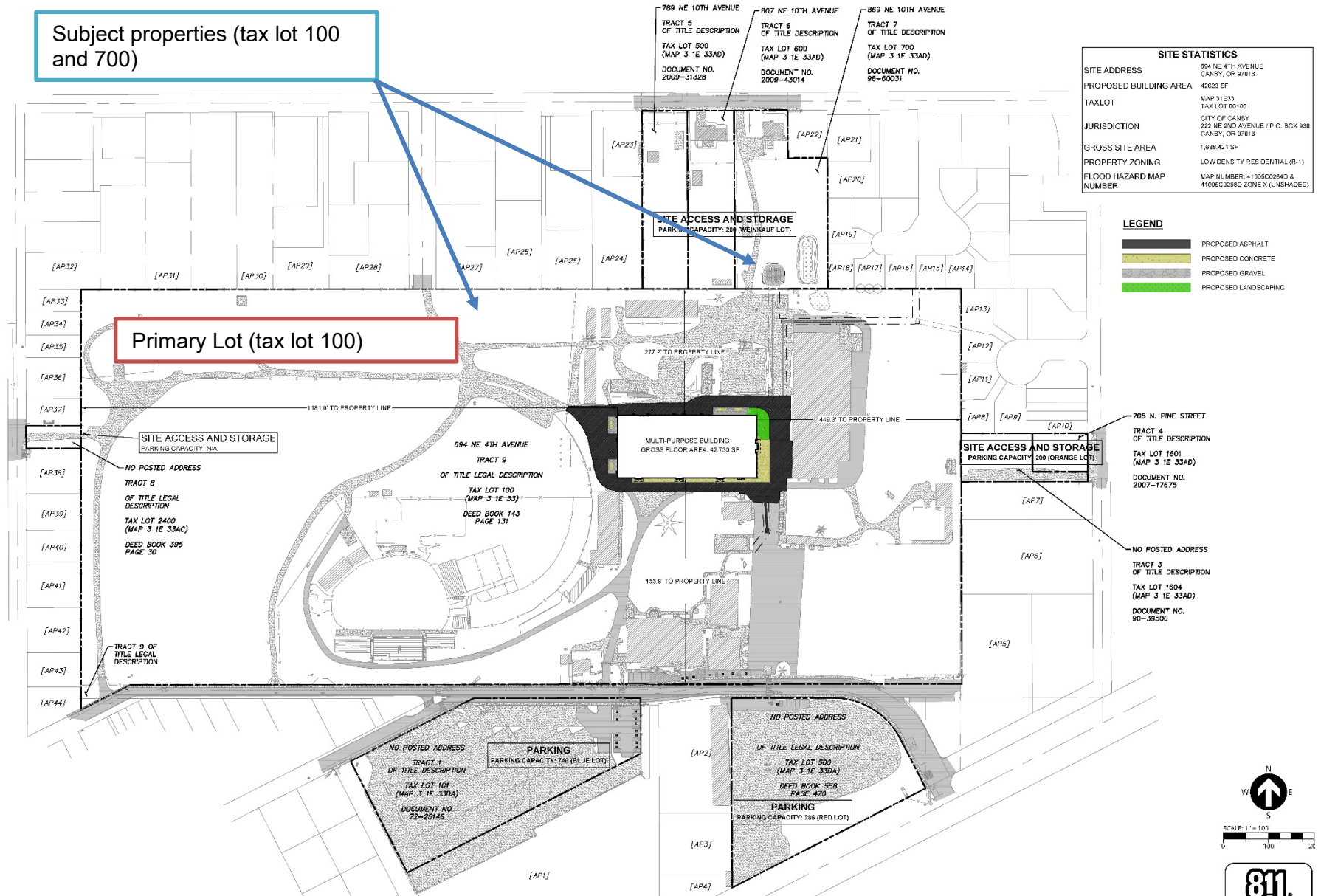
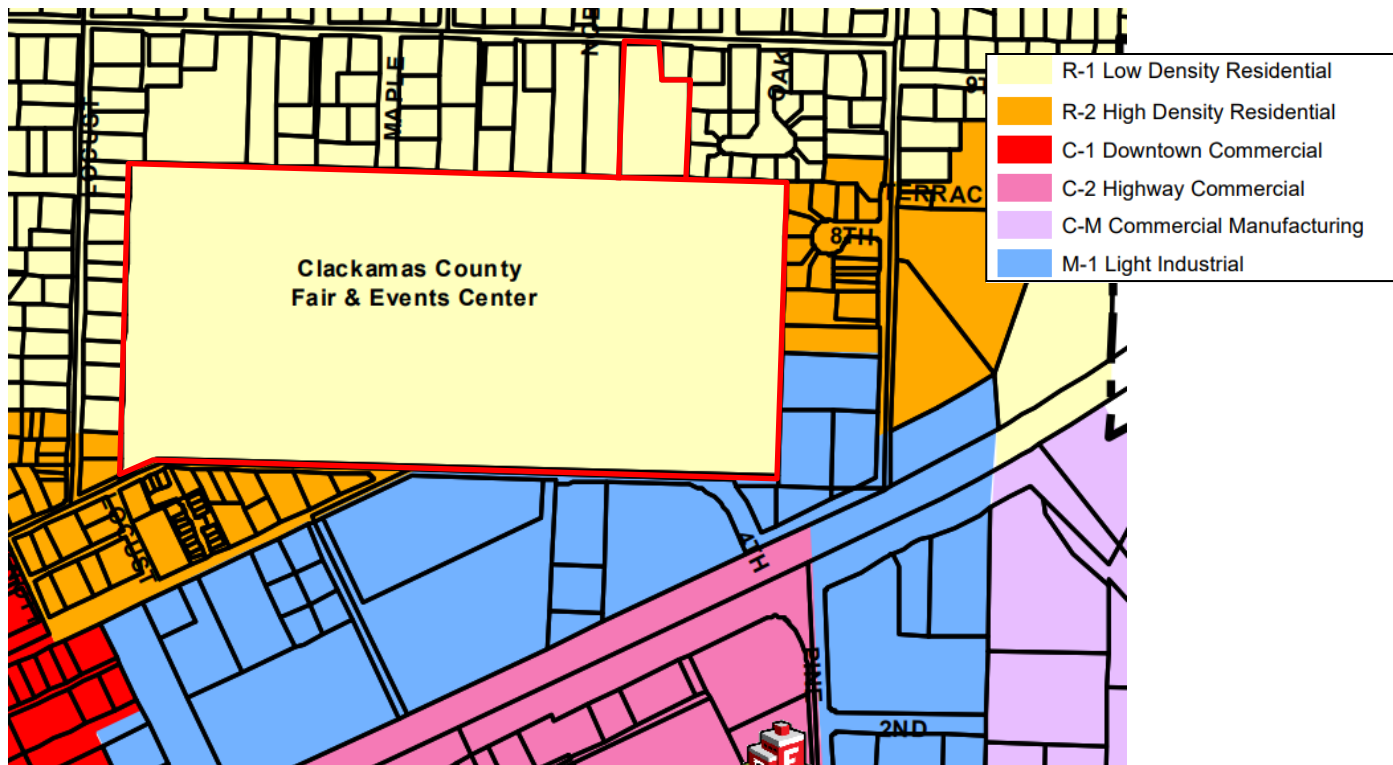


Figure 6. Zoning (subject properties outlined in red)



Project Overview

The applicant, Clackamas County Facilities Management, proposes development of a new multipurpose building at the Fairgrounds. The proposed multipurpose building would primarily be used as an event space and can serve as a livestock barn, assembly space, vendor display area, show arena, and a potential gathering space for community members and livestock to assemble during future evacuations for catastrophic events.

The building would be located generally in the area of the temporary tents (see Figure 2 notation), to the west of the existing Ely Arena and north of the Main Pavilion. The proposed building is approximately 35 feet tall and a total of 44,069 square feet. The breakdown of the use of the floor area is shown in Table 1 below. The building has an estimated maximum occupancy of 2,695 persons. However, the applicant states that a maximum event at the building would likely accommodate 2,074 persons.

Table 1. Floor Area Breakdown

Total Floor Area	44,069 square feet
Total Ground Floor Area / Building Footprint	42,730 square feet
Second-floor Mezzanine (for storage and mechanical areas)	1,339 square feet
Multipurpose space (event space)	31,104 square feet
Remaining ground floor area (lobby area, a gallery hallway area, storage, restrooms, daily business operations, one office, and mechanical and equipment rooms)	11,626 square feet

The approximately 35-foot-tall structure would have heating and cooling systems with exterior mechanical equipment located on the north and west facades, extending up to 25 feet tall on the west façade and approximately 8-feet tall on the north façade. An 8-foot-tall chain link fence around the base of the exterior equipment is proposed. Much of the existing landscaping at the Fairgrounds provides visual screening from the mechanical equipment with the existing landscaping, particularly the large trees along the north and west property lines. The applicant provided a noise analysis that determined that the outdoor mechanical equipment would not exceed the permitted noise levels at the property lines.

Other improvements associated with the new building are proposed. Hardscaping and a 1,940-square-foot patch of landscaping are proposed around the building's perimeter. Also proposed around the building's perimeter are two new ADA parking spaces and two (2) bicycle parking spaces. An approximately 2,000-square-foot rain garden is also proposed north of the building on tax lot 700. Additionally, a mural would be added to the south façade of Horning Hall.

Event Programming

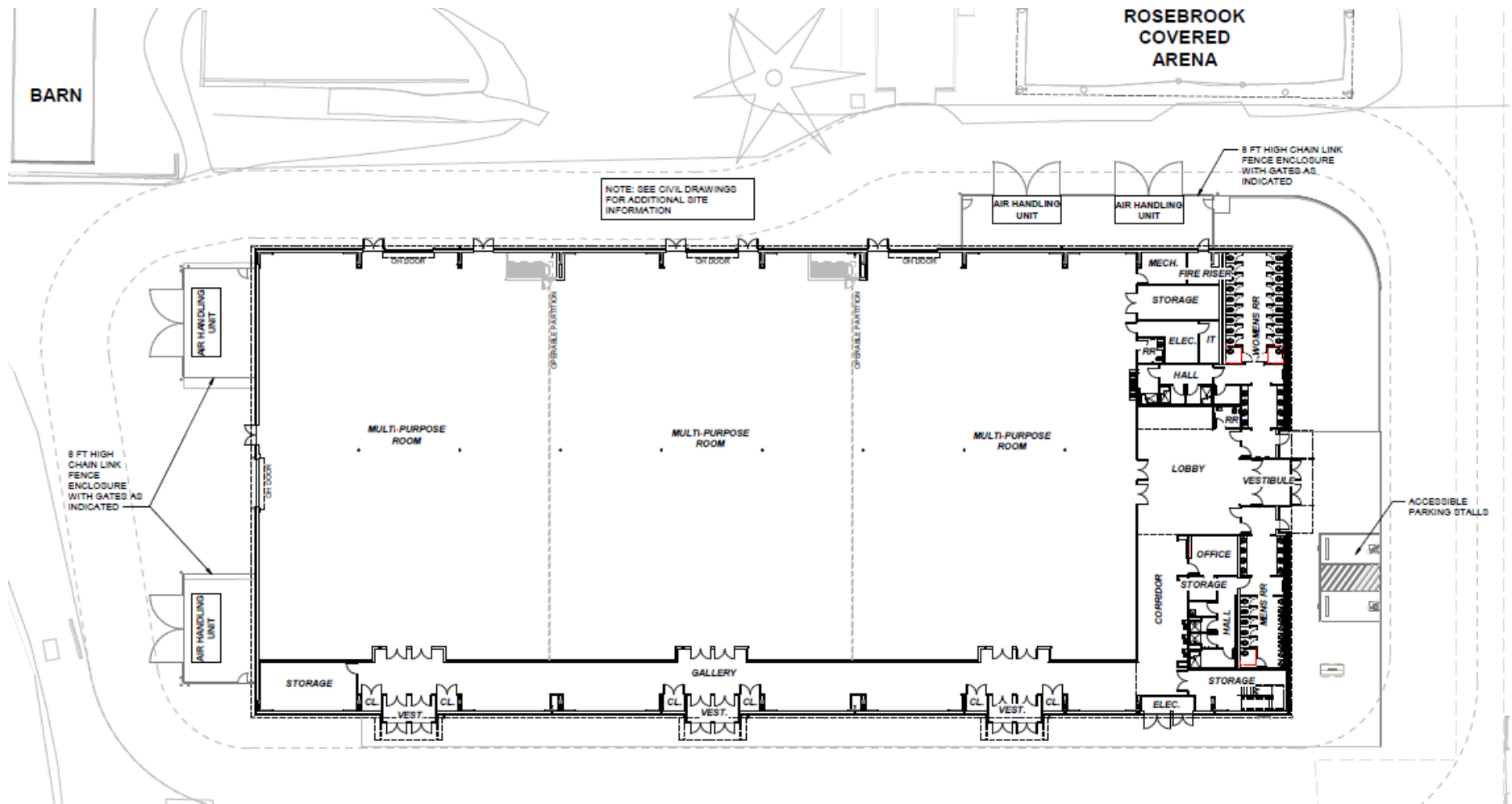
As the existing campus and proposed building is an events center, the typical operations are difficult to quantify as they can vary greatly. Per the applicant, the forecasted use for the proposed multipurpose building would not drastically change the operations of the Fairgrounds. Large events such as concerts could be hosted in the proposed building; however, concerts represent a small number of the total events hosted each year at the Fairgrounds. The Fairgrounds anticipates hosting approximately five events each year that might result in a sellout attendance of approximately 2,074 attendees in the new building. These five events would not occur during the annual Canby Rodeo, which is the maximum event that the Fairgrounds hosts. No increase in overall attendee capacity on the Fairgrounds campus is anticipated as a result of the proposed multipurpose building.

Staff note that the multipurpose building has the ability to increase the event capacity at the Fairgrounds during colder months. The existing indoor spaces for rent at the Fairgrounds has a maximum capacity of 533 persons (see Figure 3). The proposed building is expected to have a maximum occupancy of 2,695 persons. The proposed structure would be entirely enclosed with heating and cooling capabilities. However, the applicant is not proposing the highest potential use of the building as demonstrated in the applicant's materials (Attachment A).

Land Use Application

New buildings, such as the proposed multipurpose buildings, require a Site and Design Review (DR) application. The DR approval criteria pertain to the site and building design, landscaping, compatibility, and low impact development practices. Additionally, the use of the proposed building is a conditional use, triggering the requirement for a Conditional Use Permit (CUP). The new building falls under the "major public facilities" use that are conditional uses in the R-1 zone. The CUP approval criteria focus on suitability of site characteristics, public facilities and services provision, and compatibility with surroundings. This application, the DR and CUP, pertains only to the new multipurpose building and associated improvements. Generally, other existing structures and conditions on the campus are pre-existing legal nonconforming. With the awareness that the proposed building is one piece of the overall Fairgrounds campus with complex and multifaceted operations, potentially with nonconforming elements, the submitted application and the analysis in this Staff Report focus on the impact of the new structure within the campus' existing context.

Figure 7. Multipurpose Building Floor Plan



III. Applicable Criteria

Applicable criteria used in evaluating this application are listed in the following sections of the City of Canby's Land Development and Planning Ordinance:

- 16.08 General Provisions
- 16.10 Off-street Parking and Loading
- 16.16 R-1, Low Density Residential
- 16.42 Signs
- 16.43 Outdoor Lighting Standards
- 16.49 Site and Design Review
- 16.50 Conditional Uses
- 16.88 General Standards and Procedures
- 16.89 Application and Review Procedures

Applicable criteria used in evaluating this application are listed in the following additional section of the City of Canby's Municipal Code Chapters (other than Chapter 16, Land Development and Planning Ordinance):

- 9.48 Noise Control

IV. Analysis and Findings

Chapter 16 of the Canby Municipal Code - Land Development and Planning Ordinance

The following analysis evaluates the proposed project's conformance with applicable approval criteria and other Canby Municipal Code (CMC) sections, as listed above in Section III. Sections of the CMC are analyzed in the order that they appear in the code. *Text shown in italics is code text from the CMC.*

Chapter 16.08 General Provisions

Section 16.08.070: Illegally Created Lots

This section of the CMC establishes that in no case shall a lot be created in violation of state statute or City ordinance be considered as a lot of record for development purposes, until such violation has been legally remedied.

Finding 1: The submitted application materials include documentation demonstrating that the subject property was a legally created lot eligible for development. For this reason, Staff finds that this request is consistent with applicable provisions of the CMC.

Section 16.08.110: Fences

This section establishes where and to what height fences are permitted per zone. In residential zones, outside of the required setbacks the maximum fence height permitted is 6 feet.

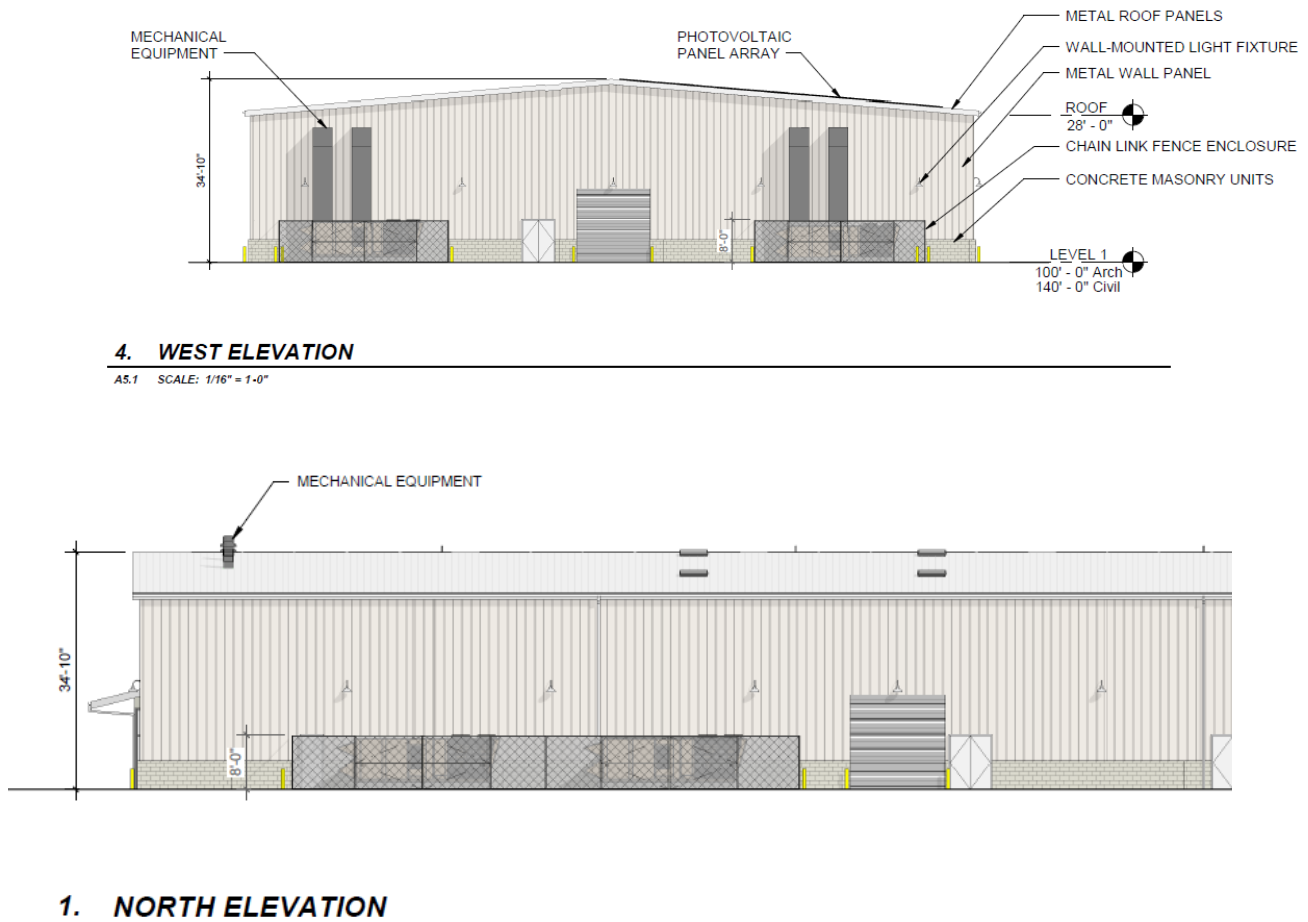
Finding 2: The proposed development includes an 8-foot-tall chain link fence around the exterior mechanical equipment on the north and west facades. Fences taller than 6 feet are not permitted in the R-1 zone. However, 8-foot-tall fences are permitted in certain commercial and industrial zones in the City (C-2, C-M, M-1, and M-2).

For Conditional Use Permits, the Planning Commission may designate the size, height, location, and materials for a fence pursuant to CMC 16.50.404.J. The applicant is requesting the Planning Commission designate the 8-foot-tall chain-link fence enclosures as permitted under their review and approve the fence enclosures as proposed in this application.

The proposed 8-foot chain link fence would be located around the mechanical equipment on the north and west façade of the building. On the west façade, the mechanical equipment extends 25 feet tall; whereas, on the north façade the equipment is approximately 8 feet tall (see Figure 8). The 8-foot chain link fencing would provide screening for the mechanical equipment as well as reduce noise and glare of the mechanical equipment. It would also provide better safety for patrons. Patrons would be better protected by an 8-foot fence, which would keep patrons and the mechanical equipment better separated. The additional separations also helps keep debris away from the air handling units which could help protect the equipment and keep the area cleaner and safer for ongoing and regular maintenance needs.

Staff concurs that the request to permit the 8-foot-tall fence to be within the purview of a CUP (CMC 16.50.404.J) and are supportive of the request given the reasons outlined by the applicant. Staff recommend Planning Commission approve the request to permit the 8-foot-tall fence around the mechanical equipment for the proposed multipurpose building. Given the size of the campus, if approved, Staff suggest Planning Commission clearly define where the fence height exemption is applicable.

Figure 8. North (Partial) and West Façade Elevations



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 3: The applicant completed a traffic study consistent with the required scope. The traffic study determined that no operational deficiencies were identified that require mitigation. A summary of the scoping process and the traffic report are included below. Typically for traffic studies, the Institute of Transportation Engineers Trip General Manual is used to determine trip generation by use. Unfortunately, the manual does not provide data for fairgrounds, event centers, or concert halls (Source: TIA). To understand the trip generation for the Fairgrounds, trip generation for a large event held in July 2023 was monitored.

Traffic Analysis Scope

The applicant's traffic subconsultant, Kittelson & Associates, was required to complete a traffic study consistent with the scope determined by Staff and the City's subconsultant, DKS Associates. The scoping requirements are described in the Transportation Scoping Review Memorandum (see Attachment C). The applicant provided documentation that the new multipurpose building would be a replacement for the Livestock Barn and temporary tents, and therefore, only a Traffic Impact Study was needed. In response, Staff and DKS determined the applicant needed to complete a full Traffic Impact Analysis (TIA) that presented how the new indoor structure would change the dynamics of events throughout the year, comparing existing operations to proposed operations. Staff also required the applicant to evaluate the impact on the Fairground's largest events, as those events often have the largest impact on the surrounding neighborhood. The completed TIA is found in Attachment A.5.b.

TIA Summary

The TIA has several project assumptions that are the foundation of the analysis. It assumes no changes in overall attendee capacity. The second is the Fairgrounds would not operate the building at full capacity, but it does anticipate hosting approximately 5 sellout events each year with an attendance of approximately 2,074 persons.

To demonstrate the impact of the proposed multipurpose building, the applicant analyzed a "maximum event" capacity with existing conditions and a 2026 Maximum Event scenario. A "maximum event" is defined in the TIA. The study evaluated the intersections of OR 99E / NE 4th Avenue-Pine Street, OR 99E / Ivy Street, NE 4th Avenue / N Pine Street, and N Ivy Street / NE 3rd Avenue.

The study determined that the Background Conditions (2026) are:

- Operational performance at all of the study intersections meets current standards during the existing weekday and weekend pre- and post-event peak hours without and with a peak event. The applicant noted that most events are in the evenings or on weekends, outside of the weekday transportation system peak hours.
- Existing queue storage is sufficient to accommodate the estimated 95th-percentile queues for all movements during the existing non-event Friday and concert event Saturday PM and Night peak hours.
- According to the TIA, a review of historical crash data did not reveal any patterns or trends in the campus' vicinity that would require mitigation associated with the traffic-related impacts of this project.

The forecasted Maximum Event Traffic Conditions (2026) determined:

- Operational performance at all of the study intersections meets current standards during the year 2026 weekday and weekend pre- and post-event peak hours with a maximum event.
- Existing striped storage is sufficient to meet the 95th-percentile queue during the 2026 maximum event weekday and weekend PM and Night peak hours.

The results of the TIA indicate that the proposed multipurpose building can be constructed and operated at a maximum event capacity while maintaining acceptable performance on the surrounding transportation system.

Conclusion

ODOT reviewed the Traffic Impact Analysis and did not have any comments. The applicant provided the information pursuant to the required scope. The study determined that no performance standards are exceeded for 2026 maximum events; therefore, no transportation impact fees, or transportation improvements are required. Staff finds the standard is met.

Section 16.08.160: Safety and Functionality Standards

The City would not issue any development permits unless the proposed development complies with the City's basic transportation safety and functionality standards, the purpose of which is to ensure that development does not occur in areas where the surrounding public facilities are inadequate. At the time of development permit application submittal, the applicant shall demonstrate that the property has or would have the following:

A. Adequate street drainage;

Finding 4: Pursuant to the comments provided by Public Works (see Section V of this report), no improvements related to street drainage are required. The applicant is required to keep all stormwater on-site and has provided plans and information that support the requirement. See the Stormwater Report (Attachment A.5.a) for more information. Staff finds the standard is met.

B. Provides safe access and clear vision at intersections;

Finding 5: The proposed development would not construct any new access to the existing transportation system. Therefore, the existing intersections would remain unchanged from the current configuration. Staff finds the standard is not applicable.

C. Public utilities are available and adequate to serve the project;

Finding 6: The subject properties (tax lot 100 and 700) are already developed and serviced by public utilities and services. Where the existing services to the subject properties are insufficient for the proposed building, utility providers and agencies have required the necessary upgrades. See their comments in Section V of this report. The standard is met.

- D. Access onto a public street with the minimum paved widths as stated in Subsection E below.*
- a. For local streets and neighborhood connectors, a minimum paved width of 16 feet along the site's frontage.*
 - b. For collector and arterial streets, a minimum paved width of 20 feet along the site's frontage.*
 - c. For all streets, a minimum horizontal right-of-way clearance of 20 feet along the site's frontage.*

Finding 7: The proposed multipurpose building does not front directly onto a street. It is over 400 feet away from adjacent streets.

The primary lot, where the multipurpose building would be located, fronts NE 4th Avenue-Pine Street, which is classified as a collector. Per Subsection E.2, a minimum paved width of 20 feet is required along the lot's frontage for two-way collectors. It has more than 30 feet of pavement east of 3rd Avenue, including striped on-street bike lanes. It is one-way west of 3rd Avenue, and includes about 17 feet of pavement, including one travel lane and a striped on-street bike lane. Staff finds the standard is met.

E. Adequate frontage improvements as follows:

- 1. For local streets and neighborhood connectors, a minimum paved width of 16 feet along the site's frontage.*
- 2. For collector and arterial streets, a minimum paved width of 20 feet along the site's frontage.*
- 3. For all streets, a minimum horizontal right-of-way clearance of 20 feet along the site's frontage.*

Finding 8: The standard as stated in Subsection E.2 is met, as noted above. The primary lot's frontage includes existing 5-foot sidewalks that do not meet current city requirements for 6-foot sidewalks. No frontage improvements are required. Staff finds the standard is met.

F. Compliance with mobility standards identified in the Transportation System Plan (TSP). If a mobility deficiency already exists, the development shall not create further deficiencies.

Finding 9: The TIA (Attachment A.5.b) states that all study intersections are projected to operate within ODOT and the City of Canby standards under all analysis scenarios. According to DKS, the traffic study uses a mobility target of 0.85 v/c at all ODOT intersections, when they are actually 0.90 v/c at Pine and 1.0 v/c at Ivy. Regardless of this discrepancy, the project is still under ODOT's v/c thresholds, and the outcomes are the same. Both ODOT and DKS reviewed the traffic study to ensure the study intersections operate within ODOT and City standards under all analysis scenarios. Staff finds the standard is met.

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.

Section 16.10.050: Parking standards designated.

Table 16.10.050 outlines the minimum parking requirements for each use.

Finding 10: The primary use of the multipurpose building is for events. Event center use or similar uses are not listed in Table 16.10.050, Minimum Off-Street Parking Standards. In lieu of a comparable standard, Staff requested the applicant provide a parking analysis that addressed the following. Staff directed the applicant to:

“provide details on current and expected parking availability and utilization for the site and identify any deficiencies (if any). If no change in availability or demand is anticipated with the proposed project, provide a narrative summarizing how much parking is currently available and compare it to the expected parking demand during the maximum event.”

The Fairgrounds currently has five parking lots, two are located across NE 4th Avenue (see Attachment A.6). The others are within or adjacent to the Fairgrounds primary lot. The Yellow lot is often used for those camping for events at the Fairgrounds. Across all the lots there are 2,525 off-street parking spaces, plus an additional 100 spaces for rent at an adjacent business. The 100 spaces are located at 777 NE 4th Avenue, a lot currently occupied by Pacific Architectural Wood Products, that abuts the Blue Lot. The applicant determined that is sufficient for Fairgrounds events, including some of the largest events. Below is a summary of the Parking Analysis that describes the methodology of the analysis and the findings. The complete Parking Analysis is found in Attachment A.5.c.

Parking Study Approach

To evaluate the capacity of the existing parking network during a “maximum event” the parking study completed vehicle counts during a 3-day music festival in July 2023. According to the Fairgrounds, this event is representative of a “maximum event.” During this event, 7,389 patrons paid admission to attend on Friday and/or Saturday, or approximately 3,700 daily attendees. This number exceeds more than 95% of all events annually held at the Fairgrounds in the last 12 months. The Parking Analysis shows the parking utilization percentage for the parking lots and neighboring on-street parking areas at 5:00 pm, 6:00 pm, and 7:00 pm, on the Friday and Saturday of the event. Collectively, the parking lots were not at full capacity during the event.

Results

At the peak, the Red lot was 94% occupied and the Blue lot was 62% occupied. The Yellow lot was 33% occupied (801 vacant spaces available) and primarily used to accommodate overnight campers that were attending the 3-day music festival. The Orange and Weinkauf lots were not used to accommodate parking demand and, thus, were 0% occupied. In total during the measured peak parking demand for the surface lots, 1,124 spaces were occupied, and 1,401 spaces were vacant for a total utilization of 45% of the Fairgrounds off-street parking capacity.

During the same 7:00 PM Saturday peak parking demand, the surrounding on-street parking supply was 56% occupied (151 out of 268), with 117 spaces being vacant. Only four of 37 block faces in the study area were more than 90% occupied and, in each case, the adjacent block faces were below 60% occupied. This suggests that the combination of typical neighborhood usage and event patron usage remained well within the capacity of the on-street parking system.

Hypothetical Maximum Event

Based on the findings of the parking study, the applicant estimates the 3,700 daily attendees to the music festival resulted in a parking demand of 1,275 vehicles. That equates to 2.90 daily attendees per parked vehicles. This translates to a 7,612-person event (daily/timed attendance) based on 2.9 attendees per car. This does not account for attendees using alternative modes (transit, walking, cycling) or utilizing on-street parking.

For an event using the new multipurpose building alone, the estimated maximum occupancy of the building is 2,695 persons. With the shared parking, the 2,625 off-street spaces can almost accommodate one vehicle per attendee.

Conclusion

The applicant's Parking Analysis determined that the available supply of off-street parking at the Fairgrounds is adequate to accommodate a maximum event. Staff support the finding that there is sufficient parking for the majority of the events at the Fairgrounds or new events to be held solely within the new multipurpose building.

Pursuant to the findings in the Parking Analysis, on-street parking would not be used primarily as overflow parking for insufficient capacity of off-street parking. The Parking Analysis demonstrated that off-street parking is not at the maximum capacity during a maximum event. Granted, some attendees may utilize on-street parking (regardless of off-street parking capacity) to avoid paying for parking at off-street parking lots.

Staff finds that the existing off-street parking network for the Fairground is sufficient given the anticipated programming of the new multipurpose building. No additional off-street parking is required. However, two (2) new ADA parking spaces adjacent to the building entrance are proposed for the new building. Staff finds the standard is met.

Per condition of approval (COA) #2, Staff have requested a monitoring report prepared by the applicant, one year after the multipurpose building is fully operational to confirm that on-street parking from the multipurpose building during a maximum event is consistent the applicant's parking report and will not result in an expansion of on-street parking on neighborhood streets. The impact of on-street parking is regulated by the CUP criteria in CMC 16.50.01.0D. that states "the proposed use would not alter the character of the surrounding areas in a manner which substantially limits, or precludes the use of surrounding properties for the uses listed as permitted in the zone."

Section 16.10.060: Off-street loading facilities

A. *The minimum number of off-street loading berths for commercial and industrial uses is as follows:*

SQUARE FEET OF FLOOR AREA	NUMBER OF BERTHS
25,000 – 60,000	2

B. *Loading berths shall conform to the following minimum size specifications:*

1. *Commercial uses – 13' x 35'*
2. *Industrial uses – 12' x 60'*
3. *Berths shall have an unobstructed minimum height of 14'.*

Finding 11: The proposed structure is located over 400 feet from the access from NE 4th Avenue. The new structure would also have concrete and asphalt surrounding the building. The paved area directly south of the building, where four sets of large doors are located, measures approximately 20 feet wide and over 200 feet long. It provides sufficient space for more than 2 loading areas. The only obstruction protruding from the building is the wall lighting that would be 16 feet above ground, allowing the minimum unobstructed height for loading areas. Staff finds the standard is met.

Section 16.10.070: Parking lots and access.

A. *Parking Lots.*

Finding 12: The Parking Analysis (Attachment A.5.c) indicates that no change in the supply of, or demand for, parking is anticipated due to the proposed multipurpose building. Therefore, no changes to the existing parking areas are proposed and Staff finds this application is not subject to the provisions of CMC Section 16.10.070.

Section 16.10.100: Bicycle Parking.

This section establishes the required dimensional and location requirements for bicycle parking and has the standard for minimum bicycle parking required by use.

Use	Minimum Bicycle Parking Spaces Required	Project Requirements
Office	2, or 1 space per 1000 ft ² , whichever is greater	2 spaces for the 210 square feet of office space
Proposed		2 spaces

Finding 13: Offices are the only use proposed for the multipurpose building that are found in the minimum bicycle parking standards. The building would have a small area dedicated to office space (210 square feet) that requires 2 bicycle parking spaces. The applicant proposes two spaces located near the entrance to the multipurpose building, within 50 feet of the primary entrance. Pursuant to the COAs, the proposed bicycle parking must meet the rack specifications and dimensional requirements found in CMC 16.10.100.A.

Staff encourages the Fairgrounds to consider additional bicycle parking spaces (temporary or permanent) to provide sufficient bicycle parking opportunities for those attending events at the new multipurpose building. Considering the campus' layout and events that span multiple areas of the campus, that parking may be better situated elsewhere on the campus, not within 50 feet of the building entrance of the multipurpose building as required by CMC 16.10.100. Staff finds that, as conditioned, the standards of CMC 16.10.100 are met.

Chapter 16.16: R-1, Low Density Residential

This chapter establishes permitted uses, and development standards for the zone such as setbacks, impervious surfaces, lot sizes, etc.

Section 16.16.020: Conditional uses.

Conditional uses in the R-1 zone shall be as follows:

G. Major public facilities;

Finding 14: The Fairgrounds is a public events center owned and operated by Clackamas County. Pursuant to CMC 16.04.516, a major public facility is any public service or structure, other than a transportation project, developed by or for a public agency that is not defined as a minor public facility. Therefore, the multipurpose building, developed by a public agency (Clackamas County), is considered a major public facility. Staff finds the proposed multipurpose building is a conditional use in the zone.

Since the Fairgrounds has been at the existing location since 1909 and many of the structures date back to the early 1900s, they predate most, if not all, city codes and policies. Based on available City records, a comprehensive land use review of the site has never been conducted. Therefore, the Fairgrounds is considered a pre-existing legal nonconforming use. Per CMC 16.04.440 a nonconforming lot, use, or structure means it lawfully existed prior to the adoption of the zoning requirements for the zone which it is located and with which it does not comply.

Section 16.16.030: Development standards

A. Minimum and maximum lot area: ...

Finding 15: The proposed development is on an existing lot that significantly exceeds the maximum lot area in the zone. Since no changes to the lot size are proposed, Staff finds the standard is not applicable.

D. Minimum yard requirements:

Finding 16: Table 2, below, shows the required and proposed setbacks that significantly exceed the minimum setbacks required. Staff finds the standard is met.

Table 2. Required and Proposed Setbacks for the Multipurpose Building

Yard	Minimum setback required	Proposed setback of the Multipurpose Building
Street	20 ft.	453 ft.
Rear	20 ft.	227 ft.
Interior	7 ft.	449 ft. & 1,181 ft.

E. Maximum building height:

1. Principal building: thirty-five feet.

Finding 17: As shown in the Architectural Drawings (Attachment A.6) the building is 34 feet and 10 inches tall, just below the maximum height of 35 feet. Staff finds the standard is met.

F. The maximum amount of impervious surface allowed the R-1 zone shall be 60 percent of the lot area.

Finding 18: With the proposed multipurpose building, the total percentage of impervious surface on the primary lot (tax lot 100) would be approximately 28%. The impervious surfaces are identified on the "Site Areas" table on Sheet C225 in the Civil Drawings in Appendix E (Attachment A.6) and shown in Orange, Yellow, and Red colors. All other colors indicate pervious surfaces.

The overall water quality approach and the descriptions of pre- and post-development basins and drainage, the design and analysis of the proposed rain garden stormwater management facilities, and demonstration of compliance with the Public Works Design Standards stormwater management standards for this proposal is outlined in the Stormwater Report (see Attachment A.5.a). Staff finds the standard is met.

G. Other regulations:

4. Accessory buildings shall not have a larger footprint than the primary building, unless lot area exceeds twelve thousand square feet.

Finding 19: The proposed structure is not an accessory building. It would be used for the primary uses and functions of the Fairgrounds. Staff finds the standard is not applicable to the proposed multipurpose building.

Chapter 16.42: Signs

The purpose of this chapter is to provide regulations for signage locations, size, lighting, etc.

Finding 20: Plans for signage have not been included in this application. The applicant will be required to submit a Sign Permit for any proposed signage. Signage associated with the multipurpose building must be consistent with the residential zones sign standards found in Table 1 of Chapter 16.42 of the CMC. Additionally, the proposed mural at Horning Hall falls under the signage code and must meet the above.

Chapter 16.43: Outdoor Lighting Standards

The purpose of this chapter is to provide regulations for outdoor lighting that would 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 21: The Fairgrounds is located in the R-1 zone, where sites are subject to the more restrictive Lighting Zone 1 standards. However, given the building's function, Staff suggested the applicant follow Lighting Zone 2. This zone is considered the "default condition for commercial and industrial districts in urban areas. This was suggested with the awareness of the distance of the proposed building from neighboring residential uses. Future lighting on the campus may be subject to stricter lighting standards depending on location and lighting levels.

The Lighting Plan provided by the applicant shows wall lighting around the building is proposed. The lighting would be fully shielded, a maximum of 1990 lumens and would be 16 feet tall. The proposed lighting is within the maximum lumens and height permitted in the LZ 2 zone per Table 16.43.070. The Lighting Plan also notes the multipurpose building lighting would be time control activated based on specific event need.

Staff finds that the LZ 2 lighting standards and other Chapter 16.43 standards are met.

Chapter 16.49: Site and Design Review Criteria

Section 16.49.030: Site and design review plan approval required.

A. The following projects require site and design review approval, except as exempted in B below:

- 1. All new buildings.*

Finding 22: The proposed development is a new 44,069-square-foot building at the Fairgrounds. The proposed development of a new building triggers a Site and Design Review (DR) application. The campus is located outside the Downtown Canby Overlay and is therefore subject to a Type III DR application.

Section 16.49.40: Criteria and standards.

In review of a Type III Site and Design Review Application, the Board shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the following:

- 1. The proposed site development, including the site plan, architecture, landscaping and graphic design, is in conformance with the standards of this and other applicable city ordinances insofar as the location, height and appearance of the proposed development are involved; and*
- 2. The proposed design of the development is compatible with the design of other developments in the same general vicinity; and*
- 3. The location, design, size, color and materials of the exterior of all structures and signs are compatible with the proposed development and appropriate to the design character of other structures in the same vicinity.*
- 4. The proposed development incorporates the use of Low Impact Development (LID) best management practices whenever feasible based on site and soil conditions. LID best management practices include, but are not limited to, minimizing impervious surfaces, designing on-site LID stormwater management facilities, and retaining native vegetation.*
- 5. The Board shall, in making its determination of compliance with this Ordinances, shall use the matrix in Table 16.49.040 to determine compatibility unless this matrix is superseded by another matrix applicable to a specific zone or zones under this title. An application is considered to be compatible with the standards of Table 16.49.040 if the following conditions are met: a. The development accumulates a minimum of 60 percent of the total possible number of points from the list of design criteria in Table 16.49.040; and b. At least 10 percent of the points used to comply with (a) above must be from the list of LID Elements in Table 16.49.040.*
- 6. Street lights installation may be required on any public street or roadway as part of the Design Review Application.*

Finding 23: The proposed building, including the chosen architectural style, materials, and colors, are compatible with other buildings on the Fairgrounds campus. Outside of the campus, the design is compatible with adjacent industrial uses, but differs from many adjacent residential properties. The building is well screened from neighboring residential properties (see Finding 31 for more information). The project has ample landscaping with a rain garden and

pedestrian connectivity to the existing on-site pedestrian network. Specific subsections of Section 16.49.40 are analyzed below:

- **Design Review Matrix.** Staff's response to the design matrix are found in (Attachment B). When a new structure within site with existing development is proposed, Staff have interpreted the design matrix to pertain only to the changes proposed on the subject properties. Therefore, points are not lost for an existing condition that is not in the project scope. Nor are points awarded for an existing condition that isn't within the project scope. When matrix items are not applicable, they do not count towards points earned or possible points earned. This differs from the applicant's approach to the matrix, creating divergence between the scoring in the applicant's narrative (Attachment A.2) and the Staff Responses to the matrix (Attachment B).

The proposed development achieves 32 of 53 points, or 60.4%. Points were earned from building design, trash enclosure screening, and pedestrian walkways.

- **LID Best Management Practices.** Staff's responses to the LID design matrix items are found in Attachment B. The proposed development earns 10 LID points for the rainwater garden, downspout disconnection and the use of drought-tolerant species. The LID points earned are 18.8% of the total points earned.
- **Compatibility with Vicinity.** The proposed building design is consistent with the other buildings on the campus. Most buildings on the campus are of a white/off-white hue and are constructed of metal or wood. The proposed building would be a white metal structure with neutral accents. Outside the Fairgrounds, adjacent industrial buildings are also metal structures. The neighboring residential uses are not comparable to the design of the proposed multipurpose building. However, the surrounding residential homes are well screened by existing mature landscaping (tall trees) and have a notable distance from the proposed multipurpose building. The proposed building would not alter the design character of its surroundings.
- **Landscaping.** With the proposed improvements, the primary lot would continue to exceed the minimum landscaping requirements of 30% of the lot area (see Finding 25). An approximately 1,940-square-foot area of new landscaping at the northeast corner of the multipurpose building and a 1,943-square-foot rain garden are proposed. The landscaping has grass, shrubs, and trees. For more information see the Landscaping Plan (Attachment A.6) for more information.
- **Street Lighting.** Based on Canby Utility's comments, no new street lighting is required for this project.

For the above reasons, Staff finds the proposed development, as conditioned, is consistent with applicable provisions of the CMC.

Section 16.49.065: Bicycle and pedestrian facilities.

Developments coming under design review shall meet the following standards:

A. The internal walkway system shall be extended to the boundaries of the property to adjoining properties developed or zoned for commercial, public, or multi-family uses. The walkway shall connect to an existing walkway system on adjoining property or be located so as to provide for development of a logical connection in the future when the adjoining property is developed or redeveloped.

Finding 24: The submitted materials demonstrate compliance with standards related to pedestrian facilities. The proposed building would integrate its walkways into the Fairground's existing on-site pedestrian and bicycle networks that connects to NE 4th Avenue. The bicycle facilities are consistent with the number and size of bicycle parking required, see Finding 13.

Section 16.49.080: General provisions for landscaping.

C. The minimum area requirement for landscaping for developments coming under design review shall be the percentage of the total land area to be developed as follows. Parking lot landscaping area is included in calculating the following landscape areas:

3. Thirty (30) percent for all residential zones.

Finding 25: With the existing and proposed landscaping on the primary lot (tax lot 100), the site would be 43% landscaped, well above the 30% required landscaping. The applicant's landscaping plan indicates that 70% of the lot is landscaped. However, Staff have removed the lawn area with temporary overflow parking from the total lot landscaping calculation, given the effects that vehicle parking can have on the viability of the grass.

Excluding the overflow parking area, 43% of the lot is landscaped or natural ground. The majority of the lot's landscaping is existing. A small section of landscaping is proposed with the new structure. An approximately 1,940 square foot patch at the northeast corner of the building and a new approximately 2,000 square foot rain garden is proposed north of the building. On tax lot 700, the rain garden will be added to an area that is currently landscaped. Therefore, the rain garden will not change the total landscaping percentage of that lot. Staff find the standard is met.

F. During the construction process:

1. The owner or the owner's agent shall provide above and below ground protection for existing trees and plant materials identified to remain.

Finding 26: The applicant has identified one fir tree north of the proposed building to be removed (see Attachment A.10). Pursuant to this standard, all other trees within the construction area must have adequate ground protection during construction. Staff finds that with the conditions of approval, this standard is met.

Section 16.49.120: Parking lot landscaping standards.

Finding 27: In the Parking Analysis (Attachment A.5.c) the applicant has shown that no change in the supply of, or demand for, parking is anticipated due to the proposed multipurpose building. Therefore, no changes to the existing parking areas are proposed and Staff finds this application is not subject to the provisions of CMC Section 16.49.120.

Chapter 16.50: Conditional Uses

Section 16.50.010 Authorization to grant or deny conditional uses.

A conditional use listed in this title shall be permitted, altered, or denied in accordance with the standards and procedures of this chapter. In the case of a use existing prior to the effective date of the ordinance codified in this title as a conditional use, a change in the use, or reduction in lot area, or an alteration of the structure, shall require the prior issuance of a conditional use permit. In judging whether or not a conditional use permit shall be approved or denied, the Planning Commission shall weigh the proposal's positive and negative features that would result from authorizing the particular development at the location proposed and to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable.

- A. *The proposal would be consistent with the policies of the Comprehensive Plan and the requirements of this title and other applicable policies of the city;*

Finding 28: The primary goal of the Economic Element of the Comprehensive Plan is “to diversify and improve the economy of the City of Canby.” The Fairgrounds is a major economic asset to the Canby community. The Fairgrounds attracts many tourists to Canby each year that can result in additional patrons for Canby businesses. The proposed multipurpose building offers the opportunity to diversify and enhance the Fairgrounds events and their offerings of event space for rent.

Additionally, the recently adopted Economic Opportunities (adopted in April 2023), a component of the Comprehensive Plan, has the objective to “support arts and visitation, including agri- and bicycle-tourism.” The Fairgrounds is a major hub of agricultural focused events in Canby. The proposed building can be utilized for agricultural-focused events and well as events with other focuses that can attract tourists to Canby.

As demonstrated throughout this Staff Report, the proposed development is consistent with applicable policies of the Canby Municipal Code, except for where the applicant has requested the Planning Commission authorize the exception to fence height. Staff finds the standard is met.

- B. The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features;*

Finding 29: The Fairgrounds has been in its current location since the early 1900s, predating most of the surrounding buildings and uses and is ingrained into the neighborhood character. The proposed building is located on a lot that is surrounded by residential properties to the north, east and west. To the south is a cluster of industrial properties between the primary lot (tax lot 100) and Hwy 99E. The primary lot has several existing features that ease the transition between the Fairgrounds and adjacent residential properties. There are many tall, mature trees on the lot, particularly near the north and east property lines. Additionally, the 38-acre parcel is of a size that allows the new multipurpose building to be a notable distance from most adjacent residential properties. It is over 250 feet from the nearest residential property. The building would only cover 0.73 acres or 2% of the 38-acre primary lot.

There are no significant natural features at the subject properties, both lots are generally flat and together exceed 40 acres.

The subject properties are already serviced by public utilities and services and a network of roadways. The traffic study determined no traffic mitigation is triggered by the proposed development. Staff finds the characteristics of the subject properties are suitable for the proposed development.

- C. All required public facilities and services exist to adequately meet the needs of the proposed development;*

Finding 30: The subject properties are currently served by electricity, water, sewer, and streets. According to comments provided by utility providers, where the existing services are inadequate for the proposed development, there are conditions of approval requiring the needed upgrades to properly service the building. The conditions of approval are found in Section VII. Staff finds the standard is met.

- D. The proposed use would not alter the character of the surrounding areas in a manner which substantially limits, or precludes the use of surrounding properties for the uses listed as permitted in the zone.*

Finding 31: The Fairgrounds is an existing use that has operated for many years and is being enhanced. As characterized in the applicant's materials, the intended uses for the multipurpose building are fairly consistent with the existing structures and uses of the lot historically. The maximum capacity of the multipurpose building is similar to that of the previous Livestock Barn and current temporary tents. The Fairgrounds anticipates hosting approximately five events each year that might result in a sellout attendance of approximately 2,074 attendees in the new multipurpose building. These five events would not occur during the annual Clackamas County Fair/Canby Rodeo, which is the maximum event that the Fairgrounds hosts. No increase

in overall attendee capacity on the Fairgrounds campus is anticipated as a result of the proposed multipurpose building.

The location of the new building is within the area adjacent to many of the existing structures, with some distance and screening from neighboring residential uses via tall, mature trees. The various factors that have a role in the character of the subject properties and the surrounding area, including building design, screening, parking and traffic generation, and noise generation, are described below.

Building Design

The proposed building design is consistent with the other buildings at the campus. Most buildings are of a white/off-white color and are constructed of metal or wood. The proposed building would be a white metal structure with neutral accents. Outside the Fairgrounds, nearby industrial buildings are also metal structures. The neighboring residential uses are not comparable to the design of the proposed multipurpose building. However, the surrounding residential homes are well screened by existing tall, mature landscaping and have a notable distance from the proposed multipurpose building.

Screening From Neighboring Residential Properties

The City identified the exterior mechanical equipment as proposed on the multipurpose building as an area to address with regards to compatibility with the surrounding residential areas. The applicant's narrative (Attachment A.1) documented how the north and west facing facades of the proposed building (with the exterior equipment) would not be visible from the neighboring properties. Note, the west façade has the tallest exterior mechanical equipment that extends 25 feet tall. Whereas the mechanical equipment on the north façade will be approximately 8 feet tall.

The distance from the west facing façade of the building that has visible exterior mechanical equipment is approximately 1,181 feet to the west property line. Given the existing topography, existing buildings and other features on the campus, the applicant finds that there would be no visible impact to the residential area to the west of the proposed building. This is best demonstrated in the Site Photographs exhibit from locations 1-4, found in Attachment A.7.

The distance from the north facing façade of the building that has visible exterior mechanical equipment is approximately 277 feet to the north property line. Given the existing vegetation and existing structures to the north of the proposed building, the applicant finds that there would be no visible impact to the residential area to the north of the proposed building. This is best demonstrated in the Sight Distance Photographs exhibit from locations 5-11, found in Attachment A.7.

The distance from the east property line to the proposed building is approximately 449 feet. Staff concur that there would be no visual impact from the mechanical equipment proposed on the north façade of the building to the residential area to the west of the proposed building. This is best demonstrated by the Sight Distance Photographs exhibit from locations 12-14, found in Attachment A.7.

The existing tall trees located on the primary lot (tax lot 100), not shown on the landscaping plan, are needed for screening from the Fairgrounds and multipurpose building. Those trees providing a visual landscape screen from abutting residential homes and properties shall be considered a part of the approved landscape plan for this application. As such, a COA has been added that states the trees must be maintained pursuant to CMC 16.49.200, Landscaping Installation and Maintenance, and CMC 16.49.140 Minor revisions to approved landscaping plans.

Parking and Traffic Impacts

As described in Findings 3 and 10, with the estimated programming of the building, there would be minimal traffic and parking impacts to the areas surrounding the subject properties.

Noise

The applicant provided an evaluation of the noise impact of the exterior mechanical equipment. The noise generated by the equipment at the source would not exceed permitted noise levels at the property lines per the standards in CMC Chapter 9.48. For more information see Finding 35.

Noise generated by events at the Fairgrounds are generally exempt from the City's Noise Ordinance (defined as the provisioned in chapter 9.48). Pursuant to CMC 9.48.050.9., "sounds created at the Clackamas County Fairgrounds as a result of events sanctioned by the Clackamas County Fair Board" are exempt from the Noise Ordinance.

Conclusion

Considering the proposed use is consistent with the historical use of the Fairgrounds campus, the proposed programming of the multipurpose building, and the building would be screened from neighboring residences, Staff finds that the proposed building would not alter the character of the surrounding area substantially.

Section 16.50.040: Placing conditions on a permit.

In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose conditions which it finds necessary to avoid a detrimental impact and

to otherwise protect the best interests of the surrounding area or the community as a whole. These conditions may include the following:

- A. Limiting the manner in which the use is conducted, including restricting the time an activity may take place, and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor;
- B. Establishing a special yard, other open space or lot area or dimensions;
- C. Limiting the height, size, or location of a building or other structure;
- D. Designating the size, number, location, and nature of vehicle access points;
- E. Improving the street and/or expanding the rights-of-way;
- F. Designating the size, location, screening, drainage, surfacing or other improvement of a parking area or truck loading area;
- G. Limiting or otherwise designating the number, size, location, height, and lighting signs;
- H. Limiting the location and intensity of outdoor lighting and requiring its shielding;
- I. Requiring diking, screening, landscaping, or other facility to protect adjacent or nearby property and designating standards for its installation and maintenance;
- J. Designating the size, height, location, and materials for a fence;
- K. Protecting and preserving existing trees, vegetation, water, resources, wildlife habitat or other significant natural or open space areas;
- L. Limiting the number, location, and design of street accesses and requiring shared access when appropriate;
- M. Other conditions to assure that the development complies with standards and criteria listed in section 16.50.010.

Finding 32: The applicant is proposing an 8-foot-tall chain-link fence enclosures around the exterior mechanical equipment (see Figure 8). The R-1 zone allows for fences up to 6 feet tall. The applicant requests that the Planning Commission designate the 8-foot-tall chain-link fence enclosures as permitted under their review and approve the fence enclosures as proposed in this application. Per CMC 16.50.404.J., Planning Commission may designate the size, height, location, and materials for a fence. For more information on the proposed fencing, see Finding 2.

Chapter 16.89: Application and Review Procedures

Section 16.89.050 Type III Decision.

This section describes the procedural requirements for a Type III decision that is subject to a public hearing.

Finding 33: The required Type III processes have been followed. A Pre-application and neighborhood meeting were held prior to submittal of the application. Appropriate notice for the hearing has been sent. The Public Notice was sent on December 7, 2023, and the Canby Herald published notice will be published on January 3, 2023.

Section 16.89.070: Neighborhood Meetings.

This section describes the applicability and requirements for neighborhood meetings.

Finding 34: Pursuant to CMC Table 16.89.020, Type III Site and Design Review applications require a neighborhood meeting. The applicant conducted a neighborhood meeting on October 17, 2022, at the Fairgrounds to explain the proposed development and answer questions from the surrounding property owners and occupants. The applicant's Submittal Appendix C (Attachment A.3) includes the required affidavits, mailing labels, a list of attendees, and meeting minutes.

Chapter 9 of the Canby Municipal Code - Public Peace, Morals and Welfare

Chapter 9.48 Noise Control

Section 9.48.040 Maximum permissible sound levels

- A. No person shall cause or permit sound(s) to intrude onto the property of another person which exceeds the maximum permissible sound levels set forth below in this section.
- B. The sound limitation established herein, as measured at or within the property boundary of the receiving land use, are as set forth in Table 1 appended to this chapter after any applicable adjustments provided for herein are applied. When the sound limitations are exceeded, it shall constitute excessive and unnecessary sound(s) and shall be violations in their own right as well as being prima facie evidence of noise.
- C. This section is violated if any of the following occur:
 - 1. Any continuous sound that exceeds the limits of Table 1 for a cumulative total of greater than 5 minutes in any 10-minute period;
 - 2. Any sound that exceeds the limits of Table 1 by 5 dBA for a cumulative total of greater than 1 minute, but less than 5 minutes in any 10-minute period;
 - 3. Any sound that exceeds the limits of Table 1 by 10 dBA at any point in time; or any sound that exceeds the ambient noise levels existing by 10 dBA created by a new industrial or commercial noise source on a previously unused industrial or commercial site.

APPENDIX A

TABLE 1: ALLOWABLE SOUND LEVELS

Allowable Sound Levels (in dBA) In any 10-minute Period		
Type of Source by Use	Type of Noise Received by Use	
	Noise Sensitive	
	Day	Night
Noise Sensitive	55	45

Finding 35: Given the size and location of the outdoor mechanical equipment for the building's heating/cooling system, Staff requested the applicant show how the equipment complies with the applicable noise limits. Pursuant to CMC 9.48.050.9., "sounds created at the Clackamas County Fairgrounds as a result of events sanctioned by the Clackamas County Fair Board" are exempt

from the Noise Ordinance (as defined as the provisions of Chapter 9.48). Staff determined the continuous noise associated with the operation of the multipurpose building heating and cooling systems did not fall under the exception.

The Fairgrounds primary lot (tax lot 100) is a very large site, with over 38 acres of continuous ownership and where the multipurpose building will be located. The at-source sound ratings from the proposed exterior mechanical equipment ranges from 89-91 dBA, including the compressor noise. At the source, the equipment would exceed the allowable noise levels in a residential area, but not at property lines where noise is measured for code compliance. Pursuant to CMC 9.48.040, no person shall cause or permit sound that exceeds the maximum permissible levels of the section to intrude onto adjacent property. Based on this standard, the applicant calculated what the sounds levels at the property line would be, solely for the sound generated from the exterior mechanical equipment. The applicant's sound analysis determined the following.

Per CMC 9.48.04.A, the allowable sounds levels found in Table 1 of Title 9.48, shall be measured at or within the property boundary of the receiving land use. At the property lines of the primary lot (tax lot 100), the equipment operating at 91 dBA would result in the following noise levels:

- North property line (277 feet from the source) – 20.57 dba
- East property line (449 feet from the source) – 16.37 dba
- South property line (453 feet from the source) – 16.29 dba
- West property line (1,181 feet from the source) – 7.971 dba

The setbacks are shown on Sheet C210 of the plans found in Attachment A.6. The analysis shows that the proposed exterior mechanical equipment would not exceed the sound limitation established by the City for any cumulative portion of time as measured at the property boundary of the subject property. For reference, from the American Academy of Audiology, 60dB is the level of noise generated for "Normal Conversation" and "Dishwashers"; 50dB is the level of noise generated for "Moderate Rainfall"; and 40dB is the level of noise generated in a "Quiet Library."

Staff finds that the noise generated by the exterior mechanical equipment would not violate any of the situations listed under CMC 9.40.040.C at adjacent property lines of the primary lot (tax lot 100). Therefore, Staff finds the standard is met.

V. Public and Agency Comments

Notice of this application and the opportunity to provide comment was forwarded to property owners and residents within a 500-foot radius and to applicable public agencies. At the posting of this Staff Report, the following public comments were received by Staff.

A. Public Comments

The public comment period for written comments to be included in this report was open from 12/8/23 to 12/22/23. No comments were received during this period.

B. Utility Provider & Agency Comments

- DirectLink – Matt Downs
 - All our utilities are on site and if they need any additions or questions, they can contact us.
- Canby Fire Department – Matt English
 - We request the Fairgrounds to install a new water line into their property for adequate fire flow.
 - Fire hydrants are at a maximum of 300 ft spacing and the building would need to be sprinkled and this would be dependent on occupancy. Follow Oregon Fire Code, NFPA 13.
- Canby Utility Water – Brian Hutchins, Veolia, Lonnie Benham and Joe Brennan
 - The Fairground would need to upgrade their water line, size based on water needs.
 - We would need an easement for the water line.
 - Maintain water and sewer mains/laterals separations, per Canby Utility Water Specification Standards & Drawings.
 - The Fairgrounds would need a proper backflow assembly for the new multipurpose building.
- Curran-McLeod Engineering – Curt McLeod
 - We have all our utilities on site and all stormwater would stay on site.
- Canby Utility Electric – Josh Muravez
 - We would be bringing the power from NE 4th Avenue's main gate, east of the office building.
 - We would be placing the transformer on the east side of the building, on the left side of the driveway area. May need to place bollards around the transformer.
- Public Works – Streets - Spencer Polack
 - We have no comments, but if the Fairgrounds have questions, they can contact us.
- Public Works - Sewer and Stormwater - Chris Goetz
 - The developer would connect their new 6-inch sewer lateral directly to the existing manhole with a 6-inch cleanout outside of the proposed building. If they have any questions, contact us.

VI. Staff Conclusion/Recommendation

Staff has reviewed the applicant's project narrative and submitted application materials and finds that the application conforms to the applicable review criteria and standards, subject to the conditions of approval noted in Section VII of this Staff Report. Staff recommend the

Planning Commission Approve Site and Design Review application DR 23-03 and CUP 23-01 subject to the identified conditions of approval.

Although not required, Staff encourage the Clackamas County Fairgrounds to develop and adopt a facilities master plan with the City that takes a holistic look at the campus to streamline permitting of any future improvements at the campus.

VII. Conditions of Approval

General Conditions:

1. Approval of this application is based on the submitted site plan and other relevant application materials and submitted testimony. Approval is strictly limited to the submitted proposal and is not extended to any other use or structures on the property. Modification of the approved site plan and elevations with regards to landscaping, building design, building placement, setbacks, or any other approved elements, shall require an approved modification in conformance with the relevant sections of the Canby Municipal Code. (Planning)
2. One year after the multipurpose building is fully operational, the applicant shall provide a monitoring report that documents parking for events held partially or entirely within the multipurpose building. If the report identifies parking to be in excess of what is identified in the applicant's parking report during a maximum event, a land use modification process may be required, and a parking management plan may be required. (Planning)
3. Although not in the proposed site plan, the mature trees located near the north and east property lines are necessary for screening from the multipurpose building. Those trees providing a visual landscape screen from abutting residential homes and properties shall be considered a part of the approved landscape plan for this application and as such must be maintained pursuant to CMC 16.49.200, Landscaping Installation and Maintenance, and CMC 16.49.140, Minor revisions to approved landscaping plans. (Planning)
4. This application does not authorize any new signage at the campus. For new signage proposed associated with the multipurpose building, the applicant must submit a Sign Application. 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)
5. During construction trees to be retained within the area of impact must be protected in a manner consistent with CMC 16.49.080.F. (Planning)

Public and Utility Improvements:

6. Work with Canby Fire to provide required improvements per Canby Fire. (Planning)
7. Install a new water line into the property for adequate fire flow. (Canby Fire)
8. Fire hydrants are at a maximum of 300 ft spacing and the building would need to be sprinkled and this would be dependent on occupancy Follow Oregon Fire Code, NFPA 13. (Canby Fire)
9. The Utility Plan must be reviewed by and to the satisfaction of Public Works, Canby Utility, and DirectLink. (Planning)

10. Upgrades to the water lines are needed; the required size is based on water needs. The developer is required to maintain water and sewer mains/laterals separations, per Canby Utility Water Specification Standards & Drawings. An easement for the water lines must be recorded. (Canby Utility Water)
11. Proper backflow assembly for the new multipurpose building is required. (Canby Utility Water)
12. All stormwater must remain onsite. (Consulting Engineer)
13. Canby Utility would place the transformer on the east side of the building, to the left side of the driveway area. The developer may be required to place bollards around the transformers, consult with Canby Utility. (Canby Utility, Electric)
14. The developer shall connect their new 6-inch sewer lateral directly to the existing manhole with a 6-inch cleanout outside of the proposed building. (Public Works, Sewer, and Stormwater)

Project Design/Site Plan Approval:

15. The proposed bicycle parking must meet the rack specifications and dimensional requirements found in CMC 16.10.100.A. (Planning)
16. The final site plan must show the location of exterior trash storage that must be over 25 feet away from adjacent property lines and be screened from view by a wood fence, masonry wall, or landscaping consistent with the points awarded in the Design Matrix (Attachment B of this Staff Report). (Planning)
17. Plans for the new mural at Horning Hall must be shown and must be consistent with the applicable criteria of the Canby Sign Code (CMC Chapter 16.42) in order to receive an approved Site Plan Review application. The mural must be completed in order to receive a Certificate of Occupancy. (Planning)
18. 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. (Planning)
19. Once all the steps of a Pre-construction process are completed, a Site Plan Review (Type I) application with the final plans must be submitted to the Planning Department. A narrative with accompanying materials that demonstrates how the project is consistent with the conditions of approval stated in this Staff Report shall be provided with the application. Building Permits will not be issued until the Site Plan Review application is approved. (Planning)

Building Permits:

20. Pursuant to CMC 16.49.060, Site and Design Review approvals shall be void after twelve (12) months unless: A building permit has been issued and substantial construction pursuant thereto has taken place, as defined by the state Uniform Building Code; or the Planning Director finds that there have been no changes in any Ordinances, standards,

regulations, or other conditions affecting the previously approved project so as to warrant its resubmittal. (Planning)

21. An erosion control permit from the City of Canby is required prior to any on-site disturbance. Erosion control plans shall demonstrate that construction activities will not discharge materials or pollutants into the in-street storm drain. (Planning)
22. The project applicant shall apply for a City of Canby Site Plan Review Permit, Clackamas County Building permits (including grading permits), and a City of Canby Erosion Control Permit prior to project construction. (Planning)
23. Clackamas County Building Services will provide structural, electrical, plumbing, and mechanical plan review and inspection services. (Planning)
24. Construction plans shall be designed and stamped by a Professional Engineer registered in the State of Oregon. (Planning)

Prior to Occupancy:

25. 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 identified in this Staff Report. (Planning)
26. The new mural, landscaping, and ADA parking must be provided prior to Occupancy. (Planning)