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CIVIL ENGINEERING | WATER RESOURCES | LAND USE PLANNING



CLACKAMAS COUNTY FAIRGROUNDS AND EVENT CENTER: MULTI-PURPOSE BUILDING

694 NE 4TH AVENUE. CANBY, OR 97013

APPLICANT

CLACKAMAS COUNTY FACILITIES MANAGEMENT
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APPLICANT'S REPRESENTATIVE

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APPLICATION TYPE

TYPE III - CONDITIONAL USE PERMIT
TYPE III - SITE AND DESIGN REVIEW

SUBMITTAL DATE

MAY 19, 2023

ADDITIONAL INFORMATION SUBMITTAL DATE

OCTOBER 20, 2023

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GENERAL INFORMATION

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SITE INFORMATION

Parcel Numbers:	31E33 00100
Address:	694 NE 4th Ave, Canby, OR 97013
Gross Site Area:	± 38.76 acres
Zoning Designation:	R-1
Existing Use:	Major Public Facility
Surrounding Zoning:	Properties to the north are zoned R-1 Low Density Residential. Properties to the south are zoned M-1 Light Industrial and R-2 High Density Residential. Properties to the east are zoned M-1 Light Industrial and R-2 High Density Residential. Properties to the west are zoned R-1 Low Density Residential and R-2 High Density Residential.
Street Classification:	4th Ave is classified as a Collector. Locust St is classified as a Local Street. 10th Ave is classified as a Local Street. Pine St is classified as a Collector.

INTRODUCTION

APPLICANT'S REQUEST

Steven Bloemer from Clackamas County Facilities Management ("the Applicant") is the Owner and Applicant for this proposal on the subject property acting on behalf of the Clackamas County Fairgrounds and Event Center ("the Fairgrounds"). The Applicant proposes an approximately 42,730 square foot Multi-Purpose building and seeks approval of a Conditional Use Permit and Site and Design Review applications. This narrative has been prepared to describe the proposed development and to document compliance with the relevant sections of the City of Canby's Title 16 Planning and Zoning Code, Chapters: 16.08, 16.10, 16.16, 16.43, 16.49, 16.50, and 16.89.

The Conditional Use Permit and Site and Design Review applications will be evaluated under the Type III quasi-judicial decision process and will be reviewed concurrently. The Planning Commission will render the Type III decision after a public hearing on the application is held.

SITE DESCRIPTION/SURROUNDING LAND USE

This application proposes development at the Clackamas County Fairgrounds and Event Center site. The location of the proposed Multi-Purpose building is on tax lot 31E33 00100. The proposed Multi-Purpose building will be located in the middle of the Fairgrounds site, to the west of the existing Ely Arena and north of the Main Pavilion. The site is located in the Low-Density Residential Zone (R-1). The surrounding neighborhood is comprised of mostly low-density residential detached housing. The Clackamas County Fairgrounds has frontage on NE 4th Avenue, where the main entrance and access to the Fairgrounds is located. NE 4th Avenue is classified as a Collector. Several properties to the south and to the east are commercial use buildings. The primary parking lots for the Fairgrounds are located to the south, located on tax lots 31E33DA 101 and 31E33DA 500, and temporary overflow event parking are located on lawn fields to the west, north, and east of the proposed building.

PROPOSAL

The construction of the proposed Multi-Purpose building will replace the Livestock Barn that the fairgrounds lost in 2014 due to structural issues. Since the removal of the Livestock Barn, large temporary outdoor event tents have been used at the Fairgrounds in the place of the old barn. The proposed Multi-Purpose building will be located in the same area on the site as the previous Livestock Barn. The proposed Multi-Purpose building will 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 wildfire evacuations events. The proposed building will have approximately 44,069 square feet in total, which includes the second-floor mezzanine for storage and mechanical areas. The gross floor area which is the footprint of the building will be 42,730 square feet, of which approximately 31,104 square feet will be Multi-Purpose space on the first floor. The remaining space will be a lobby area, a gallery hallway area, storage, restrooms, daily business operations, one office, and mechanical and equipment rooms.

The forecasted use for the proposed Multi-Purpose building will 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. Approximately five or less concerts would be of a size that would benefit from occurring in the proposed Multi-Purpose building. The Fairgrounds anticipates hosting approximately five events each year that might result in a sellout attendance of approximately 2,074 attendees in the Multi-Purpose 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 site is anticipated as a result of the proposed Multi-Purpose building.

The proposed use and operations of the Multi-Purpose building is also described in the Traffic Impact Analysis (TIA) conducted by Kittelson & Associates, which is attached with this application in Appendix D.

In addition to the proposed Multi-Purpose building there is an existing publicly owned sanitary sewer line that currently goes directly underneath the Ely Area. The City of Canby (the “City”) has requested that this existing sanitary sewer line be rerouted around the Ely Area and reconnected to the northeast of the Ely Arena. The Applicant will be seeking SDC credits or reimbursement for this work that is being requested by the City.

NEIGHBORHOOD MEETING

The Applicant conducted a neighborhood meeting on October 17, 2022, to explain the proposed development and answer questions from the surrounding property owners and occupants. The Director of the Fairgrounds, the Applicant, the Planning Consultant, the Civil Engineer, and the Property Owner’s representatives were all in attendance to give a presentation and answer questions from the community. The submitted neighborhood meeting materials in Appendix C, include the required affidavits, mailing labels, a list of attendees, and meeting minutes.

APPLICABLE CRITERIA

The following sections of the City of Canby Planning and Zoning Code have been extracted as they have been deemed to be applicable to the proposal. Following each **bold** applicable criteria or design standard, the Applicant has provided a series of draft findings. The intent of providing code and detailed responses and findings is to document, with absolute certainty, that the proposed development has satisfied the approval criteria for the Conditional Use Permit and Site and Design Review applications.

TITLE 16 PLANNING AND ZONING, DIVISION III. ZONING

CHAPTER 16.08 GENERAL PROVISIONS

16.08.010 Compliance with title.

No building, structure, or land shall hereafter be used or occupied, and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered contrary to the provisions of this title. No lot area, yard, or required off-street parking or loading area existing on or after the effective date of the ordinance codified in this title shall be reduced in area, dimension, or size below the minimums required by this title, nor shall any lot area, yard, or required off-street parking or loading area that is required by this title for one use be used to satisfy the lot area, yard, off-street parking or loading area requirement for any other use, except as may be provided in this title.

Applicant's Response: The application forms, narrative, and supporting materials have been prepared to satisfy the approval criteria for the Conditional Use Permit and Site and Design Review applications and this narrative describes compliance with the City of Canby Planning and Zoning Code, therefore this standard is met.

16.08.150 Traffic Impact Study

B. Initial scoping. During the pre-application conference, the city will review existing transportation data to determine whether a proposed development will have impacts on the transportation system. It is the responsibility of the applicant to provide enough detailed information for the city to make a determination. If the city cannot properly evaluate a proposed development's impacts without a more detailed study, a transportation impact study (TIS) will be required to evaluate the adequacy of the transportation system to serve the proposed development and determine proportionate mitigation of impacts. If a TIS is required, the city will provide the applicant with a "scoping checklist" to be used when preparing the TIS.

Applicant's Response: The Applicant provided the City with a Transportation Information Memorandum produced by Kittelson & Associates to provide information for the City to make the determination as noted in this section. The City determined that a Traffic Impact Study is required. Upon receipt of the scoping checklist, the Applicant prepared a Traffic Impact Analysis (TIA) and Parking Analysis for the site.

The TIA was prepared by Kittelson & Associates and addresses the requirements of the City. It has been submitted in Appendix D. This standard is met.

C. Determination. Based on information provided by the applicant about the proposed development, the city will determine when a TIS is required and will consider the following when making that determination.

- 1. Changes in land use designation, zoning designation, or development standard.**
- 2. Changes in use or intensity of use.**

3. **Projected increase in trip generation.**
4. **Potential impacts to residential areas and local streets.**
5. **Potential impacts to priority pedestrian and bicycle routes, including, but not limited to school routes and multimodal street improvements identified in the TSP.**
6. **Potential impacts to intersection level of service (LOS).**

Applicant's Response: The City's Scoping Review, produced by DKS Associates, indicated that the Applicant provided insufficient information to make the determination based on change in intensity of use. Based on information provided by the Applicant, the City has determined, due to the potential projected increase in trips and potential impacts to the intersection LOS, that Traffic Impact Analysis (TIA) is required. The Applicant has submitted a TIA and Parking Analysis, prepared by Kittelson & Associates in accordance with the City's Transportation Scoping Review completed by DKS Associates, which addresses this criteria.

CHAPTER 16.10 OFF-STREET PARKING AND LOADING

16.10.010 Off-street parking required – exceptions.

A. At the time of establishment of a new structure or use, change in use, or change in use of an existing structure, within any planning district of the city, off-street parking spaces and off-street loading berths shall be as provided in this and following sections, unless greater requirements are otherwise established by the conditional use permit or the site and design review process, based upon clear and objective findings that a greater number of spaces are necessary at that location for protection of public health, safety and welfare. A lesser number of spaces may be permitted by the Planning Commission based on clear and objective findings that a lesser number of parking spaces will be sufficient to carry out the objective of this section.

B. No off-street parking shall be required for any use permitted outright within the C-1 zone in the rectangular area bounded by N. Ivy Street on the east, NW First Avenue on the south, N. Elm Street on the west, and NW Third Avenue on the north.

C. At the time of enlargement of an existing structure or use, the provisions of this section shall apply to the enlarged structure or use only.

Applicant's Response: This application is supported by a TIA and Parking Analysis that has been submitted to the City as noted above. The TIA and Parking Analysis was prepared in accordance with the Transportation Scoping Review, completed by DKS Associates on behalf of the City. No exceptions to the required parking standards are requested with this application at this time.

The Parking Analysis finds that no changes to, or expansions of, the existing parking lots are needed, as they supply sufficient capacity to the Fairgrounds to accommodate maximum events.

This standard is met.

16.10.030 General requirements.

A. Should the owner or occupant of a structure change the use to which the building is put, thereby increasing parking or loading requirements, the increased parking/loading area shall be provided prior to commencement of the new use.

B. Parking and loading requirements for structures not specifically listed herein shall be determined by the City Planner, based upon requirements of comparable uses listed.

C. In the event several uses occupy a single structure, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately. If the applicant can demonstrate that the uses do not have overlapping parking needs (based on days and hours of operation) and can share parking, the total requirement for combined uses may be reduced by up to 60 percent.

D. Off-street parking spaces for dwellings shall be located on the same lot, or adjacent lot, with the dwelling. Parking spaces located within an on-site garage shall count toward the minimum parking requirement for residential uses. Other required parking spaces may be located on a separate parcel, provided the parcel is not greater than five hundred (500) feet from the entrance to the building to be served, measured along the shortest pedestrian route to the building. The applicant must prove that the parking located on another parcel is functionally located and that there is safe vehicular and pedestrian access to and from the site.

E. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business.

F. Institution of on-street parking shall not be allowed for off-street parking, where none is previously provided, and shall not be done solely for the purpose of relieving crowded parking lots in commercial or industrial planning districts.

G. Parking facilities may be shared by users on adjacent parcels if all of the following standards are met, or the Planning Commission determines a lesser combination meets the intent of the ordinance:

1. One of the parcels has excess parking spaces, considering the present use of the property; and the other parcel lacks sufficient area for required parking spaces.

Excess parking spaces can be determined by considering when the uses need the parking spaces, such as time of day or day of week.

2. The total number of parking spaces meets the standards for the sum of the number of spaces that would be separately required for each use. If the applicant can demonstrate that the uses do not have overlapping parking needs (based on days and hours of operation) and can share parking, the total requirement for combined uses may be reduced by up to 60 percent.

3. Legal documentation, to the satisfaction of the City Attorney, shall be submitted verifying present use of the excess parking area on one lot by patrons of the uses deficient in required parking areas.

4. Physical access between adjoining lots shall be such that functional and reasonable access is provided to uses on the parcel deficient in parking spaces.

5. Adequate directional signs shall be installed specifying the joint parking arrangement.

H. The number of vehicular spaces required in Table 16.10.050 may be reduced by up to 10% if one of the following is demonstrated to the satisfaction of the Planning Director or Planning Commission:

1. Residential densities greater than nine units per gross acre (limit parking to no less than one space per unit for multi-family structures); or

2. The proposed development is pedestrian-oriented by virtue of a location which is within convenient walking distance of existing or planned neighborhood activities (such as schools, parks, shopping, etc.) and the development provides additional pedestrian amenities not required by the code which, when taken together,

significantly contribute to making walking convenient (e.g., wider sidewalks, pedestrian plazas, pedestrian scale lighting, benches, etc.).

Applicant's Response: This application is supported by a TIA and Parking Analysis that has been submitted to the City as noted above. The TIA and Parking Analysis was prepared in accordance with the Transportation Scoping Review, completed by DKS Associates on behalf of the City. No exceptions to the required parking standards are requested with this application at this time.

The Parking Analysis finds that no changes to, or expansions of, the existing parking lots are needed, as they supply sufficient capacity to the Fairgrounds to accommodate maximum events.

This standard is met.

16.10.040 Prohibited near intersections.

In no case will off-street parking be allowed within a vision clearance area of an intersection.

Applicant's Response: This proposal does not include off-street parking that is within a vision clearance area of an intersection, therefore this threshold is met.

16.10.050 Parking standards designated.

The parking standards set out in Table 16.10.050 shall be observed.

(Table omitted)

Applicant's Response: This site and the proposed use are not specifically listed; therefore, the provisions of 16.10.030.B apply. The City determined the best parking requirements for this site were to be studied for a maximum event. This application is supported by the TIA and Parking Analysis that has been submitted to the City. The TIA and Parking Analysis has been prepared and submitted in accordance with the Transportation Scoping Review, completed by DKS Associates on behalf of the City.

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
Less than 5,000	0
5000 – 25,000	1
25,000 – 60,000	2
60,000 and over	3

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'.**

C. Required loading areas shall be screened from public view, from public streets, and adjacent properties by means of sight-site obscuring landscaping, walls or other means, as approved through the site and design review process.

D. Required loading facilities shall be installed prior to final building inspection and shall be permanently maintained as a condition of use.

E. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of a school or day care center having a capacity greater than twenty-five (25) students.

F. The off-street loading facilities shall, in all cases, be on the same lot or parcel as the structure they are intended to serve. In no case shall the required off-street loading spaces be part of the area used to satisfy the off-street parking requirement.

G. The Planning Commission may exempt a building from the loading berth requirement, or delay the requirement, based on findings that loading berths are not needed for a particular building or business.

Applicant's Response: This application is not for a commercial or industrial use. The proposed development is considered a Major Public Facility with conditional use approval; therefore, this standard is not applicable.

16.10.070 Parking lots and access.

A. Parking Lots. A parking lot, whether as accessory or principal use, intended for the parking of automobiles or trucks, shall comply with the following:

1. Parking lot design shall comply with the dimensional standards set forth in Figure 1 of this section.
2. Parking stalls of eight (8) feet in width and sixteen (16) feet in length for compact vehicles may comprise up to a maximum of thirty (30) percent of the total number of parking stalls. Such parking stalls shall be marked "Compact Parking only" either on the parking surface or on a sign in front of the parking stalls.
3. Areas used for standing or maneuvering of vehicles shall have paved asphalt, concrete, solid concrete paver surfaces, or paved "tire track" strips maintained adequately for all weather use and so drained as to avoid the flow of water across sidewalks or into public streets, with the following exception:
 - a. The Planning Director or Planning Commission may approve the use of an engineered aggregate system for outdoor storage and/or non-required parking areas provided that the applicant can demonstrate that City Standards related to:
 - i. minimizing dust generation,
 - ii. minimizing transportation of aggregate to city streets, and
 - iii. minimizing infiltration of environmental contaminants including, but not limited to, motor oils, fuels, volatile organic compounds (e.g. benzene, toluene, ethylbenzene, xylene), and ethylene glycol are met. The decision maker may impose conditions as necessary to meet City Standards.
 - b. Use of permeable surfacing materials for parking lots and driveways is encouraged whenever site and soil conditions make permeable surfacing feasible. Permeable surfacing includes, but is not limited to: paving blocks, turf block, pervious concrete, and porous asphalt. All permeable surfacing shall be designed, constructed, and maintained in accordance with the Canby Public Works Design Standards and the manufacturer's recommendations. Maintenance of permeable surfacing materials located on private property are the responsibility of the property owner.
4. The full width of driveways must be paved in accordance with (3) above:
 - a. For a minimum of 20 feet from the right-of-way line back into the private property to prevent debris from entering public streets, and

- b. To within 150 feet of all portions of the exterior wall of the first story of any structure(s) served by the driveway to ensure fire and emergency service provision.
5. Except for parking to serve residential uses, parking areas adjacent to or within residential planning districts or adjacent to residential uses shall be designed to minimize disturbance of residents. Artificial lighting, which may be provided, shall be so deflected as not to shine or create glare in any residential planning district or on any adjacent dwelling, or any street right-of-way in such a manner as to impair the use of such way.
6. Groups of more than four (4) parking spaces shall be so located and served by driveways that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.
7. Off-street parking areas, and the accesses to them, shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and the maximum safety of pedestrian and vehicular traffic on the site and in adjacent roadways. The Planning Director or Planning Commission may require engineering analysis and/or truck turning diagrams to ensure safe and efficient traffic flow based on the number and type of vehicles using the site, the classification of the public roadway, and the design of the parking lot and access drives.
8. Parking bumpers or wheel stops shall be provided to prevent cars from encroaching on the street right-of-way, adjacent landscaped areas, or adjacent pedestrian walkways.
9. Accessible parking shall be provided, constructed, striped, signed and maintained as required by ORS 447.233 and all Oregon Structural Specialty Code requirements.

B. Access.

1. The provision and maintenance of vehicular and pedestrian ingress and egress from private property to the public streets as stipulated in this ordinance are continuing requirements for the use of any structure or parcel of real property in the City of Canby. No building permit or other permits shall be issued until scale plans are presented that show how the ingress and egress requirement is to be fulfilled. Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing ingress and egress requirements, it shall be unlawful and a violation of this ordinance to begin or maintain such altered use until the required increase in ingress and egress is provided.
2. The City of Canby encourages joint/shared access. Owners of two (2) or more uses, structures, or parcels of land may agree to, or may be required by the City to, utilize jointly the same ingress and egress when the combined ingress and egress of both uses, structures, or parcels of land satisfies their combined requirements as designed in this ordinance, provided that satisfactory legal evidence is presented to the City Attorney in the form of deeds, easements, leases or contracts shall be placed on permanent files with the city recorder.
3. All ingress and egress shall connect directly with public streets.
4. Vehicular access for residential uses shall be brought to within fifty (50) feet of the ground floor entrances or the ground floor landing of a stairway, ramp or elevator leading to dwelling units.
5. Required sidewalks shall extend from the ground floor entrances or the ground floor landing of a stairs, ramps or elevators to the sidewalk or curb of the public street or streets that provide the required access and egress.

6. To afford safe pedestrian access and egress for properties within the city, a sidewalk shall be constructed along all street frontages, prior to use or occupancy of the building or structure proposed for said property. The sidewalks required by this section shall be constructed to city standards except in the case of streets with inadequate right-of-way width or where the final street design and grade have not been established, in which case the sidewalks shall be constructed to a design, and in a manner approved by the Site and Design Review Board. Sidewalks approved by Board may include temporary sidewalks and sidewalks constructed on private property; provided, however, that such sidewalks shall provide continuity with sidewalks of adjoining commercial developments existing or proposed. When a sidewalk is to adjoin a future street improvement, the sidewalk construction shall include construction of the curb and gutter section to grade and alignment established by the Site and Design Review Board.

7. The standards set forth in this ordinance are minimum standards for access and egress, and may be increased through the site and design review process in any particular instance where the standards provided herein are deemed insufficient to protect the public health, safety and general welfare.

8. One-Way Ingress or Egress – The hard surfaced pavement of one-way drives shall not be less than twelve (12) feet for multi-family residential, commercial or industrial uses.

9. Driveways:

a. Access to private property shall be permitted with the use of driveway curbcuts. The access points with the street shall be the minimum necessary to provide access while not inhibiting the safe circulation and carrying capacity of the street. Driveways shall meet all applicable guidelines of the Americans with Disabilities Act (ADA). Driveway distance shall be measured from the curb intersection point [as measured for vision clearance area (16.04.670)]. Distances to an intersection shall be measured from the stop bar at the intersection.

b. Driveways shall be limited to one per property except for certain uses which include large commercial uses such as large box stores, large public uses such as schools and parks, drive through facilities, property with a frontage of over 250-feet and similar uses.

c. Double frontage lots and corner lots may be limited to access from a single street, usually the lower classification street. Single family residential shall not have access onto arterials, and shall have access onto collectors only if there is no other option.

d. If additional driveways are approved by the City Administrator or designee, a finding shall be made that no eminent traffic hazard would result and impacts on through traffic would be minimal. Restrictions may be imposed on additional driveways, such as limited turn movements, shared access between uses, closure of existing driveways, or other access management actions.

e. Within commercial, industrial, and multi-family areas, shared driveways and internal access between similar uses are encouraged to reduce the access points to the higher classified roadways, to improve internal site circulation, and to reduce local trips or movements on the street system. Shared driveways or internal access between uses will be established by means of common access easements at the time of development.

f. Driveway widths shall be as shown on the following table.
(Table omitted)

g. Driveway spacing shall be as shown in the following table.

(Table omitted)

h. Curb cuts shall be a minimum of five feet from the property line, unless a shared driveway is installed. Single driveways may be paved up to an adjacent property line but shall maintain a five (5) foot separation from the side property line where the driveway enters the property. Driveways shall not be constructed within the curb return of a street intersection. Deviations may be approved by the City Administrator or designee.

i. For roads with a classification of Collector and above, driveways adjacent to street intersections shall be located beyond the required queue length for traffic movements at the intersection. If this requirement prohibits access to the site, a driveway with restricted turn movements may be permitted.

j. Multi-family access driveways will be required to meet the same access requirements as commercial driveways if the multi-family site generated 100 or more trips per day.

k. For circular type driveways, the minimum distance between the two driveway curb cuts on one single-family residential lot shall be thirty (30) feet. (Ord. 1514, 2019)

10. When considering a public facilities plan that has been submitted as part of site and design review plan in accordance with this ordinance, the city Public Works Supervisor may approve the location of a driveway closer than fifty (50) feet from the intersection of collector or arterial streets, based on written findings of fact in support of the decision. Said written approval shall be incorporated into the recommended decision of the City Planner for the site and design review plan under the process set forth.

11. Where an existing alley is 20 feet or less in width, the property line setback abutting the alley shall increase to provide a minimum of 24 feet for maneuvering and backing movements from, garages, carports, or parking areas.

**Applicant's
Response:**

This application is supported by a TIA and Parking Analysis that has been submitted to the City as noted above. The TIA and Parking Analysis was prepared in accordance with the Transportation Scoping Review, completed by DKS Associates on behalf of the City. No exceptions to the required parking standards are requested with this application at this time.

The Applicant is proposing two (2) ADA compliant parking spaces on the east side of the Multi-Purpose building with appropriate signage and striping that meet the standards of this Code.

The Parking Analysis finds that no changes to, or expansions of, the existing parking lots are needed, as they supply sufficient capacity to the Fairgrounds to accommodate maximum events.

The above standards are met.

16.10.080 Street Tree Plan

A Street Tree Plan can be provided in lieu of meeting the requirement of planting a tree every 30 lineal feet of street frontage as stated in Ordinance 1385 Exhibit B. The Street Tree Plan can compensate for driveways, utilities, or other obstructions that inhibit the 30-foot spacing requirement. The requirement for the planting of street trees is required under Chapter 12.32 CMC.

Applicant's Response: No improvements will be necessary to any of the streets on the subject site frontage as noted in the City of Canby Pre-Application notes provided with this application in Appendix B, therefore this standard is not applicable.

16.10.090 Drive-up uses.

A. Drive-up uses shall provide a minimum stacking area clear of the public right-of way or parking lot aisle from the window service to the vehicles as follows:

- 1. All drive-up uses. – Each lane shall provide a minimum capacity for two (2) to eight (8) automobiles, as determined by the Site and Design Review Board.**
- 2. For purposes of this section, an automobile shall be considered no less than twenty (20) feet in length. The width and turning radius of drive-up aisles shall be approved by the City Public Works Director.**

B. The stacking area shall not interfere with safe and efficient access to other parking areas on the property. Traffic aisles shall be wide enough to accommodate backing movements where adjacent to parking stalls. Parking maneuvers shall not occur in the stacking area.

Applicant's Response: No Drive-up uses are proposed with this application; therefore, this standard is not applicable.

16.10.100 Bicycle Parking.

Bicycle parking shall be provided for all multi-family residential, institutional, commercial, and industrial uses.

A. Dimensions and characteristics: Bicycle parking spaces shall be a minimum of six (6) feet long and two (2) feet wide, and overhead clearance in covered spaces shall be a minimum of seven (7) feet. A minimum five (5) foot aisle for bicycle maneuvering shall be provided and maintained beside or between each row of bicycle parking. Bicycle racks located on a sidewalk shall provide a minimum of two (2) feet between the rack and a wall or other obstacle, and between the rack and curb face. Bicycle racks or lockers shall be securely anchored to the surface or a structure. Bicycle racks located in the Downtown Commercial Zone shall be of the inverted U style (a.k.a. staple racks). See Figure 20 of the Canby Downtown Plan for correct rack placement.

B. Location: Bicycle parking shall be located in well-lit, secure locations within fifty (50) feet of the main entrance to a building, but not further from the entrance than the closest automobile parking space, and in no case further than 50 feet from an entrance when several entrances are involved.

C. Number of spaces: The bicycle parking standards set out in Table 16.10.100 shall be observed. (Table Omitted)

Applicant's Response: Because there is one office area of approximately 210 square feet proposed within the Multi-Purpose building, the Applicant has used Table 16.10.100 for the bicycle parking standard. Two (2) bicycle parking spots have been proposed as shown in Appendix E, in Civil Drawings on the Site Plan, Sheet C211 in accordance with this standard. This standard is met.

CHAPTER 16.16 R-1 LOW DENSITY RESIDENTIAL ZONE

16.16.020 Conditional uses.

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

A. Cemetery;

- B. Church;
- C. Day care facility, other than a residence or caring for more than twelve (12) children;
- D. Hospital;
- E. Nursing home
- F. School;
- G. Major public facilities;
- H. Golf courses, public or private, with facilities and structures that are associated with the use;
- I. Home occupations which otherwise meet the strict definition of section 16.04.240, but which involve the manufacture of products, nonresidential storage of goods, or any activity which is likely to increase traffic;
- J. Accessory use or structure (not a dwelling) located on a lot or lots abutting the lot which houses the principal use of the property;
- K. Manufactured and mobile home park or trailer park, subject to the criteria of Chapter 16.44;
- L. One two-family dwelling (duplex) where the lot contains a minimum of twelve thousand square feet. Through the conditional use process, the Planning Commission may require the two dwellings in a duplex to share a common driveway to minimize curb cuts and paving;
- M. One duplex on a corner lot that contains a minimum of ten thousand square feet, provided that the building is designed such that vehicle access to the different units is taken from different streets;
- N. Bed and Breakfast;
- O. Residential Facility - for six to fifteen individuals (Per ORS 197.667(4) and 443.400 (8))
- P. Zero-lot line development for uses otherwise allowed, provided that the minimum side yard setback shall be 7 feet when adjacent to housing with standard setbacks. Prior to building permit approval, the applicant shall submit a copy of a recorded easement for every zero-lot line housing that guarantees rights for the purpose of construction and maintenance of structures and yards. The easement shall stipulate that no fence or other obstruction shall be placed in a manner that would prevent maintenance of structures on the subject lot; and the building placement, landscaping, and/or design of windows shall provide a buffer for the occupants of abutting lots.
- Q. Other developments customarily found within a residential zone, as determined by the Planning Commission.
- R. Detached accessory structure (not dwelling) up to twenty-two feet high which is located outside the allowed building footprint area for the principal structure and which does not meet the step-up height standard described in 16.16.030(E)(2)(b).

Applicant's Response: This proposal has been identified as a Major Public Facility and therefore falls under the Conditional Use Permit (CUP) for the R-1 Zoning designation. The CUP process was confirmed by the City in the Pre-Application conference. The notes from the Pre-Application conference are provided in Appendix B. This standard is met.

16.16.030 Development standards

The following subsections indicate the required development standards of the R-1 zone:

A. Minimum and maximum lot area: seven thousand (7,000) square feet minimum, and ten thousand (10,000) square feet maximum, per single-family dwelling. The maximum lot area standard does not apply to single family dwellings existing at the time of subdivision or partition plan approval; and the Planning Commission may approve smaller or larger lots in conformance with subsection B, below. Preexisting, legally created lots of record shall be

considered to be legally buildable and separately saleable, provided they contain at least five thousand (5,000) square feet; and further provided, that any new structures on such lots meet the required setbacks.

Applicant's Response: The subject parcels have been previously legally created and contain at least 5,000 square feet, and the proposed structure will meet the required setbacks. The legal lot determination is demonstrated by the Legal Lot Record provided in Appendix A. This standard is met.

B. Lot area exceptions:

1. The Planning Commission may approve an exception to the minimum and maximum lot area standards in subsection 16.16.030.A as part of a subdivision or partition application when all of the following standards are met:

a. The average area of all lots created through the subject land division, excluding required public park land dedications, surface water management facilities and similar public use areas, shall be no less than seven thousand square feet and no greater than ten thousand square feet. Non-required significant natural resource areas shall be included in the average lot size calculation to enable a transfer of density onto buildable portions of the site. Required areas include identified parks, wetland areas, riparian corridors, and other areas in which building is not permitted under local, state, or federal laws or regulations. For land in the North Redwood DCP area, the Planning Commission may allow public park land dedications to be included in the lot size averaging calculation in order to achieve community development goals and allow protection of natural resources; in this case, the resulting average lot size shall not be less than 5,000 square feet.

b. No lot shall be created that contains less than six thousand square feet, unless the alternative lot layout option provided in Section 16.64.040 is used;

c. The lot area standards for two-family dwellings, as provided in Sections 16.16.010 and 16.16.020, shall be met; and

d. As a condition of granting the exception, the city will require the owner to record a deed restriction with the final plat that prevents the re-division of oversized lots (e.g., ten thousand square feet and larger), when such re-division would violate the average lot area provision in subsection 16.16.030.B.1.a. All lots approved for use by more than one dwelling shall be so designated on the final plat.

2. A public benefit must be demonstrated in order to allow more than ten percent of the lots to be outside of the minimum and maximum lot areas in subsection 16.16.030.A.

3. The Planning Commission may modify the maximum lot area requirements in 16.16.030.A if these cannot be met due to existing lot dimensions, road patterns, or other site characteristics.

Applicant's Response: The subject parcels have been previously legally created as demonstrated by the Legal Lot Record provided in Appendix A. The Applicant is not requesting approval to create a new lot; therefore, the provisions of these standards are not applicable.

C. Minimum width and frontage: sixty feet, except that the Planning Commission may approve lots having less frontage subject to special conditions to assure adequate access.

Applicant's Response: The subject site exceeds the minimum width and frontage as outlined in this section. This standard is met.

D. Minimum yard requirements:

1. **Street yard: twenty feet on side with driveway; fifteen feet for all other street sides; except that street yards may be reduced to ten feet for covered porches only;**
2. **Rear yard: all corner lots, ten feet single story or fifteen feet two-story; all other lots, fifteen feet single story or twenty feet two-story. One story building components must meet the single story setback requirements; two story building components must meet the two-story setback requirements;**
3. **Interior yard: Seven feet, except as otherwise provided for zero-lot line housing.**
4. **Interior and rear yards may be reduced to three feet, or the width of any existing utility easement, whichever is greater, for detached accessory structures erected sixty feet or more from any street other than an alley. The height limitations noted in subsection E.2 below apply to such structures. Detached accessory dwellings are not eligible for the three foot reduction. Utility easements may only be reduced with the approval of all utility providers.**
5. **Infill standards may also apply. See CMC 16.21.050.**

Applicant's Response: The subject site exceeds all of the setbacks of the R-1 zone, which is shown on Sheet C210 in the Civil Drawings in Appendix E. This standard is met.

E. Maximum building height:

1. **Principal building: thirty-five feet.**

Applicant's Response: The proposed principal building (Multi-Purpose building) will be 34 feet and 10 inches feet in height, as shown in the Architectural Drawings in Appendix E, sheet A5.1. This standard is met.

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

1. **Impervious surface includes all surface areas that create a barrier to or hinder the entry of water into the soil in comparison with natural conditions prior to development. Impervious surfaces include, but are not limited to, buildings, paved parking areas and driveways, roads, sidewalks, patios, packed earth, and oiled surfaces. Open, uncovered retention/detention facilities, green roofs, and permeable surfacing materials shall not be considered impervious surfaces. Roof surfaces are also considered 'pervious' when 100% of the annual average roof runoff is captured and reused on-site for irrigation or approved interior uses.**
2. **To limit impervious surface, alternative surfacing materials may be used. Alternative surfacing includes, but is not limited to paving blocks, turf block, pervious concrete, and porous asphalt. Other similar approved materials encouraged. Utilization of alternative surfacing methods shall be subject to review by the City Public Works Department for compliance with applicable regulations and development standards. Maintenance of alternative surfacing materials located on private property are the responsibility of the property owner.**

Applicant's Response: The total percentage of impervious surface on the site after the proposed Multi-purpose building is constructed will be approximately 28 percent of the lot area for

the primary lot (Tax lot 100). 28 percent of impervious surface does not exceed the threshold outlined in this section.

The impervious surface calculation for the site includes the Existing Building Areas, Parking and Hardscape areas, and the square footage of the proposed Multi-Purpose building added together and divided by the Total Site Area.

The majority of the site (72 percent) is made up of pervious surfaces including the landscaped areas and arena soils. The stormwater infiltration pond described as a rain garden on the Civil Drawings and Landscape Drawings are not included in this calculation but are pervious by design.

The 28 percent of lot areas that are impervious surfaces are demonstrated on the "Site Areas" table on Sheet C225 in the Civil Drawings in Appendix E 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 PWDS stormwater management standards for this proposal is outlined in Appendix D in the Stormwater Report.

This standard is met.

G. Other regulations:

1. Vision clearance distance shall be ten feet from a street to an alley or a street to a driveway, and thirty feet from a street to any other street.

Applicant's Response: This application is not proposing any changes to existing Vision Clearance distance requirements.

2. All setbacks to be measured from the foundation line of the building; overhangs shall not exceed two feet; mechanical units, used for the heating/cooling of residential units are exempt from interior and/or rear yard setback requirements. A chimney for a fireplace or stove shall not exceed a two foot projection.

Applicant's Response: The proposed Multi-Purpose building meets the setback requirements of the zone, as demonstrated on the Overall Site Plan on Sheet C210 in the Civil Drawings in Appendix E. This standard is met.

3. To provide shade, required yards on southern and western exposures may be reduced by not more than five feet for eaves, canopies, and covered patios if patio posts still comply with required five foot setbacks.

Applicant's Response: No yard reductions are being requested with this application; therefore, this standard is not applicable.

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

Applicant's Response: The subject lot area exceeds twelve thousand square feet, as demonstrated on the Overall Site Plan, Sheet C210 of the Civil Drawings in Appendix E; therefore, this criteria is not applicable.

CHAPTER 16.43 OUTDOOR LIGHTING STANDARDS

16.43.030 Applicability.

The outdoor lighting standards in this section apply to the following:

A. New uses, buildings, and major additions or modifications:

1. For all proposed new land uses, developments, buildings, and structures that require a building permit, all outdoor lighting fixtures shall meet the requirements of this Code.
2. All building additions or modifications of fifty (50) percent or greater in terms of additional dwelling units, gross floor area, or parking spaces, either with a single addition or cumulative additions, shall meet the requirements of this Code for the entire property, including previously installed and any new outdoor lighting.

B. Minor additions. Additions or modifications of less than fifty (50) percent to existing uses, in terms of additional dwelling units, gross floor area, or parking spaces, shall meet the requirements of this Code with regard to shielding and lamp type for all new lighting.

Applicant's Response: The proposed Multi-Purpose building is considered a new building and will respond to the following sections of this code.

16.43.040 Lighting Zones.

A. Zoning districts designated for residential uses (R-1, R-1.5 and R-2) are designated Lighting Zone One (LZ 1). All other zoning districts are designated Lighting Zone Two (LZ 2).

B. The designated Lighting Zone of a parcel or project shall determine the limitations for lighting as specified in this ordinance.

Zone	Ambient Illumination	Representative Locations
LZ 1	Low	Rural areas, low-density urban neighborhoods and districts, residential historic districts. This zone is intended to be the default for residential areas.
LZ 2	Medium	High-density urban neighborhoods, shopping and commercial districts, industrial parks and districts. This zone is intended to be the default condition for commercial and industrial districts in urban areas.

Applicant's Response: As described above in this narrative, the proposal is considered a conditional use in the R-1 Zone, however the City indicated in the Pre-Application Conference that the LZ 2 zone applies to this application. This is shown in the provided Pre-Application Notes in Appendix B. This narrative addresses the lighting standards below.

16.43.050 Exempt Lighting.

The following luminaires and lighting systems are exempt from the requirements of this Section.

- A. Externally illuminated signs in conformance with provisions in section 16.42.040 of this code.**
- B. Internal lighting for signs in conformance with provisions in section 16.42.040 of this code.**
- C. Temporary lighting for theatrical, television, and performance events.**

- D. Lighting in swimming pools and other water features governed by Article 680 of the National Electrical Code.
- E. Code-required exit signs.
- F. Code-required lighting for stairs and ramps.
- G. Lighting required and regulated by the Federal Aviation Administration, U.S. Coast Guard, or other federal, state, or county agency.
- H. Interior lighting.
- I. Temporary lights for emergency public or private utility maintenance or public safety.
- J. Lighting fixtures existing prior to this ordinance not exceeding 520 lumens.

Applicant's Response: This proposal contains some visible lighting systems that are exempt as described in this subsection. For all other lighting proposed with this application, a Lighting Plan has been submitted that demonstrates compliance with the non-exempt lighting proposed. The Lighting Plan is attached as Appendix G. This standard is met.

16.43.060 Prohibited Light and Lighting.

- A. All outdoor light sources, except street lights, shall be shielded or installed so that there is no direct line of sight between the light source or its reflection at a point 3 feet or higher above the ground at the property line of the source. Light that does not meet this requirement constitutes light trespass. Streetlights shall be fully shielded. However, the applicant is permitted to have some unshielded lighting if lumens are within the limits of Table 16.43.070 below.
- B. The following lighting systems are prohibited from being installed or used except by special use permit:
 - 1. Aerial Lasers.
 - 2. "Searchlight" style lights.
 - 3. Other very intense lighting, defined as having a light source exceeding 5200 lumens.

Applicant's Response: No lighting as described in this subsection is being proposed with this application. This standard is met.

16.43.070 Luminaire Lamp Lumens, Shielding, and Installation Requirements.

- A. All outdoor lighting shall comply with the limits to lamp wattage and the shielding requirements in Table 16.43.070 per the applicable Lighting Zone. These limits are the upper limits. Good lighting design will usually result in lower limits.
- B. The city may accept a photometric test report, lighting plan, demonstration or sample, or other satisfactory confirmation that the luminaire meets the requirements of the shielding classification.
- C. Such shielded fixtures must be constructed and installed in such a manner that all light emitted by the fixture complies with the specification given. This includes all the light emitted by the fixture, either directly from the lamp or by a diffusing element, or indirectly by reflection or refraction from any part of the fixture. Any structural part of the fixture providing this shielding must be permanently affixed.
- D. All canopy lighting must be fully shielded. However, indirect upward light is permitted under an opaque canopy provided that no lamp or vertical element of a lens or diffuser is visible from beyond the canopy and such that no direct upward light is emitted beyond the opaque canopy.
- E. Landscape features shall be used to block vehicle headlight trespass while vehicles are at an external point of service (i.e. drive-thru aisle).

F. All facade lighting must be restricted to the facade surface. The margins of the facade shall not be illuminated. Light trespass is prohibited.
(Table Omitted)

Applicant's Response: Minimal outdoor lighting is being proposed with this application to illuminate the area around the proposed Multi-Purpose building. A Lighting Plan has been submitted that demonstrates compliance with this criteria. The Lighting Plan is attached as Appendix G. This standard is met.

16.43.080 Height Limits.

Pole and surface-mounted luminaires under this section must conform with Section 16.43.070.

A. Lighting mounted onto poles or any structures intended primarily for mounting of lighting shall not exceed a mounting height of 40% of the horizontal distance of the light pole from the property line, nor a maximum height according to Table 16.43.080, whichever is lower. The following exceptions apply:

- 1. Lighting for residential sports courts and pools shall not exceed 15 feet above court or pool deck surface.**
- 2. Lights specifically for driveways, and then only at the intersection of the road providing access to the site, may be mounted at any distance relative to the property line, but may not exceed the mounting height listed in Table 16.43.080.**
- 3. Mounting heights greater than 40% of the horizontal distance to the property line but no greater than permitted by Table 16.43.080 may be used provided that the luminaire is side-shielded toward the property line.**
- 4. Landscape lighting installed in a tree. See the Definitions section.**
- 5. Street and bicycle path lights.**

B. Lighting mounted onto buildings or other structures shall not exceed a mounting height greater than 4 feet higher than the tallest part of the building or structure at the place where the lighting is installed, nor higher than 40% of the horizontal distance of the light from the property line, whichever is less. The following exceptions apply:

- 1. Lighting attached to single family residences shall not exceed the height of the eave. Lighting for driveways shall conform to Table 16.43.080.**
- 2. Lighting for facades may be mounted at any height equal to or less than the total height of the structure being illuminated regardless of horizontal distance to property line.**
- 3. For buildings less than 40 feet to the property line, including canopies or overhangs onto the sidewalk or public right of way, luminaires may be mounted to the vertical facade or the underside of canopies at 16 feet or less.**
- 4. The top exterior deck of parking garages should be treated as normal pole mounted lighting rather than as lights mounted to buildings. The lights on the outside edges of such a deck must be side shielded to the property line.**

(Table Omitted)

Applicant's Response: Minimal outdoor lighting is being proposed with this application to illuminate the area around the proposed Multi-Purpose building. A Lighting Plan has been submitted that demonstrates compliance with this criteria. The Lighting Plan is attached as Appendix G. This standard is met.

16.43.090 Lighting Controls

The city strongly recommends the use of timers and/or motion detectors on outdoor lighting,

and that motion detectors be set to minimize unnecessary activation. For example, motion detectors for entryway or driveway lights should not activate for off-site pedestrians or cars.

Applicant's Response: Minimal outdoor lighting is being proposed with this application to illuminate the area around the proposed Multi-Purpose building. A Lighting Plan has been submitted that demonstrates compliance with this criteria. The Lighting Plan is attached as Appendix G. This standard is met.

16.43.100 Exceptions to Standards.

A. Exceptions to the lighting standards in this section may be approved by the Planning Director. Lighting systems not complying with the technical requirements of this ordinance but consistent with the intent of the ordinance may be approved for the following:

- 1. Sport fields.**
- 2. Construction lighting.**
- 3. Industrial lighting for hazardous areas where the heat of the lighting fixture may cause a dangerous situation.**
- 4. National and State Flag lighting with spotlights greater than 450 lumens.**

B. To obtain such approval of an exception, applicants shall demonstrate that the proposed lighting installation:

- 1. Has received every reasonable effort to mitigate obtrusive light and artificial sky glow, supported by a signed statement from a registered engineer or by a lighting certified professional describing the mitigation measures.**
- 2. The Planning Director shall review each such application. Approval may be granted if, upon review, the Planning Director believes that the proposed lighting will not create unwarranted glare, sky glow, or light trespass.**

Applicant's Response: No exceptions to the standards are being requested with this application; therefore, this standard is not applicable.

16.43.110 Lighting Plan Required

A lighting plan shall be submitted with the development or building permit application and shall include:

- A. A site plan showing the location of all buildings and building heights, parking, and pedestrian areas.**
- B. The location and height (above grade) of all proposed and existing luminaires on the subject property.**
- C. Luminaire details including type and lumens of each lamp, shielding and cutoff information, and a copy of the manufacturer's specification sheet for each luminaire.**
- D. Control descriptions including type of control (time, motion sensor, etc.), the luminaire to be controlled by each control type, and the control schedule when applicable.**
- E. Any additional information necessary to demonstrate compliance with the standards in this section.**

Applicant's Response: Exterior lighting is provided primarily as a functional element, but with a decorative nature that fits with the building's agricultural aesthetic. As the Lighting Plan indicates, these wall-mounted light fixtures vary between 1250 and 2000 source lumens. The shade on each fixture ensures a cutoff such that no direct light will be visible from outside the property line. Furthermore, existing structures and mature conifer trees further prevent light from being seen from adjacent properties.

Lighting will be controlled according to both time of day and use. At night, only the lights over exterior doors will be on. From dusk to dawn on a typical night, only half of the lights will be on. Only during events will lighting be turned on in full, as needed according to natural lighting conditions.

The full Lighting Plan is attached as Appendix G for additional information.

CHAPTER 16.49 SITE AND DESIGN REVIEW

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.**
- 2. All new mobile home parks.**
- 3. Major building remodeling above 60% of value.**
- 4. Addition of more than 5,000 square feet of additional gross floor area in a one year period.**
- 5. Construction activity which causes a decrease in pervious area in excess of 2,500 square feet in a one year period.**

None of the above shall occur, and no building permit for such activity shall be issued, and no sign permit shall be issued until the site and design review plan, as required by this Ordinance, has been reviewed and approved by the Board and their designees for conformity with applicable criteria.

B. The following are exempt from site and design review (but still may require a site plan review and/or building permit)

- 1. Signs that are not a part of a reviewable development project. Signs that are a part of a reviewable development project, and that are proposed more than two (2) years beyond the final occupancy of the reviewed development.**
- 2. Alterations or remodeling that do not change the exterior of the building.**
- 3. Temporary public structures which will be removed within two (2) years of placement.**
- 4. Commercial and industrial accessory structures under 500 square feet.**
- 5. Temporary commercial tent/canopy structures, which meet the Uniform building or Fire Code, and which will be removed within thirty (30) days of placement.**
- 6. Temporary Vendor activity permitted pursuant to Section 16.08.140.**
- 7. Parking lot or paving projects. If no buildings or structures are involved, paving or parking lot development in excess of 2,500 square feet of impervious surface is exempted from a Type III site and design review. However, parking lot and paving projects in excess of 2,500 square feet of impervious surface require Type I site plan review. All new paved areas and parking lots in excess of 2,500 square feet must meet the requirements of Section 16.49.150.**
- 8. Single family or two-family dwellings and their accessory structures, and any alterations or remodeling thereof.**
- 9. Minor public facilities.**
- 10. Approved Public Art Murals as defined in CMC Chapter 2.80.020.**

C. Construction, site development and landscaping shall be carried out in substantial accord with the approved site and design review plan. Review of the proposed site and design review plan and any changes thereto shall be conducted in accordance with site and design review procedures.

D. No fence/wall shall be constructed throughout a project that is/was subject to site and design review approval where the effect or purpose is to wall said project off from the rest of the community unless reviewed and approved by the Planning Commission.

Applicant's Response: Because this application is for a new building, the site and design criteria are applicable and is addressed further in this narrative.

16.49.035 Application for Site and Design Review

A. For site and design review projects in the Downtown Canby Overlay Zone (DCO), applicants may choose one of the following two processes:

- 1. Type II – If the applicant meets all applicable site and design review standards set forth in Chapters 16.41(Downtown Canby Overlay Zone) and 16.49; the applicant shall submit a Type II application for approval pursuant to the approval criteria set forth in 16.49.040.A; or**
- 2. Type III – If the applicant proposes the use of alternative methods or materials to meet the intent of the site and design review standards set forth in Chapter 16.41.070, the applicant shall submit a Type III application for approval pursuant to the approval criteria set forth in 16.49.040.B. The applicant must still meet all applicable requirements of Chapter 16.49.**

B. All other projects subject to site and design review approval pursuant to Section 16.49.030 are subject to the Type III procedural requirements set forth in Chapter 16.89. The applicant shall submit a Type III application for approval pursuant to the approval criteria set forth in 16.49.040.

Applicant's Response: City of Canby Planning Staff has indicated that this will be a Type III Site and Design Review procedure, as demonstrated in the Pre-Application Notes in Appendix B.

16.49.40 Criteria and standards.

B. 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 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 Ordinance, 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.

Applicant's Response: The Applicant understands that these criteria and standards will be applied to this proposed building, and that the Board will determine whether there is compliance with this criterion. Compliance is found within this narrative and demonstrated within the attached appendices. This standard is met.

D. 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 INTENT of the design review standards set forth in this ordinance.

Applicant's Response: The Applicant understands and acknowledges that the Board is the decision-making authority for this application. This narrative describes how this unique proposal is in compliance with the intent of the design review.

E. The Board shall, in making its determination of compliance with the above requirements, be guided by the objectives and standards set forth in this ordinance. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed development. If the site and design review plan includes utility facilities or public utility facility, then the City Planner shall determine whether those aspects of the proposed plan comply with applicable standards.

Applicant's Response: The required public facilities and services are available to the proposed building, as shown on the Utility Plan, Sheet C300, of the Civil Drawings in Appendix E. This standard is met.

F. The Board shall, in making its determination of compliance with the requirements set forth, consider the effect of its action on the availability and cost of needed housing. The Board shall not use the requirements of this section to exclude needed housing types. However, consideration of these factors shall not prevent the Board from imposing conditions of approval necessary to meet the requirements of this section. The costs of such conditions shall not unduly increase the cost of housing beyond the minimum necessary to achieve the purposes of this ordinance.

Applicant's Response: The Applicant acknowledges that the site is in a residentially zoned area, however it is a Public Facility and not a residential use. No housing is proposed, and no proposal is being made to have any action on the surrounding housing in the neighborhood with this application. The Applicant understands that conditions of approval may be imposed on this land use action. This standard is met.

G. As part of the site and design review, the property owner may apply for approval to cut trees in addition to those allowed in Chapter 12.32, the city Tree ordinance. The granting or denial of said application will be based on the criteria in Chapter 12.32. The cutting of trees does not in

and of itself constitute change in the appearance of the property which would necessitate application for site and design review.

Applicant's Response: The Applicant is not proposing to remove or cut down any trees with this Application; therefore, this standard is not applicable.

Table 16.49.040 Site Design Review Menu

As part of Site and Design Review, the following menu shall be used as part of the review. In Order to "pass" this table 60% of total possible points shall be earned, 10% of the total possible points must be from LID elements.

Design Criteria	Possible Points				
Parking	0	1	2	3	4
Screening of parking and/or loading facilities from public right-of-way	Not screened	Partially screened	Fully screened	-	-
Parking lot lighting provided	No	Yes	-	-	-
Parking location (behind building is best)	Front	Side	Behind	-	-
Number of parking spaces provided (% of minimum required)	>120%	101-120%	100%	-	-

Applicant's Response: The Applicant finds that the Parking Criteria in the Site Design Review Menu is applicable to this application.

As demonstrated in the Parking Analysis, and the Overall Site Plan, Sheet C210 on the Civil Drawings, some of the parking areas are screened from public rights-of-way. The Yellow Lot, Weinkauff Lot, and the Orange Lot are all screened from public rights-of-way, and the Red Lot and Blue Lot are not screened, therefore one out of two points for this criteria is awarded.

No parking lot lighting is provided in any of the parking lots on the site, therefore zero out of one point for this criteria is awarded.

The parking locations are located around the proposed Multi-purpose building, to the front, side, and behind, therefore one out of two points for this criteria are awarded.

The total number of parking spaces provided is 2,525 as demonstrated in the Parking Analysis, attached in Appendix D. This count meets the need for the site users as demonstrated in the analysis, therefore two out of two points for this criteria are awarded.

The applicant finds that 4/7 points for these criteria shall be awarded.

Screening of Storage Areas and Utility Boxes	0	1	2	3	4
Trash storage is screened from view by solid wood fence, masonry wall or landscaping.	No	Yes	-	-	-
Trash storage is located away from adjacent property lines.	0 - 10 feet from adjacent property	11 - 25 feet from adjacent property	>25 feet from adjacent property	-	-
Utility equipment, including rooftop equipment, is screened from view.	Not screened	Partially screened	Fully screened	-	-

Applicant's Response: The Applicant finds that the Screening of Storage Areas and Utility Boxes portion of the Site Design Review Menu is applicable to this application.

As demonstrated on the Composite Utility plan on Sheet C300 and on the Site Plan I on Sheet C211 of the Civil Drawings, as well as shown on the Exterior Elevations on Sheet A5.1 in the Architectural Drawings, no trash storage will be visible from the public right-of-way, therefore one out of one points are awarded.

The trash storage will not be located adjacent to property lines and will be placed greater than 25 feet from adjacent property, therefore two out of two points are awarded.

Utility equipment, including rooftop equipment will be screened from view as shown in the attached plans, therefore two out of two points are awarded.

The Applicant finds that 5/5 points possible for these criteria shall be awarded.

Access	0	1	2	3	4
Distance of access to nearest intersection.	≤70 feet	71 - 100 feet	>100 feet	-	-
Pedestrian walkways from public street/sidewalks to building entrances.	One entrance connected.	-	Walkways connecting all public streets/sidewalks to building entrances.	-	-
Pedestrian walkways from parking lot to building entrance.	No walkways	Walkway next to building only	Walkways connecting all parking areas to building entrances		-

Applicant's Response: The Applicant finds that the Access portion of the Site Design Review Menu is applicable to this application.

As demonstrated on the Overall Site Plan, Sheet C210 on the Civil Drawings in Appendix E, the distance of access to the nearest intersection is well over 100 feet, therefore two out of two points are awarded.

As demonstrated on the Overall Site Plan, the pedestrian walkways from public streets/sidewalks connect to the proposed Multi-Purpose building entrance, therefore two out of two points are awarded.

The pedestrian walkways from all of the parking lots and temporary event/overflow parking areas are connected with pedestrian walkways to the building entrance through an interconnected pedestrian network internal to the site, therefore two out of two points are awarded.

The Applicant finds that 6/6 points are awarded for these criteria.

Tree Retention	0	1	2	3	4
Percentage of trees retained	<10%	10-50%	51-75%	>75%	-
Replacement of trees removed	<50%	≥50%	-	-	-

Applicant's Response: The Applicant finds that the Tree Retention portion of the Site Design Review Menu is partially applicable to this application.

As demonstrated on the Overall Site Plan, Sheet C210 and the Landscape Areas Plan, Sheet C225 in the Civil Drawings in Appendix E, the percentage of trees retained is 100 percent.

The Applicant is not proposing any trees to be removed as part of this application; therefore, this is not included as scorable criteria.

The Applicant finds that 3/3 applicable points are awarded for this criteria.

Signs	0	1	2	3	4
Dimensional size of sign (% of maximum permitted)	>75%	50-75%	<50%	-	-
Similarity of sign color to building color	Not similar	Somewhat similar	Similar	-	-
Pole sign used	Yes	No	-	-	-

Applicant's Response: The Applicant finds that the Signs portion of the Site Design Review Menu is not applicable to this application. The Applicant is not proposing any signs as part of this application. The Applicant finds that 0/0 applicable points are awarded for this criteria.

Building Appearance	0	1	2	3	4
Style (similar to surroundings)	Not similar	Somewhat similar (1 or 2 points possible depending on level of similarity)		-	-
Color (subdued and similar to surroundings is better)	Neither	Similar or subdued	Both	-	-
Material (concrete, wood and brick are best)	Either 1 or 2 points may assigned at the discretion of the Site and Design Review Board				
Size of building (smaller is better)	>20,000 square feet	≤20,000 square feet	-	-	-
Provision of public art (i.e. murals, statues, fountains, decorative bike racks, etc.)	No	-	-	-	Yes

Applicant's Response: The Applicant finds that the Building Appearance portion of the Site Design Review Menu is applicable to this application.

As demonstrated on the Architectural Drawings in Appendix E, the style of the proposed building is very similar to the surrounding buildings on the Site, therefore two out of two points are awarded.

The colors, which are proposed to be "Winter Sky" for the split face block, and "Cool Egyptian White" for the wall panels, as shown on the Building Materials sheet of the Architectural Drawings, are of earth tones and will complement the surrounding area. The proposed colors will blend in well with the other buildings on the site and have been chosen in part to implement the neighbors' suggested colors from the neighborhood meeting. The Applicant finds that two out of two points shall be awarded.

The proposed structure will provide a durable structure that will harmonize with the other buildings on the site and provide a visually appealing building for the community. The materials of the proposed building are durable materials, primarily concrete and metal, therefore the applicant finds that two out of two points shall be awarded.

The size of the building is in excess of 20,000 square feet; therefore, zero out of one point is awarded.

There are no provisions of public art with this application, therefore zero out of four points are awarded.

The Applicant finds that 6/11 points are awarded for these criteria.

Landscaping	0	1	2	3	4
Number of non-required trees provided	-	At least one tree per 500 square feet of landscaping.	-	-	-
Amount of grass (less grass is better) (% of total landscaped area)	>50%	25-50%	<25%	-	-

Applicant's Response: The Applicant finds that the Landscaping portion of the Site Design Review Menu is applicable to this application.

As demonstrated on the Site Areas Plan, Sheet C225 in the Civil Drawings in Appendix E, the Applicant meets the minimum landscaping requirements for the R-1 zone, and no trees are required to be provided.

As demonstrated on the Planting Plan, Sheet L101 in the Landscape Drawings in Appendix E, the Applicant is providing 7 trees for approximately 2,000 square feet of landscaped area on the northeast corner of the proposed Multi-Purpose building. This meets the threshold of at least one tree per 500 square feet of landscaping, therefore one out of one point is awarded.

The amount of lawn on the site is demonstrated on the Site Areas Plan, Sheet C225 in the Civil Drawings in Appendix E, and makes up 73 percent of the total landscaped area, therefore zero out of two points are awarded for this criteria.

The Applicant finds that 1/3 applicable points are awarded for this criteria.

Low Impact Development (LID)	0	1	2	3	4
Use of pervious paving materials (% of total paved area)	<10%	-	10-50%	51-75%	>75%
Provision of park or open space area	None	-	Open space (Generally not for public use)	-	Park (public or privately owned for public use)
Use of drought tolerant species in landscaping (% of total plants)	<25% drought tolerant	-	25-50% drought tolerant	51-75% drought tolerant	>75% drought tolerant
Provision of additional interior parking lot landscaping (% of minimum required)	100%	101-110%	111-120%	>120%	-
Provision of an eco-roof or rooftop garden (% of total roof area)	<10%	-	-	10-50%	>50%
Parking integrated within building footprint (below-grade, structured parking, or tuck-under parking) (% of total on-site parking)	<10%	-	-	10-50%	>50%
Disconnecting downspouts from city stormwater facilities	None	Some downspouts disconnected	All downspouts disconnected	-	-
Shared parking with adjacent uses or public parking structure (% of total required parking spaces)	None	<50%	≥50%	-	-
Provision of rain gardens/bioretenion areas for stormwater runoff (% of total landscaped area)	None	-	10-50%	51-75%	>75%

**Applicant's
Response:**

The Applicant finds that the Low Impact Development portion of the Site Design Review Menu is partially applicable to this application. Given the unique site characteristics and this proposal, it is challenging to specifically address all criteria.

As demonstrated on the Overall Site Plan, Sheet C210 in the Civil Drawings in Appendix E, and further described in the Stormwater Report in Appendix D, the Applicant is proposing a LIDA Rain Garden to be constructed to filter and infiltrate stormwater runoff up through and including the 100-year, 24-hour stormwater event. This application does not propose the use of pervious paving materials; therefore zero out of four points are awarded.

The Applicant is proposing Open Space that is generally not for public use, in that the existing open space on the site has parameters for use, however the Fairgrounds are publicly owned by Clackamas County. The Applicant finds that two out of four points are awarded.

The proposed landscaping in the northeast corner of the Multi-Purpose building is made up of at least 75 percent drought resistant species. This is demonstrated in the Site Plant Material Listing tables under the Water Needs column on Sheet L101 in the Landscape Drawings in Appendix E. The Applicant finds that four out of four points are awarded.

There is no additional parking area landscaping proposed with this application. No additional parking is needed with this application; therefore, no parking lot landscaping is proposed. However, because the parking areas identified in the Parking Analysis overlap with existing landscaped areas that are pervious and will be undisturbed which greatly exceed the minimum requirements for parking lot landscaping, the Applicant finds that three out of three points are awarded.

No provisions for an Eco roof or rooftop garden are proposed with this application, therefore zero out of four points are awarded.

Parking is not proposed with this application; therefore, the Applicant finds that this criteria is not applicable, and zero out of zero points are awarded.

All downspouts will be disconnected from City stormwater facilities; therefore, two out of two points are awarded.

No additional parking is proposed with this application therefore the Applicant finds that this criteria is not applicable, and zero out of zero points are awarded.

100 percent of the stormwater runoff will be treated and infiltrated on site; therefore, four out of four points are awarded for this criteria.

The Applicant finds that 15/25 applicable points are awarded for this Low Impact Development portion of the Site Design Review Menu. Overall, the Fairgrounds are a unique site, and the proposed Multi-Purpose Building does not fit into the Site Design Review Menu perfectly. For example, all of the temporary overflow event

parking on the site is contained on pervious surfaces, which is not counted in this menu.

The Applicant finds that out of all the applicable points in the Site Design Review Menu, the proposal meets 40/60 for the overall Menu, or 66 percent, and meets 15/25 LID Points, or 60 percent. Per the requirements of 16.49.040, this score qualifies as a “pass”.

The Applicant finds that this proposal meets the intent of the Site Design Review Menu, and the intent of this Code. The Applicant finds that the Multi-Purpose Building as proposed will fit into the character of the site, enhance the overall user experience of the site, and be an asset to the community.

The criteria of this section are met.

16.49.050 Conditions placed on site and design review approvals.

A. A site and design review approval may include restrictions and conditions. These restrictions and conditions shall be reasonably conceived to:

- 1. Protect the public from the potentially deleterious effects of the proposal; and/or**
- 2. Fulfill the need for services created, increased or in part attributable to the proposal; and/or**
- 3. Further the implementation of the requirements of the Canby Municipal Code.**

B. The following types of conditions may be contemplated, and the listing below is intended to be illustrative only and not to be construed as a limitation of the authority granted by this section.

- 1. Development Schedule.** A reasonable time schedule may be placed on construction activities associated with the proposed development, or any portion thereof.
- 2. Dedications, Reservation.** Dedication or reservation of land, or fee in lieu thereof for park, open space purposes, rights-of-way, bicycle or pedestrian paths, green way, riverbank or easements; the conveyance of title or easements to a homeowners' association.
- 3. Construction and Maintenance Guarantees.** Security from the property owners in such an amount that will assure compliance with approval granted.
- 4. Plan Modification.** Changes in the design or intensity of the proposed development, or in proposed construction methods or practices, necessary to assure compliance with this Ordinance.
- 5. Off-Site Improvements.** Improvements in public facilities, including public utilities, not located on the project site where necessary to assure adequate capacity and where service demand will be created or increased by the proposed development. The costs of such improvements may be paid for in full while allowing for recovery of costs from users on other development sites, or they may be pro-rated to the proposed development in proportion to the service demand projected to be created on increases by the project. If determined appropriate by the city based on specific site conditions, off-site roadway improvements may be required to accommodate bicycle and pedestrian travel consistent with the TSP and applicable sections of this code.
- 6. Other Approvals.** Evaluation, inspections or approval by other agencies, jurisdictions, public utilities or qualified consultants may be required for all or any part of the proposed development.

7. Access Limitation. The number, location and design of street accesses to a proposed development may be limited or specified where necessary to maintain the capacity of streets to carry traffic safely, provided that sufficient access to the development is maintained.

8. Screening. The Planning Commission may require additional screening with landscaping, decorative fencing, decorative walls, or other means in order to screen outdoor storage areas, rooftop/ground mechanical equipment, garbage/recycling areas, or other visual clutter.

Applicant's Response: The Applicant understands and acknowledges that conditions of approval may be placed by the Board for this development proposal as part of the Site and Design Review process.

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.

B. On-site facilities shall be provided to accommodate safe and convenient pedestrian and bicycle access within new subdivisions, multi-family developments, planned development, shopping centers, and commercial districts, and connecting to adjacent residential areas and neighborhood activity centers. Residential developments shall include streets with sidewalks and accessways.

Applicant's Response: The proposed Multi-Purpose building will connect to the internal walkway system of existing pathways which connects the proposed building to the public access from NE 4th Avenue. The pedestrian connections are best demonstrated on Sheet C210 of the Civil Drawings in Appendix E. The walkways proposed with this application seamlessly connect into the internal pedestrian network of the Fairgrounds and are provided to accommodate safe and convenient pedestrian and bicycle access to the proposed Multi-Purpose building from the public access to the Fairgrounds.

This standard is met.

C. For new office parks and commercial development:

1. At least one sidewalk connection between the proposed development and each abutting commercial or office property shall be provided. One connection shall also be provided to each neighborhood.

2. Walkways shall be provided to the street for every 300 feet of developed frontage.

3. Walkways shall be direct with minimal driveway crossings.

4. Walkways shall be linked to the internal circulation of the building.

5. Walkways shall be at least five feet wide and shall be raised, or have different paving materials when crossing driveways or other vehicle maneuvering areas.

Applicant's Response: This proposal is not for a new office park, and is not considered a commercial development, therefore these standards are not applicable.

D. Use of permeable surfacing materials for walkways is encouraged whenever site and soil conditions make it feasible. Permeable surfacing includes, but is not limited to, paving blocks, turf blocks, and porous asphalt. All permeable surfacing shall be designed, constructed, and maintained in accordance with the Canby Public Works Design Standards.

Applicant's Response: No walkways constructed of permeable surfacing are proposed with this application, therefore this standard is not applicable. However, the Fairgrounds consists of mostly permeable surfacing materials including large lawns, landscaped areas of trees, shrubs, other plantings, and the arena soils.

E. Developments that abut the Molalla Forest Road multi-use path shall provide a pedestrian/bicycle access to the path. The city may determine the development to be exempt from this standard if there is an existing or planned access to the path within 300 feet of the development.

Applicant's Response: This proposal does not abut the Molalla Forest Road multi-use path; therefore, this standard is not applicable.

16.49.080 General provisions for landscaping.

A. The standards set forth in this section are minimum standards for landscaping.

B. The purpose of these landscaping standards is to provide uniform standards for the development and maintenance of the landscaping of private property and public rights-of-way. The purpose of landscaping is to improve the livability of residential neighborhoods, enhance the customer attraction of commercial areas, increase property values, improve the compatibility of adjacent uses, provide visual separation and physical buffers between incompatible adjacent land uses, provide visual relief from the expanse of parking lots, screen undesirable views, contribute to the image and appeal of the overall community, and mitigate air and noise pollution.

These standards are also intended to facilitate Low Impact Development (LID) techniques through the retention of existing native vegetation and mature, healthy trees, to the extent feasible. Additional LID related goals of this chapter are to: reduce erosion and storm water runoff; preserve and promote urban wildlife habitats; reduce the amount of carbon dioxide in the air; shade and reduce the temperature of adjacent waterways; and enhance the streetscapes along the city's public rights-of-way with an emphasis on trees and LID stormwater facilities.

Applicant's Response: The Applicant understands and acknowledges the purpose of the landscaping standards, and appreciate the importance of how landscaping improves the livability of the residential neighborhood that the Fairgrounds are located in. The Applicant fully intends to protect the existing landscaping on the entire Fairgrounds site. The existing landscaping helps to provide compatibility of the adjacent uses to the site and provides visual separation as well as physical buffers between the Fairgrounds and the surrounding residential uses. The unique characteristics and use of the Fairgrounds does not fit very well into these general provisions for landscaping; however, the Applicant has addressed each applicable provision. The Applicant has also addressed the applicable areas in the Site and Design Review

menu above in this narrative, of which, some of those correlate to these general landscaping provisions.

For the proposed Multi-Purpose building, the Applicant has provided preliminary planting plans as shown in the Landscape Drawings in Appendix E, on Sheets L101 and L102. As shown on the submitted landscape drawings, the Applicant is providing a landscaped area on the northeast corner of the building, as well as a rain garden that will be used as a water treatment facility to the north of the proposed building.

The Applicant requests that the Board determine the Applicant is in compliance with the intent of the design review standards including these general provisions for landscaping, as outlined in 16.49.40.D earlier in this narrative. The Applicant respectfully requests discretion of the Board in determining how this application and proposal meets the intent of these general provisions to 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:

- 1. Fifteen (15) percent for all industrial and commercial zones (except the Downtown-Commercial zone, but including the Commercial-Residential zone).**
- 2. Seven and one-half (7.5) percent for the Downtown-Commercial zone.**
- 3. Thirty (30) percent for all residential zones.**

Applicant's Response: This proposal meets the requirement for thirty (30) percent of the site to have landscaping. The total area landscaped on the site is nearly 70 percent, which is demonstrated on Sheet C225 in Appendix E.

D. LID stormwater management facilities, such as rain gardens and bioretention areas, may be counted toward the minimum landscaping requirement when they are located on private property. LID facilities in the public right-of-way cannot be counted toward the minimum landscaping requirement. The integration of LID stormwater management facilities within required landscaping must be approved by the city and shall comply with the design and construction standards set forth in the Canby Public Works Design Standards.

Applicant's Response: LID stormwater management facilities are provided on the property but are not counted towards meeting the minimum landscaping requirement as the site already meets and exceeds the 30 percent requirement. A stormwater detention rain garden is being used to retain and treat 100 percent of the new runoff caused by the addition of new impervious surfaces including the proposed multipurpose building and the surrounding new pavement. The stormwater management facilities are designed to be in compliance with the City's design and construction standards. The preliminary Stormwater Report demonstrates compliance with these standards and is submitted in Appendix D. This standard is met.

E. Trees and other plant materials to be retained shall be identified on the landscape plan. The Site and Design Review Board encourages the retention, to the extent practicable, of existing healthy trees and vegetation.

Applicant's Response: The Applicant is not proposing the removal of any of the trees or existing plant materials on the entire site. All landscaped areas are being retained on the Fairgrounds site, and are shown on Sheet C225 in the Civil Drawings in Appendix E. The percentage of trees and other plant materials to be retained is 100 percent. This 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.
2. Trees and plant materials identified for preservation shall be protected by chain link fencing placed around the tree, at the drip line.
3. If it is necessary to fence within the drip line, such fencing shall be specified by a qualified arborist, nurseryman or landscape architect.
4. Neither top soil storage nor construction material storage shall be located within the drip line of trees designated to be preserved.
5. Where site conditions make necessary grading, building, paving, trenching, boring, digging, or other similar encroachment upon a preserved tree's drip line area, such grading, paving, trenching, boring, digging or similar encroachment shall only be permitted under the direction of a qualified arborist, nurseryman or landscape architect. Such direction must assure that the health needs of trees within the preserved area can be met.
6. Tree root ends shall not remain exposed.

Applicant's Response: No trees will be disturbed during the construction process because no trees are in areas of disturbance as proposed with this application, therefore this standard is not applicable.

G. Landscaping under preserved trees shall be compatible with the retention and health of said trees.

Applicant's Response: No new landscaping under preserved trees is being proposed with this application. Therefore, this criteria are not applicable.

H. When it is necessary for a preserved tree to be moved in accordance with the Tree Ordinance, the landscaped area surrounding said tree or trees shall be maintained and replanted with trees which relate to the present landscape plan, or if there is no landscaping plan, then trees which are complimentary with existing, nearby landscape materials.

Applicant's Response: No preserved trees will be moved with this application, therefore this criteria are not applicable.

I. Any required landscaped area shall be designed, constructed, installed and maintained so that within three (3) years, the ground shall be covered by living grass or other plant material. (The foliage crown of trees shall not be used to meet this requirement.) A maximum of five percent of the landscaped area may be covered with bark chips, mulch, or other similar materials. A maximum of five percent of the landscaped area may be covered with rock, stones, walkways, or other similar material acceptable to the Board. Required sidewalks shall not be used to meet the landscaping requirements.

Applicant's Response: The proposed landscape area for the Multi-Purpose building is shown in the Landscape Drawings in Appendix E, on Sheets L101 and L102. This area has been designed to be constructed and maintained so that within three years the ground will be covered by plant materials.

Maintenance of existing landscaped areas and vegetation retained will continue as part of the normal operations and maintenance activity on the Fairgrounds site. None of the areas that are landscaped with rocks, stones, walkways, or other similar materials are being counted towards the landscaping requirements. All of the areas that are landscaped in this way, for the ease of calculating the landscaped percentage on such a large site, are considered "Hardscape/Impervious" as demonstrated on Sheet C225 of the Civil Drawings in Appendix E.

This standard is met.

J. All trees and plant materials shall be healthy, disease-free, damage-free, well branched stock, characteristic of the species. The use of tree and plant species native to the Pacific Northwest is encouraged. Any new street tree planted must be included on the city's list of approved tree species.

Applicant's Response: The proposed landscape area for the Multi-Purpose building is shown in the Landscape Drawings in Appendix E, on Sheets L101 and L102, and will be planted with healthy, disease-free, damage-free, and well branched stock as described in the plans.

All existing trees and plant materials to be retained will continue to be maintained by Fairgrounds staff to ensure healthy, disease-free, damage-free and well branched species.

This standard is met.

K. Landscaping methods should be guided by the provisions of the most recent edition of the Sunset Western Garden Book or similar publication.

Applicant's Response: The proposed landscaping in the northeast corner of the Multi-Purpose building has been designed by a registered landscape architect. The landscape planting plan, details, and notes are shown in the Landscape Drawings in Appendix E, on Sheets L101 and L102. This standard is met.

L. The following guidelines are suggested to insure the longevity and continued vigor of plant materials:

- 1. Select and site permanent landscape materials in such a manner as to produce a hardy and drought-resistant landscaped area.**
- 2. Consider soil type and depth, spacing, exposure to sun and wind, slope and contours of the site, building walls and overhangs, and compatibility with existing native vegetation preserved on the site or in the vicinity.**

Applicant's Response: The proposed landscaping in the northeast corner of the building was selected and sited in accordance with this criteria, which is demonstrated in the Landscape Drawings in Appendix E, on Sheets L101 and L102. This standard is met.

M. All plant growth in landscaped areas of developments shall be controlled by pruning, trimming or otherwise, so that:

- 1. It will not interfere with designated pedestrian or vehicular access; and**
- 2. It will not constitute a traffic hazard because of reduced visibility.**
- 3. It will not hinder solar access considerations.**

Applicant's Response: All plant growth on the Fairgrounds site, including the proposed landscaping in the northeast corner of the proposed building will be maintained by Fairgrounds staff to ensure that it will not interfere with designated pedestrian or vehicular access, will not constitute a traffic hazard, and will not hinder solar access considerations. This standard is met.

N. After completion of site grading, topsoil is to be restored to exposed cut and fill areas to provide a suitable base for seeding and planting.

Applicant's Response: All areas on the site that will be graded will be used for the proposed building footprint or for asphalt accessways. Any topsoil that will remain after grading will be restored to provide a suitable base for any seeding and planting. This standard is met.

O. All planting areas shall be graded to provide positive drainage.

Applicant's Response: The Applicant agrees to compliance with this standard. Compliance is demonstrated on the Grading Plan on Sheets C230 and C231 in the Civil Drawings in Appendix E of this application.

P. Neither soil, water, plant materials nor mulching materials shall be allowed to wash across roadways or walkways.

Applicant's Response: The Applicant agrees to compliance with this standard.

16.49.090 Specifications for tree and plant materials.

A. Deciduous Trees. Deciduous shade and ornamental trees shall be a minimum of two inch (2") caliper, measured six inches (6") above ground, balled and burlapped. Bareroot trees will be acceptable to plant during their dormant season. Trees shall be well branched and characteristically shaped specimen.

B. Coniferous Trees. Coniferous trees shall be a minimum five feet (5') in height above ground, balled and burlapped. Trees shall be well branched and characteristically shaped specimen.

C. Evergreen and Deciduous Shrubs. Evergreen and deciduous shrubs shall be at least one (1) to five (5) gallon size. Shrubs shall be characteristically branched. Side of shrub with best foliage shall be oriented to public view.

D. Ground covers. Ground covers shall be fully rooted and shall be well branched or leafed.

E. Lawns. Lawns shall consist of grasses, including sod, or seeds of acceptable mix within the local landscape industry. Lawns shall be 100 percent coverage and weed free.

Applicant's Response: All proposed landscaping around the Multi-Purpose building and the rain garden has been designed in accordance with this section. Compliance is demonstrated in the Landscape Drawings on Sheets L101 and L102 in Appendix E. This standard is met.

16.49.100 Landscaping installation and maintenance.

A. Except as allowed by subsection (2), all landscaping and exterior improvements required as part of the site and design review approval shall be completed prior to the issuance of any certificate of occupancy.

B. A temporary certificate of occupancy may be issued prior to the complete installation of all required landscaping and exterior improvements if security equal to 110 percent of the cost of the landscaping and exterior improvements, as determined by the Site and Design Review Board or City Planner, is filed with the city, assuring such installation within a time specified by the Board, but not to exceed six (6) months after occupancy. The applicant shall provide the cost estimates of landscaping materials and installation to the satisfaction of the Site and Design Review Board, City Planner, or city forester, prior to approval of the security. Security may consist of a faithful performance bond payable to the City of Canby, cash, certified check, time certificate of deposit, or assignment of a savings account; and the form shall meet with the approval of the City Attorney. If the installation of the landscaping or other exterior improvements is not completed within the period specified by the Board or City Planner, the security may be used by the city to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the city shall be returned. The final landscape and exterior improvement inspection shall be made prior to any security being returned. Any portion of the plan not installed, not installed properly, or not properly maintained shall cause the inspection to be postponed until the project is completed, or shall cause the security to be used by the city.

Applicant's Response: The Applicant understands and acknowledges the provisions of this section. If a temporary certificate of occupancy is sought the Applicant will adhere to the provisions of this code.

C. All landscaping approved through the site and design review process shall be continually maintained, including necessary watering, weeding, pruning and replacement, in a manner substantially similar to that originally approved by the Site and Design Review Board, unless later altered with Board approval.

Applicant's Response: The Applicant understands the requirements of this section. All maintenance of landscaping will be continued by Fairgrounds staff and will be substantially similar to that approved by the Site and Design Review Board. This standard is met.

16.49.110 Landscape area credit for preservation of existing trees and tree groves.

A. Policy. It being the policy of the City of Canby to preserve healthy, mature trees wherever possible within its city limits, a system of landscape area credits is hereby established as an incentive for property owners and developers to preserve existing healthy, mature trees and to include them in the landscape plan for a proposed development.

B. Purpose. The primary goal of the landscape credit is to prevent haphazard removal and destruction of trees and tree groves, in order to preserve the ecological health, aesthetic character, and quality of life in Canby. Tree retention provides substantial benefits, including

but not limited to erosion prevention, reduction in storm-water runoff, improved water and air quality, energy conservation, carbon sequestration, reductions in the development impacts on the stormwater drainage system, and better transition between adjacent land uses.

Applicant's Response: The Applicant understands the policy intent and purpose of the Landscape Credit section.

C. Landscape Credit.

1. Program for Landscape Credit. One hundred percent (100%) of the area preserved under any mature, healthy tree or grove of trees retained in the landscape (as approved by the Site and Design Review Board) may be counted directly toward the percentage of landscaping required for a development.

Applicant's Response: The Applicant does not intend to use the existing landscape on the site for the Landscape Credit program. As demonstrated on Sheet C225 of the Civil Drawings in Appendix E and addressed above in this narrative, the minimum landscape requirement of 30 percent is met and exceeded.

2. Limit to Landscape Area Credit.

- a. Landscape credit for preserved trees or tree groves shall not eliminate or reduce the landscaping requirements pertaining to parking lots, buffering, and screening.**
- b. Landscape credits for individual trees shall not comprise more than 40 percent of the total landscape requirement. For example, in districts requiring 15 percent landscaping, preserved tree area shall not count toward more than 9 percent of the requirement).**
- c. Landscape credits for preserved tree groves shall not comprise more than 60 percent of the total landscape requirement. A grove is defined as a stand of three or more healthy, mature trees located close together to provide some overlap in canopy coverage.**

Applicant's Response: The Applicant finds that the minimum landscape requirement for the R-1 zone of 30 percent is met and exceeded on the Fairgrounds site. There is approximately 1,178,596 square feet of the overall landscaping provided on the site, which provides approximately 70 percent of the site with landscaping. This is demonstrated on Sheet C225 of the Civil Drawings in Appendix E.

New landscaped areas are designed on the northeast corner of the proposed building, which is detailed in the Landscape Drawings on Sheets L101 and L102 in Appendix E.

3. Trees Near a Property Line:

a. When the drip line of a tree extends beyond the owner's property line, credit can be granted for that portion of the drip line within the property line if that area exceeds 75 percent of the total drip line area. Trees so close to the property line that their drip line area is less than 75 percent of the total, can only be given credit if a qualified arborist, nurseryman or landscape architect can assure the survival of the tree and its long term health if root damage is sustained by future development on the adjacent property.

b. Where trees have been preserved near a property line, such that the drip line of the tree spreads onto adjacent property, credit can be obtained by the adjacent property owner for protection of the drip line area that extends onto that adjacent property.

D. Trees and tree groves to be preserved and counted toward the landscape credit

shall be identified on the landscape plan.

Applicant's Response: The landscape credit program outlined in this code is not being utilized, as the site meets and exceeds the minimum landscape requirements of the zone. New landscaped areas are designed on the northeast corner of the proposed building, which is detailed in the Landscape Drawings on Sheets L101 and L102 in Appendix E.

16.49.120 Parking lot landscaping standards.

A. General Provisions. In addition to the objectives stated in section 2 of this Ordinance, goals of parking lot standards are to create shaded areas in parking lots to reduce glare, enhance the visual environment, and encourage the use of LID practices. The design of the parking area shall be the responsibility of the developer and should consider visibility of signage, traffic circulation, comfortable pedestrian access, and aesthetics. Trees shall not be cited as a reason for applying for or granting a variance on placement of signs.

B. Application. Parking lot landscaping standards shall apply to any surface passenger vehicle parking area of ten (10) spaces or more, or to any paved vehicular use area 3,500 square feet or larger on the same tax lot or on contiguous tax lots under common ownership. Any paved vehicular area which is used specifically as a utility storage lot or a truck loading area shall be exempt from landscaping requirements within a parking lot.

C. Landscaping Within a Parking Lot.

1. Area within a parking lot shall include the paved parking and maneuvering area, as well as any area within ten (10) feet of any exterior face of curb surrounding the paved parking and maneuvering area.

2. Each interior landscaped area shall be a minimum of six (6) feet wide, unless the area is added to the required perimeter landscaping.

3. The use of LID best management practices in parking lots is encouraged whenever site and soil conditions make it feasible. Such practices include, but are not limited to, permeable surfacing materials, and integrating LID stormwater management facilities into the required landscaping areas.

D. Computing Minimum Area Required to be Landscaped Within a Parking Lot.

Minimum area required to be landscaped within a parking lot shall be as follows:

1. Fifteen (15) percent for all residential, industrial, and commercial zones

2. Five (5) percent for the Downtown-Commercial Zone for any off-street parking spaces provided.

3. Ten (10) percent for the Core Commercial (CC) sub-area of the Downtown Canby Overlay Zone for any off-street parking spaces provided.

E. All parking areas with more than 16 spaces shall include landscape islands to break up the parking area into rows of not more than 8 contiguous parking spaces.

1. Landscape islands shall have a minimum area of 48 square feet and a minimum width of six (6) feet.

2. Landscape islands shall contain at least one tree that meets the standards in section (F) below.

3. Landscape islands may be counted toward the minimum parking lot landscaping requirements.

F. Criteria for Trees in Parking Lots. Deciduous, evergreen and/or shade trees shall meet the following criteria:

1. Reach a mature height of approximately forty (40) feet. Trees must be approximately two-inch (2") caliper at the time of planting.

2. Cast moderate to dense shade in summer.
3. Be long lived, i.e., live to be over approximately sixty (60) years.
4. Do well in an urban environment:
 - a. Be pollution tolerant; and
 - b. Be tolerant of direct and reflected heat.
5. Require little maintenance:
 - a. Be mechanically strong;
 - b. Be insect and disease resistant; and
 - c. Require little pruning.
6. Be resistant to drought conditions.
7. Be barren of fruit production.

G. Perimeter of Parking and Loading Areas:

1. Screening of parking and loading areas is required. Within three (3) years of planting, screening shall be of such height and density as to shield vehicle headlights from head-on visibility.
2. In addition, one (1) deciduous, evergreen and/or shade tree shall be planted every forty (40) feet, minimum, along the required setback of the vehicular use area.

Applicant's Response: No changes are proposed to the existing parking lot areas on the site, as they are not within the scope of this application. Therefore, these parking lot landscaping standards are not applicable.

H. Irrigation System or Available Water Supply Required. Landscaped areas shall be provided with automatic irrigation systems or a readily available water supply with at least one (1) outlet located within approximately 150 feet of all plant materials to be maintained.

Applicant's Response: The landscaped area designed in the northeast corner of the proposed building will have an irrigation system installed. Compliance will be verified during application of building permits. This standard is met.

16.49.130 Revegetation in unlandscaped areas.

The purpose of this section is to ensure erosion protection for those areas which are not included within the landscape percentage requirements so that eventually native plants will re-establish themselves, and so that trees will not be lost due to uncontrolled erosion.

A. Replanting. Where natural vegetation has been removed or damaged through grading in areas not affected by the landscaping requirement and that are not to be occupied by structures or other improvements, such areas shall be replanted with materials approved by the Site and Design Review Board.

B. Plant materials shall be watered at intervals sufficient to assure survival and growth for a minimum of two (2) growing seasons.

Applicant's Response: No vegetation will be lost or damaged due to grading with this proposal. Therefore, this standard is not applicable to this proposal.

CHAPTER 16.50 CONDITIONAL USES

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 will be consistent with the policies of the Comprehensive Plan and the requirements of this title and other applicable policies of the city;

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

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

D. The proposed use will 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.

Applicant's Response: This application is consistent with the policies of the comprehensive plan, this title, and all other applicable policies of the City.

The City identified the exterior mechanical equipment as proposed on the Multi-Purpose building as an area to address with regards to compatibility with the surrounding residential areas. The Applicant finds that the north and west facing facades of the proposed building will not be visible from the neighboring properties.

The distance from the west facing façade of the building that has mechanical equipment showing is approximately 1,181 feet to the west property line. Given the existing topography, existing buildings and other features on the Fairgrounds site, the Applicant finds that there will be no visible impact to the residential area to the west of the proposed building. This is best demonstrated on the Site Photographs exhibit from locations 1-4, submitted with this application in Appendix F.

The distance from the north facing façade of the building that has mechanical equipment showing 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 will be no visible impact to the residential area to the north of the proposed building. This is best demonstrated on the Sight Distance Photographs exhibit from locations 5-11, submitted with this application in Appendix F.

The distance from the east property line to the proposed building is approximately 449 feet. The Applicant finds that there will 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 on the Sight Distance Photographs exhibit from locations 12-14, submitted with this application in Appendix F.

The Applicant finds that this site is suitable for the proposed use, that all required public facilities and services exist to adequately meet the needs of the proposed

development, and the proposed use will not alter the character of the surrounding areas.

This standard is met.

16.50.020 Application for conditional uses.

Application procedures shall be as described in Chapter 16.89.

Applicant's Response: This application has met the application procedures as outlined in Chapter 16.89 and is discussed further in this narrative.

16.50.03 Public hearing required.

Each properly filed application for a conditional use permit shall be considered by the Planning Commission following a public hearing advertised and conducted in the manner prescribed in Division VIII.

Applicant's Response: The Applicant understands and acknowledges that a public hearing will be conducted and that the Planning Commission will be the decision-making authority.

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.**

Applicant's Response: The Applicant understands and acknowledges that 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.

The Applicant is proposing 8-foot-tall chain-link fence enclosures around the exterior mechanical equipment as shown on the Architectural Drawings on Sheet A5.1. The R-1 Zone allows for fences that are 6 feet tall. The Applicant finds that through 16.50.404.J., the Planning Commission may designate the size, height, location, and materials for a fence. 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 reasoning for 8-foot-tall chain-link fence enclosures around the exterior mechanical equipment primarily comes down to adequate screening of the mechanical equipment. A 6-foot-tall fence would not fully screen the mechanical equipment, which the Applicant finds would not be the best way to protect the best interest of the community. In addition to providing adequate screening of the mechanical equipment, the 8-foot chain link fence enclosures will provide some added benefits of reducing noise and glare of the mechanical equipment.

The proposed 8-foot-tall chain-link fence enclosures also provide some additional benefits of better safety for patrons. Patrons on the subject site will be better protected by an 8-foot fence, which will keep patrons and the mechanical equipment better separated. The proposed 8-foot chain link fence enclosure also provides the Applicant some additional benefits for maintenance of the mechanical equipment area, helping to 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.

The Applicant understands and acknowledges that other conditions of approval may be placed on this development proposal.

16.50.050 Notification of action.

The City Planner shall notify the applicant in writing of the action of the Planning Commission within five days after the decision has been rendered.

Applicant's Response: The Applicant understands and acknowledges the procedures for this land use review.

16.50.060 Standards governing conditional uses.

A conditional use shall ordinarily comply with the standards of the zone for uses permitted outright, except as specifically modified by the Planning Commission in granting the conditional use permit, or as otherwise provided as follows:

A. Building Height. The height limitations of any zone may be exceeded by a conditional use to a maximum height of seventy-five feet; provided that each yard is increased over the yard requirement by the addition of five feet for every five feet or fraction thereof of additional height over the maximum height allowed in the zone.

Applicant's Response: The proposed building height of the Multi-Purpose building is permitted by the base zone and permitted outright, and no additional building height is being requested. This standard is met.

B. Utility Substation or Pumping Station. The minimum lot size of the zone in which a public utility is to be located may be waived by the Planning Commission only on finding that the waiver will not result in unacceptable levels of noise or other detrimental effect on adjacent property. No equipment storage shall be permitted on the site of such small lots.

C. Signs. Signs may be permitted for a conditional use, in keeping with the nature of the use. The Planning Commission may require the applicant to submit details of proposed signs to allow for consideration with the use permit for the structure or use.

Applicant's Response: The Applicant understands and acknowledges the authority of the Planning Commission in granting the Conditional Use Permit for this application.

16.50.070 Revocation of conditional use permits.

A. Automatic Revocation. All conditional use permits shall be automatically revoked if not exercised within one year from the date of approval, or such additional time as is specified by the granting body at the time of approval. Conditional use permits shall not be deemed exercised until the use of the property permitted by the conditional use permit has actually commenced or, in the event that such use involves the construction of a building, that all required permits for said building have been obtained.

B. Revocation for Noncompliance. Any conditional use permit may be revoked by the City Council for noncompliance with conditions set forth in the original approval, after first holding a public hearing and giving written notice of such hearing to the grantee.

C. Extension of approval. A one-time extension will be allowed if applied for no later than ninety (90) days prior to the expiration of the original approval. A request for extension must:

1. Not change the original application.
2. Explain specifically why an extension is needed.
3. Be approved by the Planning Commission as a new business item.
4. If approved, those with standing on the original application shall be notified of the extension by mail. Those so noticed may obtain a public hearing on the extension by filing a request in writing within ten (10) days of the notice date. The public hearing shall follow the notice requirements and procedure for conditional use permits. The cost of notification and any required public hearing must be borne by the applicant. An extension shall not be granted for more than one (1) year.

Applicant's Response: The Applicant understands and acknowledges the Revocation of Conditional Use Permits procedures for this land use review.

CHAPTER 16.89 APPLICATION AND REVIEW PROCEDURES

16.89.050 Type III Decision.

A. Pre-application conference. A pre-application conference may be required by the Planning Director for Type III applications.

Applicant's Response: The Applicant participated in a pre-application conference on September 21, 2022, and the notes from the Pre-application conference are submitted with this application as Appendix B. This standard is met.

B. Neighborhood meetings. As directed in Table 16.89.020, the applicant may be required to present their development proposal at a neighborhood meeting before the City accepts the application as complete. See Section 16.89.070.

Applicant's Response: The Applicant conducted a neighborhood meeting on October 17, 2022, at 6:30pm in the Main Pavilion of the Clackamas County Fairgrounds and Event Center. The materials from that meeting are submitted with this application as Appendix C. This standard is met.

C. Application requirements. Type III applications shall be made on forms provided by the Planning Director. The application shall be accompanied by all required information and fees.

Applicant's Response: This Application has been submitted with forms provided by the Planning Director. The Application forms have been submitted with this application as Appendix A. This standard is met.

D. Public notice.

1. At least 20 days prior to a public hearing on a Type III decision or a Type II appeal decision, the Planning Director shall mail notice meeting the requirements of state law to:

- a. All owners of real property and, if the owner's address is different from the site address, all residents of property, within the distance prescribed in Table 16.89.020;
- b. The appointed chair of any neighborhood association whose boundaries include the subject property;
- c. Any person who submits a written request to receive notice; and
- d. Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the City.
- e. For appeals, the appellant and all persons who provided testimony.

2. Notice of any proposal that includes a new transportation facility or improvement, and where these facilities or improvements included or may impact a collector or arterial street, will be sent to the ODOT and Clackamas County or any special interest transportation groups as appropriate. Special interest transportation groups could include trucking organizations, bicycle and pedestrian interest groups, and interest groups for people with disabilities. Information that should be conveyed with the notice includes the following:

- a. Project location
- b. Proposed land use action
- c. Location of project access point(s)

3. The City shall prepare an affidavit of mailing for the public notice and make the affidavit part of the application file. Failure of any individual to receive notice as prescribed in this section does not invalidate the proceedings.

4. Written notice shall be published in a newspaper of general circulation in Canby once in either of the two consecutive weeks prior to the hearing.

5. At least ten (10) days before the hearing, written notice shall be posted at City Hall and such other conspicuous locations as the Council may determine to be appropriate.

6. At least ten (10) days before the hearing, the applicant shall post notice of the hearing on the property as directed by the Planning Director.

7. The Planning Director may expand the notice area or take other steps to assure that affected property owners or residents are made aware of the pending public hearing.
8. Any application that involves access to the state highway system must be provided to the Oregon Department of Transportation for their review and comment regarding conformance with state access management standards and requirements.

Applicant's Response: The Applicant understands and acknowledges the procedures for this land use review and will post notice of the scheduled hearing on the property as directed by the Planning Director. This standard is met.

E. Conduct of public hearing.

1. In all evidentiary hearings required by this title the following procedures shall be followed:

- a. All interested persons in attendance shall be heard on the matter of hearing, and this fact shall be communicated to those in attendance;
- b. A summary of the application or other matter for hearing shall be given by the presiding officer or their designee;
- c. The staff report shall be made followed by questions, if any, of the staff by the hearings body;
- d. The public hearing shall be opened and testimony shall be received in the following order:
 - i. Applicant;
 - ii. Proponents;
 - iii. Opponents; and
 - iv. Rebuttal by proponents or applicant;
- e. Close public hearing;
- f. Questions and discussion by hearing body;
- g. Decision by the hearing body except that further discussions, decision, or reopening of the public hearing may be postponed to another meeting, the time, date, and place of which shall be announced before adjournment.

2. All persons who speak at the hearing shall identify themselves by name, address, and interest in the matter. Attorneys or other agents shall be allowed to speak on behalf of all participants.

3. Physical evidence in the form of written documents, photographs, or other exhibits may be accepted by the hearing body if deemed to be pertinent.

4. A record made at any prior evidentiary hearing may be accepted, considered, and used by the hearing body at any subsequent hearing, and said body, by majority vote of a quorum present, may deny to accept or hear any repetitious matter.

5. The hearing body may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested. Upon recessing for these purposes, the hearing body shall announce the time and date when the hearing will be resumed.

6. Before the conclusion of the initial evidentiary hearing, any participant may ask the hearings body for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing. The hearings body shall grant the request by scheduling a date to finish the hearing as follows:

- a. If the hearings body grants a continuance, the completion of the hearing shall be continued to a date, time, and place at least seven days after the date of the first evidentiary hearing. An opportunity shall be provided at the second hearing

for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the second hearing, any person may request, before the conclusion of the second hearing, that the record be left open for at least seven days, so that they can submit additional written evidence or testimony in response to the new written evidence; or

b. If the hearings body leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven days after the hearing. Any participant may ask the City in writing for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the hearings body shall reopen the record as follows:

i. When the hearings body re-opens the record to admit new evidence or testimony, any person may raise new issues which relate to that new evidence or testimony.

ii. An extension of the hearing or record granted pursuant to this subsection is subject to the limitations of ORS 227.178 (120-day rule), unless the continuance or extension is requested or agreed to by the applicant.

iii. If requested by the applicant, the City shall allow the applicant at least seven days after the record is closed to all other persons to submit final written arguments in support of the application, unless the applicant expressly waives this right. The applicant's final submittal shall be part of the record but shall not include any new evidence.

Applicant's Response: The Applicant understands and acknowledges the public hearing procedures for this land use review.

F. Decision process.

1. Approval or denial of a Type III decision or appeal of a Type II decision shall be based on standards and criteria located in the code.

2. The hearings body shall issue a final written order containing findings and conclusions that approve, approve with conditions, or deny the application.

3. The written decision shall explain the relevant criteria and standards, state the facts relied upon in rendering the decision, and justify the decision according to the criteria, standards, and facts.

4. In cases involving attorneys, the prevailing attorney shall prepare the findings, conclusions, and final order. Staff shall review and, if necessary, revise, these materials prior to submittal to the hearings body.

Applicant's Response: The Applicant understands and acknowledges the Decision Process for this land use review.

G. Notice of Decision.

1. The written findings shall be sent to:

a. Any person who submits a written request to receive notice, provides written comments during the application review period, or provides written or oral testimony in the public hearing;

b. The applicant and owner of the subject property;

- c. Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the City.
2. The written findings shall include information on the application, the City's decision, and a statement explaining how an appeal of the decision may be filed.

Applicant's Response: The Applicant understands and acknowledges the notice of decision procedures for this land use review.

H. Effective Date. A Type III decision is final for purposes of appeal when it is mailed by the City.

Applicant's Response: The Applicant understands and acknowledges when the effective date is for this land use review.

I. Appeal. The Planning Commission's decision on a Type III decision or Type II appeal may be appealed to the City Council as follows:

1. The following have legal standing to appeal:
 - a. The applicant;
 - b. Any person who was mailed notice of the decision;
 - c. Any other person who participated in the proceeding by testifying or submitting written comments; and
 - d. The City Council, on its own motion.
2. Procedure.
 - a. A Notice of Appeal shall be filed in writing, on forms provided for the purpose by the Planning Director, within 10 days of the date the Notice of Decision was mailed.
 - b. The Notice of Appeal shall be accompanied by all required information and fees.
 - c. The appeal shall be limited to the specific issues raised during the comment period and public hearing process unless the hearings body allows additional evidence or testimony concerning any other relevant issue. The hearings body may allow additional evidence if it determines that such evidence is necessary to resolve the case. The purpose of this requirement is to limit the scope of appeals by encouraging persons to be involved in the public hearing. Only in extraordinary circumstances should new issues be considered by the hearings body on an appeal.
3. The City Council shall overturn the decision of the Planning Commission only when one or more of the following findings are made:
 - a. That the Commission did not correctly interpret the requirements of this title, the Comprehensive Plan, or other requirements of law;
 - b. That the Commission did not observe the precepts of good planning as interpreted by the Council; or
 - c. That the Commission did not adequately consider all of the information which was pertinent to the case.
4. The Council's action on an appeal shall be governed by the same general regulations, standards, and criteria as apply to the Commission in the original consideration of the application.

Applicant's Response: The Applicant understands and acknowledges the appeal procedures for this land use review.

J. Any decision of the Planning Commission may be appealed to the City Council unless otherwise specified in this Title. Such appeals will be processed using the Type III procedures unless otherwise specified in this Title.

K. The decision of the City Council regarding a Type IV decision, appeal of a Planning Commission decision, or any other process contained within this title, is the final decision of the City.

Applicant's Response: The Applicant understands and acknowledges the procedures for this land use review.

TITLE 9: PUBLIC PEACE, MORALS AND WELFARE

CHAPTER 9.48: NOISE CONTROL

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
4. 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	
	<u>Noise Sensitive</u>	
	Day	Night
<u>Noise Sensitive</u>	55	45

Applicant's Response: A Sound Performance report for the proposed mechanical equipment has been submitted with this application in Appendix H. The report contains the sound ratings for the exterior mechanical equipment highlighted in yellow in Table 48: Outdoor Sound Performance. The expected at-source sound ratings from the different models of exterior mechanical equipment proposed ranges from 89-91dBA. As noted in the report, the ratings include the compressor noise generated by the equipment.

Using the Sound attenuation formula, the Applicant has determined that the sound levels at the shared property lines for the subject site are within the allowable sound levels as identified in Appendix A, Table 1, of Title 9 in the Canby Municipal Code. Sound attenuation describes how the sound pressure level changes with increasing distance from the sound source. The sound attenuation formula is as follows:

$$SPL_2 = SPL_1 - 20 \log \left(\frac{R_2}{R_1} \right)$$

SPL₁ – Sound pressure level at point 1 (measured at source of noise)

SPL₂ – Sound pressure level at point 2 (at property boundary)

R₁ – Distance from the sound source to “point 1” (~1 inch or at-source)

R₂ – Distance from the sound source to “point 2” (distance to property boundary)

The Applicant has determined the noise level at each property boundary line when the equipment is in use through the use of the sound attenuation formula. The Applicant used the specific dimensions of the Fairgrounds property and the sound generation levels identified in the Technical Guide of the proposed mechanical equipment from the equipment manufacturer. For this calculation the Applicant used the loudest provided at-source rating of the mechanical equipment. The results are as follows:

The proposed mechanical equipment will produce a sound level of 20.567 dBA at the north property line, 277 feet away from the source of the mechanical equipment. This sound level does not exceed the Allowable Sound Levels for Day or Night as determined by the City of Canby.

$$20.567 \text{ dBA} = 91 \text{ dBA} - 20 \log \left(\frac{1''}{277'} \right)$$

The proposed mechanical equipment will produce a sound level of 16.37 dBA at the east property line, 449 feet away from the source of the mechanical equipment. This sound level does not exceed the Allowable Sound Levels as for Day or Night determined by the City of Canby.

$$16.37 \text{ dBA} = 91 \text{ dBA} - 20 \log \left(\frac{1''}{449'} \right)$$

The proposed mechanical equipment will produce a sound level of 16.297 dBA at the south property line, 453 feet away from the source of the mechanical equipment. This sound level does not exceed the Allowable Sound Levels for Day or Night as determined by the City of Canby.

$$16.294 \text{ dBA} = 91 \text{ dBA} - 20 \log \left(\frac{1''}{453'} \right)$$

The proposed mechanical equipment will produce a sound level of 7.971 dB at the west property line, 1181 feet away from the source of the mechanical equipment. This sound level does not exceed the Allowable Sound Levels for Day or Night as determined by the City of Canby.

$$7.971 \text{ dBA} = 91 \text{ dBA} - 20 \log \left(\frac{1''}{1181'} \right)$$

The Applicant finds that the proposed mechanical equipment will 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".

All other noise generated by the Clackamas County Fairgrounds and Event Center not related to the noise generated by the mechanical equipment for the proposed Multipurpose Building, will fall under the Exceptions as listed in Canby Municipal Code 9.48.050.A.9.

This standard is met.

SUMMARY AND CONCLUSION

Based upon the materials submitted herein, the Applicant respectfully requests approval from the City of Canby Planning Commission for this Site and Design Review and Conditional Use applications.