

**MINUTES**  
**Planning Commission**  
7 pm - August 24, 2015  
City Council Chambers – 155 NW 2<sup>nd</sup> Ave

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Present: Commissioners John Savory, Shawn Hensley, John Serlet, and Larry Boatright

Absent: Commissioners Kristene Rocha and Tyler Smith

Staff: Bryan Brown, Planning Director, Renate Mengelberg, Economic Development Director, and Laney Fouse, Planning Staff

Others: Jeff Gordon, Aaron Jones, Scott McCormack, Eric McCormack, Heather Austin, Melody & Tracy Boyce, Michael Poissant, Gerry Snavsly, Liz Belz-Templeman

**CALL TO ORDER**

The meeting was called to order by Chair Savory at 7 pm.

**CITIZEN INPUT ON NON-AGENDA ITEMS** – None.

**MINUTES**

Planning Commission Minutes, June 30, 2015

**MOTION:**

A motion was made by Commissioner Serlet to approve the June 30, 2015 minutes. The motion was seconded by Commissioner Boatright and passed 4/0.

**PUBLIC HEARING**

- a. Consider the Comprehensive Plan Map Amendment, Zoning Map Amendment and Lot Line Adjustment applications from Urban IDM to change zoning for 7.6 acres from M-2 Heavy Industrial to R-2 High Density Residential for a proposed apartment complex for property located at 235 S Sequoia Parkway. **(CPA-15-01/ZC-15-01/LLA 15-04)**

Chair Savory opened the public hearing and read the public hearing format. He asked for any declarations of conflict of interest or ex parte contact.

No Commissioner had a conflict of interest. Commissioner Boatright said he drove by the site, Commissioners Hensley and Serlet said they had no ex parte contact.

Bryan Brown, Planning Director, entered his staff report into the record for the Canby Commons Comprehensive Plan Amendment, Zoning Map Amendment, and Lot Line Adjustment to change zoning for 7.6 acres from M-2 Heavy Industrial to R-2 High Density Residential for a proposed 166 unit apartment complex. He explained the tax lot map of the area, readjustment of the property line, and conceptual plan for the apartment complex. He gave background information on the application, including the justification for the zone change from industrial to residential. The applicant had difficulty marketing this property as industrial and it was an odd piece of property in its shape and the fact that the majority of it did not have frontage on the main collector street. It was next to Fred Meyer and was a walkable area to stores and employment. In the review the applicant had gone through in deep detail conformance with the Code criteria. It had to conform with the City's Comprehensive Plan goals and policies. Staff worked closely with DLCDD (Department of Land Conservation and Development) who recommended an analysis of how the Statewide Planning Goals were met. Staff found the application consistent with the Comprehensive Plan. One finding was in regard to Statewide Planning Goal 2, and stating the fact the City still had large amounts of vacant sites available in the Industrial Park of various sizes and locations. Staff did an Industrial Employment Land Supply & Demand Analysis that showed the City had 164.72 acres of vacant industrial land and another 108 acres of re-developable industrial

land. He explained the improvement conditions which focused on protecting the health, safety, and welfare of existing businesses and providing good quality living environment for the residents of the future Canby Commons. There were five areas that needed zone change conditions of approval. One was screening and buffering, and staff proposed a 25 foot landscape buffer against the parcel that would be retaining the M-2 zoning, a buffer against the rail line, and a minimum 15 foot landscape screening. Another area was sound and vibration and staff proposed building construction standards to protect against noise and adverse vibration impacts, such as triple paned windows and extra insulation of the building and a study of the rail traffic vibration. The third condition had to do with the remaining parcel that was not being rezoned. The applicant would record a deed restriction to limit the outright permitted uses on the remaining parcel to only those allowed in the M-1 Light Industrial Zone. The fourth condition was in regard to limiting driveway access. The applicant would get one driveway per parcel even if it did not meet the 200 foot separation, but they might want to share a driveway with the industrial site for internal circulation in the apartment complex and for emergency access. The traffic study results showed there would be an increase in traffic resulting from the rezone and the adverse impact would be at the Hazel Dell/Sequoia Parkway intersection. The Transportation Planning Rule called for mitigation, and staff proposed a signal light at that intersection. A proportionate share of the cost of the signal could be assessed to the applicant, and staff proposed a 4% contribution in the conditions. The final condition was if this was approved, they were also recommending the signal light and to make it happen within the next 20 years, the Transportation System Plan had to be amended so the signal light was a listed project and it had to be added to the Capital Improvement Plan to make it fundable. The left turn lanes at Township and Sequoia Parkway that was listed in the Transportation System Plan was to be removed from the list in order to add the signal light project. There was also a Lot Line Adjustment with this application and he explained the conditions for the Adjustment. The applicant would need to do a re-plat of the area to satisfy Clackamas County for the exact boundaries, which needed to be done within a year of approval. The City needed ODOT's approval to support the signal light, which the City did get and ODOT recommended two additional conditions of approval. The supplemental traffic analysis would be revised to include lengthening the left turn bay on Sequoia and widening the Fred Meyer driveway to three lanes instead of two with installation of the signal. The City's Bicycle and Pedestrian Committee strongly encouraged access to the City park and Logging Road trail from the apartment complex.

### **Applicant:**

Jeff Gordon, Urban IDM, 1498 SE Tech Center Place, Suite 150, Vancouver, WA, and Aaron Jones, Urban IDM, 4200 SE Columbia Way, Suite F, Vancouver, WA, were the applicants. Mr. Gordon gave a background on the applicants, who were multi-family and industrial owners who built garden style apartment complexes. They also did urban in fill apartments and institutional quality light industrial facilities or concrete tilt wall buildings. Their goal was long term ownerships, they built on what they owned, and they managed what they owned. Originally their plan was to build industrial on the whole 12 acres, but with the inclusion of residential it made it a lot more attractive to industrial users and manufacturers because they liked the proximity of work force housing near their businesses. They had no problem with keeping the other five acres as light industrial. Mr. Gordon showed examples of other projects they had done in Vancouver and what the apartment complex would look like and the amenities the apartment complex would have. A neighborhood meeting was held and they took into consideration the comments in the application. They were in agreement with the conditions proposed by staff. They wanted to provide a range of affordable housing for those who worked in the Industrial Park. Mr. Jones said the market they were trying to attract was people more focused on walkability to work and stores and reduced car trips.

### **Proponents:**

Scott McCormack, Trend Business Center, was in favor of the application. Trend owned two buildings in the Industrial Park that were leased to tenants and planned to construct a third building next year. They did have several concerns at first, but these had been addressed. This would be a good quality, market-rate, middle income apartment complex and they would be happy to have them as a neighbor. This would be a gated community with good landscaping and buffers. Jeff Gordon was a good developer who had a long track record of quality projects. In reviewing the staff report and conditions of approval, their concerns had been addressed. It was good the number of driveways was limited and that the five acre parcel would remain industrial to serve as a buffer. He suggested one other condition stated as follows, "The applicant shall record a deed restriction in favor of all the industrial zoned lots in the Canby Pioneer Industrial Park acknowledging the industrial uses in the industrial zoned properties are pre-existing and do not constitute a nuisance and the apartment owners and residents waive any future claims for nuisance arising out of the current or future industrial uses of those properties."

Renate Mengelberg, Economic Development Director for the City, said they were blessed with industrial land that was ready and waiting for sale. She worked with Mr. Gordon on a number of ideas for this property. It had been priced below market value for a long time and he had not been able to move the site. This was a hard site and without this proposal it would sit vacant for many years. She had tried to provide access to the rail lines on the site, but found that there was not a demand for it at this time. Employers wanted to attract a younger work force that could live in the City. This would be a high quality development at a price point that would serve a lot of different needs and that met the wages employers paid. A business survey was done in the spring, and industrial employers said work force was one of their main issues. There was also a bus stop at the corner by Fred Meyer. The walkability to work, stores, a park, restaurants, health care, and the option to take the bus would serve the needs of the future work force. Trains ran on the track about once a week and where the apartment complex would be they ran slowly. There would not be a loud, thundering noise from it. She encouraged their support of the application.

Liz Belz-Templeman, Chair of the Bicycle & Pedestrian Committee, liked the idea of the apartment complex in this location. The Committee encouraged connectivity to the Logging Road trail, access to the park, and access to Fred Meyer. If there was a fence around the complex, she questioned how people would get access to these pathways and how kids would walk to school.

**Opponents: None**

**Neutral: None**

Chair Savory closed the public hearing at 8:17 pm.

Commissioner Serlet asked about irrigating the landscaping. Mr. Brown clarified the Code required the landscape area to be irrigated.

Commissioner Serlet liked what he heard, thought it was well planned, and would support a motion to approve it.

Commissioner Boatright thought it was a well-planned project, but had doubts it was compatible with the industrial zone.

Commissioner Hensley agreed with Commissioner Boatright about putting apartments next to industrial zoned land. This land had been made industrial for a reason and it had access to the rail line. He thought there would be issues putting residential in this location.

Chair Savory said they were blessed with an abundance of available industrial land. He was familiar with residential development pushing up against industrial lands in Portland and it was a continuous battle. He agreed sounds and smells would probably be a problem and the barriers would not keep them out. They would not be compatible.

Commissioner Serlet thought the location lent itself well to a residential area. He was concerned about the noise and driveways, but he was in favor of it due to the proximity of the shopping, dining, and park.

**MOTION:**

Commissioner Serlet moved to recommend approval of CPA 15-01/ZC 15-01/LLA 15-04 Canby Commons Apartments to the City Council. The motion was seconded by Chair Savory and failed 1/3 with Commissioners Boatright, Hensley, and Savory opposed.

**MOTION:**

Commissioner Hensley moved to recommend denial of CPA 15-01/ZC 15-01/LLA 15-04 Canby Commons Apartments to the City Council. The motion was seconded by Commissioner Boatright and passed 3/1 with Commissioner Serlet opposed.

- b. Consider a Site and Design Review application from OBC Northwest for a proposed 15,000 square foot warehouse building including associated parking and landscaping areas on 2.14 acres of 1158 SW Berg Parkway. **(DR 15-03)**

Chair Savory opened the public hearing and read the public hearing format. He asked for any declarations of conflict of interest or ex parte contact.

No Commissioner had a conflict of interest. Commissioners Hensley and Serlet had no ex parte contact but Commissioner Boatright drove by the site every day.

Mr. Brown entered his staff report into the record. The applicant was proposing to construct a 15,000 square foot metal industrial warehouse on a 2.14 acre parcel. Office space was not proposed at this time. A lot line adjustment had been done changing two parcels into one, and in the future the applicant might build another warehouse over the previous tax lot line. The proposed warehouse would be on the northern part of the property. He explained the site distance issue as a building blocked the view of traffic on the curve. He thought in the future the Commission should address allowing zero setbacks to the property boundary in the M-1 Industrial Zone. Currently it was allowed and staff could not tell them not to use the driveway even though it was unsafe, but staff did say not to add any additional traffic to it. The applicant proposed a new driveway to the south which met the 300 foot separation distance requirement and addressed the issue. The applicant had thought about an alternative design for the building and loading docks, but staff thought the proposed design was preferable to protect the nearby residential area. The applicant also proposed to reduce the required onsite parking from 15 to 5 spaces. They had plenty of room to add more parking in the future if needed. Staff added a condition of approval recognizing if the applicant came in for another building permit that the parking would be increased to meet the standard at that time or waive the requirement if they demonstrated it was not needed.

**Applicant:**

Tracy Boyce, 3027 Turner Rd, West Linn, was representing the owners of the property and was a majority shareholder of OBC Northwest. They purchased lots 901 and 903 in June 2015 with the idea of building a warehouse on the property and leasing it to OBC Northwest. He gave a background on OBC Northwest, a manufacturer and distributor of agricultural products. They had about 45 employees and were currently leasing a warehouse off site.

The new building would be strictly for overflow inventory. No one would be stationed at the warehouse. The trucks would offload product at this warehouse at about one truck per day, and during the busy season it could be up to ten trucks per week. They were satisfied with all of the findings and conditions. Regarding the parking issue, because there would be no employees and one truck in and out, they would like to put in only five spaces. Operating hours were 7:30 am to 5 pm with no shipments after 3 pm. Their employees would offload the trucks.

There was no proponent, opponent or neutral testimony.

Chair Savory closed the public hearing at 9:02 pm

**MOTION:**

Commissioner Boatright moved to approve DR 15-03 OBC Northwest. The motion was seconded by Commissioner Serlet and passed 4/0.

c. **NEW BUSINESS** – None.

d. **FINAL DECISIONS**

(Note: These are final, written versions of previous oral decisions. No public testimony.)

a. OBC Northwest Final Findings (**DR 15-03**)

Mr. Brown reviewed the final findings.

**MOTION:**

Commissioner Boatright moved to approve DR 15-03 OBC Northwest Final Findings. The motion was seconded by Commissioner Hensley and passed 4/0.

e. **ITEMS OF INTEREST/REPORT FROM STAFF**

a. Next Regular Planning Commission meeting scheduled for Monday, September 14, 2015

Mr. Brown announced there would be an all City Committee Work Session scheduled for Wednesday, October 28, 2015 at 6 pm at the Canby Police Department Community Room.

f. **ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION** – None.

**ADJOURNMENT**

**MOTION:**

Commissioner Hensley moved to adjourn the meeting. The motion was seconded by Commissioner Boatright and passed 4/0. The meeting was adjourned at 9 pm.