

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – July 25, 2016
City Council Chambers – 155 NW 2nd Avenue

PRESENT: Commissioners John Savory, Shawn Hensley, Larry Boatright, John Serlet, and Derrick Mottern

ABSENT: Kris Rocha and Tyler Smith

STAFF: Bryan Brown, Planning Director

OTHERS: Steven Rudnick

1. CALL TO ORDER

Chair Savory called the meeting to order at 7:00 pm.

2. CITIZEN INPUT – None

3. MINUTES – None

4. PUBLIC HEARING

- a. Consider a request for a Site & Design Review for a proposed commercial sign fabrication shop at 1400 SE Township Road (DR 16-04 Steven Rudnick)

Chair Savory opened the public hearing and read the public hearing format. He asked if any Commissioner had a conflict of interest or ex parte contact to declare. There was none.

Bryan Brown, Planning Director, entered the staff report into the record. This development was located on the north side of SE Township Road. Existing developments surrounded the property and it was zoned light industrial. The lot was part of a replat of a previous lot of a plat. There were four lots that shared an access on the western edge of the applicant's property and there was a 20 foot easement in the back. A sign fabrication shop was allowed in this zone. The overall building footprint was 4,896 square feet which included an upstairs mezzanine area. That was below the level that required any designated loading zone. They were also proposing a fenced, secured area for a circulation parking lot route into the north end of the building for staging of vehicles and a long term storage area. There was an existing sidewalk along Township Road, which was five feet wide instead of the standard six feet. Staff recommended maintaining the existing width. There was some cracking in the existing driveway and that portion needed to be fixed. Currently the applicant was responsible for the maintenance of the common driveway, but he was working on getting an access and maintenance agreement with the neighboring properties. Some landscaping had been proposed in the back of the property, however it would be in the 20 foot easement area. Staff suggested either moving the building one foot and four and a quarter inches to the east so the entire proposed site was off of the easement. The applicant was moving forward with securing a common access easement and might not have to move the building. The proposal met the landscape requirements and all other requirements. It was unclear where the bicycle parking would be. The lighting fixtures proposed were acceptable except for the flood lights which

needed to prevent light trespass across the property line. The lights proposed did not have the proper shielding.

Applicant: Steven Rudnick, resident of Oregon City, said it had been confusing regarding who owned what. He came up with a reciprocal agreement for access and maintenance and he gave a copy of the agreement to the Commission. He then reviewed the agreement that included signatures of all four owners of the properties. The agreement was to share the cost for the 40 foot wide L-shaped strip (including some property in the front that no one was currently using and the 20 foot easement), they would have to give a year's notice and come to an agreement for any repairs that needed to be made, and the current existing asphalt would be left as it was with no widening. Bicycle parking would be placed on the site. He explained how LED lamps were more expensive because at the end of their life a new fixture would have to be put in and lumens' output was more energy efficient and could be better maintained. He would use 400 watt lights in the parking lot, but without shielding. The lights would shine away from the residential neighborhood at 180 degrees and would light up the easement area in the back as well. He thought other businesses had similar lighting. Some residents came to the neighborhood meeting and were happy that something was going to go on this site.

Chair Savory urged Mr. Rudnick to get a lawyer to draft the agreement to make it legally binding. Mr. Brown wanted to make sure it was recorded with the properties.

There was discussion regarding the cracks in the concrete in the public right-of-way where the driveway approached into the lot and who was responsible to maintain it. Mr. Brown said when a new development was going in, if there were defective driveway approaches the City asked that they be brought up to City standards. It was not a requirement, but a recommendation from staff.

Mr. Brown suggested separating the maintenance issue from the guaranteed easement issue. The applicant could either move his building out of the easement area or before construction, file an easement on the neighboring property that allowed all of the property owners' access on the property.

Mr. Rudnick thought his agreement covered this issue. He explained how he determined the property lines for his property and where the easements were. There would be additional landscaping along the fence line to help blend in. The 20 foot easement was made for fire truck access and he thought there would be enough access with the 40 feet. He did not want to push his building to the east as he did not want to make access harder as access was currently 10 feet, but if he had to move his building it would be 8 feet, which was the width of a utility vehicle. Mr. Brown said the issue was encroachment in the access easement. They did not normally approve new development in an access easement.

Mr. Rudnick reviewed the conditions of approval. Mr. Brown said the applicant could provide a document with legal descriptions of the portions of the neighboring properties that were included in the reciprocal easement and if it was recorded with the properties, then he would not have to move his building. The issue was timing, because the easement would have to be done and filed before construction began and it was an extra expense. The other option was to move the building.

Mr. Rudnick was trying to avoid moving the building as he already paid his architect and structural and civil engineers and every change was costly.

Proponents, Opponents, and Neutral: None

Chair Savory closed the public hearing.

Commissioner Boatright said they were talking about a few inches on a driveway and he did not think Mr. Rudnick should have to move his building or go through a costly process. He thought Condition #4 should be removed.

Mr. Brown said this was a private access easement and he was not sure how much interest the City had in it.

Motion: A motion was made by Commissioner Boatright and seconded by Commissioner Hensley to approve DR 16-04 Steven Rudnick and striking Condition #4. Motion passed 5/0.

5. NEW BUSINESS – None

6. FINAL DECISIONS

- a. DR 16-04 Rudnick Electric Signs, LLC

Motion: A motion was made by Commissioner Serlet and seconded by Commissioner Boatright to approve the final decisions for DR 16-04 and striking Condition #4. Motion passed 5/0.

7. ITEMS OF INTEREST / REPORT FROM STAFF

- a. Next regular Planning Commission meeting scheduled for Monday, August 8, 2016

Mr. Brown discussed what would be on the agenda for August 8.

8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION – None

9. ADJOURNMENT

Motion: Commissioner Hensley moved for adjournment, Commissioner Boatright seconded. Motion passed 5/0. Meeting adjourned at 8:10 pm.

The undersigned certify the July 25, 2016 Planning Commission minutes were presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 26th day of September , 2016

Bryan Brown, Planning Director

Laney Fouse, Meeting Recorder

Assisted with Preparation of Minutes – Susan Wood