

CANBY PLANNING COMMISSION
7:00 PM – Monday, November 26, 2018
City Council Chambers – 222 NE 2nd Avenue

PRESENT: Commissioners John Savory, John Serlet, Larry Boatright, Derrick Mottern, Shawn Varwig, and Andrey Chernishov
ABSENT: Commissioner Tyler Hall
STAFF: Bryan Brown, Planning Director, and Laney Fouse, Recording Secretary
OTHERS: Kathy Polley, Matt Radich, Bobby Pickering, Dan & Trisha Kinney, Breckenridge Cartwright, Chris & Kelly Clasen, Bryan & Lisa Swelland, Cindy Swelland, Ed Patton, Charles Burden, Ron Reimers, Bob Cambra, Todd Iselin, and Pat Sisul

CALL TO ORDER

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

CITIZEN INPUT ON NON-AGENDA ITEMS – None

MINUTES

- a. Approval of Planning Commission Minutes for September 10, 2018 and September 24, 2018

Motion: A motion was made by Commissioner Varwig and seconded by Commissioner Mottern to approve the minutes for September 10, 2018. Motion passed 6/0.

Motion: A motion was made by Commissioner Varwig and seconded by Commissioner Serlet to approve the September 24, 2018 minutes. Motion passed 6/0.

NEW BUSINESS – None

PUBLIC HEARINGS:

- a. **Consider a request from the Swelland Family for an Annexation and Zoning Map Amendment to annex 4.84 acres consisting of 1 tax lot and adjacent right-of-way on N Redwood Street located within the North Redwood Development Concept Plan area, and to rezone from County RRFF-5 to R-1.5 Medium Density Residential. (ANN 18-04/ZC 18-05 Swelland).**

Chair Savory opened the public hearing and read the public hearing format. He asked if any Commissioner had ex parte contacts or conflicts of interest to declare. There were none.

Bryan Brown, Planning Director, entered his staff report into the record. This was an annexation and zone change request for 4.84 acres on N Redwood Street. The annexation would include the adjacent right-of-way on N Redwood. The zone change would go from County RRFF-5 to the City's R-1.5, medium density residential, which was consistent with the Comprehensive Plan. He discussed the applicable review criteria and findings as well as the subject site. Any annexation in this area was subject to the previously approved N Redwood

Development Concept Plan. He explained how the road circulation had been changed in the Concept Plan. The applicant did not intend to develop the property, but planned to sell it to a developer. He then reviewed the one public comment that had been submitted, which was in favor of the application. He discussed whether or not there was a need for more land to be annexed into the City. From analysis that had been done for previous annexation applications, the City was getting near the three year buildable land supply. The Commission could use this as a reason to deny applications if they thought there were too many properties being annexed. Currently any platted lots were quickly being built on and the homes were being sold as fast as they were being built. The three year land supply would not last long if the current economy continued. There was nothing in the code that said they could not have more than a three year supply. There were no capacity issues to serve the property. The application met all of the review criteria and staff recommended approval.

Applicant:

Brian Swelland, owner of the property along with his wife Lisa and sister-in-law Cindy, would like to annex the property and rezone it to R-1.5.

Proponent:

Breckenridge Cartwright, Attorney, stated this property was in the Urban Growth Boundary and met all of the criteria. It fit with the N Redwood Concept Plan. Regarding the three year buildable land supply, all of the currently developed plots in Canby were purchased quickly. The area was perfect for development given it was surrounded by higher density development and by the City on most sides.

Opponent:

Bob Cambra, Canby resident, was opposed because he did not think N Redwood was adequate to sustain this type of development. Redwood was a substandard road for its usage and projected usage. He thought once this area was developed there would be a backlog on Territorial, Redwood, and 99E.

Rebuttal:

Lisa Swelland discussed the traffic analysis that was done. In the analysis it stated that the application met the Transportation Planning Rule. The surrounding intersections and roadways would have sufficient capacity to accommodate the proposed annexation.

Chair Savory closed the public hearing at 7:30 p.m.

Commissioner Mottern said N Redwood would be upgraded when the area was developed. He was in favor of the application.

Commissioner Serlet was also in favor. Redwood would be a mess until it was upgraded, but that was how the system worked.

Commissioner Chernishov asked when a transportation analysis was required, at annexation or development. Mr. Brown said there was a general transportation study done when the N Redwood Concept Plan was approved and with this application a Transportation Planning Rule analysis was done indicating that full build out of this property and the properties in the Concept Plan area did not result in any projects in the 2010 Transportation System Plan. There would also be another transportation analysis when the subdivision application came through.

Commissioner Varwig pointed out that this was only an annexation application, not a development application. Anyone who had driven on the street knew it was a problem, but it would be addressed through development. He was in favor of the application.

Commissioner Boatright and Chair Savory were in favor as well.

Motion: A motion was made by Commissioner Chernishov and seconded by Commissioner Varwig to approve the Annexation and Zoning Map Amendment to annex 4.84 acres consisting of 1 tax lot and adjacent right-of-way on N Redwood Street located within the North Redwood Development Concept Plan area, and to rezone from County RRFF-5 to R-1.5 Medium Density Residential. (ANN 18-04/ZC 18-05 Swelland). Motion passed 6/0.

b. Consider a request from Active Water Sports for a Site & Design Review and Conditional Use Permit to construct a 28,975 SF building for use as a watercraft sales and storage facility at the SE corner of SE 1st Ave and S Hazel Dell Way in the Canby Pioneer Industrial Park. (DR 18- 07/CUP 18-06 Active Water Sports).

Chair Savory opened the public hearing. He asked if any Commissioner had ex parte contacts or conflicts of interest to declare. There were none.

Mr. Brown entered his staff report into the record. This proposal was for an active water sport development for recreational boat sales and storage. This was only one of three properties in the Industrial Park that was zoned C-M, Commercial Manufacturing. It was located at the southeast corner of SE 1st Avenue and S Hazel Dell Way. There was currently a house and accessory building on the property which would be removed. There would be driveways on both Hazel Dell and 1st Avenue. The applicant was also requesting a Conditional Use Permit for not meeting the minimum 12 employees per acre standard. He discussed the review criteria. The applicant was proposing three wall signs on the building and there was a condition that they file a sign permit for the signs at a later time. He then reviewed the site plan. The proposed building would be 28,975 square feet. The applicant had originally proposed to use a Kingsband insulated panel system which was a steel frame supported by thin metal siding that was covered with various types of materials. In this case it was a stucco granite looking material. Staff concluded it could be allowed because the surface was not metal and did not give the appearance of metal. However, the applicant had changed his mind and was now proposing a concrete tilt up construction. This was the predominant type of building material in the Industrial Park. The building would be up near the front of the property and there would be a large outdoor storage area in the back that would be paved with parking spaces and a loading area. There would also be a stormwater detention facility on the site. SE 1st Avenue was a substandard street and a lot of improvements would be necessary. Hazel Dell was fully improved except for the needed planter strip and sidewalk. There was a pond at the western edge which made it difficult to plan the street improvements because the pond could not be disturbed and must be retained. There would be two 12 foot wide lanes and a four foot curb tight sidewalk in that area and it would transition to the full standard cross section for an industrial street. He discussed the elevations of the proposed building and landscaping plan as well as the conditions that were unique to this proposal. One was to correct the sight distance issues at the proposed driveway access onto SE 1st Avenue. Staff also proposed a change to Condition #2 by adding, "Or as otherwise determined to be suitable by city staff with final technical review during construction plan preparation." This was due to the right-of-way being varied on SE 1st and would allow the City to have the right-of-way that was needed for the road improvements. Staff thought the application met all of the criteria and recommended approval with conditions.

Applicant:

Randy Saunders, applicant, explained the elevations that were presented were the elevations of the building. The materials would change, but the configuration of the colors would be the same. It would be tilt up concrete rather than the premanufactured panel.

Neutral:

Kathy Polley, Clackamas County resident, said she and her brother owned property directly across from this property on Hazel Dell Way. The City was currently considering regulating truck routes. None of the paperwork for the Industrial Park applications specifically addressed how many trucks would be going in and out. It was not a complaint but a concern. She thought every application for industrial properties should include truck traffic, not just trips.

Proponents:

Warren Freece, Washington state resident, was in support of the application. They would be good neighbors and there would only be 3-4 trucks per month. He did not think there would be a huge impact to traffic with the trucks. A neighbor had asked that the building material be changed, and even though it would have been a cost savings, they had changed it. This was a family owned business and he asked for approval.

Ed Patton, Lebanon resident, concurred with the staff report and conditions of approval as modified and presented today.

Bob Cambra, Canby resident, thought these Industrial Park applications would have major impact on S Hazel Dell Way and S Sequoia Parkway and that intersection was not mentioned in the Transportation System Plan. He thought the intersection should be included in the TSP so it could be analyzed to see if something needed to be done. He did not want to wait for the next TSP update.

Mr. Brown clarified the City Manager was going to make a request to the City Council to use Urban Renewal funds to install a stop light at that location.

Mr. Cambra encouraged the Commission to write a letter of support to the City Council for the project.

Chair Savory closed the public hearing.

Commissioner Varwig was pleased to hear the elevations would remain the same. The City was also looking into other access points into the Industrial Park. He was in favor of the application.

Commissioner Mottern thought it was a good fit for what that area was designated for.

The rest of the Commission agreed.

Chair Savory thought they should send a letter of support to the Council as suggested by Mr. Cambra.

Motion: A motion was made by Commissioner Varwig and seconded by Commissioner Mottern to approve Site & Design Review and Conditional Use Permit to construct a 28,975 SF building for use as a watercraft sales and storage facility at the SE corner of SE 1st Ave and S Hazel Dell Way in the Canby Pioneer Industrial Park with the conditions as revised. (DR 18- 07/CUP 18-06 Active Water Sports). Motion passed 6/0.

- c. Consider a request from Chris & Kelly Clasen for a Site and Design Review to develop a new two-story office building with paved on-site parking and a gravel vehicle storage yard at 1793 SE 1st Ave for their septic system business. (DR 18-08 Lil Stinky Environmental).**

Chair Savory opened the public hearing. He asked if any Commissioner had ex parte contacts or conflicts of interest to declare. There were none.

Mr. Brown entered his staff report into the record. This was a site and design review to develop a two story office building in the Industrial Park. The property was to the west of the Active Water Sports application that was just approved. There was an underground stream on the property as well as a pond that would be preserved. He discussed the review criteria and proposed site plan. This would be a 4,732 square foot building that would be two stories. Parking would be in the front and eight spaces were proposed with two of those in the shop area. There would also be a fenced-in area for service vehicle storage. They were viewing it as a storage yard and proposed to gravel the area. However, if there was constant daily in and out of most of the vehicles that were parked there, that portion should be paved. It was up to the Commission's discretion whether or not it should be a paved or unpaved. He reviewed the elevations of the building and floor plans. The surface would be reveal hardy board siding and metal doors. He then explained the conditions unique to this proposal. They planned to use drought resistant plants and had no planned irrigation. This did not negate the standard to maintain the plants for the life of the development. There was a request from ODOT to require a traffic study, which came late in the process. He had talked with ODOT and DKS, the City's traffic consultant. In this particular case they would have no more than 40 trips per day and no more than 10 p.m. peak hour trips. The trigger for a full traffic study was 50 p.m. peak hour trips. After receiving that information, ODOT did not think a traffic study was needed. Staff also thought it met the criteria for waiving that requirement. He recommended adding a condition of approval, Condition #4a, which stated, "The project must be in conformance with the applicable findings and requirements outlined by the City Engineer's memorandum dated 11/6/2018 or as otherwise determined to be suitable by city staff with final technical review of the construction plans during construction plan preparation." Staff recommended approval of the application with conditions.

Applicant:

Todd Iselin, Iselin Architects, submitted additional drawings of revised elevations into the record. This was a small building as it was a constrained site due to the pond. The operation was small, and had planned for growth in the future. The gravel yard was for the future growth and weekend storage of vehicles. Currently they had two pump trucks and no large vehicles. One or two semi trucks per year made deliveries to the site. They had nine employees and met the employee per acre standard.

Chris Clasen, applicant, explained there would be three service trucks that left the yard and came back once per day.

Mr. Iselin said the building had two service bays and another bay to open up the office area to the outside for environmental classes that they might do.

Commissioner Mottern asked if the applicant would be willing to pave part of the yard that was used daily.

Mr. Clasen did not think it would be a problem.

Mr. Iselin said regarding the drought tolerant landscaping, the company would be the owner and occupant of the building and had an incentive to maintain it. Mr. Clasen said they were working with an award winning landscape architect who specialized in northwest vegetation.

Commissioner Chernishov asked if the business grew, would that mean doubling the number of trucks they would use. He wanted to make sure there would be enough paved surface for the future growth. Mr. Clasen did not know how fast it would grow. The yard was not a typical gravel yard, but would be a clean permeable surface. He did not see a problem with paving more of it in the future if needed.

Commissioner Serlet asked if it was a year round pond. Mr. Clasen said it was seasonal.

Pat Sisul, Sisul Engineering, said in regard to added Condition #4a, he had a concern with the Engineer's memo regarding the right-of-way. The existing right-of-way was varied in this area and it went from 49 feet near Sequoia to 53 feet near Hazel Dell. He wanted to make sure there was flexibility with the right-of-way.

Proponents and Opponents: None

Neutral:

Kathy Polley, Clackamas County resident, had looked at the landscape design and she thought it was wonderful and would be more likely to withstand drought. There were springs on both sides of the road and an underground flow that came out of the ground forming the pond. She had no objection to this application and was impressed with the design. She did want the Council and Commission to consider the amount of truck traffic in this area.

Chair Savory closed the public hearing.

Motion: A motion was made by Commissioner Mottern and seconded by Commissioner Varwig to approve Site and Design Review to develop a new two-story office building with paved on-site parking and a gravel vehicle storage yard at 1793 SE 1st Ave for their septic system business with the conditions as revised by staff and a condition to require a paved area for the service vehicles. (DR 18-08 Lil Stinky Environmental). Motion passed 6/0.

d. Consider a request from Trisha Kinney for a Conditional Use Permit to locate a physical fitness training business in an existing approved "flex-space" industrial building at 138 S Hazel Dell Way in the Canby Pioneer Industrial Park. (CUP 18-05 Kinney).

Chair Savory opened the public hearing. He asked if any Commissioner had ex parte contacts or conflicts of interest to declare. Commissioner Varwig knew the Kinneys and attended church with them, but he would still participate in the hearing.

Mr. Brown entered his staff report into the record. This was a Conditional Use Permit request to locate a physical fitness training business in the Industrial Park. There were several tenant spaces in this flex-space industrial building and this proposal was to put in a CrossFit gym which was not an outright permitted use in the M-1 zone. It was a suitable use within the M-1 zone with a Conditional Use Permit. This use was also permitted in commercial zoning districts, however there were not many available spaces around town and this was a good location with a ready built building. He discussed the review criteria and conditions of approval. Some of the considerations with this use were parking and displacement of industrial space. The owner of the property

designated a certain number of parking spaces for each tenant and currently there were only four parking spaces designated for this space. There were times early in the morning before other people came to work and also after 5 p.m. when people left work that they would be doing training and they might have more than four vehicles. There was temporary parking behind the building that could be used, but it would only be available until Phase 2 was built. It was a possible issue that might or might not be a problem. Staff did not think the use would adversely impact any of the surrounding properties or neighboring tenant spaces. Staff recommended approval of the application with conditions.

Commissioner Mottern asked if they could add a condition to review the parking if the temporary parking went away. Mr. Brown was not in favor of it as staff would have to monitor what was going on over time. However, if the Commission wanted, they could add that condition. He did not think the parking would spill out onto Hazel Dell Way as there was no designated parking on the street.

Commissioner Chernishov asked about the issues with having overflow parking using a gravel lot. Mr. Brown said the gravel lot was not put there for this use. It was a base for a future parking lot that would be built there. It was a unique solution to help a use go on the property. It would likely not cause a problem until Phase 2 was built.

Applicant:

Trisha & Dan Kinney, Canby residents, submitted a letter into the record from the property owner regarding the lease. The number of spaces they would be allocated was 6, not 4. They had a 3 year lease and during that time the owner said he would not be building Phase 2. Typically there were 6-8 people in a class, and most of the classes would be occurring early in the morning and also in the evening.

Proponents:

Charlie Burden, Canby resident, was worried about the noise affecting the nearby neighborhood, especially early in the morning.

Ron Reimers, OCI Reimers, was the property owner. Regarding the parking, there were 36 parking spaces for the building and he broke down how much parking would be given to each tenant. There was a total of 30 spaces required, and they had 36 spaces. They met the City's standards and there was no need for additional parking. Regarding the noise issue, they were in a manufacturing zone and the decibel level was enforceable.

Opponents: None

Neutral: None

Rebuttal:

Mr. Kinney addressed the noise issue. The tenant space was 3,000 square feet and it was all one long corridor. There were concrete and sheetrock walls and the instructors needed to be heard over the music. He did not think it would be loud enough to carry to the neighborhood.

Commissioner Deliberation:

Commissioner Mottern was in support.

Commissioner Serlet thought the issues had been addressed and was also in support.

Commissioner Varwig thought it was a good fit for the building and was in favor. Commissioner Boatright and Chair Savory agreed.

Motion: A motion was made by Commissioner Chernishov and seconded by Commissioner Mottern to approve a Conditional Use Permit to locate a physical fitness training business in an existing approved “flex-space” industrial building at 138 S Hazel Dell Way in the Canby Pioneer Industrial Park with conditions. (CUP 18-05 Kinney). Motion passed 6/0.

FINAL DECISIONS

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

- a. Final Findings (ANN 18-04/ZC 18-05 Swelland)

Motion: A motion was made by Commissioner Varwig and seconded by Commissioner Mottern to approve the final findings for ANN 18-04/ZC 18-05 Swelland. Motion passed 6/0.

- b. Final Findings (DR 18- 07/CUP 18-06 Active Water Sports)

Motion: A motion was made by Commissioner Varwig and seconded by Commissioner Mottern to approve the final findings for DR 18- 07/CUP 18-06 Active Water Sports. Motion passed 6/0.

- c. Final Findings (DR 18-08 Lil Stinky Environmental)

Motion: A motion was made by Commissioner Mottern and seconded by Commissioner Varwig to approve the final findings for DR 18-08 Lil Stinky Environmental. Motion passed 6/0.

- d. Final Findings (CUP 18-05 Kinney)

Motion: A motion was made by Commissioner Boatright and seconded by Commissioner Varwig to approve the final findings for CUP 18-05 Kinney. Motion passed 6/0.

ITEMS OF INTEREST/REPORT FROM PLANNING STAFF

- a. Next regularly scheduled Planning Commission meeting – Monday, December 10, 2018

Mr. Brown discussed upcoming agenda items.

ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION

Chair Savory said there would be three open positions on the Commission, and seven applications had been received. Interviews would be conducted in December.

There was consensus for staff to draft a letter from the Planning Commission in support of the traffic signal at S Hazel Dell Way and S Sequoia Parkway.

There was discussion regarding proposed code changes and the process.

ADJOURNMENT

Motion: A motion was made by Commissioner Chernishov and seconded by Commissioner Varwig to adjourn the meeting. Motion passed 6/0. The meeting was adjourned at 9:24 p.m.