

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – Monday, January 13, 2020
City Council Chambers – 222 NE 2nd Avenue

PRESENT: Commissioners Larry Boatright, Derrick Mottern, Jennifer Trundy, Jeff Mills, Michael Hutchinson, and Jason Taylor

ABSENT: John Savory

STAFF: Bryan Brown, Planning Director, Ryan Potter, Associate Planner, and Laney Fouse, Recording Secretary

OTHERS: Sam Caruso, Jason Sahlin, Matt Weber, Bob Cambra, Kathy Polley, Terry Tolls, Cliff Parsons, Allen Patterson, Ben Hagerman, and Jamie Stickel

CALL TO ORDER

Vice-Chair Boatright called the meeting to order at 7:00 p.m. He introduced new Planning Commissioners Jason Taylor and Michael Hutchinson.

Motion: A motion was made by Commissioner Mottern and seconded by Commissioner Trundy to nominate John Savory for Chair and Larry Boatright for Vice Chair for 2020. Motion passed 6/0.

CITIZEN INPUT ON NON-AGENDA ITEMS – None

MINUTES

- a. Approval of Planning Commission Minutes for October 28, 2019, and December 9, 2019

Motion: A motion was made by Commissioner Trundy and seconded by Commissioner Mills to approve the October 28 and December 9, 2019 Planning Commission minutes. Motion passed 6/0.

NEW BUSINESS

- a. Northwood Estates Subdivision, Phase 4 Extension Request (MISC 20-01).

Motion: A motion was made by Commissioner Mottern and seconded by Commissioner Trundy to approve Northwood Estates Subdivision, Phase 4 Extension Request (MISC 20-01). Motion passed 6/0.

PUBLIC HEARING

Vice-Chair Boatright opened the public hearing and read the public hearing format. He asked if there were any conflicts of interest, ex parte contacts, bias, or statements to declare including a visit to the site.

Commissioner Mills said he visited the site.

- a. A request from Caruso Produce for a Site and Design Review to construct a 90,000-square-foot produce distribution facility on a 9.59-acre lot located on the north side of the future extension of SE 4th Ave, just east of S Sequoia Parkway. (DR 19-02).

Ryan Potter, Associate Planner, entered his staff report into the record. This was a request to construct a 90,000 square foot produce distribution facility on the future SE 4th Avenue. He discussed the existing conditions of the site. It was a 9.59 acre lot in the Industrial Park zoned M-1, light industrial. The City did not have enough right-of-way to fully improve the road going westward to Sequoia at this time. This parcel of land had been recently partitioned and the larger site would be used for this facility and the remainder would be retained by the property owner. The proposed facility would be a 95,060 square foot produce distribution facility. It would be the relocation of Caruso Produce's existing operations and there would be cooler storage, conditioned warehouse staging/loading areas, and accessory office space. It would be open 24 hours per day with approximately 70 employees over 3 shifts. There would be 30 loading berths and 96 parking spaces. He described the proposed site plan and perspective drawings. He then reviewed the applicable criteria. The zoning anticipated light industrial uses including warehousing and distribution facilities. The project design was under the maximum height of 45 feet and the main entrance faced the future collector street. There were 96 parking spaces and 30 bays proposed, and 95 spaces and 3 bays were required. The bicycle parking would need to be relocated near the entrance. The traffic study showed that the project would generate 185 overall daily vehicle trips and it was not anticipated to trigger unacceptable levels of service at area intersections. The proposed project accommodated the future alignment of SE 4th Avenue. However, the project would use S Walnut Street for access in the interim prior to completion of SE 4th. He explained the conditions of approval, which included the standard conditions as well as half street improvements to SE 4th Avenue, restrictions related to access/circulation, and additional conditions regarding street improvements on SE 4th and Mulino in response to City Engineer and Clackamas County comments. They had received 9 comments, three from agencies and six from the public. The public comments included general support as well as concerns regarding traffic, water quality, and road capacity. Staff recommended approval of the application subject to the conditions.

Commissioner Mills asked for clarification on the tract numbers in the application. He was concerned about the traffic flow and pedestrians.

Bryan Brown, Planning Director, said Tracts A and B were the adjacent tracts to the west that fronted on Sequoia Parkway and the proposed facility would be on Tract C.

Mr. Potter explained the pedestrian path that crossed a drive aisle where trucks would be circulating. This would be an interim condition until SE 4th was improved.

Commissioner Mills thought that was a safety issue and interim conditions could last a long time.

Commissioner Boatright discussed Condition #9 regarding the truck circulation and Haines Road, 99E, and New Era.

Mr. Brown said the intent of the condition was that SE 4th would not be used until it was fully constructed. The truck traffic was conditioned to turn right onto Mulino and go to Township. They did not want any trucks going to Haines Road or to SE 1st. The extension of Walnut to 99E would be complete before any trucks would go that direction.

Commissioner Mottern asked why they did not have the right-of-way to Sequoia. Mr. Brown explained the property owner did not want to dedicate the property. There were structures and part of the house in that area and the road would be right on the front step if it was constructed. Until they planned to sell or redevelop the property, the property owner was not interested.

Applicant: Jason Sahlin & Ben Hagerman, VLMK in Portland, were representing the applicant. They were working through the frontage improvements as the neighboring property was developed. There were constraints to access because of the 4th Avenue improvements, however there were other projects on the docket that would allow for additional improvements on 4th Avenue that would ease the constraints.

Commissioner Mills asked when the 4th Avenue improvements would happen. Mr. Sahlin said the parcel to the southeast would be coming to the Planning Commission soon. That application would require the other half street improvements on 4th Avenue. He thought the improvements would be done concurrently.

Mr. Sahlin said they were required to provide a second pedestrian access to Walnut as well as the pedestrian crossing on the drive aisle.

Commissioner Mills asked if it would be an auto and pedestrian access. Mr. Sahlin said there would be a sidewalk there.

Mr. Brown said staff had been told there was not room to fit a separate pedestrian access on the property boundary. Mr. Sahlin said the traffic study requested a 50 foot drive aisle and that was their intention.

Commissioner Mills was in favor of a wider access.

Commissioner Taylor asked if there would be a gate at 4th Avenue to keep traffic away.

Mr. Potter said yes, there would be some barrier so that only emergency access could be taken there.

Proponents: None

Opponents: None

Neutral: Bob Cambra, Canby resident, discussed his continued concerns regarding traffic studies. He thought the numbers were questionable that there would only be an extra 19-20 vehicles during peak times. One of the main routes for the trucks would be on Township which was already a very busy street and it had a middle school and small neighborhood. He was not sure if truck traffic should be on that street and he thought it would need to be upgraded and safety features added.

Rebuttal: Mr. Sahlin said because they were a produce company that worked very early hours and they also had a late shift, many workers would not be driving to and from work during the peak hours. The staff report had spoken about where the traffic flow should be during normal operating hours, which was from Walnut to Sequoia to 99E. The traffic study was done by engineers and checked by the City to make sure it was done properly. With the streets still being improved, there would be intermittent times where the traffic would be different once the final build out of these properties was completed.

Commissioner Boatright clarified there would be no truck traffic on Township, only possible employees in their own vehicles coming to and going from work.

Commissioner Mills clarified all of the trucks would be Caruso trucks coming and going from the facility.

Mr. Sahlin said without these projects, the improvements to the streets would not be done. As these buildings were coming in, they were paying for their portion of the infrastructure so it was not a burden on the community.

Kathy Polley, Canby resident, owned the two lots between Sequoia and the lot where the facility would be built. She thought they were listed as Tracts A and B. Originally this applicant had made an offer on her land but they didn't go through with it. Sequoia had been built to come out to Township so that any trucks going towards Molalla could go out to Township and turn left instead of going through the heavily populated areas and to bypass the railroad overpass.

Commissioner Mills would like the bicycle parking to be adjacent to the building near the employee entrance.

Mr. Brown noted the County's request that improvements be made to the parcel adjacent to Mulino Road that came from the partition and that no traffic would spill off of SE 4th Avenue onto Mulino until Mulino was a fully improved connection. Condition #24 included what the County was requesting and Condition #25 was an alternative that would result in a deferment of those improvements but recognizing that if SE 4th was fully improved, Caruso could start using SE 4th for trucks and employees. That would mean they would have to turn right onto Township to Sequoia to 99E. They would be hard pressed to deny the applicant use of a fully built out collector street going to Mulino. There were conditions stating they could not use Haines Road or go north on Mulino. He hoped the applicant would continue to use the Walnut Street route. Staff had not made a recommendation to require improvements along the adjacent parcel. Those improvements had been deferred until that parcel developed, but the County wanted it improved now. There was no way to know when the other parcel would be developed, and it could be that there was future traffic from Caruso employees who were using Mulino without any improvements and that was what the County was worried about. It led to the question of whether they needed to follow the County's requirements or not and staff was not sure. He did not think the improvement would be much of a benefit at this time until Canby Excavating also redeveloped so there was continuity of street improvements. The Commission would need to deliberate and decide which condition to adopt, #24 or #25.

Commissioner Trundy asked if this condition was an issue for the applicant.

Mr. Sahlin said the 4th Avenue improvements were very likely, but in the interim if they were not allowed to use 4th Avenue the applicant was willing to use Walnut as the access during the interim period. The other application that would soon be coming to the Commission would be required to put in improvements on Mulino from 4th Avenue south to Township. They were already anticipating that requirement and Mulino would be improved for that development.

Terry Tolls, Woodburn resident, was a real estate broker representing both parties. He thought putting in the improvements on Mulino would be cost prohibitive to the applicant.

Vice Chair Boatright closed the public hearing at 8:10 pm.

Commission Deliberation:

Vice Chair Boatright didn't know how the County could demand this applicant to make these improvements.

There was discussion regarding when the improvements should be required to be made and the risks involved in not including this work in the application.

Commissioner Mills was concerned that if the improvements were not done, the County could decide not to maintain Mulino.

Commissioner Mottern was in support of requiring the Mulino improvements because it probably should have been included in the approval of the partition. If they did not require it, it would not be done.

Commissioner Taylor did not think trucks would be using Mulino.

Commissioner Trundy did not think it was equitable to make this applicant pay for these improvements. Commissioner Boatright agreed.

Motion: A motion was made by Commissioner Boatright and seconded by Commissioner Trundy to approve DR 19-02 with the conditions recommended by staff except striking Condition #24. Motion failed 2/4 with Commissioners Mottern, Mills, Hutchinson, and Taylor opposed.

The Commission discussed the language of Conditions #24 and #25, and thought they both needed to be included due to the signage requirements in Condition #25.

Motion: A motion was made by Commissioner Mottern and seconded by Commissioner Mills to approve DR 19-02 with the conditions recommended by staff including both Conditions #24 and #25. Motion passed 5/1 with Commissioner Trundy opposed.

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

a. Caruso Produce Final Findings (DR 19-02)

Motion: A motion was made by Commissioner Mottern and seconded by Commissioner Mills to approve the Final Findings for DR 19-02 Caruso Produce including both Conditions #24 and #25. Motion passed 6/0.

ITEMS OF INTEREST/REPORT FROM PLANNING STAFF

- Next regularly scheduled Planning Commission meeting – Monday, January 27, 2020
- Stanton Furniture – Site and Design Review
- Planning Commissioner Training, Land Use Decision-making, Wednesday, January 29, 2020

ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION – None

ADJOURNMENT

Motion: A motion was made by Commissioner Mills and seconded by Commissioner Trundy to adjourn the meeting. Motion passed 6/0. The meeting adjourned at 8:31 pm.