



MINUTES
CANBY PLANNING COMMISSION
7:00 PM – Monday, January 27, 2020

PRESENT: Commissioners John Savory, Larry Boatright, Derrick Mottern, Jeff Mills, Michael Hutchinson, and Jason Taylor

ABSENT: Jennifer Trundy

STAFF: Bryan Brown, Planning Director, Sandy Freund, Senior Planner, and Laney Fouse, Recording Secretary, Ryan Potter, Associate Planner, Scott McClure, City Administrator, Jamie Stickel, Economic Development Director.

OTHERS: Jason Sahlin, Terry N. Tolls, Allen Patterson, Kathleen Polley, Scott Gustafson, Brenda Gundersen, Scott Brawner, Dan Walker, and Brad Christiansen

CALL TO ORDER

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

CITIZEN INPUT ON NON-AGENDA ITEMS – None

MINUTES

Approval of Planning Commission Minutes for January 14, 2020

Motion: A motion was made by Commissioner Hutchinson and seconded by Commissioner Mills to approve the January 14, 2020 Planning Commission minutes. Motion passed 6/0.

NEW BUSINESS – None

PUBLIC HEARING –

a. A request from Stanton Furniture for a Site and Design Review to construct a 167,000 square foot manufacturing and distribution facility at the corner of SE 4th Ave and S Mulino Rd. (DR 19-03)

Chair Savory opened the public hearing and read the public hearing format. He asked if the Commission had any conflicts of interest or ex parte contacts to declare including a visit to the site.

Commissioner Mills said he rode his bike by the site regularly.

Staff Report: Sandy Freund, Associate Planner, entered her staff report into the record. She said written testimony was received on January 21 in support of the project. This was a request to construct a 174,000 square foot manufacturing and warehouse facility with associated office and storage space for Stanton Furniture who was relocating from Tualatin to Canby. There would be two employee shifts, one from 5:30 a.m. to 3 p.m. and the other from 3:30 p.m. to midnight. There would be 35 loading berths and 196 parking spaces. She discussed the applicable criteria for the project. The site was located on S Mulino Road, was 15.84 acres, was zoned M-1 Light Industrial, and was within the Industrial Area Overlay Zone. She explained the site plan, truck circulation, and accesses. The applicant would be required to construct half street improvements on SE 4th Avenue to S Mulino Road to SE Township Road and dedicate right-of-way on Township. The project was consistent with the criteria. The building was proposed to be 36 feet tall, which was under the allowed maximum height of 45 feet. There were 196 parking spaces provided, and 174 spaces were required. The traffic study stated that 460 overall daily trips, which included 64 a.m. peak hour trips, 69 p.m. peak hour trips,

and 40 truck trips, would be generated by this project. It was not anticipated to trigger unacceptable levels of service at area intersections. The extension of SE 4th Avenue would also include half street improvements east to S Mulino. Staff received conditions from the City Engineer, Clackamas County, and Canby Fire. Public comments included one in support with the suggestion to construct more schools in Canby and the other expressed concern regarding noise impacts and lighting. Because the site would ultimately be 7-12 feet below street grade from Mulino, in conjunction with the proposed retaining wall and distance from the loading berths from S Mulino, the applicant was confident that potential noise impacts would be mitigated. Four street lights were proposed on Mulino as well as internal lighting. All street lighting must comply with the City's standards. She reviewed the conditions of approval which included standard conditions, right-of-way dedication and half street improvements on SE 4th and S Mulino, right-of-way dedication on S Township, and a photometric plan. Staff recommended approval of the application with conditions.

Commissioner Mills asked about the possibility of a partition. Ms. Freund said the plan was for the southern third of the site to be partitioned, but that application had not been submitted yet.

Commissioner Mills was concerned that the partition was a Type II decision and would not come before the Planning Commission. Ms. Freund stated that there was still public notice required with a Type II and staff took public comments and those decisions could be appealed to the Planning Commission.

Commissioner Mills asked if there would be deferral of street improvements. Ms. Freund said yes, there was a deferral on S Township improvements, which would occur either when the partition was done or when that portion of the property was developed.

Commissioner Mills asked that the acronyms in the traffic studies be explained better in the future. He also commented on the high number of conditions, and how many of them related to fire and utilities. He thought many of these should be included in the Fire Code instead of being conditions. Ms. Freund said the document included Canby Fire's conditions so that it was specifically spelled out in the record.

There was discussion regarding the concern about the sound and how they could not regulate the back up beepers on the trucks as it was an OSHA requirement.

Applicant: Jason Sahlin, VLMK Engineering, 3939 SW Kelley Ave, Portland, was representing the applicant. They held a neighborhood meeting and many of the neighbors showed up to review the project and give input. The site was zoned for this use and was similar to other developments in this area. The topography of the site would shield the property from adjacent agricultural uses. Trucks would be entering and exiting from Mulino Road. He did not think they would have more noise than what was outside the allowable regulations within the City. They would be bringing a lot of jobs to Canby, it far exceeded the 10 employees per acre, and brought development to the community.

Commissioner Hutchinson asked about storage of organic solvents or finishes. He wanted to make sure they were contained and did not make it into the drywells and groundwater. Mr. Sahlin thought they would be in compliance with the code.

Commissioner Mills asked about the location of the employee bike racks. Mr. Sahlin said they would be adjacent to the primary entrance and some would be inside the building.

Chair Savory asked about the shift changes and bringing more traffic onto 99E. Mr. Sahlin said two-thirds of the employee count that they anticipated would be on the day shift. The traffic counts were well within the limitations of the roadways in those areas and service levels.

Chair Savory asked when the trucks would be leaving the facility. Mr. Sahlin said most of them would be leaving intermittently during the daytime.

Brad Rheam, Stanton Furniture, said there would be about three trucks per day receiving materials, and eight to ten trucks outbound. The trucks would come and go throughout the day and the employees were on staggered shifts.

Mr. Sahlin asked for clarification on the condition for deferment of the sidewalk and landscape strip on S Mulino Road. Ms. Freund said that was Condition 34, which could be adjusted to reflect that.

Proponents:

Kathy Polley, 12678 S New Era Rd, Oregon City 97045, owned land adjacent to 4th Avenue. She stated the City, State, and Clackamas County had an agreement on 4th Avenue that took part of the burden of constructing this piece of 4th Avenue off of the landowners. That was a deal that had fallen through, but she thought they should research it to see if the money was still available. She was in favor of the application.

Bryan Brown, Planning Director, said that was a state grant to help facilitate the construction of 4th Avenue from Sequoia to Mulino. It was based on jobs that would be brought to the community from the land use deal that fell through. It expired two years later.

Scott Gustafson, 23885 S Blount Rd, Canby, OR, provided an option for increasing the height of the berm to better shield the neighborhood from the light and noise from this business. He gave the example of Canby Disposal, and how their higher berm helped buffer them from the neighborhood. He thought this would be a good development, but the berm could be improved. He intended to be a good neighbor.

Opponents:

Scott Brawner, 23905 S Blount Road, Canby, OR, discussed his concerns about traffic, especially when the other nearby developments were taken into account. There needed to be a larger traffic safety plan. There would be 1,300 to 1,500 cars per day with the three new businesses. Most of the employees would not live in Canby and would be transient and the current infrastructure could not support it. It was not a safe location to bike or walk to, and he thought all of the street improvements needed to be done now and not be deferred.

Brenda Gunderson, 23951 S Blount Rd, Canby, OR, also expressed concerns about traffic and how cars would end up coming through the residential area on Blount to avoid the traffic. Blount was an unimproved road with no center line and marginal maintenance. She asked if there was a way to mitigate the traffic impact on a road that was not near the development, such as putting in speed bumps or signage. She would also like the new road to 99E to be built as soon as possible to make the whole traffic system work more smoothly.

Rebuttal:

Jason Sahlin, VLMK, 3939 SW Kelley Ave, Portland, talked about how the development met the criteria in the code and was an allowed use for the property. He understood there were limitations on the current roadways based on other properties that were not ready to develop, and when they did develop some of the traffic concerns would be alleviated. They needed development to occur to participate and create these roadways and sometimes owners weren't ready to do that. He knew the City was working on many of the traffic concerns and many of the conditions dictated how they would maneuver on this property and surrounding area and protecting the residential area. The general intent was that the truck and employee traffic was being generated through Sequoia Parkway through the Industrial Park. They intended to bring in employees who would spend their money in the City and contribute to the community.

Chair Savory closed the public hearing at 8:07 p.m.

Commissioner Mottern asked about the timeline for the new connection to 99E. Ms. Freund said ODOT was reviewing the alternative route and once that was approved, the City would be pushing through the amendment to the Transportation System Plan. The City would also apply for a grant to update the entire TSP for the next planning horizon of 20 years.

Mr. Brown said ODOT thought the proposed Walnut extension to Hwy 99E looked promising. There were a lot of steps to go through to get the road permits to connect to the highway. The TSP would need to be amended to add the new route which would also give them a potential funding avenue through SDC fees. They were continuing to look for other funding sources as well. There were lots of steps left, securing more right-of-way, engineering design plans, and concept planning stage. They were also going to be doing a traffic study to find out when that connection would be needed. This let them know when a development would cause a true traffic problem.

Commissioner Taylor asked if the connection could be done within the next 5 years. Mr. Brown thought five years was realistic.

Commissioner Taylor sympathized with community members about the traffic situation.

Commissioner Hutchinson asked if the traffic studies had been done in isolation or had they taken an aggregate look at all of the nearby projects.

Mr. Brown stated staff made sure each study built upon the next one, especially looking at nearby intersections that had the potential to be impacted. In this case they looked at Hwy 99E and Sequoia as part of the study. The study concluded that this project did not lower the level of service of that intersection below an acceptable level.

Commissioner deliberation:

The Commission was in favor of the development, but still had concerns about the noise level and traffic.

Commissioner Taylor suggested a condition to require a higher berm to reduce the noise.

Commissioner Mills had reservations about the improvements being deferred until the partition was completed.

Motion: A motion was made by Commissioner Savory and seconded by Commissioner Boatright to approve DR 19-03 Stanton Furniture, with a change to Condition 20. Motion passed 5/1 with Commissioner Taylor opposed.

There was discussion regarding the deferment of the sidewalk on part of Mulino and deferment of improvements on Township. Mr. Brown said it came down to a matter of nexus and proportionality. There had to be a balance in how much they required and making it proportional to the impact. This project was providing a lot of improvements and right-of-way. This was always the issue when the entire site was not being developed.

Commissioner Taylor thought the sidewalk should be put in all the way down Mulino to Township.

Motion: A motion was made by Commissioner Taylor and seconded by Commissioner Mills to amend the motion to require the applicant to complete the sidewalk on Mulino instead of the deferral. Motion failed 2/4 with Commissioners Taylor and Mills in favor.

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

a. Stanton Furniture Final Findings (DR 19-03)

Motion: A motion was made by Commissioner Savory and seconded by Commissioner Hutchinson to approve the final findings for DR 19-03 Stanton Furniture. Motion passed 5/1 with Commissioner Taylor opposed.

ITEMS OF INTEREST/REPORT FROM PLANNING STAFF

- Next regularly scheduled Planning Commission meeting – Monday, February 10, 2020

Mr. Brown said there would be a work session about small cell 5G wireless technology in the City's rights-of-way.

- 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 Boatright and seconded by Commissioner Mottern to adjourn the meeting. Motion passed 6/0. The meeting was adjourned at 8:40 p.m.