

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – Monday, July 23, 2018
City Council Chambers – 222 NE 2nd Avenue

PRESENT: Commissioners Larry Boatright, John Serlet, Derrick Mottern, Shawn Varwig, and Andrey Chernishov

ABSENT: Commissioners John Savory and Tyler Hall

STAFF: Bryan Brown, Planning Director, and Laney Fouse, Recording Secretary

OTHERS: Lisa Weygandt, Buzz Weygandt, Don Perman, David McCorkle, Scott Gustafson, Tim Gustafson and Lois Gustafson

CALL TO ORDER

Vice Chair Boatright called the meeting to order at 7 p.m.

CITIZEN INPUT ON NON-AGENDA ITEMS – None

MINUTES – None

NEW BUSINESS – None

PUBLIC HEARINGS

- a. Consider a request for a Site & Design Review (Type III), application. Applicant proposes to develop a 2,500 SF professional office building in a C-M (Heavy Commercial/Manufacturing) zone at 1530 SE 3rd Court (**DR 18-05 Gustafson Professional Office Building**).

Vice Chair Boatright 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 except Commissioner Boatright who said he drove by the site.

Bryan Brown, Planning Director, entered his staff report into the record. This was a request for a site and design review to develop a 2,500 square foot professional office building on SE 3rd Court. He described the subject property. This site had been down-zoned many years ago from an industrial zoning to C-M, heavy commercial/manufacturing. A development agreement was put in place that was a condition of the rezoning that limited the uses more narrowly than what would otherwise be allowed to only professional type office uses. On the north side of this property there was a portion with an M-1 zoning which was being used as a drainage easement and was mostly undevelopable. There was right-of-way for a private road as well. He then reviewed the site plan including the setbacks, sidewalks, parking lot, public utility easement, shared pedestrian and drainage easement, building facades, landscaping, stormwater detention facility, and irrigation for the planting areas. No public input was received except comments from the City Engineer about the sidewalk and stormwater requirements and comments from DirectLink stating everything was satisfactory and they would be able to serve this development. Staff recommended approval of this site plan subject to the conditions of approval.

Commissioner Chernishov asked if the easement was a public pedestrian pathway. Was the applicant required to make any pathway improvements? Mr. Brown said yes, it was a public pathway. He was unsure about whether or not the applicant would need to make improvements.

Applicant: Scott Gustafson, Canby resident, had an office in town for 20 years. He sold the property he had on 2nd Avenue and wanted to build a new office at this location.

Commissioner Boatright asked if the pedestrian pathway would be paved. Mr. Gustafson said there was a current paved pedestrian pathway on the property already. He did not know about the maintenance of the pathway. It was a well-used path, and there were no plans to remove it.

Proponent: Donald Perman, owner of the property, discussed how he had searched for property to build his office and finally he bought four pieces of unused property that had been zoned industrial to create this commercial development. He thought it was a great location for professional office space. The biggest issue was he paid for the private road and it was used every day by the public to access the Logging Road. It was the only vehicular access to the Logging Road on the south side of town. City trucks also used the private road. He had asked that the road become public, but was told it could not because it only had three inches of asphalt instead of three and a half and because it only had eight inches of rock instead of ten. He asked that this issue be reviewed at a different time. He approved of this development.

There was discussion regarding options for the private road.

Opponent: None

Rebuttal: None

Vice Chair Boatright closed the public hearing.

Motion: A motion was made by Commissioner Mottern and seconded by Commissioner Serlet to approve DR 18-05 Gustafson Professional Office Building. Motion passed 5/0.

- b. Consider a request for a Minor Land Partition (Type III) application to create a separate lot for the Mulino Road Pump Station currently existing on an easement granted by property owner. **(MLP 18-03 City of Canby Mulino Road Pump Station)**

Vice Chair Boatright opened the public hearing.

Mr. Brown entered the staff report into the record. The applicant in this case was the City of Canby. This was a request to create a separate lot for the Mulino Road Pump Station. He described the subject site at the intersection of 13th and Mulino Road at the edge of the City limits. Construction of the Mulino Pump Station had been completed and he explained how the pump station would serve the area. The intent from the very beginning was to make the property for the pump station a separate parcel for City ownership. The first attempt used an obscure process outlined in state statute where there was an allowance to create a separate parcel for public purposes where they did not have to go through the partitioning process. Unfortunately that did not work because the County surveyor's office rejected that method. Now they were here after the pump station was built trying to make a separate parcel. The access point was on a short driveway off Mulino Road. It was an unmanned and small facility.

There were three unique conditions of approval:

- Six feet of additional public right-of-way adjacent to the Mulino Road frontage shall be dedicated to bring this side up to the ultimate 72' minimum street cross section requirements indicated to be required in the adopted Transportation System Plan for property fronting on an industrial collector street classification and shall be shown on the Partition Plat to be recorded of record.
- A 12' Public Utility Easement adjacent to the inside edge of the adjacent Mulino Road ROW, or less if approved by all utility service providers, shall be provided and designated on the Partition Plat.
- A non-remonstrance agreement shall be recorded with the Partition Plat applicable to Parcel 2 to place a public record that the City shall be required to install comparable street and sidewalk improvements to the Mulino Road frontage of Parcel 2 when improvements are made to the adjacent parcel or agree to participation in a Local Improvement District if established for which Parcel 2 is a part.

Staff recommended approval with the conditions listed in the staff report.

Applicant:

Lisa Weygandt, Canby resident, was in favor of the application, but not in favor of some of the conditions. She read her letter to the Commissioners explaining the agreement between her and the City for this site and requesting removal of Condition 1 – 6 feet of additional public right-of-way adjacent to Mulino Road and Condition 2 – a 12 foot public utility easement. She thought these conditions were onerous and unwarranted. She had fulfilled her obligations to the City by donating the land for the pump station and granting easements on her property. She did not know when or if the property would be developed in the future.

Commissioner Boatright asked what would happen if they removed those two conditions.

Mr. Brown explained that there was a provision that allowed the Planning Commission to decide if the improvements required were unreasonable and to delay or postpone them. They were not asking for improvements, but were asking for right-of-way dedication. He discussed times when not getting right-of-way had been problematic for future developments. It was staff's decision that at minimum they would try to get the right-of-ways in place to prepare for any future development possibility. It did not seem particularly onerous to staff and it was best to show right-of-ways on the partition plat. The Commission could delay these two conditions.

Commissioner Boatright thought these could be done when the property was developed.

Commissioner Mottern suggested the City Engineer and the property owner discuss this issue and make things right.

Commissioner Varwig said the property owner had donated the land for the pump station and it was not appropriate for the City to require more.

Motion: A motion was made by Commissioner Varwig to approve MLP 18-03 City of Canby Mulino Road Pump Station and to remove Conditions 1 and 2.

Mr. Brown clarified it was not a mistake nor a burden, but helped market the property and facilitated the sale of the property.

Commissioner Mottern said there needed to be a conversation with the City Engineer and this should be delayed.

Commissioner Varwig withdrew his motion. He agreed that this decision should be delayed for more conversation.

There was discussion regarding the requirements for partitions and the benefits of requiring the right-of-way dedication up front. There was further discussion regarding how this might affect Ms. Weygandt's property.

Proponents: None

Opponents: None

Motion: A motion was made by Commissioner Varwig and seconded by Commissioner Mottern to continue the hearing to a date certain of August 13, 2018. Motion passed 5/0.

FINAL DECISIONS

- **DR 18-05 Gustafson Professional Office Building Final Findings**

Motion: A motion was made by Commissioner Mottern and seconded by Commissioner Serlet to approve the final findings for DR 18-05 Gustafson Professional Office Building. Motion passed 5/0.

ITEMS OF INTEREST/REPORT FROM PLANNING STAFF

- a. Next regularly scheduled Planning Commission meeting on Monday, August 13, 2018

Mr. Brown discussed the upcoming applications on the next agenda.

ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION – None

ADJOURNMENT

Motion: A motion was made by Commissioner Chernishov and seconded by Commissioner Varwig to adjourn the meeting. Motion passed 5/0. The meeting was adjourned at 8:30 p.m.