

MINUTES
CANBY PLANNING COMMISSION

7:00 PM – November 28, 2016

City Council Chambers – 222 NE 2nd Avenue

PRESENT: Commissioners John Savory, John Serlet, Kris Rocha, Tyler Hall, and Derrick Mottern

ABSENT: Commissioner Larry Boatright

STAFF: Bryan Brown, Planning Director, and Jamie Stickel, Main Street Manager

OTHERS: Pat Sisul, Scott Sasse, Teresa Sasse, Bev Doolittle, Jon Landry, Angie Landry, Greg Perez, Brian D’Ambrosio, Carol Palmer, Joe Schiewe, Mike Allen, Darius Viregan, Janet Sanders, Chase D’Ambrosio, Scott Sanders, Andrey Chernishov, Jerry and Heather Slater, and Rian Tuttle

1. CALL TO ORDER

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

2. CITIZEN INPUT – None

3. MINUTES

- a. August 22, 2016 and September 26, 2016 Planning Commission Minutes

Motion: A motion was made by Commissioner Serlet and seconded by Commissioner Rocha to approve the August 22, 2016 and September 26, 2016 Planning Commission Minutes. Motion passed 5/0.

4. PUBLIC HEARING

- a. Consider a request for a Conditional Use Permit and Major Variance at 1440 S Ivy St, to establish a home occupation to manufacture candy and baked goods (**CUP/VAR 15-02 – Scott & Teresa Sasse, Puddin River Chocolates**)

Chair Savory said this hearing was being continued to December 12, 2016. He opened the public hearing in order to take public testimony.

An unidentified Canby resident, said the map in the packet did not match what she received in the notice for the hearing. She wanted to verify the area they were talking about. Bryan Brown, Planning Director, explained the map.

Scott and Teresa Sasse, applicants, said they would like to build an accessory building that would have a commercial kitchen inside. It would not be a retail site and no more cars or trucks would be coming in and out than they did now. City water, sewer, and electric would be connected to the building. Because they were outside the 600 foot home occupancy, it had to be a major variance. There had

been a line of site issue, but the driveway for the new building would be 28 feet wide which he thought was sufficient for turning around in a truck. They were in a tight timeframe as his building had been sold and they had to be out by February.

- b. Consider a request for a Subdivision for 105 lots with a park dedication on 21.74 acres, consistent with the SE 13th Ave Development Concept Plan and R-1.5 Medium Density Residential Zone. **(SUB 16-03 – Timber Park, LLC)**

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 was a subdivision request for 105 lots on property that was annexed in 2014. He explained the proposed subdivision which would be developed in two phases. For the first phase, the access would be an extension of S Walnut Street off of SE 13th Avenue. There would also be an emergency access which was approved by the Fire Department. For the second phase, four streets would eventually extend from the west which would give multiple connection points to the site. Park land would also be dedicated. There was a development agreement indicating the applicants would not have to pay Park SDCS since they were dedicating land for the park and making park improvements. The park would be completed in Phase 1. There would also be connections to the Logging Road Trail nearby. He discussed the shadow plat that had been done to show how everything would fit together in the larger area and then explained the park plan, the screening wall along SE 13th Avenue, sidewalk that would meander some, and street trees along 13th Avenue. Staff recommended approval of the application with the conditions of approval listed. Condition #14 had a substantial change in the wording as a result of recommendations from Clackamas County that a traffic study should be performed. A traffic study was done for the annexation/zone change in 2014, but additional study is often recommended when an actual specific development proposal is presented. The study would be focused on the SE 13th and Sequoia Parkway intersection. The intent was to clarify the multi-modal operations that were causing some safety concerns. The Bike and Pedestrian Committee and Traffic Safety Commission have pointed out safety concerns to the City and County who share responsibility for the operation of that intersection. City and County officials believe an all way stop is needed at least as an interim solution, but a traffic study is needed to help to document and validate that need. The all way stop would be funded by the developer. For Condition #28, the words “by separate instrument” in the first sentence would be removed. For Condition #30, the word “interior” would be added. For Condition #42, the word “garages” would be substituted with “three or more garage doors in a row.” A letter had been received from Union Pacific Railroad. They requested ways to prevent trespassing on the railroad tracks adjacent to the subdivision be added. They also wanted to emphasize the noise that trains caused and for the developer to give consideration to barriers, fencing, buffers, or setbacks to mitigate it and to let potential home owners know there was a train track nearby and trains sometimes blew whistles. The current spur line had limited rail traffic and significant changes would have to be made in the rail system to result in heavier traffic. Once the dedication and improvements to the park were made by the developer, the City would accept responsibility for the park and its future maintenance.

Applicant: Pat Sisul, Sisul Engineering, was representing the applicants. In 2014 a development concept plan was created for this area. There were five property owners involved and the voters approved the annexation. The annexation request included 32 acres, and this subdivision would be 21.74 acres. The proposal was to develop 105 lots in two phases and to dedicate 1.215 acres for a park in the first phase. Pathways, picnic tables, restroom building, and irrigation system would be installed at the park. Phase 1 would develop 69 lots and would include the 13th Avenue frontage improvements. Phase 2 would include 36 lots and would be developed quickly behind Phase 1 and could potentially be developed at the same time due to market conditions. The area was zoned R-1.5, medium density residential. The site plan was the same as what was submitted for the development concept plan. The lot sizes would be between 5,662 to 8,119 square feet. The average lot size was 6,223 square feet. Ten lots would exceed the 6,500 square foot maximum threshold. There were two flag lots as well. The Planning Commission could approve lot area exceptions as long as no lots were less than 4,000 square feet and the average lot size was between 5,000 and 6,500 square feet. He requested approval to allow the ten oversized lots. The subdivision was located in an area of other subdivisions and the Faist addition phases 7, 8, and 9 that were planned to be developed. Several roads would remain as dead ends until the Faist additions were built. Until that time, there would be one way in and out, on S Walnut. The Code stated up to 30 lots could be served from a single point of access, but the Planning Commission could approve increases beyond that standard as long as emergency access was adequate and when no unwarranted problems for the public street system would be caused. The applicant hired a traffic engineer to submit a technical memorandum addressing how S Walnut would function. The engineer found that up to 98 lots could be developed with that one point of access. The 98 lots would be expected to generate 932 trips per day. Generally local streets were intended to carry 1,000 to 1,500 trips per day. Because this was temporary and additional points of access would be provided as soon as the Faist additions were developed, no unwarranted problems for the street system or emergency services would result from allowing the property to be developed. He requested the Commission approve up to 98 lots could use the one point of access. He explained where the sanitary sewer would be stubbed and how it would flow out the pedestrian pathway to a line that was already installed in Sequoia Parkway. There was a project currently being designed by the City Engineer to extend the sanitary sewer from Sequoia Parkway east to Mulino Road where there was a pump station being designed. That project would go to bid in January, construction was anticipated to start in March, and it was to be operational by June or July. This subdivision was planned to be completed by September. He asked that if a condition was added regarding the timing, that it state that building permits could be obtained prior to the pump station being completed, but final occupancy would depend upon completion of the pump station. He then discussed the shadow plat and park plan. The park site was on the southern end of the Logging Road Trail and could be a wayside feature for people who were using the Trail. The park would be designed with the City's Park Department's approval. Due to concerns regarding the future maintenance of the park by the City, the park had been scaled back from 2.5 acres to the 1.2 acres. A retaining wall was going to be built along 13th Avenue as well as a meandering sidewalk and planter strips. It would be maintained by the Homeowners Association. The applicants agreed to the changes to the conditions. The spur line was not adjacent to the site, but across the Logging Road Trail and he did not know if they could do anything on the Logging Road Trail to keep people

from trespassing. The park provided a natural buffer for noise. It would not be hidden, and people would know there was a rail line. There were only a few rail trips per week. He had not heard about any issues regarding noise from the gun club.

Proponents or Opponents: None.

Neutral Testimony: Bev Doolittle, Canby resident, asked if the pump station was a project on the Urban Renewal District Plan. Mr. Brown said it was a project on the City's Capital Improvement Plan which was being funded through SDCs. A sanitary sewer line on SE 13th was going to be financed through an Advanced Financing District. He did not think URD funds would be used.

Ms. Doolittle asked about the Logging Road Trail area by the park, would people be able to walk from the park to the Logging Road or was there going to be a fence except for one entrance access. Mr. Sisul said the plan was to leave the fence that existed around the property, but there would be an opening in the fence which would be the only way in or out of the park to the Logging Road Trail.

John Landry, Canby resident, said he lived on the property and there had been concerns regarding the noise from the gun club for many years. He did not think it was egregiously loud. The trains were louder than the guns.

Rebuttal: Mr. Sisul clarified for the possible new condition of approval regarding the pump station timing, they would like to be able to build homes up to the point of occupancy until the pump station was completed. They would like to have three model homes put up as quickly as possible.

Greg Perez, Canby resident, asked what would happen if the pump station was not completed on time. Chair Savory said the applicants would not be able to have the homes occupied.

Chair Savory closed the public hearing.

Deliberations:

Mr. Brown said the Code did not address model homes. In other applications model homes had been allowed based on the current zoning of the property and that any tax lot that existed before the plat was recorded was entitled to a home. This subdivision had three existing tax lots and they could qualify under the previous policy to have three model homes before the plat was recorded. Regarding the pump station condition, he was nervous to allow them to build all the lots to the point of occupancy. There was a chance the pump station would be delayed and that would put everything on hold, including buyers who wanted to move in. He was more comfortable with allowing the model home permits and building them to the point of occupancy, but not more than that.

There was discussion regarding the timing of what could be built before the pump station was completed.

Mr. Sisul clarified the pump station was for sanitary sewer, not water. They were not planning to build any homes until the on-site sewer and water systems were done and fire hydrants were working. They would not be looking at getting building permits until the road was paved. They would like to construct three model homes near 13th Avenue. They could not sell lots until the pump station was operational.

Brian D'Ambrosio, Realtor, said legally they could not enter into a contract for purchase until the pump station was in and the plat was recorded.

Chair Savory clarified the changes to the conditions as proposed by staff. New conditions would include: There would be 98 lots that would be serviced by one point of access which would be temporary; Three model homes could be built as long as they conformed to current zoning and the tax lots existed before the plat was recorded; and Building permits could be obtained and the homes could be built to the point of occupancy before the pump station was completed. Included in the findings was the Planning Commission approval of the ten lots above the maximum lot size.

Motion: A motion was made by Commissioner Rocha and seconded by Commissioner Mottern to approve SUB 16-03 – Timber Park, LLC with the conditions as amended. Motion passed 5/0.

- c. Consider a request for the designation of Canby City Hall, at 182 N Holly St, as a local historic landmark. **(HD 16-01 Canby City Hall)**

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. Commissioner Serlet said he was a member of the Historic Review Board, but he planned to participate in the hearing. All the Commissioners had been in the old City Hall building.

Mr. Brown presented the staff report. This request was to add the former City Hall to the local register of historic landmarks. They would also be recommending to Council to apply the Historic Overlay Zone to the property. There was a public hearing for this by the Historic Review Board, there was this hearing before the Planning Commission, and there would be another hearing before the City Council and notices went out to the properties within a 500 foot radius of the site. The application was made by Carol Palmer, Historic Review Board Chair. The property followed the Secretary of State's parameters for designating properties. There was a lot of public support to preserve the exterior characteristics of the old City Hall. The intent was to sell the building to a developer, but to restrict exterior changes unless it was to enhance the structure while allowing interior remodeling to take place.

Applicant: Carol Palmer, Canby resident, said the application outlined the architectural significance of the building from a local and national perspective, and the historical significance from a local perspective. It was their intent to make the local landmark registry more visible in terms of community awareness. They had approval from the Canby Historical Society to put the Depot Museum on the list, which would give them a total of five properties on the registry. Brochures and

a website would be created to promote the properties and she planned to have a public event as well. The only ones to possibly object would be the future owner, but the City still owned the building and according to the laws once the original owner gave consent, then all future buyers had to abide by it. This designation did not include the old Council Chambers.

Opponents or Neutral Testimony: None.

Chair Savory closed the public hearing.

Motion: A motion was made by Commissioner Serlet and seconded by Commissioner Mottern to approve HD 16-01 Canby City Hall. Motion passed 5/0.

5. NEW BUSINESS – None

6. FINAL DECISIONS

a. SUB 16-03 – Timber Park, LLC

Motion: A motion was made by Commissioner Mottern and seconded by Commissioner Rocha to approve the final decisions for SUB 16-03 Timber Park, LLC. Motion passed 5/0.

b. HD 16-01 Canby City Hall Local Historic Landmark Designation

Motion: A motion was made by Commissioner Rocha and seconded by Commissioner Serlet to approve the final decisions for HD 16-01 Canby City Hall Local Historic Landmark Designation. Motion passed 5/0.

7. ITEMS OF INTEREST / REPORT FROM STAFF

a. Next regular Planning Commission meeting scheduled for Monday, December 12, 2016.

Mr. Brown discussed what was scheduled for the December 12, 2016 meeting. The December 26, 2016 meeting was cancelled due to the Christmas holiday.

8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION

Chair Savory welcomed new Planning Commissioner Tyler Hall.

9. ADJOURNMENT

Motion: Commissioner Rocha moved for adjournment, Commissioner Serlet seconded. Motion passed 5/0. Meeting adjourned at 9 pm.