

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – January 10, 2022
City Council Chambers – Virtual Meeting via Zoom

PRESENT – Commissioners Jeff Mills, Michael Hutchinson, Jason Padden, James Hieb, Judi Jarosh, Chris Calkins, and Dan Ewert

ABSENT – None

STAFF – Don Hardy, Planning Director, Ryan Potter, AICP—Senior Planner, Brianna Addotta, AICP, Associate Planner, and Laney Fouse Lawrence, Recording Secretary

OTHERS – Carol, David Welsh, Jim Brown, Barbara Fontana, Jered Niemela, Nicole heater, Brian Dubal, Craig Harris, Gavin Russell, Ben Hagerman, Tristan Joe, Teresa Long, Jennifer Kimura, Fred Joyner, Debbie, Sherry, Greg Blefgen, Allan, Pat Sisul, Lori Grady, Nrussul

CALL TO ORDER

The meeting was called to order at 7:00 p.m.

Don Hardy, Planning Director, introduced new Planning Commissioners Jarosh, Calkins, and Ewert.

Chair & Vice-Chair Nominations

A motion was made by Commissioner Padden and seconded by Commissioner Calkins to nominate Jason Padden for Chair for 2022. The motion passed 7/0.

A motion was made by Commissioner Calkins to nominate Michael Hutchinson for Vice Chair for 2022. Commissioner Hutchinson declined.

A motion was made by Commissioner Hieb and seconded by Commissioner Jarosh to nominate James Hieb for Vice Chair for 2022. The motion passed 7/0.

Commissioner Mills suggested a future discussion on limiting the duration someone served as Chair and Vice Chair.

CONSENT ITEMS

- a. October 23, 2021 Planning Commission Minutes
- b. September 27, 2021 Planning Commission Minutes

Motion: A motion was made by Commissioner Hieb and seconded by Commissioner Hutchinson to approve the October 23, 2021 and September 27, 2021 Planning Commission Minutes. Motion approved 6/0/1 with Commissioner Jarosh abstaining.

CITIZEN INPUT ON NON-AGENDA ITEMS – None

NEW BUSINESS – None

PUBLIC HEARINGS

a. Old Mac Steel Bar Processing Facilities (CUP 21-02 / DR 21-10)

A Conditional Use and Design Review for construction of a 95,000 square foot building designed to accommodate the storage, processing and distribution of steel bar and tubing at the property located at the northeast corner of SE 13th Avenue and S Sequoia Parkway.

Chair Padden opened the public hearing. Mr. Hardy read the hearing statement. He asked if any Commissioner had conflicts of interest or ex parte contacts to declare. There was none.

Brianna Addotta, Associate Planner, presented the staff report. This was a request for design review and conditional use permit for the Old Mac Steel Bar Processing Facility. She described the subject property, applicable criteria, proposal, site plan, renderings, I-O Overlay design standards, minimum parking, lighting, conditional use, agency and public comments, staff responses, and conditions of approval. Staff recommended approval with conditions.

Applicant: Greg Bleggen, representing the applicant, introduced the project.

Nicole Heater, representing the applicant, discussed the operation with two shifts and reasons for relocating Lampros Steel to Canby. It would not be a 24 hour operation and there would not be as much equipment as the American Steel facility. Nothing but product would be outdoors. They understood the truck routes, speed limits, noise levels, and lighting concerns.

Ben Hagerman, representing the applicant, discussed their existing facility and sister properties showing how the space would be utilized as well as the preliminary design for the new site. He discussed the lighting and landscaping plans. The conditional use was for the three employees per acre requirement which they did not meet. The parking need was minimal with 13-17 employees over two shifts and there would not be a lot of traffic generated. He then described the proposed setbacks which met the code.

Mr. Bleggen explained the comments made at the neighborhood meeting about the location of the building and yard facing the neighborhood. There would be a heavy landscape berm and fence on Sequoia to buffer any noise. They also set back the lights from the edge of the property to minimize any glare potential. The lights would have shields to eliminate light trespass. He described the proposed building and a cross section through Sequoia. The railcars would be box platforms and he did not think there would be much graffiti. They would be good neighbors and tried to address neighbor's concerns.

Proponents: None

Opponents: Fred Joyner, Canby resident, thought the rail spur and railcars were the underbelly of the project facing the 10 homes along Sequoia. The people who lived there would see the boxcars and any possible graffiti. They would be able to hear noise from their backyards. He thought the rail spur should be parallel to the existing rail spur.

Neutral: Barbara Fontana, Canby resident, was concerned about the rail spur elevation and the neighbors seeing the railcars. She thought trees should be put on the west side of Sequoia to block the driveway. She wanted to make sure the fence was maintained.

Commissioner Hutchinson asked about the number of employees. Ms. Addotta said they were proposing 13-17 employees and the minimum required to meet code was 37.

Commissioner Hieb asked why they were relocating to Canby. Ms. Heater said the current facility in Portland was being leased, but they planned to purchase the one in Canby.

Commissioner Hieb was concerned about noise, traffic diverting to the neighborhood, parking, landscaping on the west side, need for a taller berm, number of employees, height of the building, and how long the property had been zoned industrial.

Mr. Hardy said the code allowed for variation in the parking. It was based on their need and staff thought they met the criteria. If the use changed in the future, the new use would make a modification to the parking.

Ms. Addotta said the property had always been planned to be light industrial.

Commissioner Ewert asked about the proposed hours. Ms. Addotta said they were 5:30 a.m. to 10:30 p.m.

Commissioner Ewert was also concerned about the noise. He thought it had to be mitigated by a solid concrete wall, not a berm. He agreed with the traffic concerns and thought more traffic would be generated than had been addressed. More parking was needed for the future. The lighting was also a concern for the neighborhood. He asked about truck traffic between American Steel and the new facility.

Commissioner Jarosh thought guiding truck traffic was something to address in the future. She was also concerned about the cumulative effect of rail traffic. She suggested adding electric vehicle plug in stations and collaboration with the Bike and Pedestrian Committee on the Molalla Forest Road Trail.

Ms. Addotta said the Bike and Pedestrian Committee was an advisory committee, and they were not typically asked for comments on land use decisions. Plug in stations for electric cars were not requirements in the code. Signage for truck traffic on 13th was reasonable.

Mr. Hardy explained the detailed analysis that was done on the traffic. This project would not tip the traffic counts over the edge. The impacts were being mitigated, and the applicant was paying SDCs and fee in lieu for mitigation. The application was compliant with the code. He did not think there would be frequent rail traffic.

Ryan Potter, Senior Planner, clarified DKS, traffic consultant, studied the cumulative traffic in the traffic analysis.

Commissioner Calkins asked when the railroad sounded their horns. Chair Padden said on 99E and at BBC Steel.

Commissioner Calkins agreed the berm would not be enough noise mitigation. Was a decibel study done? Ms. Addotta said a noise study was not done nor was one required.

Commissioner Calkins asked about the number of trips per day. Ms. Addotta said there would be 208 trips. He asked about Haines Road being over capacity.

Mr. Hardy said Haines was not in the City's jurisdiction, however there was mitigation that could be done by a fee in lieu which the applicant was providing. ODOT, the County, and City were all onboard for this mitigation. He did not think it could be a basis for denial.

Commissioner Mills was concerned about the employees per acre, especially since the number was reduced in 2019, and this was going below the new requirement. He also thought the noise would affect the nearby residents.

Chair Padden asked about the tree spacing, was it at maturity or half maturity? He also questioned the berm mitigating the noise. Many of the proposed trees were deciduous and full grown height was 15-20 feet in 20 years. He asked if the number of employees could be less than 13 or was 13 the minimum number? He was also concerned about the noise, especially with the proposed hours of operation. The Industrial Park was meant to be an economic engine to generate good paying jobs. Having so few employees did not fit with what they were trying to do in the Industrial Park. He was also not in favor of the reduced parking.

Rebuttal: Mr. Bleggen said 13 would be the minimum number of employees, up to 17 in the future. They were proposing 37 parking spaces due to the number of employees and possible users down the road. He did not think they should build a parking lot that would not be utilized. If there was a change in use, they would be required to provide more parking. The traffic count would be 208 average daily trips with 23-24 am/pm peak hour trips. They would be paying a fee in lieu of \$52,000 towards mitigation and in addition they were paying \$155,000 in SDCs. Regarding height, the maximum was 45 feet and they were proposing 43.6 feet. They were providing 24-25% landscaping. He thought the noise would be minimal from the railcars and trucks. There would be some noise from the machinery. The landscaping was shown as what it would be in 5-10 years at maturity. The cedars were staggered to provide a continuous evergreen hedge and supplemented by laurel and other flowering trees. There was a good landscape buffer along Sequoia. He was in support of adding trees to the west side.

Ms. Heater said the American Steel facility backed up to a housing development. They moved at least three times as many railcars every week than Lampros would do as well as 2.5 to 3 times the amount of steel monthly than Lampros would ever do. There had not been noise complaints at that facility. Using cranes to move the steel was quieter and safer and they did not typically work in the yard during night hours. They were doing everything they could to keep the lighting down. The type of material that would come into Lampros would all be on flat railcars. She did not think there would be a lot of noise. Regarding trucks going back and forth between the facilities, they currently ran trucks between Canby and Portland every day.

Chair Padden closed the public hearing.

Deliberation: There was discussion regarding concerns about the number of employees and intention of the Industrial Park, noise abatement, traffic, and parking.

Motion: A motion was made by Commissioner Hieb and seconded by Commissioner Hutchinson to deny Old Mac Steel Bar Processing Facilities CUP 21-02/DR 21-10. Motion approved 7/0.

b. Lucky Foods (DR 21-11)

A Site and Design Review application proposing a 31,000 square foot concrete tilt building. The building program includes 3,000 square feet of office and 28,000 square feet of manufacturing/warehouse space. Industrial operations on site include loading/unloading of food products.

Chair Padden opened the public hearing. Mr. Hardy read the hearing statement. He asked if any Commissioner had conflicts of interest or ex parte contacts to declare. Commissioner Ewert visited the site.

Ms. Addotta presented the staff report. This was a request for approval of a design review for Lucky Foods Food Processing Facility. She discussed the subject property, proposal, site plan, landscaping, parking, elevations, traffic analysis, 4th Avenue, Rover Development Agreement, interim design, and transportation conditions. Staff recommended approval with conditions.

Commissioner Mills thought the width made the street more of an alley. He was concerned about safety.

Commissioner Calkins asked why there was a barricade on the street. Ms. Addotta said on the east side the road had been fully improved, and the barrier was to make sure no one went from a one way street to a two way street.

Applicant: Gavin Russell, representing the applicant, gave a background on the site, site plan, parking, utility plan, street section on 4th, landscaping, materials, elevations, and business operations.

David Welsh, architect for the project, said they would install a 10 mph speed sign on 4th Avenue as well as a no through traffic sign. They met with the Fire Marshal and decided to provide a grass area for the required emergency access.

Proponents: None

Opponents/Neutral: None

Commissioner Ewert asked about the agreement with the Rovers for the street to be completed. Ms. Addotta said they had not given a timeframe for the improvement. There would be a physical barrier on 4th.

Commissioner Jarosh confirmed there would be no parking signs on both sides of 4th. She asked about compost piles from other food manufacturers. Ms. Addotta said City Operations would have to look into that.

Rebuttal: None

Chair Padden closed the public hearing.

Deliberation: The Commission thought the application met the criteria and was aesthetically pleasing, the solution for 4th made sense, and it should be noted in the findings that the owner of the Rover property would have to improve 4th when the property was developed.

Motion: A motion was made by Commissioner Mills and seconded by Commissioner Ewert to approve Lucky Foods (DR 21-11) with conditions. Motion approved 7/0.

c. Okada America (DR 21-07 / LLA 21-05)

The project applicant, Okada America, Inc., is proposing to construct a 28,800-square-foot manufacturing facility at 368 and 372 S Sequoia Parkway in the Canby Pioneer Industrial Park. In addition to the primary manufacturing use, the proposed building would contain ancillary office space.

Chair Padden opened the public hearing. Mr. Hardy read the hearing statement. He asked if any Commissioner had conflicts of interest or ex parte contacts to declare. There was none.

Ryan Potter, Senior Planner, presented the staff report. This was a design review and lot line adjustment for Okada America. He described the existing conditions of the site, zoning, proposed project, proposed site plan, applicable criteria, consistency with criteria, no public comments but agency and department comments, and conditions of approval. Staff recommended approval with conditions.

Applicant: Jim Brown, applicant, gave an overview of the company, employees, and facilities.

Pat Sisul, representing the applicant, discussed the vicinity maps, zoning map, proposed lot consolidation, subdivision buildout, landscaping plan, building elevations, and renderings. They requested modifying Condition #10a, to insert the word "one" and Condition #4, to reduce the fee in lieu required because the trip generation would be lower than the estimate.

Proponents: None

Opponents/Neutral: None

Commissioner Mills asked about the difference in the trips per day calculation. Mr. Potter said DKS would not want to adjust down their assumptions unless there was hard data. The fee in lieu applied to all of the applications tonight and it was a varying amount based on their share of the overall buildout trips. In this case it was \$30,000. Manufacturing already had one of the lowest trip generations and they would have to abandon the ITE codes altogether to drastically reduce that to be consistent with the applicant's estimate.

Commissioner Hieb thought the fee in lieu would benefit the business with improved access to 99E.

Commissioner Ewert thought the sidewalk should have connectivity. However, this was the kind of business they needed in Canby.

Commissioner Jarosh asked if they would be closing the Clackamas facility and moving everything to Canby. Mr. Brown said that was correct.

Commissioner Jarosh asked about buried oil tanks or wells on the property. Mr. Potter said there was a condition that addressed that in the final public works plans that had to be submitted. Mr. Sisul said there was a well on the property that would have to be abandoned and they would have to show the City the certificate to prove it was abandoned. Commissioner Calkins asked about the lighting. Mr. Potter said there was a condition that the lighting would have to be compliant with the code.

Commissioner Calkins agreed about the sidewalk connectivity. Mr. Potter explained the situation of a shared driveway and adding the need for better circulation in the future.

Chair Padden did not like private streets in the City. He asked if the applicant would be willing to build the sidewalk out into their portion of the cul-de-sac. Mr. Brown said yes, they would be willing. Mr. Potter said Condition #2 could be amended to reflect that.

Mr. Sisul noted Dragonberry, an adjacent business, was going to do a third phase. He asked if the sidewalk should lead from Okada to the Dragonberry site and when Dragonberry did their third phase, they could put in the sidewalk on their property.

Chair Padden clarified the sidewalk should go from one property line at Alpha Scents all the way around the cul-de-sac to the property line that abutted Dragonberry.

Rebuttal: None

Chair Padden closed the public hearing.

Motion: A motion was made by Commissioner Ewert and seconded by Commissioner Calkins to approve Okada America (DR 21-07/LLA 21-05) with the amended conditions. Motion approved 7/0.

ITEMS OF INTEREST FROM STAFF

- a. The next Planning Commission meeting will be held on Monday, January 24, 2022, at 7:00 pm.

Mr. Hardy said the City received grants for both the Housing Needs Analysis and Economic Opportunities Analysis. Commissioner Hieb volunteered to serve on the Housing Advisory Board and Commissioner Padden volunteered for the Economic Advisory Board. This work would begin in February. There would be a presentation by DKS on February 2. They would be discussing food carts at the January 24 meeting.

Mr. Potter said there would be a public meeting on the Parks and Recreation Master Plan on January 18.

ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION

Chair Padden discussed changes to the Planning Commission portion of the City's website and possible changes to the noise standards.

ADJOURNMENT:

Motion: A motion was made by Commissioner Hutchinson and seconded by Commissioner Jarosh to adjourn the meeting. Motion approved 7/0.

Meeting was adjourned at 11:43 PM.