

**MINUTES**  
**CANBY PLANNING COMMISSION**

7:00 PM – Monday, June 11, 2018  
City Council Chambers – 222 NE 2<sup>nd</sup> Avenue

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

**ABSENT:** Commissioner Tyler Hall

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

**OTHERS:** Roger Steinke, Cheryl Steinke, Connie Sase, Connie Abell, Kevin Logan, Doug Lamssies, Tammy Lamssies, Gary Frye, Steph Frye, Tom Rushton, Julie Rushton,

**CALL TO ORDER**

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

**CITIZEN INPUT ON NON-AGENDA ITEMS** – None

**MINUTES**

- a. Approval of Planning Commission Minutes for May 14, 2018.

**Motion:** A motion was made by Commissioner ??? and seconded by Commissioner ??? to approve the May 14, 2018 Planning Commission minutes. Motioned passed 6/0.

**NEW BUSINESS** – None

**PUBLIC HEARING**

- a. Consider a request for a Subdivision/Variance of 11.81 acres into a 69-lot subdivision in two phases for low (R-1) and medium (R-1.5) density residential development in the SW Canby Development Concept Plan (SUB/VAR 18-01).

Chair Savory opened the public hearing and read the public hearing format. He asked if any Commissioner had conflicts of interest or ex parte contacts to declare. There was none.

Bryan Brown, Planning Director, entered his staff report into the record. This was a request for a proposed subdivision and variance. He described the subject site, which was made up of three tax lots. This area had been annexed, but it was not on the zoning map yet. The upper two lots would have R-1.5, medium density, and the lower lot would have R-1, low density. The variance was being requested to provide a few lots to be less than the 5,000 square foot minimum in the medium density and two lots in the low density to be less than the 7,000 square foot minimum. The code allowed up to a 10% variance, and the request was less than 10% for both the medium and low density areas, but taken as a whole they were over the 10%. There were more lots over the minimum lot size and he thought the request was balanced. The applicant was also asking for a waiver from the 60 foot lot frontage for low density on the public street to go along with some of the smaller lots. It was 40 foot lot frontage for the medium density zone. He then reviewed the subdivision layout, which showed how the lots fit around the existing homes. There would be a temporary turn around until the stub street on Evergreen went out to Fir Street, and that was approved by the Fire Department. There was some area being dedicated as a future recreational trail. This proposal followed the SW Canby Development Concept Plan except for Iris Street that was shown to be a stub street that would eventually go through an existing lot. The owner of that lot was opposed to having two stub streets to his property and the developer had changed it. That also created a larger block length than the 400 feet the code required, and the applicant applied for a variance for the 591 foot block length. No pedestrian pathways through the block were being proposed. There were many examples in the community where the block length exceeded 400 feet. He discussed the radius around the existing water wells, which was important for the drainage plan and making sure the injection wells for street run off were 267 feet away from wells. He discussed the proposed preliminary plat with the total number of lots at 69. There was a street cross section that followed the street standards. Comments had been submitted by

Clackamas County who currently had jurisdiction over Fir Street. He thought all of the County's standards would be met except for the total right-of-way width which they were requesting to be 54 feet. The City was in the process of transferring ownership of Fir Street from the County to the City, which would happen before the final construction of this subdivision. At this point he anticipated that they would need to follow the City's standards rather than the County's. The applicant also indicated where the driveways might be for the homes. The connections into the subdivision were on Fir and Elm. There was monument signage proposed on the entrance to Fir Street and entrance to Elm Street, which did need to stay out of the sight distance areas. He then discussed the proposed setbacks for each of the lots which appeared to be correct. He reviewed the water, storm, and sewer plan. All of the run off would be detained on site except for the areas that would be piped to Beck Pond. He also explained the connection to the proposed trail and the need for a retaining wall to support the trail. The developers might pave part of the pathway and would obtain SDC credits for that. The tree preservation plan showed groupings of trees on Elm Street that would be retained. The proposed Ellis Street needed a tree street name beginning with the letter F. The traffic study indicated the surrounding transportation network could satisfactorily absorb the projected increase of 68 am peak hour and 90 pm peak hour trips to be generated. The site intersections would be kept clear of obstructions that could limit vehicle sight distance. The zoning would follow lot boundaries to prevent "split zoning" on any lots between R-1 and R 1.5. One of the questions for the Commission to answer was if the variance of lot sizes and lot widths were to the public benefit and was the variance warranted. Staff asked that the developer show which lots were being reduced in size and lot width. Public testimony had been received by Bob and Nancy Freeson who lived nearby in Hope Village. They discussed how Hope Village had five different entrances and exits and were concerned that this development only had two. Mr. Brown confirmed the application was following the standard for two entrances to a subdivision this size. Mr. and Mrs. Freeson also recommended a dedicated entrance to Ivy Street. This was in the long term future when the next annexation completed its process and was developed. Staff recommended approval of the application.

Chair Savory clarified between lots 52 and 53 there would be a pedestrian walkway to the trail. He asked if there would be a stop sign at 16<sup>th</sup> Avenue and Fir Street. Mr. Brown said there was no stop sign planned for that intersection, but it could be done if it was warranted.

**Applicants:**

Gordon Root, Stafford Development Company in Lake Oswego, and Ryan O'Brien, Planning Consultant in Hillsboro, were the applicants. Mr. Root said the stub street issue was in response to the neighboring property's wishes. He addressed the lot sizes and discussed how most were over the minimum size. The sizes would help accommodate different housing types. The street configurations also shrank the lot frontages and to increase the frontages they would need to make the lot sizes larger. They had focused on the lot building envelopes and driveway placement in order to create a nice street scene. They had limited the number of driveways from the lots on Fir Street. A stop sign on Fir and 13<sup>th</sup> had been brought up and through the process they found out it was not a warranted stop sign placement. He thought there would be stop signs on 16<sup>th</sup> and Elm, Fir, Iris, and Evergreen. He was willing to put in stop signs as part of the development. Regarding the block length, not having a stub street would respect the neighboring property and they would be able to have the same number of lots. He would make sure to work with the City regarding the trail to make it a nice addition to the community.

Chair Savory asked about the stability of the slope bank along the walking path.

Mr. Root said a geotechnical report was done and it was noted that it was a stable bank.

Levi Levasa, Stafford Development in Lake Oswego, responded the bank was stable, but all banks could become unstable. They had setbacks in place to make sure they were not going to destabilize the bank.

Mr. O'Brien discussed how they wanted to create a diversity of housing types with varying prices and a lot of thought went into the lot widths and sizes to accommodate that. The tree preservation plan showed all of the trees that could potentially be saved, but he did not know for sure if they all would be saved until an arborist looked at the trees. They intended to name the street with a tree name beginning with F. The geotechnical report recommended not putting any infiltration facilities within 150 feet of the top of the bank. Instead they would pipe the storm drainage to the pond and the County was in favor of that plan.

Commissioner Chernishov asked about the pond. Mr. O'Brien said it was part of the property, but outside the City limits. They would have to go through the County for the storm and sewer permits. Mr. Root said initially they wanted to dedicate that land as a park, but there was no access for maintenance and it was outside the Urban Growth Boundary and City limits. They would like it to be preserved and used as a park in the future.

**Proponents: None**

**Opponents:**

Julie Rushton, resident of Hope Village, shared her concern about the ownership of Fir Street and bringing it up to City standards for the increased traffic and construction traffic. She questioned what would be done with the constriction at the entrance to Hope Village cottage homes. There had been a lot of conflicting input regarding 13<sup>th</sup> and Fir and the need for a stop sign there. The traffic calculations for entrances and exits showed too many people using Fir Street. There was access through Hope Village to Ivy Street, but it had not been discussed with the residents of Hope Village. The possibility of increased traffic inside Hope Village was concerning as they were not public streets and maintenance costs were paid for by Hope Village residents. A storm drainage plan had not been submitted, and currently the drywells on Fir Street routinely flooded the streets as they were not properly maintained. There was a disconnect with citizens in providing timely information with adequate time to review and respond prior to the public meetings, and she thought it bypassed the intent of public access to information. She thought the project would denigrate the neighborhood as there were too many units in too little space that would generate too much traffic. Another issue was the sewer pumping station and its impact on the Molalla River if there was a failure. She thought there would be overwhelming impact to the residents in southwest neighborhoods from the multitude of projects that were already occurring.

Tom Ruston, resident of Hope Village, stated the staff report included using Hope Village private roads to Ivy that were privately maintained. This had not been discussed in any meeting with Hope Village. He asked about the timeline for transferring jurisdiction of Fir Street from the County to the City. He thought it should be done and the road brought up to City standards before any construction began. The intersection of 13<sup>th</sup> and Fir was still an issue. He was not in favor of approving the subdivision.

Commissioner Mottern asked about the use of Hope Village streets. Mr. Brown clarified there was no intention of utilizing private property for through traffic. If the staff report implied that, it was a mistake.

Stephanie Frye, resident of Village on the Lochs, recently found out about the destruction of the wall and removal of the trees on Elm. She questioned where people who used the path would park. She was also concerned about the volume of traffic going up and down Elm Street. She had not received any mailings regarding this application, and thought she should have been notified.

Gary Frye, resident of Village on the Lochs, was opposed to removing the retaining wall and the trees and dumping traffic onto Elm Street.

Tammy Lamssies, 1655 S Elm St #1, was opposed to the traffic coming in and out off of Elm as she lived right next to where the access road would be located. She thought there would be accidents on Elm.

Doug Lamssies, 1655 S Elm St #1, stated his biggest concern was the wall and trees coming down. The retaining wall proposed for the pathway could potentially hide traffic and be a hazard. There was parking on one side on Elm and the street was tight, which might create issues with increased traffic. He thought people would use Elm more than they would use Fir.

Kevin Logan, 1655 S Elm St #514, was also concerned about the access onto Elm Street. The neighbors on Elm had not heard about this application until they saw the notice sign. He agreed more people would use Elm than Fir. There were a lot of children on Elm. He thought the stop signs needed to be put in. He felt like the decision had already been made, and that this was not a good idea.

Commissioner Varwig explained the Planning Commission's job was to determine whether or not applications met the code. The Commission was listening, but they had to follow the code not opinions.

Connie Abell, 1655 S Elm St #525, was concerned about the access on Elm Street as well. There were nearby school bus stops that cars often got stuck behind that delayed traffic in the morning. There were 144 homes with over 200 cars leaving and coming back home around the same time. There was a sharp curve where the proposed access would be and it was a tight fit to get two cars to pass each other. There was also a hill, and most people were speeding. It was difficult to see oncoming traffic and it was unsafe entrance. She did not think the filthy run off should be sent down to the pond, especially with all of the wildlife down there. It also did not make sense to pave part of this animal sanctuary. People liked living in this community and they did not want to lose the wall and trees and did not want the extra traffic and possible accidents on the road.

Connie Sase, 1546 S Fir St, Meadows Apartments, was questioning the Fir Street access. There were a lot of homes there already with buses for seniors, and it did not seem like Fir could handle the additional traffic. It was a narrow street and already had a lot of traffic.

Roger Steinke, 1547 S Fir St, met several times with Stafford Development regarding his property, which was adjacent to this subdivision area. They did remove Iris Street from going to his property. He had not had the opportunity to continue the discussions with Stafford and the City regarding the concerns related to his property. He had met with Mr. Brown and discussed the options. He requested a conditional acceptance to give him 90 days to address the rest of his concerns with Stafford Development and the Planning Department. The Council had talked about negative financial impact on the people who were not developing at this time and he appreciated that as it was also his concern.

**Rebuttal:** Mr. Root stated there would be improvements on Fir Street and there was enough right-of-way that would widen the street to 54 feet. The application followed the Concept Plan which had access on Elm, Fir, and Ivy. They held a public meeting at Hope Village which was well attended. Regarding the wall, they would remove as little of it as possible. They wanted to leave everything intact and would only modify what was needed for the trail and path. They wanted to preserve the trees and tree canopy as much as possible and build as little of a retaining wall as was necessary. They would also be planting several trees. He agreed the majority of the traffic would be on Elm, but it would go towards town and not where the current neighbors lived. The roof drains would be connected to the pond, but the road drains would go through the drywells. The neighboring properties could develop and access Fir Street.

Mr. Levasa talked about the roof drains going to the pond, and how the water would be treated properly to make sure no oils would go into the pond. Regarding the failures of the drywells on Fir Street, a geotechnical engineer did the testing for this development and the pits would be 25 to 35 feet deep and they would be infiltrating so fast that water would not fill up the holes. The long term maintenance should not be a concern. Erosion control would be a top priority for this site.

Mr. O'Brien thought some of the older drywells in the City were not deep enough and were causing issues. Regarding sight distance, the retaining wall was short and not in the sight distance triangle. The code required a minimum of 24 feet of pavement for access, which would be on Fir and Elm. He did not think they were able to put in cul-de-sacs per code.

Chair Savory closed the public hearing, and then reopened the public hearing.

Sue Buckheister, 1655 S Elm St #526, asked what it meant when they said Elm Street was a higher classification street.

Mr. Brown clarified Elm was a collector street which was intended to take a higher volume of traffic than local streets.

Ms. Buckheister asked about the future connection from lot 23. Mr. Brown said there was an option for a future extension, but it was dependent on who developed the property in the future. The current property owner was not willing at this time to sell their property and were not part of this subdivision.

Manfred Zysk, 1655 S Elm St #5, was concerned about the S curve on Elm and the traffic traveling at 40 mph. He counted the traffic, and over 50 cars were coming in and out of Village on the Lochs between 1 and 4 pm. He was opposed to removing the wall entirely and the trees. He was also opposed to 16<sup>th</sup> going onto Elm Street.

Chair Savory closed the public hearing.

Commissioner Mottern understood the concerns about the traffic impact. It would help when an access road was put in to Ivy. He liked the layout except for lots 25, 26, and 27 as they would be tight. He thought the applicants did a good job working with individuals on this plan.

Commissioner Serlet agreed this was a well thought out plan and a lot of effort had gone into it. Based on what he had seen and heard, he was in support.

Commissioner Chernishov was also concerned about the smaller lots 25, 26, and 27 which were below the medium density minimum lot size. He suggested taking those three and lot 28 and only making three lots out of them to increase the lot size.

Commissioner Varwig said it was impossible to make everyone happy. He preferred bigger lots, and appreciated there were some larger lots in this development. The trade-off was that there were some smaller lots also. He appreciated that there were more larger lots than smaller and that the developers were not trying to build apartments on this property. He thought it met the code and was in favor of the development.

Commissioner Boatright was glad they eliminated one stub street through the Steinke property. He recommended a condition of approval to add stop signs at 16<sup>th</sup> and S Fir, 16<sup>th</sup> and S Elm, 16<sup>th</sup> and S Iris (this would be changed to a tree name starting with F), and 16<sup>th</sup> and Evergreen. He thought the traffic study numbers were low, but he did not think there would be an issue as most people would be coming onto Elm Street from 16<sup>th</sup> and would be turning right to head into town. He thought Fir Street would be developed large enough to accommodate the traffic. It was a good plan and he was in favor with the added condition.

Commissioner Savory concurred it was a well thought out plan and would also support the added condition.

**Motion:** A motion was made by Commissioner Boatright and seconded by Commissioner Varwig to approve SUB 18-01/VAR 18-01 with the recommended conditions of approval from staff and the added a condition for stop signs at the intersections of SE 16<sup>th</sup> SE and Fir, 16<sup>th</sup> and Elm, 16<sup>th</sup> and Iris (this street will be renamed to a tree name beginning with the letter F), and 16<sup>th</sup> Evergreen. Motion passed 6/0.

## **FINAL DECISIONS**

### **a. Final Findings Beck Pond Subdivision (SUB 18-01/VAR 18-01)**

**Motion:** A motion was made by Commissioner Boatright and seconded by Commissioner Varwig to approve the final findings for SUB 18-10/VAR 18-01 with the conditions as stated previously. Motion passed 6/0.

## **ITEMS OF INTEREST/REPORT FROM PLANNING STAFF**

### **a. Next regularly scheduled Planning Commission meeting on Monday, June 25, 2018**

Mr. Brown stated the Canby Townhomes application was being postponed until July 9<sup>th</sup>, but the Patterson development would be discussed at the next meeting.

## **ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION – None**

## **ADJOURNMENT**

A motion was made by Commissioner Serlet and seconded by Commissioner Mottern to adjourn the meeting. Motion passed 6/0. The meeting was adjourned at 9:08 p.m.