

**MINUTES**  
**CANBY PLANNING COMMISSION**  
7:00 PM – Monday, July 10, 2017  
City Council Chambers – 222 NE 2<sup>nd</sup> Avenue

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

**ABSENT:**

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

**OTHERS:** Pat Sisul, Tony Marnella, Ronald Reimers, Brian Vandetta Linda Allen, Diane Davis, Judith Klemstein, Gary & Elaine McClanahan, Charles E. Burden, and Susan Myers

*(Due to technical difficulties no TV or microphones were available during this meeting but an audio recording is available on the Planning Commission web page.)*

**1. CALL TO ORDER**

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

**2. CITIZEN INPUT – None**

**3. MINUTES – None**

**4. NEW BUSINESS – None**

**5. PUBLIC HEARING –**

- a. Consider a request for a Minor Land Partition & Subdivision of a 1.65 acre lot where one dwelling will remain on Parcel 1. Parcel 2 will be divided into an 8-lot Subdivision. **(SUB/MLP 17-02 Tony Marnella, Tanoak Subdivision)**

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 his staff report into the record. This was a request for a minor land partition and subdivision of a 1.65 acre lot on Territorial Road and N Oak Street. One dwelling would remain on Parcel 1 and Parcel 2 would be divided into an eight lot subdivision. A slide show was presented showing where the property was located, how the parcels would be partitioned, and the layout of the new 8-lot subdivision. N Oak Street would be widened to accommodate a full width street and sidewalks and curbs would be added to Territorial. A new street would be created that intersected with N Oak Street and headed eastward. It would temporarily dead end until another development would take it to Pine Street. The zoning map

indicated this was a medium density residential zone, R 1.5. Similar zoning was on the west and south sides of the property. The lots in the subdivision were near 5,000 square feet, which was the minimum allowed in R 1.5. Parcel 1 with the existing house would be much larger. He discussed the shadow plat that showed the surrounding area and where the dead end streets might eventually connect with other streets. Staff recommended approval with conditions. Condition #2 stated the applicant had to comply with Public Works' design standards. Condition #3 addressed the fact that NE 18<sup>th</sup> Avenue dead ended and a temporary turnaround that might take up an entire lot was suggested. He thought the applicant could address whether there was agreement with the Fire Marshall for the turnaround. Condition #15 dealt with where the drywells would be located. The applicant was not locating drywells at the end of the streets, but they had to follow City standards in locating them in appropriate areas. Since there was another condition about following Public Works' design standards, he suggested eliminating this condition. Condition #28 included a sidewalk easement in the public utility easement on the private property adjacent to the right-of-way.

Public input had been received by Jeannette Schilling who was not in agreement with any new dwellings until the roadways in the area were dealt with. Traffic on some of the surrounding streets, such as 99E, Barlow Road, and Arndt Road, contributed to the problem. She was also concerned about the maintenance of the streets, especially on Pine Street. However, Pine was a County maintained street.

Input was also received from Diane Davis who questioned mailbox locations. That information was not in the staff report or the applicant's narrative. The main concern was the safety of people walking across Territorial to get mail. She also mentioned the driveways on the north side to the Willamette Green condos that would be potentially in conflict with driveways on the south side of Territorial. This applied more to a previous development than this application.

A letter was received from Judith Klemstein suggesting to reduce the speed on Territorial to 25 mph and to put in speed bumps. Mr. Brown said speed bumps were not allowable on collector streets due to the fire trucks and ambulances that would use it. The speed was recently lowered on Territorial due to the work of the Traffic Safety Commission from 35 to 30 mph and it would be premature to go to the State to lower it again before they tried out the 30 mph for a period of time. Ms. Klemstein also mentioned a need for more flashing crosswalk signs.

A final letter was received from Marilyn Latham who was concerned about the significant increase in traffic over the past several years on Territorial because there

was not a single stop sign from 99E to Holly. She suggested putting in some stop signs, such as at the intersection of Redwood and Territorial. The majority of traffic was going faster than the posted speed limit and she would like to see the speed dropped to 25 mph and possibly put in speed bumps on Territorial. She thought the subdivision would be a positive change as long as the increased traffic was addressed.

Chair Savory asked about the mailbox issue, was that something the City was responsible for or USPS. Mr. Brown answered the post office had to sign off on what was to be done and the developer usually worked with the post office to decide what was appropriate. It would most likely be a group mailbox.

Chair Savory asked about the traffic calming issues. While speed bumps were unlikely, stop signs could be further discussed and analyzed. Mr. Brown said yes, stop sign requests could go to the Traffic Safety Commission. The Traffic Safety Commission was going to look at an all way stop at Redwood and Territorial at their next meeting.

Applicant: Pat Sisul, Sisul Engineering, said this property had recently been annexed into the City. This proposal was the same as the conceptual plan that had been brought before the Commission for the annexation application. The property came into the City as R 1.5 which permitted lots between 5,000 and 6,500 square feet. It also permitted lots as small as 4,000 square feet if approved by the Planning Commission and it also permitted two to three family dwellings. This proposal was for single family dwellings. This was a medium and high density area. It was a transition from the R-1 on the north side to a higher density portion of the City. The proposal was for a single family 8-lot subdivision and partitioning the existing house off of the rest of the developable property. No new driveways would be placed on Territorial. The driveway would come off of Oak Street. North of 18<sup>th</sup> Avenue the lots were larger, and to the south the lots were 5,000 square feet. The new street would be 18<sup>th</sup> Avenue that would provide future connectivity and be an alternate access to Pine Street in the future. Oak Street would be widened to a full local street width and would be extended south in the future to provide alternate connectivity for the neighborhood. The water line had to be replaced with an eight inch water line and the drainage problem would be fixed at the south end of Oak Street. He did contact the Fire Marshall about the turnaround. It was needed if the fire truck had to go more than 150 feet. The Fire Marshall did not think it was necessary to have a turnaround, and he would like to have that condition waived. Regarding Condition #15 about the drywells, they would put catch basins at the end of the street and the drywells would be inside the development. Regarding the letters that came into City, most of the issues were about traffic which were valid concerns, but beyond the scope of this

development. Traffic was a Metro-wide issue and the traffic from Territorial was an I-205 problem. It was the Traffic Safety Commission's job for stop signs and traffic calming issues or the Transportation System Plan needed to be updated to address some of these problems. In regard to the mailbox locations, they should not be on the north side of Territorial. They would be inside the development, however the location was not up to them. It was the decision of the USPS.

Opponent:

Elaine McClanahan, Canby resident, was mostly concerned about the long term maintenance of Oak Street. When the west side of the road was built, it was not maintained. She had to clear blackberry bushes from the road and brought a bag of debris she had picked up from the road. She was concerned that if the road was cleaned, the truck would drop debris and fill the swales that she would have to clean out. She was concerned about this development putting down a new road on the east side over all the debris and that the new road would not be maintained either. She was also concerned about the catch basins. They had dealt with a lot of water in the area, and she wanted some assurance that this development would not add to the problem.

Mr. Brown would contact Public Works about the street condition to see if the City needed to help rebuild the road.

Ms. McClahan agreed traffic and speeding was an issue in this area, especially on Territorial. Safety was a concern, especially for those crossing the street to their mailboxes. There were bicyclists and children on the road as well.

Rebuttal: Mr. Sisul stated in regard to storm drainage, currently there was no catch basin but a grate at the end of the street that often got plugged by leaves. Their plan was to put in catch basins to intercept some of the water before it got to the end of the street and there would be catch basins at the end of the street as well. They had thought about the drainage and would pick up as much water as they could. They were also replacing the water main in Oak Street. It would be an opportunity for the City to work with the developer on the street improvement. The most common size of mailbox was a 16 unit box. It was possible to get a mailbox that would accommodate the folks on the east side as well.

Chair Savory closed the public hearing.

Commissioner Serlet said traffic on Territorial had been issue for a long time.

**Motion:** A motion was made by Commissioner Mottern and seconded by Commissioner Serlet to approve the minor land partition and subdivision of a 1.65 acre lot with the conditions as written by staff except striking Condition #15 and adding a condition to recommend to the USPS that the mailboxes for the existing residents be relocated with the mailboxes for the new subdivision so they were not on the north side of Territorial. **(SUB/MLP 17-02 Tony Marnella, Tanoak Subdivision)** The motion passed 7/0.

- b. Consider a request for a Site & Design Review to construct two flex space buildings in two phases totaling 40,200 sq. ft. with individual units from 1,500 to 6,000 sq. ft. to house various industrial uses. **(DR 17-05/CUP 17-02 OIC Investments – Ronald Reimers)**

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 his staff report into the record. This was a request for a site and design review to construct two flex space buildings in two phases to house various industrial uses. The reason for the Conditional Use permit was that the site was located in the Industrial Park and the master plan for the Industrial Park had an Industrial Overlay Zone. The property was zoned M-1, but it was part of the Overlay Zone and the Overlay Zone had development standards to encourage development that met the minimum 12 employees per acre policy. It was not certain if this development would meet that standard and a Conditional Use permit was required. The Council had clarified that developments did not have to absolutely meet that standard. It was an aspirational goal. Staff thought this was a very appropriate use for the Industrial Park. They were proposing to construct two buildings totaling over 40,000 square feet in two phases. The applicant called it industrial flex space and they would divide the buildings into smaller leasable areas. It was a unique use in the Industrial Park. The applicant hoped to find various contracting type businesses that would lease the spaces. He showed pictures of the site on S Hazel Dell Way. There would be a shared driveway on the southern border of the property. He reviewed the site plan with the two buildings, two way circulation, and drainage detention facility. He explained the renderings of the façades and elevations. These were substantial buildings, and the applicant had taken some effort to put some architectural details on the buildings. He explained the conditions of approval. Regarding Condition #3, the applicant was to consult with the Department of State Lands regarding a stream in the back of the property that appeared in a historical reference but showed no evidence of being there any longer. He suggested changing the wording of the condition to say that a final drainage plan analysis shall account for any possible existing off-site run off flow across the property in addition to the on-site stormwater control that was required in Condition #4. Other conditions included following the sign permit process for any signage proposed and conformance with findings and suggestions made by the City Engineer in his memo dated July 6. Condition #4 dealt with making sure the drainage met Public Works design standards and referred to the Clean Water Services Design Manual for solutions. Condition #5 required the applicant to get a Sediment and Erosion Control Permit with the City prior to any site work on the property. Condition #6 required a preconstruction conference sign off process. Condition #7

required the construction plans to be stamped by a professional engineer. Condition #8 stated Clackamas County would handle all of the structural, mechanical, fire and life safety, plumbing and electrical permits. Condition #9 said all the planting material and irrigation system needed to be in before occupancy or the applicant needed to adequately bond it to plant in an appropriate season. The site met all of the Comprehensive Plan and Development Code requirements. All public services and utilities could serve the site. Staff was recommending approval with conditions.

Applicant: Brian Vandetta was representing the applicant. The property was 2.4 acres. The proposal was an industrial flex development. It was zoned M-1, light industrial, and had an Industrial Overlay Zone. The two buildings would be built in two phases. The two buildings had the potential for 25 tenant spaces ranging from 1,500 square feet to 6,000 square feet. They would be concrete tilt up buildings with architectural features. There was a pre-application meeting where a concern was raised regarding potential traffic impacts on the surrounding streets. DKS performed the traffic study and found that no mitigation was necessary. Utilities were available to serve the property. They had submitted a preliminary stormwater report that showed no stormwater would leave the site in a 25 year storm event. Regarding the historic stream, the property was completely developed on all sides. The street wrapped around the east and south side. Development of this property would not adversely impact adjacent properties. A final stormwater report would be submitted that stated those facts. There was adequate parking and landscaping. They had addressed all of the applicable code criteria. They understood all of the conditions and accepted them as presented. He asked for approval of the proposal.

Proponent: Susan Meyers was a Canby resident and part of the Piedmonte Group, the owners of the property. They were in the process of selling the property to the applicant. The easement was recorded on Friday. They were retaining ownership of the lot to the south. This plan was desirable and needed in the Industrial Park. Over the last four years of ownership, no water or stream was flowing across the property.

Opponents: None

Neutral: None

Chair Savory closed the public hearing.

**Motion:** A motion was made by Commissioner Varwig and seconded by Commissioner Serlet to approve the site and design review to construct two flex space buildings in two phases totaling 40,200 square feet to house various industrial uses with the conditions as written by staff and the amendment to Condition #3. **(DR 17-05/CUP 17-02 OIC Investments – Ronald Reimers)** The motion passed 7/0.

## 6. FINAL DECISIONS

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

### a. Final Findings for **SUB/MLP 17-02 Tony Marnella, Tanoak Subdivision**

**Motion:** A motion was made by Commissioner Mottern, and seconded by Commissioner Varwig to approve the final decisions for SUB/MLP 17-02 Tony Marnella, Tanoak Subdivision. The motion passed 7/0.

### b. Final Findings for **DR 17-05/CUP 17-02 OIC Investments – Ronald Reimers**

**Motion:** A motion was made by Commissioner Varwig, and seconded by Commissioner Boatright to approve the final decisions for DR 17-05/CUP 17-02 OIC Investments – Ronald Reimers. The motion passed 7/0.

## 7. ITEMS OF INTEREST / REPORT FROM STAFF

### a. Next regular Planning Commission meeting scheduled for Monday – postponed

Mr. Brown said the next Planning Commission meeting was canceled as there were no items on the agenda. The next Planning Commission meeting would be held on August 14 or 28, 2017.

Mr. Brown said the Commission had requested a discussion on the Façade Improvement Program. He had discussed it with the City Administrator and he indicated that was an Urban Renewal funded program and was not under the purview of the Planning Commission. There would be a Work Session on this program in August and Commissioners could attend.

Commissioners Varwig and Serlet volunteered to attend.

Mr. Brown said a copy of the bi-monthly report would be given to the Commission.

## 8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION

Chair Savory reiterated the traffic issues on Territorial had not been resolved, and more traffic would be added through growth. It was projected that Canby's population would double by 2030. He wanted to have a joint discussion with the City Council on these issues.

Mr. Brown said the Traffic Safety Commission was going to discuss a possible four-way stop at Territorial and Redwood at their next meeting. That would help slow down traffic. They could also look at lowering the speed limit as well.

## 9. ADJOURNMENT

**Motion:** Commissioner Serlet moved for adjournment, Commissioner Varwig seconded. The motion passed 7/0. Meeting adjourned at 8:37 p.m.