



**MINUTES**  
**PLANNING COMMISSION**  
April 28, 2014 7:00 PM  
City Council Chambers – 155 NW 2<sup>nd</sup> Avenue

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**PRESENT:** Commissioners Tyler Smith, Shawn Hensley, John Savory, John Serlet, and Larry Boatright

**STAFF:** Bryan Brown, Planning Director, Angie Lehnert, Associate Planner, and Laney Fouse, Planning Staff

**OTHERS:** Kevin Anderson, Pat Sisul, Todd Iselin, Jason Bristol, Michael Ballerwell, Leland Noffsinger (sp), Tom Scott, and Susan Meyers

**a. CALL TO ORDER**

Chair Smith called the meeting to order at 7 pm.

**b. MINUTES**

a. Planning Commission Minutes for March 10, 2014.

***Motion:** Commissioner Savory moved to approve the March 10, 2014 Planning Commission Minutes, Commissioner Serlet seconded. Motion passed 5/0.*

**c. CITIZEN INPUT ON NON-AGENDA ITEMS**

Kevin Anderson, resident of Canby, voiced his concern about the City's storm water injection upon his property. He gave examples of how the water injection did not work including the easterly catch basin that was broken into pieces, soil migration, and structural cracks on the new movie theater. Other houses downstream would have the same problems. He had documentation, but the City Council and City Attorney had ignored him.

**d. PUBLIC HEARING :**

a. *The applicant is requesting approval of Phase II of the Dinsmore Estates Subdivision, a 9.6 acre subdivision for 41 detached single family home lots. (**Dinsmore Estates Phase II SUB 14-02**)*

Chair Smith opened the public hearing and read the public hearing format. The Commissioners stated they had no conflict of interest nor exparte contact. Chair Smith and Commissioner Boatright lived in the area and drove by the site every day.

Angie Lehnert, Associate Planner, entered her staff report into the record. This was an application for a 41 detached single family home subdivision located on SE 13<sup>th</sup> Avenue. Park

SDCs would be collected in lieu of dedicated park land. Utilities would be located underground, sewer and water service was available, and stormwater would be collected in a swale and directed to dry wells installed in Phase 1. She listed the streets to be extended. The Code encouraged a grid pattern, which was done in the application. All lots met the requirements except 17 and 19 which were 12,000 square foot flag lots. The maximum should be 10,000 square feet, but it could be allowed if the average of all the lots were within the lot requirements. There was also an exception for the double frontage on the houses along SE 13<sup>th</sup>. There were no in fill lots. Regarding the traffic study, no mitigation was required. The traffic study recommended against the proposal to extend Larch Street to connect to 13<sup>th</sup>, and the applicant redesigned it without a Larch Street connection. However, citizens preferred the Larch Street connection. The traffic study did not take into account the development of the properties to the west. Staff was not against Larch going through, although there were other options. She explained how the standard local street requirements and arterial two-way traffic requirements were met and matched the other connecting roads. No street trees were proposed. There was a two foot area of landscaping but no tree bump outs like what was done at Tofte Farms. The Planning Commission could require a landscape easement and street trees that the City would plant and maintain. If it was landscaping placed there and not trees, the HOA would maintain it. If Larch St did not go through there would need to be a walkway to 13<sup>th</sup>. She was not sure where street lights would be proposed. She asked for direction on what kind of lighting they should have. There was a requirement for fencing along pedestrian pathways for safety, which required either a four foot solid fence or the fence should be transparent. This was not as homeowner friendly, but was required in the Code.

Bryan Brown, Planning Director, explained the reasons for making these pathways safe for pedestrians. The idea was more eyes on the pathway and so people could not hide out. The options were a chain link fence, lower fence, or if there was a solid, taller fence make the pathway wider. Staff preferred the HOA to be responsible for the path.

Ms. Lehnert discussed the proposed lighting.

Pat Sisul, Sisul Engineering, was the applicant's representative. This was the second phase of Dinsmore Estates. Phase 1 was rapidly developing, and these extra lots were needed. The proposal was to extend the streets that had been stubbed into the property to make logical connections to existing streets. Juniper was stubbed to the north and terminated at the southwest corner of Dinsmore Estates. Part of the street would be on Dinsmore Estates, and part on the McRobbie property to the west, which was also planning to develop. There was an agreement between the property owners to get the dedication of the full right of way for whichever property developed first. This application was using a combination of old and new street standards to create a seamless transition between developments. He explained how the streets, sidewalks, and curbs would look to keep consistent setbacks and a consistent look. There were two flag lots that would share an access and the lots would be larger. The flag lots were due to the location and the fact that no other street configuration would work as well. Regarding the double frontage lots, it was common in cities when one street was an arterial and there would be a wall between the street and the homes on the 13<sup>th</sup> Avenue side. Because of the street layout of Tofte Farms, the street layout for this application ended up mirroring those street patterns. He explained the original layout for Larch Street. There would be no pervious paving on any streets in the

development. Regarding the pathway, it would be 108 feet long and 12 feet wide, fully paved from fence to fence to help prevent weeds. He discussed the maintenance of the pathway and how being responsible for the lighting would be costly for the HOA. He suggested putting in a street light that would shine down the pathway. Water would be stubbed through the development, sanitary sewer would drain out to Ivy Street, and storm drainage would be sent to dry wells on 16<sup>th</sup> Avenue. Either option for Larch Street was acceptable. For the property on the corner, if it was residential, it would be served by a residential street, but if it was a senior living facility, it should be served by its own driveway access to Ivy and 13<sup>th</sup>.

Tom Scott, 130 SW 2<sup>nd</sup> Ave, was the applicant. Regarding Larch Street, he could go either way. The corner lot sounded like it would be more of a commercial use which would have its own access. If Larch Street could go through, he wanted to go with the original proposal for the streets. He thought it would be odd to have Larch and Lupine both connect to 13<sup>th</sup>. Regarding the 13<sup>th</sup> Avenue road section, he proposed the pavement width as suggested and a six foot sidewalk, and was fine with expanding the planter strip to 4 or 4 ½ feet. Regarding the 12 foot pathway, he thought as a compromise he could extend the five foot masonry fence on 13<sup>th</sup> Avenue down the pathway 70-75 feet and stop 30-35 feet short of 13<sup>th</sup> Place. He preferred to work with Canby Utility to design street lighting for the pathway instead of using bollard lights. He had concern regarding Condition 26, which required grading the lots to within one foot of the final foundation grade. He proposed a 12 to 18 inch foundation height above the curb.

#### Proponents:

Susan Meyers, member of the Tofte Farms Homeowners Association Board, thought Mr. Scott built quality homes. The Association objected to Larch not connecting to 13<sup>th</sup> Avenue. The traffic study did not take into account the undeveloped property and how it would be served. She explained how the area was to be served by only four access points. This would be a problem with the extra trips that would come from future developments, especially the senior housing units. There were many pedestrians and children walking to school and parks in the area, and with the Sequoia Parkway extension there would be more traffic on 13<sup>th</sup>. Lupine was challenged in the topography and layout, and there needed to be another connection on Larch. The Association would be happy if the original plan was approved with a Larch connection to 13<sup>th</sup>. There was no master plan of the area, so while this was not in fill, they were stuck dealing with the street configuration and making it work. If the Larch connection was allowed, the pedestrian pathway issues would go away. The street grid also slowed traffic down.

There were no opponents or neutral testimony.

Mr. Sisul gave a rebuttal. Both the Larch and Lupine connections were acceptable to them. He proposed having a knuckled intersection with a driveway to homes instead of a public street going into the undeveloped area. Regarding the Larch connection, he looked at the other arterials in Canby, and several did not meet the 660 foot requirement. There was already an HOA for Phase 1, and the plan was to combine the HOA for Phase 1 and 2.

Chair Smith closed the public hearing at 8:27 pm.

Mr. Brown said the latest communication regarding the corner property was a plan for a single building containing 41 senior care beds. Chair Smith said they did not know what the end product would be, and they should not make their decision based on an assumption.

Mr. Brown said staff did not think it would be best to have both the corner lot driveway and Larch Street going out to 13<sup>th</sup>. Ms. Lehnert said the County would probably allow a driveway along Ivy Street.

Chair Smith said he did not see a problem stubbing in a street into the undeveloped area. He thought Larch should go through as it solved the neighbor's legitimate concerns and the developer did not have a problem with it but the street lighting needed to conform to the code. He did not have a problem with the double frontage of the lots on 13<sup>th</sup>. All the questions he had were addressed.

Commissioner Hensley was also in favor of the Larch connection. Regarding changing Condition 26, he did not see a problem with an additional six inch grade height. As long as the street lighting met Code, he did not have a problem with it.

Mr. Brown said staff recommended deleting Condition 26.

Commissioner Serlet thought there should be a pedestrian crossing on Larch. Mr. Brown said it might be too close to an existing crossing and a lighted intersection. Ms. Lehnert said there was a crossing treatment running east and west on the adjacent properties.

Commissioner Savory agreed there should be a Larch connection and a safety crosswalk, especially for children crossing the street.

***Motion:** Commissioner Savory moved to approve **Dinsmore Estates Phase II Subdivision (SUB 14-02)** application with Larch Street connecting to 13th Avenue and advising the City Council to take up the issue of a crosswalk at that intersection. Commissioner Serlet seconded, motion passed 5/0.*

Mr. Brown clarified that the original street orientation did not include a stub out to the undeveloped corner lot.

Mr. Scott explained how the undeveloped parcels could be connected by other roads.

There was consensus to approve the application with the initial plat and to delete Condition 26.

- b. *The applicant is requesting approval of a Planned Unit Development and Subdivision which will include 5 identical buildings with three homes each on individually plated lots for a total of 15 townhomes. (Emerald Gardens Townhomes PUD 14-01/SUB 14-01)*

Chair Smith opened the public hearing and read the public hearing format. The Commissioners stated they had no conflict of interest nor ex parte contact. Commissioners Serlet, Hensley, and Savory had driven by the site.

Mr. Brown entered his staff report into the record for a Planned Unit Development on 3<sup>rd</sup> and 4<sup>th</sup> Avenues. Five structures with three units each were proposed and a two way private road would be built through the development. The structures would front the private road. He explained the design of the structures and how the perimeter of the development would mitigate conflict with the adjoining properties of older single family homes. This would be high density residential development with three story buildings. Some of the mitigation included the setbacks, lighting, screening of the air conditioning unit, parking, and open space. The traffic study showed they couldn't meet the minimum spacing for the proposed driveway from existing driveways. If approved, they would be granting a deviation from the driveway standard. He explained the PUD exceptions that were allowed. Staff recommended approval with the conditions listed in the staff report. There were changes to the following conditions. For Condition 2, the end of the sentence would be changed to "approval is needed from the following". Condition 3 would be deleted. Condition 19 would be re-worded to "the associated subdivision final plat shall be submitted to the City within one year of approval of the tentative plat per Section 16.68.020 and recorded within six months of the City Planning Director signing the plat per Section 16.68.070." Condition 27 would also be deleted.

***Applicant:***

Todd Iselin, Iselin Architects, represented the applicant. He showed an aerial photo of the site. He explained the surrounding homes, design of the development, landscaping plan, amenities on the site, pervious pavement, floor plans, elevations, and lighting plan.

Jason Bristol, applicant, showed pictures of three story housing in Canby high density zoning, industrial views to the south, single family homes on the block, and duplexes on the block.

Pat Sisul, Sisul Engineering, discussed the storm drainage for the project. They would be using a combination of pervious paving and a dry well. He explained where the pervious paving would be placed, each driveway would have a catch basin, and there would be a dry well on the property that would be over 20 feet deep. The HOA would maintain the open space and lighting.

***Opponents:***

Michael Ballerwell, home owner near this site, was concerned about traffic safety. Speeding was a continuing issue, and he was worried with the high density there would be more children and pedestrians on the roads and someone might be killed.

Leland Noffsinger (sp), owns a duplex in the area. He did not think this development would fit with the neighborhood. With the three story building, the sun would go down at 3 pm for his tenants and they wouldn't have any privacy. Water was a

problem and he questioned if the dry well would be sufficient. There was hydraulic pressure coming into the area.

There was no further public testimony.

***Rebuttal:***

Mr. Sisul commented about the drainage and how a substantial amount of pervious pavement was being used. A lot of water was going into the ground at surface level and the surface soil could infiltrate storm water. The intention with the dry well was to get it below the confining layer to the better draining soils. The goal was to not make any current problems worse. Traffic was an issue. There were traffic safety measures such as enforcement and signage. The Fire Department did not like speed humps because they slowed down response time.

Chair Smith closed the public hearing at 9:34 pm.

Chair Smith responded to Mr. Ballerwell about the water issue and how the Commission relied on experts. The engineering expert submitted a report regarding the drainage and it was settled in his mind.

***Motion:*** *Commissioner Serlet made a motion to approve Emerald Garden Townhomes (PUD 14-01 & SUB 14-01) and allowing the driveway deviation, amending Condition #2, deleting Condition #3, rewording of Condition #19, and deleting Condition #27, Commissioner Savory seconded. Motion passed 5/0.*

- c. *City Staff is requesting consideration of a text amendment to streamline, clarify, and update the development review process for industrially zoned land in the Canby Pioneer Industrial Park. (Code Streamlining Industrial Development TA 12-02)*

Chair Smith opened the public hearing.

Ms. Lehnert entered her staff report into the record. She gave a summary of the proposed text amendments. Tighter screening requirements for commercial zoning had been requested by staff.

Mr. Brown needed to clarify the parking provision for industrial zones.

Chair Smith suggested tabling this item until the next meeting.

There was consensus to continue the hearing to the date certain of May 12, 2014.

**e. ITEMS OF INTEREST/REPORT FROM STAFF**

- a. **McDonald's – May 12, 2012 Planning Commission agenda**

Mr. Brown said the May 28 meeting was scheduled to discuss the McDonald's application, but it was now on the May 12 agenda. The May 28 date would still be used if the hearing needed to be continued.

Chair Smith requested that when the staff reports referred to a Code section if staff could include the requirements from those Code sections in the reports.

**6. ADJOURNMENT**

Meeting adjourned at 9:50 pm.

The undersigned certify the **April 28, 2014** were presented to and **APPROVED** by the Planning Commission of the City of Canby.

**DATED** this 28<sup>th</sup> day of May, 2014



Bryan Brown, Planning Director



Laney Fouse, Minutes Taker

Assisted with Preparation of Minutes – Susan Wood