

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – Monday, October 23, 2017
City Council Chambers – 222 NE 2nd Avenue

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

ABSENT: None

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

OTHERS: Kati Gault, Doug Sprague, Mike Robinson, Todd Mobley, Susan Meyers, Kathryn Henderson, Elan Langridge, Russ Langridge, Scott Smith, Tony Polito, Deone Lewelling, Paul & Sheryl Schmidt, Andrew Sambuceto, Paul Toole, Michael McNichols, Vincent Andersen, ME. Andersen, Garrett Stephenson, Chelsea & Joel Sprague, James Larson, Linda Geddes, Al Geddes, John Gault, Ellis & Luanne Meuser, Ben Baucum, Dan & Linda Mowry, Kevin & Kelly Knutson, Tim & Sally Nichols, Bob & Janey Belozzer, Colin Clayton, Art Hall, Virginia (Tookie) Hall, Jane Moe, Jon Berg, Lucinda A. Ballas, Ariana Van Houten, Phillip Seale, Sarah Seale, Linda Peacock, Diane Schnickels, Nancy Thompson, Marc Thompson, Ben W. Van Houten, Dale E. Culver, Karen R. Culver, Rachel Seale, Will Snyder, Erin Storlie, John T. Davis, John Lesser, Larry & Paivi Vargas, Scott Taylor, Joyce Ayres, Steve Gustafson, Lois Gustafson, Regina Taylor, David Brost, Craig Gingerich, Tim Weaver, Lynne Brown, Dana & Tim Tyler, and Revaleen Smith

1. CALL TO ORDER

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

2. CITIZEN INPUT – None

3. MINUTES

- a. Approval of October 9, 2017 Planning Commission Minutes

Motion: A motion was made by Commissioner Mottern and seconded by Commissioner Hall to approve the October 9, 2017 Planning Commission minutes. The motion passed 7/0.

4. NEW BUSINESS – None

5. PUBLIC HEARING:

- a. Consider a request for a Subdivision at 3500 N Maple St consisting of 22 single family home lots in the R-1 Low Density Residential Zone (**SUB 17-05 The Seven Acres, Sprague**).

Chair Savory opened the public hearing and read the public hearing format. He asked if any Commissioner had any conflict of interest or ex parte contact to declare.

Commissioner Varwig goes to church with the Sprague family. He did not think that would affect his decision and he planned to participate.

Commissioner Mottern visited the site.

Chair Savory walked the neighborhood.

Bryan Brown, Planning Director, entered his staff report into the record. This was a subdivision application for 22 single family homes on N Maple Street. He entered the following items into the record: written testimony from attorney Michael McNichols who explained several reasons why the plan was not suitable and why he was in opposition; a letter from Arthur and Virginia Hall who were not in favor of the parking restrictions on N Maple, wanted to preserve the existing cul-de-sac at the end of N Maple, and questioned the drainage method proposed; the email from Mike Brown who was opposed mainly due to traffic issues; and the email from the applicant, Kati Gault, which summarized some information from Public Works regarding the capacity of the sanitary sewer pump station. A new pump station was built to a capacity that could handle growth within the UGB and there should not be an issue with this subdivision. He reminded the Commission that there were three conditions of approval that staff accidentally left out of the staff report that should be included.

Mr. Brown summarized the application which was for a 22 lot subdivision and the applicant was using lot averaging in order to arrive at the proposed design. The only question with the lot averaging was that there were two lots that were larger than the maximum 10,000 square foot lot size allowed. Two of the lots were flag lots that had narrow access in the front. The applicant had several lots that did not meet the 60 foot minimum lot width along the public street. They had on a regular basis approved subdivisions that did not meet the 60 foot standard. The Code gave the Commission discretion to waive the standard if they found there was adequate access to the lots. Staff was in support of the findings submitted by the applicant for the larger lots. The access on the public street for the lots did not impose any difficulties. Regarding the existing cul-de-sac, he did not think it should be preserved because the street would be extended in a circular manner which was far better than a cul-de-sac. This would happen at full build out, and there was a condition that the applicant had to meet any fire emergency access turnaround requirements. There was evidence in the file and the pre-application meeting with all of the utility companies that had slightly changed the detention facility in Tract B and proposed where the stormwater drainage line was located through the site. Their sanitary sewer plans proposed going up to the Logging Road Trail and over to the sanitary sewer lift station. The application complied with all of the necessary infrastructure standards to serve the proposed subdivision. There had been a few concerns about drainage because of past history, but changes had been made to the Willamette River that corrected the possibility of flooding. This area was out of the flood plain. The proposed drainage plan was a robust plan. An agreement was entered into with the City, neighboring farm, and the applicant that proposed a solution to a flood event by having a large drainage line that would go through this subdivision and out to the river. There would be more analysis submitted at the construction stage to back up all of this proposed information. Other than that issue, the subdivision application seemed to be clear. There was a question about fencing along the Logging Road Trail and the farm property and the applicant had expressed interest in putting a fence in. The bulk of the public comment had been in regard to offsite improvements. The current street was built to a sub city standard in 1973 and no sidewalks were required at that time in the city code. The improvements on N Maple had been widely debated and several traffic studies had been done. The drainage agreement gave them an additional 10 feet of right-of-way adjacent to the farmland which aided in widening the street to 34 feet. An additional traffic analysis was done based on pedestrian traffic and how the applicant proposed to deal with pedestrian safety. The applicant had gone beyond a normal proportional share of offsite improvements. Staff recommended approval of the application. The subdivision met all the standards with the exception of two lots over 10,000 square feet in size. The applicant was providing more than a proportional share of improvements. The minimum standard for any road leading up to a subdivision should be a minimum of 24 feet in width. There were a lot of substandard streets in town and many streets were

county streets in the city. The Commission had approved several subdivisions in the past that did not meet the standards for width and this application met them.

Commissioner Serlet asked if there was going to be access from the properties to the river. Mr. Brown said there was an emergency access that was a bicycle and pedestrian connection from the Logging Road through the subdivision.

Applicant:

Doug Sprague, applicant, introduced his attorney, Mike Robinson.

Mike Robinson, land use attorney in Portland, stated their job was to give the Commission enough evidence to show they met the approval criteria. They agreed with the staff report and recommended conditions of approval. A number of issues had been raised by the public. The first was traffic. There were three traffic reports which concluded that the improvements the applicant proposed made the street function as intended and there would be adequate pedestrian access. The second issue was emergency access, and there was an emergency access to the Logging Road. The third was Maple Street and Ms. Gault was going to discuss it in more detail. The applicant was proposing to improve Maple Street according to code. The fourth issue was drainage, and they would be meeting the City's drainage and stormwater standards. They also entered into an agreement with the City and adjacent farm regarding stormwater. Even though there was opposition, the Commission had to base their decision on the approval criteria which he thought had been satisfied.

Todd Mobley, traffic engineer with Lancaster Engineering in Portland, said another set of traffic counts had been done in addition to the years of background traffic information. The numbers showed similar volumes to the studies that had been done in the past. At the north end of the property it showed 500 vehicles per day, and at the south end it showed 223 vehicles per day. In the peak one hour period there were only 8 vehicles southbound and 15 vehicles northbound. This was low volume. Narrower streets like Maple could accommodate one vehicle going in each direction easily without feeling crowded for pedestrians or other users on the street. With the traffic volumes, only two cars would meet less than two times in the peak hour. With regard to pedestrian safety, this was a road with low to moderate speeds and volumes.

Chair Savory questioned the fact that 22 new homes would generate these low numbers, especially with people going to and from work. Mr. Mobley gave an example of 71 homes north of the golf course which generated 500 vehicles per day which was an average of 7 trips per dwelling unit. That was the basis for how they looked at the traffic impact from the subdivision.

Mr. Sprague had lived in this neighborhood for 27 years and he was concerned about the traffic as well. He sat at the property during the peak hour on Monday and saw two cars pass each other one time and two times between 7 and 8 a.m. He thought the traffic study held true to what he observed. Because of the concern, it could seem like a bigger issue than it was in terms of people passing. This property had been owned by his family since 1977. They cared about the neighborhood and had put a lot of effort into addressing all of the concerns.

Kati Gault, Canby resident, said originally the City's traffic engineer recommended they pay a proportional share of a sidewalk to be located within the existing right-of-way behind the existing curb on the east side of Maple Street and recommended the removal of parking on Maple Street from the Country Club to this site. The proportional share was calculated to be \$91,000. It was clear the City did not have the remaining funds for the sidewalk and it was not a priority to remove parking on this section of road. Neighbors did not want a sidewalk installed in the existing right-of-way on the east side of Maple that they currently used as their front yards and would have to contribute to the cost by forming a Local Improvement District. Removing parking from Maple Street was also a burden for them. The applicant submitted an amended proposal on October 10 that showed a full 34 foot wide street, which after further review they thought was not the best option for the neighborhood. She offered a slightly revised solution that would enhance pedestrian safety and preserve the rural feel of the

neighborhood. They were proposing to widen the street to 28 feet south of tax lot 300 to the existing sidewalk termination on the west side of Maple to allow the parking to remain on Maple. They also proposed to add a five foot walking path on the west side of the street that was separated from the travel lanes by a stripe. This was Section AA of the proposal. She asked that Condition of Approval #9 be changed to allow either option, widening Maple Street up to 34 feet or improve the road to the Section AA as proposed. She thought both met the intent of the code. For the frontage of tax lot 300, they signed a Memorandum of Understanding with Montecucco Farms to acquire right-of-way to widen the street to 34 feet. This widening would allow parking to remain and would provide a four foot pedestrian lane on the west side of the street. The estimated value of the improvements they were proposing was \$236,000. These improvements allowed existing deficiencies to be corrected and went above and beyond the proportional share recommended by the City's traffic engineer. Regarding the concern about the cul-de-sac, the plat had a note stating this was a temporary cul-de-sac to be vacated commencing at the northwest corner of the lot in the event of future street extensions. It was contemplated that the cul-de-sac would be vacated in the 1970s. She confirmed that the neighbors would not have to contribute to any of the costs and all existing parking would remain.

Mr. Sprague said widening the street to 34 feet would increase speeding, and he would like to have the option of widening the street to 28 feet instead.

Garrett Stephenson, attorney in Portland, was representing Montecucco Farms. They owned the property referred to as tax lot 300. They recommended approval of the application. Montecucco Farms was prepared to dedicate additional right-of-way for a 34 foot paved improvement along the west side of Maple Street. One of the requests they had was no parking on the west side so there would not be difficulty accessing the farmland. They thought an at-grade pedestrian and bike path would work well here. In exchange, the City and applicant agreed to provide an upsized storm drainage main that would continue to allow the farm to drain to the Willamette River. This would handle the stormwater for the development and would provide the infrastructure for future development. It would also be useful in a flood event. This project had a lot of unique and thoughtful solutions. One last note, there was some discussion regarding fencing which was important to the farm to protect crops. He encouraged the Commission to support that requirement.

Chair Savory asked about farm vehicle traffic. Mr. Stephenson said his client had not voiced concern about that issue.

Ed Montecucco, Canby resident, stated most of the equipment came in from Locust and 37th Avenue, and they were mostly pickups. There were some tractors going in and out when it was convenient for them. There were buses that took the crew to and from the farm. He did not think it would be a high impact on Maple.

Will Snyder, Canby resident, home builder, and real estate appraiser, thought that north Canby was in need of buildable lots. The recent property value increases had to do with population growth due to the jobs and amenities offered in the Portland area. For three straight years Oregon had more new residents than any other state. This influx has gobbled up the real estate which had led to a well-documented land shortage. This land shortage limited construction which limited supply and caused record setting market appreciation. He gave examples of the limited supply in Canby and how properties sold quickly and at a high price. Lots were increasingly hard to find. People were coming to Canby because it was the only market that provided them the quality of lifestyle they wanted with the lots big enough for the home they needed. There was a need for lots large enough for single level homes in a small, quiet, upscale development and this subdivision was a perfect fit for that.

Joel Sprague, Canby resident, read letters from proponents who could not attend the meeting. The first was from the Swor family who thought this was an ideal area to expand Canby's appeal and beauty. The second letter was from 80-year resident Beverly Knutson who had been one of the purchasers of this property in the 1970s with the plan to develop it in the future. She had sold the property to her son and daughter-in-law in order to develop it. She was not in favor of the burden for the street improvement as it went beyond the impact this development

brought to the neighborhood. However, they had complied with the standards and addressed the concerns. This development helped address the shortage of available lots and pedestrian safety. The end goal was to develop a neighborhood the community could be proud of.

Mr. Sprague said he lived next to the tree farms and knew that someday the farms would be developed. It was necessary change and the applicant was contributing a lot to the street improvements. He agreed that widening streets created more traffic and speeding.

Opponents:

Joyce Ayres, Canby resident, said she sometimes walked and drove on Maple. There was a lack of sidewalks in this area and those that existed were in disrepair. When she read that there was to be no parking on the east side of Maple and a sidewalk was to go in that the neighbors had to pay for she was outraged. She was heartened to hear the developer proposed to change those plans and she hoped that would happen. She was also concerned about the development of Maple Street and how the widening would increase speeding.

Al Geddes, Canby resident, was concerned about the fill needed for the development. What he saw of the fill was substandard. His backyard had flooded in the past and the drainage would be affected by this development.

Linda Geddes, Canby resident, discussed how the drainage and fill affected her home. The fill was approximately four feet higher than her backyard. At one time she had three feet of water in her crawlspace and they had to have a sump pump put in that still activated in rainy weather today. She thought the drainage was still substandard and she hoped the advancements in drainage for the development was in writing and not just a promise. She thought new development had to do no harm to its neighbors and she would like for that to be true.

Doug Poppen, Canby resident, said there were six major issues people had with this application. They included road width, pedestrian safety, traffic, water runoff, fill, cul-de-sac codes, emergency access, and parking. He then discussed the exceptions that were being made. The first was in regard to lot size. He did not think there was public benefit to allowing two more lots on the property. The second was the lot widths and frontage standards. There were six lots that did not conform to the standards which resulted in limited access and parking. The third was access for fire and emergency vehicles. The standard was 20 feet, but both the Logging Road and Maple Street were below that standard. The homes should also have sprinklers, but there was no provision in the code that required sprinklers. The fourth was putting in a four foot walking path, but there was no provision in the code for a walking path. There were provisions for sidewalks which were required for subdivisions and the streets adjacent to the subdivisions. N Maple Street was adjacent to the development and he thought sidewalks should be required. When you took into consideration the opposition from the neighbors and all of the exceptions he thought it seemed excessive and did not meet code. He recommended that it be clearly articulated in a condition that parking would not be eliminated on Maple.

Phillip Seale, Canby resident, addressed the access for emergency vehicles. Per code there had to be an alternative emergency access and the applicant had said the 10-foot wide walking path would be used. He had not seen approval that this was a legitimate emergency alternative from the Fire Marshall. He thought the application should be denied because it did not meet the code. This was a single access subdivision and N Maple and S Elm were the only two streets that did not have a limit on how many units could be built on a single access street. With this development, there would be about 100 homes that were on a single access street.

Sarah Seale, Canby resident, said it was difficult to make comments on applications that submitted different versions throughout the process. In both previous report publications the posting on the website was after the date advertised for public viewing. The public did not get the information in enough time to research and come up with responses like tonight and did not know the changes made to the application. She appreciated the applicant for his efforts to voluntarily improve the street. She still objected to the development due to the speeding problem on N Maple. It was a long, straight road and there were no outlets on Maple until NE 23rd. The width variances on the

street went all the way to Territorial. With the increased traffic from these 22 homes and the proposed 56 unit apartment complex on Territorial and how Territorial was currently being used as a bypass for downtown, there would be a lot of traffic. A traffic light would be needed in the future. She was concerned about the integrity of the road, especially as the construction equipment and trucks would use it possibly over several years if this was phased in. She thought the improvements to the road should be done before the development of the property.

Vincent Anderson, Canby resident, asked if the widening of the road and maintaining parking on the street were documented. It was difficult when new things were introduced the night of the meeting and the neighborhood had not been aware of them.

Paul Toole, Canby resident, said he and his wife purchased a home on Maple Street in 2004. They purchased it because they enjoyed the rural atmosphere and dead end street. This development threatened his current lifestyle and culture. The dead end street became a greater hazard than it already was now. This was not a benefit to the public. Maple was a narrow street and it was a dead end. The land on the west side of the street was zoned rural farmland and had Class A soils. He questioned whether a portion of this Class A farmland could be sold for right-of-way. Thousands of cubic yards of fill had been dumped on the property and he questioned the quality of the fill. He respected the right of the owner to develop the property, but he did not accept that this was a benefit to the public. Approving this development would be through exception and would change this area forever.

Mary Anderson, Canby resident, lived on Maple Street and saw at least 74 cars per day on the street, many of them speeding. She also saw bicycles and pedestrians on the street. When there was an event at the golf course, there were more cars on the street and there were more people on the road during the summer. There was only one way in and one way out on the road. There were people who were blind and deaf on her street, and landscape trucks were parked on the street. People also parked on the street to use the Logging Road. She thought the traffic was horrendous and this development would only exacerbate the problem. The river was also dangerous, and the cliff should be fenced off. She did not think widening the street and putting in a pathway would be enough.

Elan Langridge, Canby resident, stated 20 years ago she came to the Commission regarding development in the same area. She was concerned about safety and the added traffic at that time since the road was narrow and visibility could be tricky. Since that time the Centex development went in and opened 20th Avenue. This street as well as 21st and 22nd accessed Maple as the arterial road used for their trips. Several more homes had been built on Maple and there was a church school and preschool on Maple and a preschool on Country Club and Greenview Drive. There was a school bus stop on Maple and 20th. There was a lot of foot traffic at the Logging Road. The Country Club was putting in a fitness center which would also increase traffic and there was a lot of traffic from the Country Club on the road already. The Institute of Transportation Engineers in Washington, D.C. stated that 300 cars on a neighborhood road was excellent, good was 300-600, acceptable was 600-1,200, and poor was 1,200 plus. She thought there was at least 2,000 plus cars that used Maple. She did not think the traffic study numbers were accurate.

John Gunter, Canby resident, discussed the emergency access. He did not think the cul-de-sac was exempt from the maximum number of homes allowed on a single access road. The cul-de-sac was the end of the road. The allowable distance according to Code was 400 feet and currently it was in excess of 3,300 feet to the nearest point of alternate access. The residents on Maple were not happy with the current emergency access and putting 22 more houses on it would only exacerbate the problem. There were drainage and grading issues. Several thousand yards of material had been dumped on the site since 1990. He did not know if a fill permit had been issued for the property to ensure the fill was done properly. The property sloped from the northwest corner to the southeast corner which would make any runoff go into the neighboring properties. Several of his neighbors had to have sump pumps. He did not think a soils test had been done to show construction could go on the property. If the subdivision was approved, the neighbors would like to see a condition that no construction would be allowed until the street improvements were completed. He was also frustrated that the information was not submitted in a timely manner.

Scott Smith, Canby resident, bought property and built his house on Maple Court in the 1970s. The applicant's property was in a flood plain at that time and was not developed because of the water that collected there. He would like to know if the applicant had a fill permit. He agreed with the comments regarding all of the exceptions needed for this application. The farm equipment used Maple Court to turn around and got the street all muddy. They had trouble with drainage on his street and there was a catch basin near the entrance of the golf course that ran mud every time it rained down to the sewer line. He thought that sewer line should be covered. He asked the Commission to deny the application due to all of the exceptions required.

Russ Langridge, Canby resident, was a soils scientist expert witness. He was contacted by adjacent home owners who had experienced an increase in wetness problems since the fill had been put on the property. The question was if the wetness could be caused by the adjacent parcel modification. He did not do a flow test, but he found out the following. The original mapping on the official soil survey map appeared accurate. The soil mapping was consistent to the natural landscape boundaries in existence prior to the fill activities. The original soil map showed a typical high flood plain topography with the soils identified as would be expected. The soils on the convex bar position were prime farmland soils and the soils on the concave channel position were soils which were subject to pooling and flooding. These soils were also classified as hydric, or wet soils. The soils looked reasonable for the area, and he thought the filling that occurred had changed the flow. He thought that should be taken care of when the property was developed.

Anthony Polito, Canby resident, agreed with what had been said by his neighbors. The applicant had a right to develop the property, but it needed to be done in a way that benefitted the current neighborhood. He thought putting in 22 homes would decrease the property value for everyone on the street. The traffic was terrible. He bought his house in 1994 due to the quality of life in the area. He did not think a substandard road should be approved. This development would add many new cars on the road and it would not be safe. The proposal to widen the road would only be a band aid. He had submitted pictures of the road. He suggested getting the zoning changed on the property. They did not need 22 homes there. He thought seven homes would be sufficient. That would minimize traffic and increase the value and not decrease the quality of life.

Scott Taylor, Canby resident, said his main concern was the width of the street. He walked Maple Street every night and was happy to hear the street might be widened. The road was not up to standard and it needed to be a safe street with sidewalks. He did not think they had to keep approving substandard roads. He was also frustrated that additional information was submitted that night and he had not had a chance to review it. That did not allow citizens to participate in the process.

Larry Vargas, Canby resident, was concerned about responsible growth. Traffic would not only increase on Maple, but also the other streets that funneled off of Maple. Additional housing was being built on Territorial which would also have an impact. This was an organic farm and it needed to be preserved. He was concerned about cross contamination and having too many homes that would affect the produce growing on the farm. He agreed the number of homes should be reduced to better control the traffic and to preserve the rural character in the neighborhood. They needed responsible, sustainable growth.

Michael McNichols, Canby resident, also expressed aggravation that new information had been submitted that night that he had not been able to review. He thought there should be application deadlines that should be enforced. He thought the process was prejudiced against the residents on N Maple. He had been opposed to the citizens paying for the sidewalk, but that had been changed and now the applicant proposed putting in a pedestrian path. He would like to know what the final plans were before the application was approved. He discussed how a lot of the standards were discretionary. It was difficult to quantify safety. He was unclear how wide the pedestrian pathway would be. Nowhere else in Canby was there a pedestrian pathway that was separated from vehicle traffic by a painted stripe. The pedestrians would have to share it with bicycles as well. He thought it was a huge liability and exposed pedestrians to a lot of risks. He discussed how N Maple was part of a walking loop that included the

Logging Road Trail. There were several fun runs that happened on the loop as well. The emergency vehicle access on the Logging Road went against common sense.

Rebuttal:

Doug Sprague confirmed he had fill permits for the fill work that had been done on the property. He had been working on improving the property for 27 years. He had installed drains on the property and he thought the drainage system would handle the development. This was a good proposal and would improve the conditions on Maple.

Mike Robinson said the decision tonight was whether the application met the approval criteria. He recognized people did not want this property to be developed, but if the application met the criteria, the Commission must approve it. He thought the application did meet the criteria. The City's traffic engineer had said the increased vehicle trips from the subdivision would not significantly impact traffic operations on the surrounding transportation network and would not trigger the need for evaluation of off-site impacts surrounding the intersections based on operational standards. The City's traffic engineer recommended a four foot asphalt shoulder separated by a stripe on the west side. There was only one exception being requested, that was to allow two larger lots. The applicant was not asking for more density and was putting in fewer lots than the R-1 zone allowed. The minimum width for cul-de-sac lots was not an exception, but was the discretion of the Commission to assure adequate access. For lots in a cul-de-sac it was not possible to have 60 feet in width and there was a condition of approval that required that the lots would have adequate driveways. This was properly zoned property and it was appropriate to be developed.

Todd Mobley stated there was hard data on traffic volumes and speeds in the record. The study had been done at different times of the year and the studies were two years apart and had been done by two different firms. The reports said the same thing. The traffic volumes were in the acceptable range for the facility that was being proposed. The average travel speeds on the northern segment were around 20 mph. The national design standards supported the pedestrian pathway that both engineering firms made a recommendation to put in.

Chair Savory closed the public hearing at 9:43 p.m.

Commissioner Boatright asked about the County's letter regarding Maple Street. Mr. Brown said it was in regard to the section owned by the County and the County's approval for widening that portion as the applicant proposed. He thought the proposal to widen the street to 28 feet and put in a bicycle/pedestrian pathway was a better option than the 34 foot street.

Commissioner Chernishov asked about the width required for emergency access. Mr. Brown replied that the Fire Department indicated 12 foot paved surfaces were desirable as a minimum, and he thought that was the width of the Logging Road. Fire trucks could get down a narrower road than that if needed. He was told verbally that the Fire Department was satisfied with using the Logging Road as a means of emergency access. Other applications had been approved that were using the Logging Road as emergency access.

Commissioner Serlet asked about infringement from the river during the flood of 1996. Mr. Brown said no flood waters were on the property in 1996. There was flooding in 1964.

Commissioner Boatright asked about adding a condition for a fence. Mr. Brown said that was not a current requirement but could be added.

There was discussion regarding the proposed 28-foot wide street and pedestrian pathway versus putting in a 34 foot wide street. Both options were allowed in the code.

Commissioner Chernishov asked if there was a policy for accepting last minute information from applicants. Mr. Brown said there was no policy with a specific deadline. New information was allowed to come in during the public hearing from both the applicants and public testimony. In this case, the applicant was submitting another option that they thought was better for the neighborhood.

Commissioner Mottern asked if there was a requirement for when the road improvements would be done. Mr. Brown said the conditions stated the road improvements should be done in Phase 1.

Chair Savory thought the application met all of the criteria and he would vote in favor of the application. He suggested including in the conditions that any sidewalks would be built at the applicant's expense, there would be no decrease in the parking on Maple Street, and a fence would be required along the Montecucco property.

Commissioner Varwig thanked all of those who gave public testimony. Their job was to follow the code and he thought the application met the approval criteria.

Commissioner Boatright thought this was a good subdivision layout especially with the big lots.

Motion: A motion was made by Commissioner Boatright and seconded by Commissioner Varwig to approve SUB 17-05 pursuant to the conditions of approval presented in this report and the following conditions:

- Change Condition #9 to require the applicant to install a 28 foot wide street and a 5 foot pedestrian path
- Sidewalks would be built at the owner's expense
- There would be no decrease in parking
- A fence was required particularly along the Montecucco property on the west side of N Maple St.

The motion passed 7/0.

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

- a. ZC 17-02/CUP 17-05/SUB 17-04 S Ivy Park Subdivision, Allen Manuel

Mr. Brown said the Planning Commission recommended denial of this application. The applicant planned to appeal that decision, and was waiting for approval of the findings to submit the appeal.

Motion: A motion was made by Commissioner Varwig and seconded by Commissioner Hall to approve the Final Findings for ZC 17-02/CUP 17-05/SUB 17-04 S Ivy Park Subdivision, Allen Manuel. The motion passed 7/0.

7. ITEMS OF INTEREST/REPORT FROM STAFF

- a. Next Planning Commission Meeting – Monday, November 13, 2017
- N Redwood Landing Subdivision

8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION – None

9. ADJOURNMENT

The meeting was adjourned at 10:17 pm.