



**MINUTES**  
**CANBY PLANNING COMMISSION**  
**7:00 PM – Monday, March 9, 2020**

**PRESENT:** Commissioners John Savory, Derrick Mottern, Jennifer Trundy, Jeff Mills, Michael Hutchinson, and Jason Taylor

**ABSENT:** Larry Boatright

**STAFF:** Bryan Brown, Planning Director, Sandy Freund, Senior Planner, Amanda Zeiber, Interim City Administrator, and Laney Fouse, Recording Secretary

**OTHERS:** Levi Levasa, Gordon Root, Dave & ? Gordon, Jason Montecucco, Susan Meyers,

**CALL TO ORDER**

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

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

**MINUTES**

Approval of Planning Commission Minutes for January 27, 2020

**Motion:** A motion was made by Commissioner Trundy and seconded by Commissioner Hutchinson to approve the January 27, 2020 Planning Commission minutes. Motion passed 6/0.

**NEW BUSINESS** - None

**PUBLIC HEARING** –

1. To consider a request from Stafford Development for Dodds Subdivision (SUB 19-03) application for 82 lots located at 1882 N. Holly Street.

Chair Savory opened the public hearing and read the public hearing statement. He asked if there were any conflicts of interest or ex parte contacts to declare.

Commissioner Hutchinson and Chair Savory said they lived nearby and commuted near the property daily.

Sandy Freund, Senior Planner, entered her staff report into the record. This was a request to develop a 82 lot single family residential subdivision on N Holly Street. The subject site was 19.32 acres and had existing agricultural uses. It was currently zoned R-1, low density residential, and was annexed in 2019. She described the subdivision and street layout. The applicant had submitted a traffic study which projected an average of 764 daily trips with 60 am peak hour trips and 80 pm peak hour trips. The proposal was in compliance with all applicable criteria. Agency comments were received from the City Engineer, Canby Fire, Clackamas County, US Postal Service, DirectLink, and Canby Utility. There was a future City park north of the project and the applicant had designed two cul-de-sacs to have a pedestrian path leading to the park. The applicant had requested an exception for 13 lots that did not meet the minimum width for the street frontage of 60 feet due to the street layout and cul-de-sac design. The code required fencing adjacent to the park and fencing on the paths to the park. She explained revised Condition #46 to include Lot 82 and Conditions #56 and 57 regarding the fencing. Public comments received included concerns about the fencing along N Holly. She read

comments from Susan Burkett, Canby resident, who requested that no six foot solid wood fence be put up along Holly Street, but rather a 4 foot brick fence like what was on Territorial, and Amanda Zeiber, Canby resident, who requested construction of a 4-5 foot brick wall which would be more aesthetically pleasing and would reduce road noise. Staff recommended approval of the application with the amended conditions.

Commissioner Hutchinson asked about the proportions on Lot 82. Ms. Freund said the applicant had revised the dimensions for that lot to get it under more than three times the length.

Commissioner Mills asked about the cell tower. Ms. Freund said the cell tower site would not be built on until the cell tower lease was over and the cell tower was removed.

Chair Savory said when this property was annexed, one of the points of contention was the condition of Holly Street. He was concerned about the whole length of Holly from Territorial to 22<sup>nd</sup> and thought they should not lop off this one chunk. Ms. Freund said the applicant was required to do half street improvements along the entire property frontage. The improvements for all of Holly Street would be a capital improvement project with the County and she did not know when the County would schedule those improvements to be done.

Commissioner Mills clarified the improvements would include curbs, bike lanes, and planter strips on the east side of Holly. There would also be half street improvements on Locust.

Chair Savory noted the west side of Holly would remain in its present condition.

Commissioner Taylor asked if there had been another development that had the number of exceptions that this application was requesting.

Bryan Brown, Planning Director, said the main exception was the lot widths. That was fairly common as the ordinance never anticipated the use of cul-de-sacs. There were some lots that did not meet the lot width standards and were not on cul-de-sacs, however they were on a curvature of the street. More recently every subdivision had taken advantage of lot size averaging. It had a restriction of no more than 10% of the lots could be below or above the average.

Commissioner Trundy asked if the half street improvement on Locust and Holly the rest of the way to Territorial was included or only the part that abutted the subdivision. Ms. Freund said only the part that abutted the subdivision. There would be a gap on Holly down to Territorial until that property developed in the future.

Commissioner Mills asked why planter strips were not included on the cul-de-sacs. He thought it would not be very aesthetic looking with all of the concrete. He would like to see a permeable material for the walkways as the hardscape would be pretty monotonous. Ms. Freund said the applicant could answer that question.

**Applicant:**

Levi Levasa, project manager for Stafford Development, gave a background on his company and projects they had done in Canby and the surrounding area. He explained all of the properties between Territorial Road and 22<sup>nd</sup> Avenue and N Holly Street and N Locust Street were included in the annexation application except for the very southwestern property and two pieces of property outside of the Urban Growth Boundary. They were proposing 82 lots with a few exceptions and frontage improvements. Holly Street was a County road and the County required a 32 foot dedication from the center line. They also required 20 feet of pavement from the center line

including an 8 foot bike lane and 12 foot travel lane, curb, gutter, planter strip, and sidewalk. They held a neighborhood meeting last Thursday and currently they were not proposing any fencing or wall at this time. To ensure any fences built on Holly in the future by the property owners would be consistent, there would be fencing provisions in the CC&Rs. Locust Street was also a County road and the County was requiring a 27 foot dedication from center line. There would be 34 feet of pavement with a planter strip and sidewalk. The City was working on a proposal to take ownership of the roads in the City limits that were currently under County jurisdiction and they wanted to make sure the roads were built to City standards. All of the improvements would be along the frontage of the subdivision. Any future developments would finish the improvements on Holly. They would do a striped taper to the north on Holly Street where their improvement ended and the narrower existing roadway began. On the south side adjacent to tax lot 302 closer to Territorial, there would also be a taper that would follow Public Works design standards. The PGE transmission lines would not be moved or placed underground. There would be ADA ramps on the sidewalks. For the cul-de-sacs, there would be a full 48 foot pavement width. To mitigate concerns with driveway drops, they were showing curb tight presently, but it depended on Public Works design standards. There would be no more concrete in the cul-de-sacs than if there was a planter strip. There were exceptions for the lot frontages for the cul-de-sac lots and those lots would have a shared driveway to reduce the driveway drops. The other lot frontage reductions were due to the radius of the lots. After reviewing the requirements from the County for a 32 foot dedication from center line, it allowed every single lot on Holly to gain 3 feet of depth and allowed a shift of lot lines between lots 78 and 82 and 82 could come into compliance with the lot width to depth ratio. On final plat planning staff would confirm they met the requirement for the frontages that were below 60 feet as they could not be three times deeper than they were wide. Regarding the traffic and current road conditions, the City was planning to take jurisdiction of the roads and would maintain them which would help alleviate some of the issues. Ultimately future development would take care of the rest of the improvements. There should not be any more traffic on 22<sup>nd</sup> Avenue, but that road would be improved in the future. They had followed the Development Concept Plan for this property.

Commissioner Mills asked why Tract D would be developed at a later date. Mr. Levasa explained someone in the future could use Tract D and part of tax lot 500 to create one more lot. In the meantime it would be owned by them or a different nearby property owner.

Commissioner Trundy asked if there would be a fence for lots 44 and 45. Mr. Levasa said there was no fence proposed there at this time.

Commissioner Trundy said if there would be fencing for Tract A like Tracts B and C. Mr. Levasa said there would be fencing on one side.

Commissioner Taylor asked if there would be an HOA to enforce the CC&Rs. Mr. Levasa said there was no HOA proposed. The neighbors could form an HOA in the future.

Commissioner Mottern asked if they planned to construct the homes.

Gordon Root, principle with Stafford Development, said they understood it needed to look good and there would be nice fencing along Holly. There would be fencing standards in the CC&Rs so all the inside fencing would be a standard solid six foot cedar fence. For the fences bordering the park they would have to be see-thru fences. For those lots they would have to create privacy through plantings. Regarding the cul-de-sac and mountable curbs, they would have to defer to Engineering and Public Works on those. The City would not accept pervious surfaces due to long term maintenance. They wanted a durable path of asphalt or concrete.

Mr. Brown said eight years ago they had adopted low impact development standards and Public Works was on board with the idea at the time. They had constructed several public streets with permeable pavers, which worked great for a few years but then stopped working great. They were not promoting public streets with permeable pavers now. They had not gotten down to fine tuning for pathways.

Commissioner Mills thought permeable materials could be used for the pathways.

Mr. Root wanted to make sure it was nice for the community and well maintained. Regarding an HOA, there was only one common area to maintain, Tract D, and the HOA management companies charged \$450 per month at a minimum. There would be planter strips that needed to be maintained. He thought it was likely to evolve into an HOA. It could be a self-governed HOA that could keep the dues low. The fence on Holly would be masonry monuments at the corners and a six foot cedar fence and at every four panels there would be a masonry pillar. In front of the cedar fence there would be arborvitae. Stafford planned to build the homes unless someone else wanted to buy the lots.

Commissioner Mottern was concerned about a consistent fencing if other people were going to build on the lots. Ms. Freund said they could also add a condition that required the developer to construct consistent fencing along Holly.

Commissioner Mills wanted developers to present what they wanted to do with visuals, not just tell them verbally or take it to staff at a later date.

Jason Montecucco, Canby resident, asked for a condition of approval that as each house was built along the northern property line including the City park a six foot residential wood fence be built prior to occupancy of each home. Montecucco Farms was still farming their land and some of the farm equipment was large and hard to see around and could be a danger to animals and kids if they wandered into the field. They were certified organic and could not have homeowners dumping yard debris, spraying weed killer, or running their pets through the field.

Chair Savory suggested they post signage as well regarding no spraying or dumping.

David Gordon, Canby resident, asked the Planning Commission to consider aesthetics, amenities, and beauty in this decision. He had observed that Holly Street was used by many pedestrians and bicyclists as well as out of towners. It represented the City and needed to look good. He had taken photographs of two houses on the corner of Territorial and Holly and discussed how they had the backyards with no fences to the street and it looked like the front of the house was to the street, but it was really the back of the house. He thought it was a good solution and thought it should be considered. He also took pictures of other developments and their arborvitae, wood fences, and shrubs and discussed how they were being maintained. Neighborhoods tended to deteriorate over time if they did not have an HOA. He thought a wall should be put in on Holly, not a fence. It should be something that showcased the City.

Richard Montecucco, Canby resident, was concerned about the construction on Holly Street and getting the Montecucco Farm semi-trucks to and from the farm. If Holly was closed, the trucks could not make the right hand turn off of 22<sup>nd</sup> onto Holly and if they went down Locust and turned left onto 22<sup>nd</sup> and right onto Holly there was a telephone pole that was hard to get around. He requested that they could continue to have access on Holly during construction. He agreed that there needed to be a solid fence along the north property line for safety. Currently they had signs up around the organic area and talked with people if they came on the property.

Susan Meyers, Canby resident, was representing Montecucco Rentals who supported this development. They also supported the requests from Montecucco Farms. She thought CC&Rs were effective for the development, but not for the homeowners that lived there after the development was done because enforcement was very

difficult. She thought this neighborhood did not have a lot of common areas and would be easy to self-govern. The lease for the cell tower was in perpetuity and if it did go on for many years, how would the lot be maintained? The neighborhood would also be responsible to maintain the signs, lighting, fences, planter strip, and mailboxes. She thought if a masonry wall was put in it needed to be built to hold up over time as there were many examples around the City where they had issues. She encouraged the Planning Commission to make the fence along Holly a condition of approval and encourage an HOA. She thought there should be design standards in the code that dealt with fences and a requirement for HOAs.

**Rebuttal:** Mr. Root said there would be fencing standards in the CC&Rs. There would be a traffic control plan during construction. They would be using flaggers on both ends of Holly and farm trucks would not have to detour onto a different road. On the footings for the masonry pillars, they drilled down a pylon so they would not move.

Mr. Levasa said regarding the cell tower, the lease was complicated and had no definite end date, but he did not think it would go on indefinitely.

Mr. Root said the fencing along the northern property line would be a solid 6 foot fence next to the farmland.

Mr. Levasa agreed it would be helpful for the City to add in the code what amenities were required for the different classifications of streets.

Mr. Root said they owned the cell tower property and would maintain it.

Chair Savory closed the public hearing at 8:39 pm.

Commission Deliberation:

Commissioner Trundy clarified they could not require someone to have an HOA.

Commissioner Mills was concerned about the ongoing maintenance that would be needed on the cell tower lot and the other lots that could not be built on because of the cell tower. He thought it would help the Planning Commission if applicants brought visuals of what they proposed and agreed it should be added to the code. These were going to be moderately priced houses and an HOA would make them less affordable. They needed to be cautious about encouraging creation of HOAs.

Commissioner Taylor said there were no amenities to this development that would make the HOA costs \$400 per month, but potentially \$400 per year. He thought it could be relatively inexpensive. He asked if the cell tower would be fenced off. It was confirmed that it would be fenced.

Commissioner Taylor agreed they needed some consistent fencing requirements for these types of developments and that visuals of the proposals should be required as well.

Commissioner Mottern agreed that visuals should be required in the future. He asked if there was a way they could require visuals for this application without delaying it. Mr. Brown said they could request to see the designs at the construction period and bring them back to the Commission under New Business.

Commissioner Taylor was also concerned about the longevity of the amenities, especially since this was a well-traveled road.

Ms. Freund read a proposed additional condition regarding the applicant putting in fencing along Holly Street and the northern property line and the creation of an HOA.

**Motion:** A motion was made by Commissioner Trundy and seconded by Commissioner Mottern to approve SUB 19-03 Dodds Subdivision with the amended conditions and additional condition as proposed by staff. Motion passed 6/0.

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

- a. Dodds Subdivision Final Findings (SUB 19-03)

**Motion:** A motion was made by Commissioner Trundy and seconded by Commissioner Hutchinson to approve the Final Findings for SUB 19-03 Dodds Subdivision. Motion passed 6/0.

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

- a. City Council/Planning Commission Joint Work Session on Wednesday, March 18, 2020 re: Small cell 5G wireless communication facilities within the public right-of-way.
- b. Next regularly scheduled Planning Commission meeting – Monday, March 23, 2020:
  - City Council Remand of APP 20-01 Caruso Produce Appeal
  - 17<sup>th</sup> Ave Subdivision SUB 20-01, N Redwood St & NE 17<sup>th</sup> Ave

#### **ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION**

Commissioner Mills suggested a future Work Session on code amendments regarding fencing standards.

There was discussion regarding the fencing standards and how applicants should be making their own presentations and not relying on staff to do it.

#### **ADJOURNMENT**

**Motion:** A motion was made by Commissioner Mills and seconded by Commissioner Trundy to adjourn the meeting. Motion passed 6/0. The meeting adjourned at 9:07 pm.