

## **DRB Meeting: Canyon Creek 8-Lot Subdivision Projects**

4/12/2021

**Submitted by:** Mark Kochanowski, homeowner of 28450 SW Canyon Creek Rd S, property adjacent to current subdivision project developed by Scott Miller Development.

### Primary Issues:

1. Scott Miller Development has not properly complied with requirements in the current development done on Canyon Creek Road S and therefore should not be allowed to further develop in this neighborhood.
2. DRB should not continue to approve waivers or variances that allow for additional high-density housing to be developed in the Renaissance Canyon Creek neighborhood in the interest of neighborhood safety.

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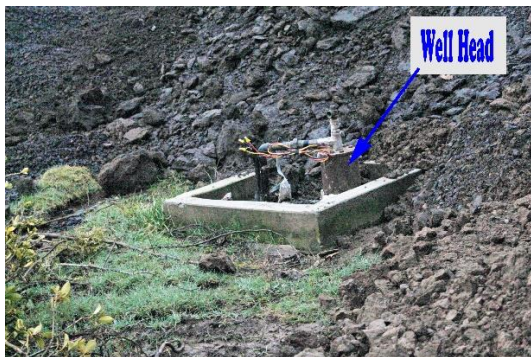
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**1. WELL WATER NEEDS PROTECTION: Why does adjacent Homeowner need to call State for Well Decommissioning?**

The City of Wilsonville (COW) has 6 back-up or emergency wells for the water supply to the people of Wilsonville, if needed. In the current 14 home Scott Miller development adjacent to my property on Canyon Creek Rd S, I questioned whether there was any intent/attempt at all to protect the well that was on his property and DECOMISSION it.

What happened was this:

- After I believe a lot of excavation for basic utilities was done (such as storm sewer drains, underground electrical / communications, COW water supply, sewage lines, road levelling, etc.) it looked like next step was foundation framing/molds to be started. I question whether Scott Miller Dev had any intention to CLOSE/CAP this well off, as required.
- I spoke with Skyles Well Drilling just prior to this. I was told it is always better to get the Drilling company in early in the process because with all the excavation, utilities, etc. it makes it even more difficult for them to get their large 3 axle truck physically in there. Sometimes after foundations are in, it can't be done without damage to the work.
- The State of Oregon Water Dept advised me that if someone builds a house on top of a well that is not used and not decommissioned properly, that the State Water Department can put any stop to this and enforce this decommissioning to happen.
- The City did not follow up to ensure the Developer in this case did was required, therefore leaving it to me, as the adjustment homeowner to follow up when I noticed the required steps were not being done.



This photo shows the well prior to it being capped as required when I reported it to the State of Oregon. Following my report to the State, the well was capped as required.



The size of this truck illustrates why the well capping should be done early in the excavation process.

## 2. NO ENFORCEMENT OF 2 LARGE TREES/ROOT SYSTEMS (next to ADJACENT PROPERTY)

Per Dan Pauley (DRB Staff Liaison & City Senior Planner) from the City of Wilsonville, there was language included in the contract between Scott Miller Development and the City that required a six-foot wire mesh fence in place prior to and during excavation near the two protected trees. Dan indicated to me, the language included was “strong” language. In the current development on Canyon Creek Rd S, Scott Miller Development did not abide by his obligations to protect large tree roots during excavation.

- Dan Pauly was called to come to my property and witnessed the tree root damage. The excavation was about 2 or 3 feet from property line and exposed roots, and fragments of roots were shown. He also saw the 6-foot wire fence rolled in a spool about 40 feet from the area. He spoke with the operator for almost an hour. The result was continued excavation and the fence was up about 4 days later.
- **The Developer did not comply, and the City did not enforce** the 6-foot fence protections during these excavations. To my knowledge, Dan Pauly did not elevate this higher up to anyone on City staff to act on Scott Miller Developer for this violation.
- The contract between the City and Developer proved to be almost useless, as it was ignored by the developer/contractor in any efforts to protect these 2 trees. What is in place to prevent this from happening again?





The trunk of this tree is right on the edge of the property line (marked by the wire property line fence in place prior to sale to Developer). The roots of this tree system were required to be protected during excavation.



This property is where new homes were built. The branches on the large tree indicate the large radius of the root system that was supposed to be protected during excavation.



### 3. MCGRAW AVE STREET STORMWATER PASSES ONTO ADJACENT PROPERTY

The McGraw Avenue street (new street added as part of the new development adjacent to my property) is sloped/pitched in the wrong direction and not in accordance with the engineered plans. Steve Adams, City of Wilsonville Engineering Manager, said ZERO water should be coming onto my property due to this new road installation.

- Rainwater comes off the new McGraw Avenue onto my existing property causing erosion/gravel flow due to IMPROPER SLOPE/PITCH of the road.
- I contacted Steve Adams and the solution was 2 tubes of straw for water reduction.
- I believe the pitch of road (on paper) was to be 1 or 2%. This has proven to be a continued issue for water passing from the Scott Miller 14 home Development to my property as the adjacent homeowner.



### 4. WAIVERS, VARIANCES, etc.

Waivers and variances are created by City of Wilsonville staff and/or Developer. WHY do they continue to be allowed? They are perpetuating problems in our neighborhood, are creating additional issues for neighbors who live here and are purely beneficial for the developer who has no vested interest in the livability of this neighborhood.

- Setbacks (Reducing distance from property line to edge of building): I understand these were created from the input of the **STATE FIRE MARSHALL**. I asked Peter Hurley when he was on the Long-Term Planning Commission for the City and he explained that he was NOT AT ALL in

agreement when they were using these for setback reductions, since these dimensions were created by the STATE FIRE MARSHALL. This is a safety matter because of access during fire emergencies. He did not understand why these setbacks were being reduced. He said he has seen the use of them too frequently at the Villebois development during his tenure on this commission/committee.

- Road Entry Setbacks: 150 feet dimension is required for any entry road, but a variance/waiver was allowed for McGraw Ave at the Daybreak street. I question the reasonableness of this. There is a significant amount of traffic congestion in this section of the neighborhood as a result. With a great number of children playing, riding bicycles, people walking dogs, etc. this creates a safety issue in the single main entrance point to this neighborhood.

#### **5. MAGNIFICATION: WHEN LOW is adjacent to HIGH DENSITY**

Villebois is a master planned community with high density throughout. However, Renaissance Canyon Creek Estates is not a high density planned neighborhood. This developer has now crammed 14 + 6 homes of high density with home styles that do not match the rest of the neighborhood and he is back to attempt to do this again at the end of a cul-de-sac with 8 additional homes. Additional problems that his current development has created include:

- Parking problems: the current neighborhood only provides parking on one side of the street due to the widths of the street. However, this causes residents moving into the homes to park a block or so from their home in front of other homes, some park in areas where it says, “no parking” and others park on the sidewalk.
- Trees have been significantly reduced.
- Some residents are parking within 2 feet of a fire hydrant.
- At times, there is such congestion that an emergency vehicle (e.g., fire truck or ambulance) would not be able to access homes at the end of the street if one needed to.
- Some residents are required to haul their garbage cans up to a full block to the top of the street as garbage trucks cannot access the end of the street (are they told this when they buy their home?)

#### **6. TRESSPASSING ONTO ADJACENT PROPERTY**

Ladders are repetitively placed on adjacent owners’ property without any granted permission or even asking.

- The current Scott Miller 14 home development has created awkward situations at best on this one. The adjacent owner’s property was frequently used freely and without permission for ladder access during construction. This house is only 2 stories high!? In the contract it says like 35 feet max. However, when you add a full height basement under it and some significant fill of soil to bring this sloped elevation up, and then you locate that next to a “low existing grade”

adjacent property.... WOW. Now you cannot place a lean to (angled) ladder on the upper portion of this house and CLIMB IT SAFELY!!

- So, during construction, ladders go up for Plywood Panels, Plastic House Wrap, Window/Trim install, Caulking, priming, painting of siding/trim, also for gutter and downspout install, etc. When I happened to look out my kitchen sink window during the day and saw 3-4 times these laborers with ladders on my property, I would immediately go to these guys and tell them to come down the ladder and take them off my property.



I believe the only vertical pole / scaffold system that was used (mounts into shingle area of roof) was that installed and used by the Siding contractor. This picture is an example of such a system from a home at Frog Pond.

**7. Conclusion: When considering your DRB Voting, remember:**

- You represent the citizens and taxpayers of the Wilsonville Community.
- This is NOT a massive Villebois or Frog Pond Development of 2,200 or 1,000 homes
- This is an 8-lot development JAMMED into a 2.0+ Acre lot – less the SROZ protected area.
- This Land has:
  - South property side: 4 property owners with relatively spacious backyards
  - North property side: A Magazine Cover looking Farmhouse on a spacious 2-acre lot.
  - East Side: SROZ Land and Boeckman Creek
  - West Side: Another High-Density Development of 2-3 homes on property previously owned by the significant other of the individual who is selling his property to Scott Miller Development
- The people who are willing to speak out against this and have been negatively impacted by this are people who have long term investments in this community. Many have raised their families here. These are intelligent, responsible, and respectful people that are not liking this development at all. We have an Assistant School Principal, a former CEO/President of a 300 employee Hunter-Davidson HVAC Co., a retired Manager of PG&E, an Owner of Portland Millwork business in Wilsonville, etc. These are highly respectable people who are committed to the beautification and livability of this neighborhood and the City of Wilsonville. Their opinions need to be respected.

I hope you have put the effort into 2 matters:

- 1.) Understanding this COW DRB process (how WAIVERS AND VARIANCES are abused) and how I think it FAILS the citizens.
- 2.) Understanding this PROJECT and visiting the neighborhood under the impact of it in addition to the previous 14 lot project (plus additional 6 lots that were later added).

**Can DRB ever say NO to Proposal put together by fellow DRB Staff Members/Developer??**

**Well – NOW is a good time to say NO!**

- **Just Vote NO to this proposal!!**
- **Just Vote NO to this proposal because the Variances/Waivers just are not right.**
- **Just vote NO to this proposal because it DOES NOT fit into the homes next to it.**
- **Just vote NO because this High Density is sandwiched into the middle of LOW density.**
- **Just vote NO to this – because although you only get about 3 minutes of my time – that you can sense there is a lot of CREDIBILITY and VALID ARGUMENTS coming from these 15+ Citizens.**