

MINUTES

CANBY PLANNING COMMISSION

7:00 PM, October 28, 2002
City Council Chambers, 155 NW 2nd

I. ROLL CALL

PRESENT: Commissioners, Geoffrey Manley, Randy Tessman, Paul Thalhofer, Mike Erekson

STAFF: John Williams, Community Development and Planning Director, Clint Chiavarini, Associate Planner, Carla Ahl, Planning Staff

OTHERS PRESENT: Kelly Stilligan, Tom & Teresa McGill, Kathryn Henderson, Kay Lewelling, Gloria Gardiner, Ken & Denise Parcher, Derek Hills, Walter Daniels, Mavourn Stewart, Becky Lonctot, Karl Lange, Joe Dills

II. CITIZEN INPUT

None

III. PUBLIC HEARINGS

TA 02-01 An ordinance to establish residential design standards.

Mr. Manley reviewed the hearing process, procedure and format. He referred to the applicable criteria posted on the wall and on page 2 of the staff report. When asked if any Commissioner had a conflict of interest, none was stated. No questions were asked of the Commissioners.

Clint Chiavarini addressed the Commission, he explained he would be giving the staff report with the assistance of Joe Dills, Otak, Inc., the consultant who has been working with the City on this project. He stated that Gloria Gardiner, State Representative, DLCD, was also in attendance.

Clint stated a notice was sent out regarding this ordinance and that by state law it had included language stating this ordinance may affect property values. He believed the majority of the people attending this meeting had concerns regarding that notice.

Clint stated in the spring of 2001, a number of neighborhood meetings were held and people who attended stated they didn't necessarily mind new development but they wanted a way to make sure the development looked good and fit in with the surrounding neighborhood. Clint stated the City had obtained a grant to work on design standards that will go towards meeting the goals the citizens had asked for.

Joe Dills, Otak, Inc. explained that this has been a 6 month process that has

incorporated input from focus groups, neighborhood meetings, the building community, the Planning Commission and the City Council. He presented the Commission with supplemental set of draft code graphics that illustrate the concepts in the draft text.

Mr. Dills explained the code has a menu that provides choices and options for meeting the code design standards, he commented that most builders in Canby are meeting these standards already.

Mr. Dills stated that infill issues are a primary concern of citizens. Currently the code allows multistory homes to be built in established 1 story neighborhoods. The new code creates a definition for infill property and sets restrictions on designs. Such as requiring new development to match the placement of garages to the surrounding neighborhood, and establishing setup setbacks which allows a 1 foot increase in vertical height for each foot the house is moved back horizontally, this would address the issues of privacy and visibility.

Mr. Dills stated that the new code also addresses higher density and multi-family projects with additions to the design review matrix and mandatory standards, where projects abut R1 and R1.5 they will be required to match existing setbacks, require visual buffers, the planting of shade trees and establishing a maximum building length of 120'.

Mr. Dills explained that they had tried to balance a lot of issues, make the standards unique to Canby and address the key problems of livability and compatibility.

Clint stated the definition of a multi-family development (3 or more units located on the same property) should be added to page 13. Clint explained that with the diagrams added by the consultant there will need to have references added.

Mr. Thalhofer questioned if there needed to be a definition added for a porch. John stated this issue has been discussed and he explained that no matter how much detail that is provided, something will come in that the definition doesn't address. Mr. Dills added that it is common in other Cities to add a minimum dimension of what is a porch, usually around 48 square feet. Clint stated that 48 square feet had been referenced in the code.

Mr. Thalhofer stated that a design review is not needed for an addition if they are adding less than 50% of the floor area of the house. He had concerns that someone could build an addition and wait several months and then add less than 50% of the floor area. Mr. Dills stated that issue had not been discussed. Clint added that additions that are not visible from the street are exempt from design review.

PROPONENTS:

None

OPPONENTS:

None

Clint explained to the audience the process that had been used to create the code. There were 4 neighborhood meetings that were announced in the newspaper, and numerous focus group meetings. He stated that the focus group had a tour of homes and ranked them using the design review matrix and most of the homes met the standards.

Clint stated that during the recent rezoning meetings people have stated concerns about the compatibility of increasing the amount of high density property. He stated these standards should address some of their concerns.

Derrick Hills addressed the Commission, he explained that he had attended some of the neighborhood meetings and brought up the issue of foundation heights. He explained that his house was the first house build in a subdivision and the builder had struck a foundation line from the curb. Subsequent builders did not use the same foundation height and piled the extra dirt onto the back of the lot, making his lot approximately 1 foot lower and creating a drainage problem in the winter time. Mr. Hills suggested this is an issue that should be looked at.

Clint explained that all properties are required to handle storm drainage on site and it should have been part of the plumbing permit. John stated this issue had come up in the Faist subdivision where there were differences in grades amongst the houses. John explained that the storm water issue is addressed during the pre-construction stage, but historically there have been problems coordinating between contractors during construction. Clint stated that this ordinance does not address that issue, but it could be addressed during subdivision approval or the new storm water ordinance.

Teresa Tobar addressed the Commission and explained that she has been put in the same position as Mr. Hill with the creation of a new subdivision that went in next door to her home. Instead of leaving the ground flat the builders brought in dirt and built it up. She explained that the subdivision was required to install a drainage system but she is unsure if it will affect the drainage around her home.

Ms. Tobar stated that instead of locating the single story homes next to her existing single story home, they put the 2 story homes next to hers, which has already been built up 5 feet higher than her yard and the single level homes were placed on the far side of the development.

Clint explained the new ordinance would not address Ms Tobar's issue since in this instance both properties are in an R1 zone and the ordinance is designed to create buffers between zones.

Denise Parcher addressed the Commission and stated she is in favor of designs standards. She expressed concerns that the required trees be large enough to block the view. Clint explained the City has a requirement that trees be a minimum 2" caliper measured at chest height.

Mr. Manley closed the public hearing.

John explained that this project was suggested by citizens during the public meetings held for the rezoning project and believes it is a project that the community

supports. John explained that the Planning Commission will make a recommendation to the City Council and the City Council will make the final decisions.

Mr. Thalhofer stated the ordinance is not so restrictive that it would prevent development of property and believes that most builders in Canby would not have a problem applying these standards to their development. Mr. Thalhofer agreed that the application met all criteria for approval and supported the application.

Mr. Tessman agreed that the application met the criteria for approval. He stated that during the neighborhood meetings this issue was brought up many times and these design standards and code are a direct result of that citizen input.

Mr. Erikson agreed the application met the required criteria.

Mr. Manley stated he had attended some of the neighborhood meetings and agreed that this is an issue that the community is concerned about.

Mr. Erikson asked if the ordinance addressed new subdivisions building 2 story homes next to existing single story houses. Mr. Tessman questioned if a subdivision would be considered infill housing. Clint stated that infill was defined as new lots created by partition and lots created by subdivision where the parent parcel is less than 2 acres, parcels over 2 acres in size are not considered infill.

Mr. Dills explained that it was decided during the process to draw the line at 2 acres and that the mechanism in the code that is available to deal with existing single family next to a new subdivision is through the subdivision review itself.

John stated that this issue was an example of the Planning Commission being able to establish the level of regulation. Mr. Tessman questioned if there had been a precedent set in other cities. Mr. Dills stated the issue is not unique to Canby and that some jurisdictions address it during subdivision review putting conditions on lots that are adjacent to existing neighbors.

Mr. Thalhofer questioned if it could be put in the subdivision code for the next Text Amendment. Clint stated it could potentially include it in this revision, or a section could be added in the subdivision code that would allow the Planning Commission the discretion to require builders to build single story homes on lots in neighborhoods that are predominately single story.

Mr. Dills stated the subdivision design standards 16.62 had a broad criteria that stated a new subdivision must be functional without unduly hindering the use or development of adjacent properties. He stated language could be added that the Planning Commission may consider application of the infill standards when new homes will be adjacent to existing homes that are single story. He suggested giving staff some time to work on the language.

Mr. Manley suggested adding language to the code which clarifies that a porch is not enclosed. Clint stated he would discuss it with John and either add the language or come up with a definition of a porch.

Clint stated he would bring the changes back to the Planning Commission with the findings.

It was moved by Mr. Thalhofer to recommend approval to the City Council of TA 02-01 with the modifications of the subdivision standards, the porch definition and the correction of typographical errors. Seconded by Mr. Erekson. Motion carried 4-0.

IV. NEW BUSINESS

None

V. FINDINGS

None

VI. MINUTES

None

VII. DIRECTOR'S REPORT

John explained that the next Planning Commission meeting will be held on Tuesday November 12th since the 11th is the Veteran's Day Holiday.

John asked if a Commissioner would give a brief update on the joint meeting with the Planning Commission and the City Council. Mr. Erekson stated that Parks would be coming back with information on what effects a fee increase of \$200, \$400 and \$1,000 would have on their program. John stated there will be an other joint workshop on November 6th.

Mr. Erekson explained that Canby is not meeting the state criteria for the number of parks required for the current population. So the Parks Department must get up to standard and then look at a 20 to 25 year plan and look at ways to get to that goal.

Clint stated that there have been two community meetings that were attended by more than 60 people regarding where the high and medium density areas need to be to accommodate the next 20 years of growth. Preliminary recommendations were made to the citizen advisory committee. One idea is to spread out the medium/high density areas and not concentrate it in one spot. Another was to transition from low to medium to high density zones. Some preliminary suggestions have been made for the location of the higher density areas and hopefully after the holidays will be able to come back with more specific areas.

Mr. Manley questioned when the ABC Priorities will be looked at. Clint explained that it was decided to find the best and most appropriate location of the medium and high density zones and then look at the ABC Priorities to decide how to phase those areas in.

John stated there will be 3 maybe 4 annexations during December. The next meeting will have a MLP and erosion control standards, manual and related code language. Deborah Summer will address the Commission at the November 12th meeting to answer any questions the Commissioners had regarding the school issue.

Mr. Erekson questioned if the erosion control would address the issue that was brought up by citizens regarding homes being built up high which changes the storm drain lay out and run off calculations. John stated that the erosion control addresses the problems during and right after construction. But there may be some elements in there that could solve some of the problems, such as more intensive review of subdivisions before they go in.

John explained that Canby doesn't have erosion control rules at this time, but this is similar to what Clackamas County and West Linn have adopted. As the City is facing more intense regulation of storm water the best thing we can do is to minimize the problem to just what is the City's responsibility and to get everyone else to keep their dirt on their property.

VII. ADJOURNMENT