

PLANNING COMMISSION MINUTES
February 10, 2014, 7:00 PM
City Council Chambers – 155 NW 2nd Avenue

PRESENT: Commissioners Tyler Smith (Chair), John Savory, Shawn Hensley, John Serlet

ABSENT: Commissioner John Proctor

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

1. CALL TO ORDER

Chair Smith called the meeting to order at 7 pm.

2. NEW BUSINESS

- a. Select a Vice Chair

***Motion:** Commissioner Hensley nominated Commissioner John Savory as Vice-Chair; Commissioner Serlet seconded the nomination. Motion passed 4/0.*

- b. Provide staff direction for proposed Text Amendment changes to the code for downtown landscaping and two-story building requirements.

Mr. Brown gave a brief update on the previous discussions regarding the landscaping and the two-story building requirements for the downtown core commercial area. He said the focus had been whether or not the code needed to undergo some changes. The current two-story requirement only applied to the C-1 zoned area in the core commercial subarea downtown. There was discussion whether there was a need for the 7.5% requirement for landscaping downtown. Research had not been done on the landscaping yet. Canby's downtown was predominately one story, but two stories fits in well allowing a higher intensity of use and allowing for greater height was common in downtowns. There was also adequate public parking downtown. The City Council could not agree on a specific direction, but did provide some general statements that the Planning Commission and staff could respond to. They wanted the regulations to reflect what modern zoning theory would require for a downtown area in terms of having the right landscaping ratio and whether to require two story buildings and if there should be any exceptions to the two story requirements.

Chair Smith thought the Commission should take into account setting up the system so that it was enforceable. The Code needed to be crafted in a way that avoided those situations where requirements were not checked.

Commissioner Hensley questioned just looking at only these two issues, and thought the Commission should do an overall assessment of Chapter 16 because each piece was relative to other pieces.

Mr. Brown said it was possible to make suggestions on these two areas without unintended consequences.

Chair Smith suggested the following code changes to be made:

- 16.49.070E – considering solar access conditions
- 16.49.080B- reducing the amount of carbon dioxide in the air, 16.49.080C2 exception to the 7.5% downtown commercial landscaping for zero lot lines, and 16.49.080J – not having a list of approved tree species
- Removing the Sunset Western Garden Book
- 16.49.090E - Keeping lawns weed free

Mr. Brown discussed 16.49.030. Street trees must be on the required Street Tree List, but the City did not regulate trees on private property except if a street tree was planted on a property owner's front yard.

There was further discussion regarding what 16.49.080J and 16.49.030 meant in regard to tree and landscaping requirements and what percentage of remodeling or changing of the site required review by the new standards.

Chair Smith clarified the solar access meant not blocking out the sun by too many trees and it might not need to be deleted. There was consensus to take it off the review list.

Chair Smith discussed 16.49.080B, promoting urban wildlife habitats and reducing the amount of carbon dioxide in the air and 16.49.080C2, zero lot lines.

Commissioner Savory thought they could encourage and incentivize some of these items instead of require them. The language needed to be cleared up so developers and citizens could say with some degree of certainty what was required and what was not required.

Mr. Brown said the Code needed to be clear and objective. They also needed to clarify the two-story requirement because it could be interpreted differently.

Chair Smith suggested not prohibiting the City Hall or old fashioned library building look, but also not allowing those to dominate for landscaping or two stories.

Mr. Brown replied multiple story gave more room for landscaping. The more they went up, the more likely they could do landscaping. Providing landscaping would make it more expensive to develop.

There was discussion regarding whether any non-house put in a residential district needed 30% landscaping, such as churches. Mr. Brown did not think it was out of bounds with what other communities required. The question was if the downtown core business district percentage was higher than normal, and he thought it was.

Chair Smith discussed 16.49.080J, street tree list. Commissioner Hensley thought the list needed to be more specific.

Chair Smith then discussed 16.49.090E, weed free lawn provision. Commissioner Savory said to get rid of weeds, herbicides were used and there was a danger of those going into the groundwater.

Mr. Brown stated this was for a situation for businesses with really poor landscaping with high grass and weeds and allowed enforcement action. He cautioned the Commission to think of the administration and if they had the staff to enforce it and if it was needed community wide.

Chair Smith said the Commission could either direct staff to work on a draft of changes or accumulate them for an annual cumulative change or table the topic. If staff made a draft of changes, he suggested reviewing them in a work session before there was a public hearing.

There was discussion regarding a Code Improvement Package for changes to the Code that were not controversial. Those that were controversial would be dealt with separately.

Chair Smith suggested accumulating tentatively approved changes by the Planning Commission that would eventually be public noticed. When it was time for the annual changes, they would review the list and then officially public notice them. Mr. Brown did not think text amendment reviews could be brought before the Commission every meeting especially as applications came through. He wanted to be prepared if the Civic building downtown moved forward and if the Code needed to be changed regarding two story requirements and landscaping, and wait for the other changes until the annual package could be brought back to the Commission.

Chair Smith recommended staff draft changes to the landscaping and that the two story requirement be discussed at the next Commission Work Session.

Commissioner Hensley thought the landscaping was the biggest issue. He did not think landscaping needed to be required in downtown as they wanted the buildings out to the sidewalk.

Commissioner Serlet thought there should be some landscaping requirements. He thought it could be conservatively done and easy to maintain as landscaping and greenery would add to community livability.

Chair Smith said there was no landscaping in the downtown core now except in the Railroad parking lot and Wait Park and the few planter boxes.

Commissioner Hensley said what landscaping there was currently was public, not private.

Chair Smith said there should be an ordinance change regarding the two story requirements.

Mr. Brown replied staff could clarify the two story requirement if there was agreement to require two stories.

Chair Smith could support either two stories or a landscaping requirement for a one story and an exception that if it could be demonstrated that it was a traditional format for that type of business to be one story. He used the example of Parsons because pharmacies were not typically two stories.

Commissioner Savory said Canby Rental was a good example of a business which was not conducive to a two story building. Although he supported two story buildings in the past he would like to see some sort of flexibility to have both.

Chair Smith took a straw poll, and three were in favor of a second story requirement with some exceptions.

Mr. Brown thought an exception could be if a building's general appearance was similar to a two story as had been proposed for the previous library project. Another exception could be a certain percentage of the second story met the two stories, such as one room upstairs or the same square footage as the first floor or 50% of the upper floor.

Commissioner Savory thought there should be some flexibility especially where it did not make sense to have a second story.

Commissioner Serlet stated to him a second story was more for residential such as apartments or condos as more people were cramming in the same area and the only thing left to do was go up.

Chair Smith asked if a two story requirement created a lot of extra cost for someone, particularly in the area of ADA compliance and did it warrant having to pay for the expense of an elevator.

Commissioner Savory asked what if they eliminated the requirement altogether.

Mr. Brown replied the requirement could be eliminated altogether and still have the potential of a unique downtown in that you allow a higher floor count than anywhere else in town but you were not mandating that they have a higher floor count. It's really the market and the price of land that determined whether developers were going to build up or not.

Chair Smith said that was why he didn't want to have a two-story requirement in order to have some flexibility.

Commissioner Savory wanted some time to think about this issue because these were some really good points he hadn't considered previously.

***Motion:** Commissioner Savory made a motion to table the discussion; Commissioner Hensley seconded the motion. Motion passed 4/0.*

Chair Smith asked staff to draft some text on the landscape provisions. If staff had too much on the next agenda, it could be pushed to next month.

3. **PUBLIC HEARING** - None
4. **CITIZEN INPUT ON NON-AGENDA ITEMS** - None
5. **FINAL DECISIONS** - None
6. **MINUTES**

- a. Planning Commission Minutes, December 9, 2013

***Motion:** Commissioner Savory made a motion to approve the December 9, 2013 minutes as written; Commissioner Hensley seconded the motion. Motion passed 4/0.*

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

- a. **Next Planning Commission Meeting, Monday, February 24, 2014**

Mr. Brown said the items for the next meeting were the Northwoods Estates Phase 2 subdivision application and an economic development idea proposal.

8. **ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION**

9. **ADJOURNMENT**

***Motion:** Commissioner Savory made a motion to adjourn; Commissioner Hensley seconded the motion. Motion passed 4/0. Meeting adjourned at 9:15 pm.*

Assisted with Preparation of Minutes – Susan Wood