

PLANNING COMMISSION

Meeting Agenda

Monday – March 28, 2016

7:00 PM

City Council Chambers – 155 NW 2nd Avenue

Commissioner John Savory (Chair)

Commissioner Shawn Hensley (Vice Chair)

Commissioner John Serlet

Commissioner Larry Boatright

Commissioner Kristene Rocha

Commissioner Derrick Mottern

Commissioner Tyler Smith

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1. **CALL TO ORDER**
 - *Invocation and Pledge of Allegiance*
 2. **CITIZEN INPUT ON NON-AGENDA ITEMS**
 3. **MINUTES**
 - *Planning Commission Minutes, March 14, 2016*
 4. **PUBLIC HEARING**
 - *Consider a request a text amendment to increase the membership size of the Historic Review Board (TA 16-01)*
 5. **NEW BUSINESS**
 - *None*
 6. **FINAL DECISIONS (Note: These are final, written findings of previous oral decisions. No public testimony.)**
 - *TA 16-01 Historic Review Board Membership Size*
 7. **ITEMS OF INTEREST/REPORT FROM STAFF**
 - *Next Regular Planning Commission meeting scheduled for Monday, April 11, 2016*
 8. **ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION**
 9. **ADJOURNMENT**

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for person with disabilities should be made at least 48 hours before the meeting at 503-266-7001.

A copy of this agenda can be found on the City's web page at www.ci.canby.or.us City Council and Planning Commission Meetings are broadcast live and can be viewed on OCTS Channel 5. For a schedule of the playback times, please call 503-263-6287.

PUBLIC HEARING FORMAT

The public hearing will be conducted as follows:

- **STAFF REPORT**
- **QUESTIONS** (If any, by the Planning Commission or staff)
- **OPEN PUBLIC HEARING FOR TESTIMONY:**
 - APPLICANT** (Not more than 15 minutes)
 - PROPONENTS** (Persons in favor of application) (Not more than 5 minutes per person)
 - OPPONENTS** (Persons opposed to application) (Not more than 5 minutes per person)
 - NEUTRAL** (Persons with no opinion) (Not more than 5 minutes per person)
 - REBUTTAL** (By applicant, not more than 10 minutes)
- **CLOSE PUBLIC HEARING** (No further public testimony allowed)
- **QUESTIONS** (If any by the Planning Commission)
- **DISCUSSION** (By the Planning Commission)
- **DECISION** (By the Planning Commission)

All interested persons in attendance shall be heard on the matter. If you wish to testify on this matter, please step forward when the Chair calls for Proponents if you favor the application; or Opponents if you are opposed to the application; to the microphone, state your name address, and interest in the matter. You will also need to sign the Testimony sheet and while at the microphone, please say your name and address prior to testifying. You may be limited by time for your statement, depending upon how many people wish to testify.

EVERYONE PRESENT IS ENCOURAGED TO TESTIFY, EVEN IF IT IS ONLY TO CONCUR WITH PREVIOUS TESTIMONY. All questions must be directed through the Chair. Any evidence to be considered must be submitted to the hearing body for public access.

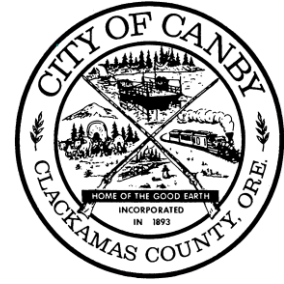
Testimony and evidence must be directed toward the applicable review criteria contained in the staff report, the Comprehensive Plan, or other land use regulations which the person believes to apply to the decision.

Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision-maker and interested parties an opportunity to respond to the issue, may preclude appeal to the City Council and the Land Use Board of Appeals based on that issue.

Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the local government to respond to the issue may preclude an action for damages in circuit court.

Before the conclusion of the initial evidentiary hearing, any participant may ask the hearings body for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing. The Planning Commission shall grant such requests by continuing the public hearing or leaving the record open for additional written evidence or testimony. Any such continuance or extension shall be subject to the limitations of the 120-day rule, unless the continuance or extension is requested or agreed to by the applicant.

If additional documents or evidence are provided by any party, the Planning Commission may, if requested, allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. Any such continuance or extension of the record requested by an applicant shall result in a corresponding extension of the 120-day time period.



STAFF REPORT

TITLE: Historic Review Board Membership Change

FILE #: TA 16-01

STAFF: Bryan Brown, Planning Director

DATE OF REPORT: March 14, 2016

DATE OF HEARING: March 28, 2016

I. REQUEST

This is a legislative amendment application to the text of Title 16 Land Development and Planning Ordinance. The application was initiated by City staff at the request of the Historic Review Board. This text amendment provides the opportunity to increase the membership size of the Historic Review Board through amendment of Section 16.110.025 (2) of the Canby Municipal Code.

II. APPLICABLE REGULATIONS

City of Canby General Ordinances:

16.88.160 Amendments to text of title

16.110.025 Historic Review Board

III. MAJOR APPROVAL CRITERIA

Section 16.88.160 Amendments to Text of Title

In judging whether or not this title should be amended or changed, the Planning Commission and City Council shall consider:

- A. The Comprehensive Plan of the City, and the plans and policies of the county, state, and local districts, in order to preserve functions and local aspects of land conservation and development;
- B. A public need for the change;

- C. Whether the proposed change will serve the public need better than any other change which might be expected to be made;
- D. Whether the change will preserve and protect the health, safety and general welfare of the residents in the community;
- E. Statewide planning goals.

IV. PROJECT OVERVIEW AND BACKGROUND

The Canby Historic Review Board is recommending expanding their Board membership size opportunity from three to five members to include up to seven members to better serve the community.

The Historic Review Board has a pretty long history in Canby. One milestone was the passage of Ordinance No. 742 in March, 1984 establishing an historical overlay (A) designation to the underlying base zone on 3 historic properties on private property at that time. These properties are considered to be a part of Canby's Register of Historic Landmarks due to their historical, architectural, and/or environmental significance to Canby's past and receive recognition and a degree of protection not afforded to other historic properties not so designated by provision of Section 16.110 of the Canby Municipal Code.

Although the Historic Review Board went through a period of inactivity for several years, interest within the community has been revitalized and an amendment to the Board membership was made in 2013 providing a range for either 3 or 5 designated members to the Board. The interest in the code text amendment at that time was to help facilitate an operational Board by allowing as few as 3 Board members and an option for 5 members.

V. PROPOSED AMENDMENTS

The recommended text amendment to Chapter 16.110 Historic Preservation is to increase the opportunity to grow the Board membership to (7) seven. This is seen as an opportunity to respond to increased community interest that would enhance the effectiveness of the Boards work.

A short written paragraph from Chairperson Carol Palmer in support of the requested Historic Review Board membership change has been included as a part of the record in Attachment #1 below.

The proposed text amendments to the Land Development and Planning Ordinance are as set forth in Ordinance No. 1435 in Attachment #2. The new amendment expands the current range of Historic Review Board membership appointment from 3 or 5 to include 7 individuals based on the level of community interest. The Board and staff would also support an alternate and more conventional amendment to merely expand the

designated membership to seven. The range in the membership has been retained in recognition that finding knowledgeable and interested members to serve on this Board has not been consistent over time and may better assure that the Board can continue to operate successfully over time.

VI. CONSISTENCY WITH THE CRITERIA FOR LEGISLATIVE TEXT AMENDMENT

- A. The Comprehensive Plan of the City, and the plans and policies of the county, state or any local districts, in order to preserve functions and local aspects of land conservation and development;**

Most of the Comprehensive Plan goals and policies are not germane to this application. The Citizen Involvement Element has been met via the public hearings held pertaining to this request and notice within the legal section of the local newspaper and by furthering a request received directly from an active citizen lead advisory committee to the City Council. Staff concludes that the Text Amendment is consistent with all aspects of the Comprehensive Plan.

- B. A public need for the change;**

The need for the proposed change has come directly from the existing operating Board. Providing an opportunity for greater public participation and potential increased efficiency in completing the committee's work program has been indicated as the primary benefits of the proposed amendment.

- C. Whether the proposed change will serve the public need better than any other change which might be expected to be made;**

As this is a code requirement, no other changes are expected to be made. Past difficulties in obtaining enough interested Board members resulted in proposing an amendment which retains a range of appointment numbers depending on community interest over time.

- D. Whether the change will preserve and protect the health, safety and general welfare of the residents in the community;**

Staff believes this criterion has been met, and allows increased flexibility for future Board operation and efficiency as amended.

- E. Statewide Planning Goals.**

The following is the only Statewide Planning Goal to apply to this application and conformance with the goal has been met as indicated below:

Goal 1: Citizen Involvement.

The Planning Commission will make a recommendation to the City Council on this application in a public hearing which was noticed in the Canby Herald and by the holding of public hearings by the Planning Commission and the City Council prior to making a decision.

VIII. RECOMMENDATION

Based on the findings and conclusions presented in this report, and without benefit of a public hearing, staff recommends that the Planning Commission advance a recommendation of approval on to the City Council on Text Amendment TA 16-01.

Attachments

1. Written letter recommending the Text Amendment from Carol Palmer, Chairperson of Historic Review Board dated March 8, 2016.
2. Ordinance No. 1435 including proposed amendments

March 8, 2016

Historic Review Board Expansion Request

Submitted by Carol Palmer, Chairperson

Raising the limit on the number of members on the Historic Review Board from five to seven would enhance the effectiveness of the board and enable us to recruit members from unrepresented groups without waiting for a current member to resign. Operating with five members limits input and perspective on decisions and discussions. It proves especially difficult when one or two members must be absent. Additional members would bring additional viewpoints to our meetings and expand our base of support in the community. We want to add a representative from the Hispanic community (a group under-represented on Canby's boards and commissions) and someone from the school district (an important audience for any public history project). We have four projects in progress, which will be completed this year. We begin planning for our 2017-18 project cycle this summer. Having two additional members would improve the planning process and the board's ability to do effectively implement those plans.

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ORDINANCE NO. 1435

**AN ORDINANCE AMENDING CANBY MUNICIPAL CODE
CHAPTER 16.110.025 REGARDING THE HISTORIC REVIEW BOARD COMMITTEE
FOR THE CITY OF CANBY**

WHEREAS, Chapter 16.110.025 of the Canby Municipal Code created an Historic Review Board to advise the Planning Commission and City Council regarding alterations to historic landmarks and recommendations for designation of historic landmarks or districts; and

WHEREAS, the Historic Review Board has proposed expanding their membership size opportunity from three to five members to include up to seven members to better serve the community.

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. Chapter 16.110.025 of the Canby Municipal Code is amended to read as noted. All other sections, shall remain in full force and effect as they presently appear.

§16.110.025 Historic Review Board.

1. For the purpose of this ordinance, the decisions regarding alterations to Historic Landmarks and recommendations for designation of Historic Landmarks or Districts, shall be accomplished by a City of Canby Historic Review Board.
2. Appointment and Composition. The City Council shall appoint three (3), **five (5) or seven (7)** ~~to five (5)~~ individuals with a demonstrated positive interest, knowledge, or competence in historic preservation **with membership total based on community interest.** To the extent possible, individuals chosen to serve on the Historic Review Board shall represent the disciplines listed in *The Secretary of the Interior's Proposed Historic Preservation Qualification Standards*. A majority of Board members shall reside or work inside Canby's Urban Growth Boundary. (Ord. 1369, 2013; Ord. 1435 2016)

Members are appointed by the City Council upon recommendation by the Committee Chairperson and assigned Council Liaison. The Mayor may vote only to break a tie, if necessary. Any Board member failing to attend three consecutive meetings without approval of the Board Chairperson may be removed by the Council and a new member appointed to complete the unexpired term. Historic Review Board members serve at the pleasure of the City Council and are subject to removal at any time by the Council with or without cause. (Ord. 1369, 2013)

3. Terms of Service. The members of the Historic Review Board shall be appointed for three (3) years, and may be reappointed or removed at the discretion of the City Council. In the first appointment one (1) members shall be appointed for three (3) years, at least one (1) members shall be appointed for two (2) years, and at least one (1) member shall be appointed for one (1) year.(Ord. 905, 1994; Ord. 1061, 2000, Ord. 1369, 2013)

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, xxxx, 2016 and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and to come before the City Council for final reading and action at a regular meeting thereof on xxx, 2016 commencing at the hour of 7:30 PM in the Council Meeting Chambers located at 155 NW 2nd Avenue, Canby, Oregon.

Kimberly Scheafer, MMC
City Recorder

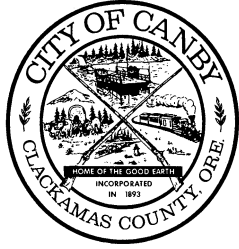
PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on xxxx, 2016 by the following vote:

YEAS_____ NAYS_____

Brian Hodson
Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder



**BEFORE THE PLANNING COMMISSION
OF THE
CITY OF CANBY**

**AN APPLICATION TO AMEND THE)
CANBY MUNICIPAL CODE, CHAPTER)
16 OF THE LAND DEVELOPMENT)
AND PLANNING ORDINANCE)**

**FINDINGS, CONCLUSION & FINAL ORDER
TA 16-01
HISTORIC REVIEW BOARD
MEMBERSHIP CHANGE
CITY OF CANBY**

NATURE OF APPLICATION

The City of Canby initiated amendments to the text of the Title 16 of the Canby Municipal Code, the *Canby Land Development and Planning Ordinance*, in order to increase the membership size of the Historic Review Board from three to five members to include up to seven members to better serve the community.

CRITERIA AND STANDARDS

In judging whether or not this legislative land use amendment of Title 16 of the *Canby Municipal Code* should be amended, the Planning Commission must consider the following criteria from Chapter 16.88 of the *Land Development and Planning Ordinance*:

1. The *Comprehensive Plan* of the city, and the plans and policies of the county, state, and local districts, in order to preserve functions and local aspects of land conservation and development;
2. A public need for the change;
3. Whether the proposed change will serve the public need better than any other change which might be expected to be made;
4. Whether the change will preserve and protect the health, safety and general welfare of the residents in the community;
5. Statewide planning goals.

FINDINGS AND REASONS

The Planning Commission held a public hearing March 28, 2016. The Planning Commission advanced a recommendation of approval to the City Council for Text Amendment TA 16-01.

CONCLUSION

The Planning Commission concludes that the proposed amendment complies with the *Comprehensive Plan* of the city, and the plans and policies of the county, state, and local districts, and will preserve functions and local aspects of land conservation and development.

I CERTIFY THAT THIS ORDER approving **TA 16-01 Historic Review Board** was presented to and **APPROVED** by the Planning Commission of the City of Canby.

DATED this 28th day of March, 2016

John Savory
Planning Commission Chair

Bryan Brown
Planning Director

Laney Fouse, Attest
Recording Secretary

ORAL DECISION: March 28, 2016

<i>Name</i>	<i>Aye</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
<i>John Savory</i>				
<i>Shawn Hensley</i>				
<i>John Serlet</i>				
<i>Larry Boatright</i>				
<i>Kristene Rocha</i>				
<i>Derrick Mottern</i>				
<i>Tyler Smith</i>				

WRITTEN DECISION: March 28, 2016

<i>Name</i>	<i>Aye</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
<i>John Savory</i>				
<i>Shawn Hensley</i>				
<i>John Serlet</i>				
<i>Larry Boatright</i>				
<i>Kristene Rocha</i>				
<i>Derrick Mottern</i>				
<i>Tyler Smith</i>				