

2. A topographic feature; or

3. A non-exempt tree that will remain after development of the site. It is assumed a tree will remain after development if it: is situated in a building setback required by local law; is part of a developed area or landscaping required by local law, a public park or landscape strip, or legally reserved open space; is in or separated from the developable remainder of a parcel by an undevelopable area or feature; or is on the applicant's property and not affected by the development. A duly executed covenant also can be used to preserve trees causing such shade.

B. Slope. The site has an average slope that exceeds 20 percent in a direction greater than 45 degrees east or west of true south based on a topographic survey by a licensed professional land surveyor or USGS or other officially recognized topographic information.

C. Insignificant benefit. The proposed structure or non-exempt vegetation shades one or more of the following:

1. An undevelopable area;

2. The wall of an unheated space, such as a typical garage;

3. Less than 20 square feet of south-facing glazing; or

4. An undeveloped lot, other than a lot that was subject to the Solar Access Ordinance for New Development, where:

a. There are at least four single family detached or attached homes within 250 feet of the lot within the same subdivision or a phase of the subdivision; and

b. A majority of the homes identified in subsection 4.a. above have an average of less than 20 square feet of south-facing glazing.

D. Public Improvement. The proposed structure is a publicly owned improvement.

16.100.060 Adjustments to the maximum shade point height standard.

The City Planner shall increase the maximum permitted height of the shade point determined using section 16.100.040 to the extent it finds the applicant has shown one or more of the following conditions exist, based on plot plans or plats, corner elevations or other topographical data, shadow patterns, suncharts or photographs, or other substantial evidence submitted by the applicant.

A. Physical conditions. Physical conditions preclude development of the site in a manner that complies with section 16.100.040, due to such things as a lot size less than 3000 square feet, unstable or wet soils or a drainage way, public or private easement, or right-of-way.

B. Conflict between the Maximum Shade Point Height and Allowed Shade on the Solar Feature Standards. A proposed structure may be sited to meet the solar

balance point standard described in section 16.100.080 or be sited as near to the solar balance point as allowed by section 16.100.080, if:

1. When the proposed structure is sited to meet the maximum shade point height standard determined, using section 16.100.040, its solar feature will potentially be shaded, as determined using section 16.100.070; and
2. The application includes a form provided for that purpose by the city that:
 - a. Releases the applicant from complying with section 16.100.040 and agrees that the proposed structure may shade an area otherwise protected by section 16.100.040.
 - b. Releases the city from liability for damages resulting from the adjustment; and
 - c. Is signed by the owner(s) of the properties that would be shaded by the proposed structure more than allowed by the provisions of section 16.100.040.
3. Before the city issues a permit for a proposed structure for which an adjustment has been granted pursuant to section 16.100.060(B), the applicant shall file the form provided for in subsection B.2 above in the office of the county recorder with the deeds to the affected properties.

16.100.070 Analysis of allowed shade on solar feature.

A. An applicant may, but is not required to, perform the calculations in or comply with the standards of section 16.100.070.

B. Applicants are encouraged to design and site a proposed habitable structure so that the lowest height of any solar feature(s) will not be shaded by buildings or non-exempt trees on lot(s) to the south. The applicant should complete the following calculation procedure to determine if solar feature(s) of the proposed structure will be shaded. To start, the applicant should choose which of the following sources of shade originating from adjacent lot(s) to the south to use to calculate the maximum shade height at the north property line:

1. Existing structure(s) or non-exempt trees; or
2. The maximum shade that can be cast from future buildings or non-exempt trees, based on Table C. If the lot(s) to the south can be further divided, then the north-south dimension is assumed to be the minimum lot width required for a new lot in that zone.

C. The height of the lowest point of any solar feature of the proposed structure is calculated with respect to either the average elevation or the elevation at the midpoint of the front lot line of the lot to the south.

D. The applicant can determine the height of the shadow that may be cast upon the applicant's solar feature by the source of shade selected in subsection B by using the following formula or Table B.

$$\text{SFSH} = \text{SH} - (\text{SGL}/2.5)$$

Where:

SFSH = the allowed shadow height on the solar feature (see Figure 8)

SH = the height of the shade at the northern lot line of lot(s) to the south as determined in subsection B

SGL = the solar gain line (the distance from the solar feature to the northern lot line of adjacent lot(s) to the south (see Figure 7)

E. If the allowed shade height on the solar feature calculated in subsection D is higher than the lowest height of the solar feature calculated in subsection C, the applicant shall be encouraged to consider changes to the house design or location which would make it practical to locate the solar feature so that it will not be shaded in the future.

16.100.080 Solar balance point.

If a structure does not comply with the maximum shade point height standard in section 16.100.040 and the allowed shade on a solar feature standard in section 16.100.070, then the solar balance point of the lot shall be calculated (see Figure 8). The solar balance point is the location on the lot where a structure would be an equal distance between the locations required by the maximum shade point height standard and the allowed shade on a solar feature standard.

16.100.090 Yard setback adjustment.

The city shall grant an adjustment to the side, front and/or rear yard setback requirement(s) as indicated below if necessary to build a proposed structure so it complies with either the shade point height standard in section 6.100.040, the allowed shade on a solar feature standard in section 16.100.070, or the solar balance point standard in section 16.100.080 as provided herein (see Figure 8). This adjustment is not intended to encourage reductions in available solar access or unnecessary modification of setback requirements, and shall apply only if necessary for a structure to comply with the applicable provisions of this chapter.

A. R-1 Zone:

1. A front yard setback may be reduced to not less than 19 feet on the side with the driveway and 12 feet in other locations.
2. A rear yard setback may be reduced to not less than 10 feet.
3. A side yard setback may be reduced to not less than 5 feet.

B. R-1.5 Zone:

1. A front yard setback may be reduced to not less than 19 feet on the side with the driveway and 12 feet in other locations.

2. A rear yard setback may be reduced to not less than 10 feet.
3. A side yard setback may be reduced to not less than 5 feet.

C. R-2 Zone:

1. A front yard setback may be reduced to not less than 19 feet on the side with the driveway and 12 feet in other locations.
2. A rear yard setback may be reduced to not less than 10 feet.
3. A side yard setback may be reduced to not less than 5 feet.

16.100.100 Review process.

Compliance with Chapter 16.100 shall be determined by the City Planner in conjunction with an application for a building permit. (Ord. 866 section 1, 16.100, 1991)

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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) to five (5)** ~~seven (7)~~ individuals with a demonstrated positive interest, knowledge, or competence in historic preservation. 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.

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)** ~~four (4)~~ members shall be appointed for three (3) years, and **at least one (1)** ~~three (3)~~ 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)

16.110.030 Historic Review Board – Powers and Duties

It is the responsibility of the Historic Review Board to ensure that the purposes of this section are implemented, and to perform the following duties:

1. Adopt rules to govern its deliberations and decisions, including a method to record its proceedings.
2. Carry out the duties described for it in this ordinance and assist the Planning Director, Planning Commission and Canby City Council on historic preservation matters.
3. Maintain and update an inventory of historic resources within the city, as provided under section 16.110.035.
4. Review and render decisions on all historic landmark and historic district applications, as provided under section 16.110.045.
5. Review and make recommendations on application of the Historical Protection Overlay Zone, as provided under section 16.110.045.
6. Review and render decisions on proposals to alter the exterior of a Historic Landmark subject to the procedures and criteria set forth in section 16.110.080.
7. Review and render decisions on all proposed new construction on property where a Historic Landmark is located, or within a Historic District, subject to the procedures and criteria set forth in section 16.110.080.
8. Review all requests for demolition of a historic landmark or contributing resource, as provided under section 16.110.075.

MINUTES
PLANNING COMMISSION

November 13, 2012
City Council Chambers – 155 NW 2nd Avenue

PRESENT: Commissioners Dan Ewert, Charles Kocher, Misty Slagle, Tyler Smith and Randy Tessman

ABSENT: Commissioners Sean Joyce and John Proctor

STAFF: Bryan Brown, Planning Director, Matilda Deas, Senior Planner, and Laney Fouse, Planning Staff

OTHERS: Charles L. Burden

1. CALL TO ORDER

Planning Commission Chair Dan Ewert called the meeting to order at 7:00 pm.

2. CITIZEN INPUT ON NON-AGENDA ITEMS: None

3. PUBLIC HEARING

Matilda Deas, Senior Planner entered her staff report into the record. She said the Plan was prepared with public and agency participation and input from the Gateway Plan Advisory Committee as well as interested citizens. Ms. Deas explained that the plan would amend sections of the Comprehensive Plan, the Transportation System Plan and the Land Development and Planning Ordinance.

A PowerPoint presentation explained the project's purpose and goals of building upon improvements proposed for the City under the Transportation System Plan Update, Canby Downtown Plan, NW 1st Avenue Redevelopment Concept Plan and Downtown Design Standards; identify and develop design concepts for 4 gateways unique to Canby; establish street design and downtown style streetscape standards for the corridor to support pedestrian, bicycle and transit mobility, and provide a public involvement process offering multiple opportunities for meaningful citizen input throughout the process, stakeholders interviews and information flyers.

Commissioner Smith questioned the wording in the Canby OR 99E Corridor and Gateway Design Plan and thought they had amended Guiding Principle Objective 5a.

Chair Ewert asked about future plans for increasing the turning radius at Elm Street.

MOTION:

Commissioner Smith moved to recommend the City Council to approve the Text Amendment (CPA 12-02/TA 12-03) as prepared in staff report to amend the Comprehensive Plan and the Transportation System Plan for the Canby OR 99E and Gateway Design Plan with Guiding Principle Objective 5a amended to read, "Provide transportation options that reduce transportation impacts on the environment and cultural resources." Commissioner Slagle seconded, Motion passed: 5/0.

1. NEW BUSINESS – None
2. MINUTES

MOTION:

Commissioner Kocher moved to approve the Oct. 22, 2012 minutes as written. The motion was seconded by Commissioner Smith. **The motion passed 3/0 with 2 abstentions.**

3. ITEMS OF INTEREST/REPORT FROM STAFF
 - a. Canceling Regular November 26 Planning Commission meeting with the next meeting on Dec. 10, 2012
 - b. Code amendments – some minor and some maybe not so minor.
 - c. Visioning meeting – Cutsforth Town Hall on November 15, 2012
 - d. Final decision approving Allegro Dance Studio made
4. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION - None
5. ADJOURNMENT: 7:48 pm