

**CITY OF CORVALLIS**  
**PLANNING COMMISSION AGENDA**

7pm, Wednesday, November 2, 2016  
Downtown Fire Station, 400 NW Harrison Blvd., 2<sup>nd</sup> Floor

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- I. Community Comments  
*Opportunity for public input on matters of interest to the Planning Commission.*
  
- II. Continued Review of the Land Development Code
  - a. LDC Chapter 1.6 – Density Calculation and Related Definitions
  - b. LDC Chapter 2.0 – Public Hearings (Quasi-judicial proceedings)
  
- III. October 5, 2016 Minutes Review
  
- IV. Old Business
  
- V. New Business
  - a. Land Development Hearings Board appointments
  - b. Holiday schedules / Remaining Public Meeting Schedule for 2016
  
- VI. Adjournment

If you need special assistance to participate in this meeting, please call [enter contact # here] (for TTY services, dial 7-1-1). Notification at least two business days prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting. (In compliance with the Americans with Disabilities Act, 28 CFR 35.102-35.104 ADA Title I and ORS 192.630(5)).

## Proposed Tentative Public Meeting Schedule for 2016

CC = City Council (for agendas or questions about meetings, call 541.766.6901)

For questions about listed cases or about the following Boards or Commissions, call 541-766-6908

**PC Planning Commission** (usually meets first and third Wednesdays at 7 p.m.)

**LDHB Land Development Hearings Board** (meets as needed)

**DAB** Downtown Advisory Board (meets second Wednesday at 5:30 pm in the Madison Avenue Meeting Room)

**HRC** Historic Resources Commission (meets second Tuesday at 6:30 p.m.) - *Meetings are now held at the Fire Station Meeting Room. On occasion, an additional meeting may be held on the 4<sup>th</sup> Tuesday of the month, usually in the Madison Avenue Meeting Room.*

**THE OFFICIAL ORDER OF BUSINESS FOR EACH MEETING WILL BE DETERMINED BY THE AGENDA. CC AGENDAS ARE DISTRIBUTED THE THURSDAY BEFORE A CITY COUNCIL MEETING; AGENDAS FOR OTHER MEETINGS (PC, LDHB, CCI, HRC) ARE USUALLY DISTRIBUTED ONE WEEK BEFORE EACH MEETING.**

Meeting	Date	Description	Location
CC, 6:30 pm	Nov. 7	Regular Meeting including OSU CPA deliberations and Findings for Pastega CPA / ZDC	*Fire Station
CC Work Session, 3:00	Nov. 8	Work Session Regular Meeting, including Planning Commission Annual report	**MAMR
HRC, 6:30 pm	Nov. 8	Regular Meeting	*Fire Station
DAB, 5:30 pm	Nov. 9	Regular Meeting	**MAMR
LDHB, 5:30 pm	Nov. 16	Public Hearing – Pacific Fruit Properties Zone Change Request	*Fire Station
PC, 7 pm	Nov. 16	Regular Meeting including LDC Code Review	*Fire Station
CC, 6:30 pm	Nov. 21	Regular Meeting	*Fire Station
LDHB, 5:30 pm	Dec. 7	Deliberations for Pacific Fruit Properties Zone Change (if necessary)	*Fire Station
PC, 7pm	Dec. 7	Regular Meeting including LDC Code Review	*Fire Station
HRC, 6:30 pm	Dec. 13	Regular Meeting	*Fire Station
DAB, 5:30 pm	Dec. 14	Regular Meeting	**MAMR
PC, 7pm	Dec. 21	Regular Meeting including LDC Code Review	*Fire Station

\* Fire Station, 400 NW Harrison Boulevard, second floor meeting room

\*\* Madison Meeting Room, 500 SW Madison Avenue

\*\*\* Library Main Meeting Room, 645 NW Monroe Avenue, main level

\*\*\*\* LaSells Stewart Ctr. 875 SW 26<sup>th</sup> Street, Corvallis

\*\*\*\*\* Majestic Theater, 115 SW 2<sup>nd</sup> Street

tbd To be decided

The City's website is located at [www.corvallisoregon.gov](http://www.corvallisoregon.gov).

For additional information about upcoming land use decisions please visit [www.corvallisoregon.gov/cd-staffreports](http://www.corvallisoregon.gov/cd-staffreports).



Community Development  
 Planning Division  
 501 SW Madison Avenue  
 Corvallis, OR 97333

DRAFT  
**CITY OF CORVALLIS**  
**PLANNING COMMISSION MEETING MINUTES**  
**October 5, 2016**

**Present**

Jasmin Woodside, Chair  
 Jim Boeder  
 Carl Price  
 Paul Woods  
 Tom Jensen  
 Susan Morr e  
 Frank Hann, Council Liaison

**Staff/Consultant**

Jason Yaich, Senior Planner  
 Aaron Harris, Associate Planner  
 David Coulombe, Deputy City Attorney

**Visitors**

**Excused Absence**

Rob Welsh  
 Jim Ridlington

**Absent**

**SUMMARY OF DISCUSSION**

	Agenda Item	Recommendations
I.	Community Comment	
II.	Public Hearing: Elle’s Addition Subdivision – Solar Access Waiver (SUB16-00002)	Public Hearing Closed; record held open to 5pm October 12, 2016
III.	Continued Review of the Land Development Code – LDC Chapter 2 – Public Hearings.	For information only
IV.	Minutes Review – September 7, 2016	Approved, with revision
V.	Old/New Business & Info Sharing	For information only
VI.	Adjournment	9:10 p.m.

Attachments to the October 5, 2016 Minutes:

- A) Written Testimony from Larry Weymouth, dated October 2, 2016
- B) Elle's Addition PowerPoint Presentation.

**CONTENT OF DISCUSSION:**

The Corvallis Planning Commission was called to order by Chair Jasmin Woodside at 7:00 p.m. in the Downtown Fire Station Meeting Room, 400 NW Harrison Boulevard.

**I. COMMUNITY COMMENTS:** None

**II. PUBLIC HEARING:** ELLE'S ADDITION SUBDIVISION – SOLAR ACCESS WAIVER (SUB16-00002)

A. Opening and Procedures:

The Chair welcomed citizens and reviewed the public hearing procedures. Staff will present a report, followed by the applicant's presentation. This will be followed by public testimony, followed by rebuttal by the applicant, limited in scope to issues raised in opposition and sur-rebuttal by opponents, limited in scope to issues raised on rebuttal. The Commission may ask questions of staff, engage in deliberations, and make a final decision. Any person interested in the agenda may offer relevant oral or written testimony. Please try not to repeat testimony offered by earlier speakers. It is sufficient to say you concur with earlier speakers without repeating their testimony. For those testifying this evening, please keep your comments brief and directed to the criteria upon which the decision is based.

Land use decisions are evaluated against applicable criteria from the Land Development Code and Comprehensive Plan. A list of the applicable criteria is contained in the staff report.

Persons testifying either orally or in writing may request a continuance to address additional documents or evidence submitted in favor of the application. If this request is made, please identify the new document or evidence during your testimony. Persons testifying may also request that the record remain open seven additional days to submit additional written evidence. Requests for allowing the record to remain open should be included within a person's testimony.

The Chair opened the public hearing.

B. Declarations by the Commission: Conflicts of Interest, Ex Parte Contacts, Site visits, or Objections on Jurisdictional Grounds

1. Conflicts of Interest: none
2. Ex Parte Contacts: none
3. Site Visits: Commissioner Morr  drove by the site and surroundings and saw it was across the street from the auction yard. There was a house immediately adjacent to the driveway. Behind it she saw some two-story apartment buildings and a machine shop to the north. Commissioner Woodside declared that this was her neighborhood so she has driven past the site many times a day and had watched the demolition of the houses that had been on site.
4. Rebuttal of disclosures: none
5. Objections on Jurisdictional Grounds: none

### C. Staff Report:

Planner Harris said the applicant is requesting approval of a waiver to the solar access standards for subdivisions. For the record, he noted staff received one letter of written testimony (**Attachment A**) since publication of the staff report on September 28, 2016. Hard copies of this testimony have been provided to the Planning Commission, and copies were made available for the public.

Planner Harris then gave a brief overview of the site and the general nature of the subdivision proposal. He showed a general vicinity map and an aerial view of the area. The site is 1.48 acres and is located on the west side of SW 3rd Street, between SE Richland Avenue and SW Prairie Avenue. Demolition permits were issued in 2014 for the removal of the single-family homes that were on site. The site has a Comprehensive Plan Map designation of Residential Medium-High Density. Adjacent properties to the north, south, and west share this designation. The property to the east, across SW 3rd Street/Highway 99W, is designated as Mixed Use Commercial. The site is zoned RS-12, as are surrounding properties to the north, south, and west. The property to the east is zoned NC-Major. The site was annexed into the City in 1962.

He then showed a slide of the applicant's proposed subdivision. (**Attachment B**) The proposal is to divide three parcels into seven lots. While the review and approval of the buildings to be developed on site will be addressed at the time the applicant submits for building permits, the applicant's narrative states the intent is to develop six single-family homes, two apartment buildings with six units each, and six townhomes for a total of 24 units.

While residential subdivisions are reviewed by staff and approved by the Community Development Director (per LDC 2.4.30.03.b), a solar access waiver must be approved by the Planning Commission per LDC 4.6.40. The applicable performance standards for solar access for subdivisions include the requirement that there shall be "*no reduction in Solar Access at ground level of the south face of existing residential buildings adjacent to the development.*" Additionally, within the subdivision, 80 percent of the lots must contain sufficient east/west dimension to allow 30 linear feet per unit for single-family detached dwelling units and 15 linear feet per ground floor unit for dwelling units other than single-family detached dwelling units. He showed a slide showing the general intent of LDC 4.6.30 to help explain how "passive solar building design" operates. It is defined as "*building design in which windows, walls, and floors are made to collect, store, and distribute solar energy in the form of heat in the winter and to reject solar heat in the summer.*" Unlike active solar heating, it does not involve the use of mechanical or electrical devices.

Per LDC 4.6.40, the Planning Commission may approve a reduction or waiver to the solar access requirements in particular situations. One of those situations is detailed in LDC 4.6.40.c which describes a situation in which site planning is negatively affected by the construction of streets, or by the necessity of maintaining an acceptable functional classification of roadways adjacent to the properties. The applicant submitted a shadow pattern illustration demonstrating a four-hour shadow pattern between 10:00 a.m. and 2:00 p.m. on November 21. The illustration indicates that only one of the seven proposed lots (a single-family dwelling lot in the southwest corner) would meet the solar access performance standards as stipulated in LDC 4.6.30. Staff finds that LDC 4.6.40.c is applicable to the applicant's proposal for the waiver due to the existing north-south orientation of SW Coho Street and SW 3rd Street/Highway 99W. Planning and Public Works staff have examined the applicant's proposed extension of SW Coho Street to the north, which is a straight extension of the existing alignment; and have determined it is the

most logical street location in order to provide connectivity at the time of future development to the north. Oregon Department of Transportation (ODOT) has commented on the proposal and has expressed support of the design because it closes the two existing access approaches off of SW 3rd Street/Highway 99W which is classified as an arterial highway. Additionally, development in this area is generally constrained by the existing development patterns and fragmented land ownership.

Given the existing street layout and highway access constraints, staff finds that the application is consistent with the applicable LDC review criteria for a solar access standards waiver. Therefore, staff recommends that the Planning Commission find that the request to vary from the solar access provisions in LDC 4.6.30 is supported by the criteria in LDC 4.6.40.c.

In response to a question from Commissioner Woods, Planner Harris said the minimum number of units for this site was 14. In response to a query from Commissioner Jensen, Planner Harris explained that the calculations for minimum numbers of units are based on the net acreage of a lot.

Commissioner Jensen asked if there was any requirement in the Land Development Code (LDC) that required orienting structures in any particular way, such as towards the street or towards a parking lot. Planner Yaich said that the Pedestrian-Oriented Design (POD) standards require street-orientation for new residential construction.

Commissioner Morr  asked if her understanding was correct that only one of the lots met the requirement for having unobstructed solar access for at least four hours a day between 9:00 a.m. and 3:00 p.m. Staff agreed this was the case.

D. Legal Declaration:

Deputy City Attorney Coulombe said the Commission will consider the applicable criteria as outlined in the staff report, and he asked that citizens direct their testimony to the criteria in the staff report or other criteria they believe are applicable. It is necessary at this time to raise all issues that are germane to this request. Failure to raise an issue, or failure to provide sufficient specificity to afford the decision-makers an opportunity to respond, precludes an appeal to the State Land Use Board of Appeals on that issue.

The 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 precludes an action for damages in Circuit Court.

E. Applicant's Presentation:

Dave Dodson, Willamette Valley Planning, introduced the property owners, Erik and Larry Hellesto. He submitted a written copy summarizing his testimony. He began his presentation by describing a different project reviewed by the Planning Commission last year. The Sylvia Subdivision is a 37-lot subdivision zoned RS-6, of mostly single-family detached homes on lots of approximately 6,400 square feet; or 50 feet wide by 100 feet deep. There were also some smaller lots targeted for an attached housing project. Those lots were 40 feet wide by about 85 feet deep. Seven of the 37 lots were solar compliant. For context, if one were to apply the same numbers and ratio of compliance to the Elle's Addition, five of a hypothetical 37 lots would be compliant. This is a similar waiver request to what was granted for the Sylvia Subdivision,

which also had a predominantly north-south street orientation. A majority of the houses along the street cannot comply with the solar access requirement.

The three lots comprising the site under consideration had three single-family homes that were removed last year, with the intention of redeveloping the site. He showed a concept plan that depicted the variety of housing units. Typically, a lot of this size would be developed for apartments or townhomes. The Hellestos have an interest in doing a variety of housing types, though only one housing type is required. Along SW 3rd Street, the proposal is to have townhouses with rear-loaded garages and front porches that face onto the street. There are also two three-story apartment complexes, with six two-bedroom units in each. There is a common parking area which also provides access to the townhouse garages. Coho Street is laid out so it can be extended both north and south to serve development for abutting properties. Mr. Dodson then showed an exhibit depicting the pattern of solar access. He noted that though the lot with the two apartment complexes was considered non-compliant because the townhomes do not comply, the apartment buildings actually do comply. Therefore, 12 of the 18 units on the lot do comply with the solar access requirements.

There was testimony submitted by Larry Weymouth stating his concerns and suggesting that the single-family dwelling lots could be larger in size to accommodate solar access requirements. The applicant noted that to meet compliance, the six lots would be reduced to three larger lots which would increase the cost of those houses, making them less affordable. This would also restrict the ability to consider having attached dwelling units which would make them even more affordable.

In response to a question from Commissioner Boeder, Mr. Dodson said the size of the single-family lots was approximately 2,300 square feet – 33 feet in width.

In response to a question from Commissioner Morr , Mr. Dodson said the distance between the single-family structures if detached would be a minimum of ten feet. If they were attached, the side yards could be larger.

Commissioner Morr  asked if there might be an opportunity to have a slightly different layout to improve the solar access yet still have density. Mr. Dodson said that with the shadow patterns and the number of lots shown, it would not be possible. However, if the single-family dwellings were attached there might be a design with one-story and two-story offsets that would make three of them possibly compliant. However, it would not be possible to get compliance with all six lots. Mr. Dodson added that, on the other hand, the orientation and potential roof pitches were ideal for having photovoltaic installations.

In response to questions from Commissioner Jensen, Mr. Hellesto said that Rugh Electric was immediately to the north, along with two or three abandoned buildings. In response to another question, Mr. Dodson said that the orientation of the building entrances toward the street was both to have the entry and porch connection with the street as well as to meet the pedestrian-friendly intent of the code. The requirement for a multi-family project is that a front door be within 200 feet of the public sidewalk. Technically, the front door could be at the back, but this would create a blank wall facing 3rd Street, as opposed to having a design that embraces the street. The proposed pattern is similar to a Conser project now under construction on Goodnight Avenue.

Commissioner Jensen asked what other designs they had come up with that could meet the solar access standards. Mr. Dodson said that if the intent was simply to meet solar standards, they would take the six lots and turn them into three square lots with larger houses built on them. Again, they would not be meeting the affordability target they were hoping to achieve. Mr. Dodson went on to say that though one can show that conceptually the three houses can be sited and built on three lots to meet the solar access standards, when it comes down to the actual building of the homes they would likely end up being larger homes with the potential of impacting solar access. The solar access standards are only triggered at the creation of a subdivision. Once the subdivision has been created and houses are under construction, there is no assurance those houses will be sited and constructed in a way that complies with solar access standards.

Commissioner Woods referred to the application's last paragraph and asked if there was any assurance the design of the houses would be facilitating the installation of photovoltaic panels. Mr. Dodson said typically what they will do – which is similar to what they did with the Goodnight townhomes project – is put in a chase from the garage all the way to the rooftop. This facilitates having such an installation.

In response to a question from Commissioner Morr , Deputy City Attorney Coulombe said this was the time to ask questions of the applicant, and there might not be another opportunity unless the Commission reopens the public hearing.

In response to a question from Commissioner Boeder, Mr. Dodson said they had not considered a Planned Development because this was the only development standard they could not meet. They are in compliance with all the other standards, and a Planned Development process is costlier and time-consuming. His understanding is that when the LDC was updated some years back to allow for an expedited subdivision process, the solar access standard was not updated with it. This is why they are in this situation. With future updates to the LDC, consideration should be given to allowing an applicant to go through administrative review for such a waiver instead of having to bring it before the Planning Commission.

In response to a question from Commissioner Morr , Mr. Dodson said this process did not require building elevations or anything more than a conceptual plan to be submitted. Commissioner Morr  said it would have been helpful in this specific case of requesting a waiver from the solar access requirements to have building elevations submitted as part of the application.

Commissioner Hann asked if there was any assurance that the roof pitch of the homes would be perpendicular to the new street to facilitate active solar installations. Mr. Dodson said the only assurance he can offer is that the majority of single-family houses that are on narrow lots and in this kind of configuration typically have a pitched roof.

Commissioner Morr  asked if the trees planted in front of the lots on the east side might interfere with solar access. Mr. Dodson said it was a code requirement to plant the trees. However, since they were deciduous trees, during the winter months the sunlight would be able to penetrate due to the loss of leaves. The trees will be in a six-foot wide landscape strip. This along with a five-foot sidewalk and an approximate 19-foot setback of the house would likely provide enough distance from the house to limit impact of the trees.

Commissioner Woods said he was confused about the discussion relating to the solar access standard only applying at time of the subdivision review, and that the footprints used to show the four-hour shadow patterns can be changed at time of actual construction of the houses. Mr. Dodson said that as lots are sold to developers they are then free to locate the home wherever they want on that lot as long as it meets code. They can choose to not have windows installed on the south-facing wall which would also limit solar access. The performance requirement for solar access is for the creation of lots, and is not applied to home design or actual location of the home on the lot. So even if a decision were made to create three lots instead of the six that are shown, there would be no guarantee all three dwellings would end up with solar access that met the standard.

Commissioner Morr  asked whether there were any code requirements that would protect an existing house from having solar access impeded by new construction on a neighboring lot. Mr. Dodson said there is a separate section of the LDC that deals with solar access for existing dwellings, in which a homeowner can request a solar access easement that essentially gives the homeowners the right to have the sun shine on the south side of their house. Though he did not know if many of these easements existed, this could be critical for homeowners who might have a one-story home and had just made an investment in solar panels; and was faced with someone coming in to do a multi-storied in-fill project right next to their home.

Commissioner Morr  suggested to staff that as they do their review of the LDC, this ought to be added to the “Unresolved Planning Issues” list. Chair Woodside said she could bring this up under “Old Business.”

F. Public Testimony in favor of the application: none

G. Public Testimony in opposition to the applicant's request:

**Larry Weymouth**, 415 NW Merrie Drive, said he had submitted written testimony, and his understanding was that most of the commissioners had already read it. He does not claim to be an expert, but as indicated in his written testimony he has some questions and concerns about some ambiguity in how the code is written. Mr. Dodson’s reference to the Sylvia Subdivision indicated that the Planning Commission had approved that application. He was not aware of the details of the application and whether there was an actual solar waiver as part of the request.

His written testimony begins with the question about whether this waiver request would be precedent setting, and Mr. Dodson’s referral to the Sylvia Subdivision might mean it is not. He particularly wished to note that in Mr. Dodson’s testimony he did not hear any mention at all of the actual grounds for a waiver being LDC 4.6.40.c. He heard no justification that with the location of the road the site planning was negatively affected. This is just an allegation, and there really is no connection between this site proposal – as good as it is in terms of utilization of the site amenities – and waiving solar access. Speculation about putting in active solar collection devices is hypothetical. What is in front of the Commission is the code the way it is written. There are standards for lot development, and he does not see any connection to how SW Coho Street’s location impacts the ability of the applicant to provide a site plan that would comply with the solar access standard. He understands there is a desire to provide more dense development and essentially ignore the access standard. That is not the intent of the code as it is written. Commissioner Morr ’s comments about ensuring the code protects solar access for existing structures are well taken.

He does not pretend to understand all of the calculations for the 80 percent compliance with the standard, but he accepts what has been presented. His principal point is that it just does not make sense since there are other ways to comply with the solar access standards in the code rather than ignoring it. It is a falsehood to blame the City's action in putting the roadway in a certain location as a reason why the access cannot be achieved.

Mr. Weymouth requested that the record be held open for another seven days, and that he believes his written testimony meets the basis for an appeal since it cites the provisions of the Land Development Code.

Commissioner Morr  thanked him for coming to testify.

H. Neutral testimony:

The Chair reminded people that speaking neutrally removes rebuttal rights. No-one came forward.

I. Rebuttal by Applicant: Mr. Dodson stated they would not have a rebuttal at this time, but would likely submit additional written comments.

J. Close the public hearing:

The Chair declared the public hearing closed. Per the request by Mr. Weymouth, the record will be held open for seven days, until 5:00 p.m. on October 12, 2016. The applicant then has seven additional days to submit final written comment. Deliberations will be held after that date.

**III. CONTINUED REVIEW OF THE LAND DEVELOPMENT CODE – LDC CHAPTER 2.0 – PUBLIC HEARINGS**

Prior to beginning a review of LDC Chapter 2.0, Chair Woodside asked for input on what process and what definitions the commissioners would like to include in its review of Chapter 1.6 (Definitions). Discussion ensued about whether to read all of the definitions out loud, or to simply focus on those identified by the commissioners and by staff as needing further explanation. The latter approach was selected. There was also a brief discussion about the fact that this process was to review the Land Development Code and it was not intended to be a code update process. However, definitions or elements that were identified as needing some work could then be added to the "Unresolved Planning Issues" list. Words or concepts not included in the definitions section for which commissioners feel there is a need should also be identified. It was also noted that the work of the Climate Action Task Force and Transportation Management planning will result in additional definitions needing to be incorporated into the Code in the future.

Commissioners mentioned the following words or topics to include in the discussion of Chapter 1.6:

- Distinction between parcel, lot, and site. Site is not defined. (*Commissioner Morr *)
- "Sustainability" needs defining. "Sustainable" has a weak definition. (*Commissioner Morr *)
- "Ecosystem," "carbon footprint," and "net zero" will need to be defined. (*Commissioner Morr *)
- "Contains" should be defined. (*Commissioner Boeder*)
- "Setback" (*Commissioner Woods*)

- Definition and clarifications on “accessory dwelling” and other words associated with this. They reference “main use” and he would like to know if it can be the same use as the main dwelling. (*Commissioner Jensen*)
- In the building types section, there is the use of the terms “lot” and “development site.” What is the difference? (*Commissioner Jensen*)
- Chapter 4.9, the use of the term “respectively” when there are three zones referenced. Planner Yaich said this was already identified as an issue.
- Clarification and discussion of building types, housing types, housing types attached, and multi-dwelling units – how are they the same or different? (*Commissioner Jensen*)
- “Compatible.” Is there a scale or measurement standard? (*Commissioners Jensen and Morr *)
- “Comprehensive neighborhood.” How is this determined – what is the scope? (*Commissioner Jensen*)
- “Mitigation.” How is this measured or assessed? (*Commissioner Jensen*)
- “Density calculation.” Which acre of land? Does that put the lot in the corner of four different acres of land to determine if it meets the density? (*Commissioner Jensen*)
- “Tract” and “Parcel.” Are these inconsistent with the State’s definitions? (*Commissioner Boeder*)
- “Neighborhood compatibility” is brought up as part of the Pedestrian-Oriented Design standards, but it is not defined. (*Commissioner Morr *)
- “Shall” and “should” are defined, but “may” is not, and it seems it should be. Planner Yaich said there was a reference to the word in Section 1.6.20; however, it could be listed in alphabetic order in Section 1.6.30. (*Commissioner Morr *)

Planner Yaich then began a review of Chapter 2.0 relating to Public Hearings. He explained the two types of hearings: legislative and quasi-judicial. Essentially, legislative hearings cover changes that apply to broader, community-wide areas or changes to the Land Development Code text that apply citywide. Quasi-judicial hearings are focused on a specific site. He finished up with reviewing Section 2.0.40 (Legislative hearings), with the balance of Chapter 2.0 to be reviewed at a future meeting. Commissioners had the following questions and comments:

#### **2.0.40.01**

Commissioner Price brought up the issue of what would happen if a local newspaper no longer existed, and suggested this section might be added to the “Unresolved Planning Issues” list for consideration of new wording. Commissioner Woods pondered how many more citizens rely on the website for seeing notifications as opposed to the newspaper.

#### **2.04.02**

Does this include written testimony submitted via e-mail? (*Yes.*)

#### **2.0.40.3.i versus 2.0.40.3.a**

Commissioner Woods asked for clarification of what is meant by “If the hearing is closed, no further information shall be received and, unless the presiding officer has ordered otherwise, no further argument shall be received” versus allowing for final arguments to be submitted.

#### **2.0.40.04.a.3**

Commissioner Woods asked what is meant by referring the matter to a committee. Commissioner Price said City Council will often refer a matter to one of its committees. Commissioner Woods suggested the language should be updated to reflect subgroups of the City Council since they no longer have standing committees.

**2.0.40.04.a.**

Commissioner Price said with reference to the final paragraph, he does not believe the Commission has been doing this directly. (*Planner Yaich said typically the staff report and the meeting minutes serve as the findings. These are sometimes articulated by the deciding body and sometimes not.*)

Chair Woodside suggested the next section relating to quasi-judicial hearings will likely generate questions for the Deputy City Attorney. Staff will check to see whether they will be available for the review or whether questions that come up can be submitted for later comment.

**IV. MINUTES REVIEW**

September 7, 2016

Commissioner Boeder referred to page 4, second to last paragraph of Item III. He asked that the minutes reflect that his question of staff was how many times an application was complete upon first submission, to which the staff responded rarely.

**MOTION:** Commissioner Price moved to approve the minutes with the revision. Commissioner Jensen seconded the motion which passed unanimously.

Commissioner Woods noted that under Community Comments, Court Smith had made the suggestion that findings be removed from the Comprehensive Plan since most comprehensive plans do not have them. After a brief discussion, commissioners agreed staff should add this item to the “Unresolved Planning Issues” list for consideration.

**V. OLD BUSINESS**

- A. Commissioner Woods brought up his recollection that on July 20 commissioners had requested that staff reports include suggested motion language for both recommending approval of an application as well as for recommending denial of an application. He noted the staff report for the application under consideration did not present both alternatives. Planner Yaich said he would ensure that future staff reports presented both options, and the optional language would be prepared for deliberations on the Elle’s Addition Subdivision.
- B. Planner Yaich said City Council had initiated the Comprehensive Plan Amendments to address the deficits identified in the Buildable Lands Inventory. Staff will begin formulation of that process which will include a community discussion.
- C. Commissioner Morr  brought up her question relating to whether the Land Development Code has a provision that protects solar access for existing buildings and sites, so the burden is not on the existing property owners. In her view, this is about respect for persons and she feels it is unfair to place the burden on an existing property owner to have to apply for a solar access easement. After a brief discussion, it was agreed this should be added to the “Unresolved Planning Issues” list.

**VI. NEW BUSINESS**

- A. Chair Woodside announced that Commissioner Sessions had resigned from the Planning Commission effective last week. City staff would begin the process of recruiting a replacement to fill in for the balance of his term. In the meantime, commissioners would need to elect a new Vice Chair.

**MOTION:** Commissioner Price nominated Commissioner Woods to serve as Vice Chair. Commissioner Boeder seconded the motion which passed unanimously.

- B. Planner Yaich said Director Bilotta had attended a City Council Work Session wherein councilors held discussions about how to foster better communications between the various boards and commissions, particularly when there might be overlapping goals or objectives. He will soon be bringing forward some ideas to share with the commissioners in this regard.

**VII. ADJOURNMENT:** The meeting was adjourned at 9:10 p.m.



**Larry Weymouth**  
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lcweymouth@peak.org

October 2, 2016

Aaron Harris, Associate Planner  
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**RE: Elle's Addition Subdivision (SUB16-00002)**  
**Testimony for the Land Use Public Hearing, October 5, 2016, on the Request for a Solar Access Waiver**

Respected Planning Commissioners,

Before you is what I believe could be the first request ever (if not one of the few) for a waiver to Corvallis' solar access standards in subdivisions (LDC 4.6.40). As such, your review regarding the facts of this case and its disposition could set a **precedent** for other relevant decisions. For that reason, I urge you to give this waiver request a thorough analysis. I am concerned that the Planning Staff Report does not consider the potential of an alternative site plan that might comply with the standards, and thus the Findings of Fact are in error as the basis for the Overall Conclusion and Recommendation.

My understanding of this request is that the Applicant alleges, and the Planning staff concurs, that the request should be granted because the development proposal meets condition (c) of LDC 4.6.40. That is, because the site planning to achieve the solar access standards would be negatively affected by the City's required extension of SW Coho Street, and no other reasonable location for the street is available.

I do not dispute the location of this street. Rather, my interpretation of this code provision and its intent is to provide relief to an applicant when such a street would make it impossible for any development to achieve the solar access standard. In this case, however, the resulting



“negative effect” is the direct result from the Applicant’s desire (not necessity) to plot the development in a particular way, specifically by the number of proposed single-family lots (6), minimum setbacks, and/or the orientation and height of the homes along the west side of SW Coho Street. In short, the problem with meeting the solar access standard appears to originate with the Applicant’s site plan, not the City’s road location. The Applicant’s Application in the response to Section 4.6.40 (c) acknowledges (on Attachment page 4 of 7, my emphasis added), “The **desire** to orient the building entrances toward the street results in building placement that isn’t **conducive** for passive solar access.” Figure 2 in the Staff Report (page 4 of 6) illustrates the proposal’s non-compliant shadow pattern, and how the overlap of shadows originates from the site plan’s proximity of one building to the other. Is it not true that if the Applicant were to revise the site plan to only 2 or 3 single-family lots, no waiver to the standard would be needed? In essence, it seems that the Applicant wishes to over-build relative to the code and is blaming the City’s street for interfering with that.

While it is laudable for the Applicant’s Application to highlight the development’s potential for single-family rooftop solar energy capture, such a benefit does not relieve the requirement to meet the solar access standards in all respects as currently in the Code.

Thanks to you and Staff for your consideration of this testimony.

Best regards,

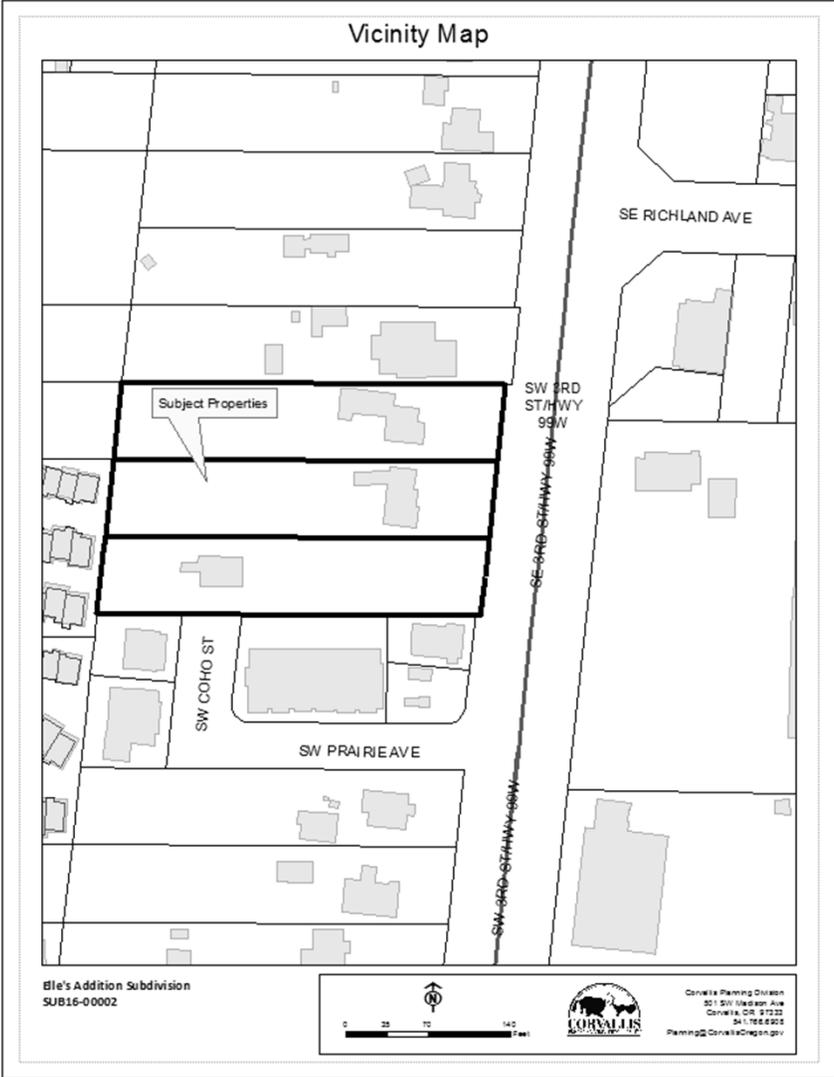
Larry Weymouth

/s/

**ELLE'S ADDITION  
SOLAR ACCESS WAIVER  
REQUEST**

**SUB16-00002**

# Vicinity



# Aerial View



# Existing Conditions





# Zoning Map



# Land Use History

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- ANN62-00001
  - ▣ Annexed into City Limits

# Applicant's Proposal

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- Subdivision
  - Divide three existing parcels into seven lots
  - Applicant has indicated their intention to build
    - 6 single-family homes
    - 2 multi-family apartment buildings (6 units each)
    - 6 townhomes

# Solar Waiver Access Standards

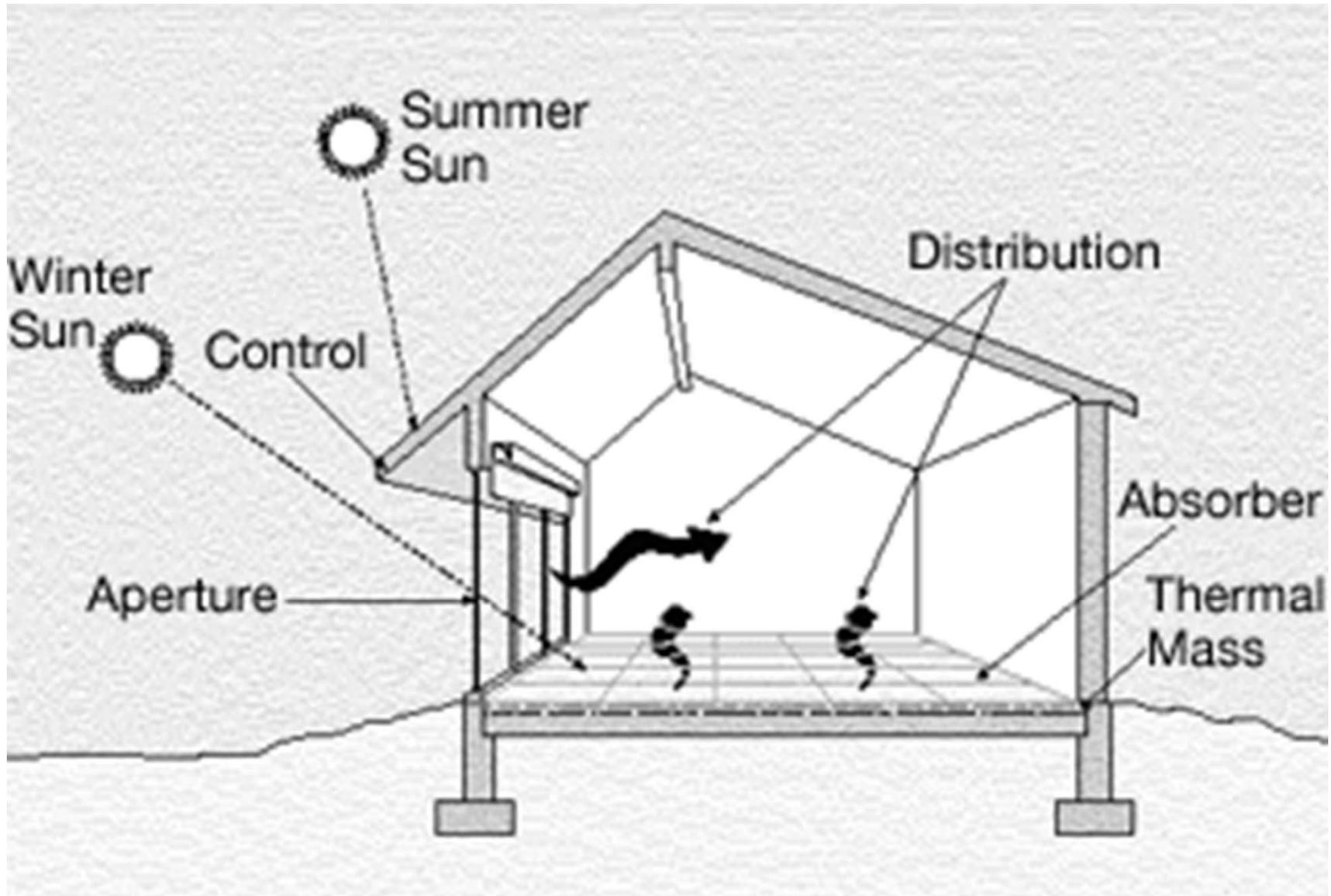
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- Applicable Review Criteria:
  - Performance Standards
    - LDC 4.6.30
  - Reduction or Waiver of Standard in Subdivisions
    - LDC 4.6.40

# LDC 4.6.30 – Performance Standards

**Residential Subdivisions and Planned Developments on parcels of more than one acre shall be designed so that Solar Access Protection, as defined in Chapter 1.6 – Definitions, is available consistent with the following:**

- a. No reduction in Solar Access at ground level of the south face of existing residential buildings adjacent to the development;**
- b. Within Residential Subdivisions, a minimum of 80% of lots contain sufficient east/west dimension to allow orientation of the following minimum ground floor lengths of a building to use solar energy:**
  - 1. 30 lineal ft. per unit for Single-family Detached dwelling units; and**
  - 2. 15 lineal feet per ground floor unit for dwelling units other than Single-family Detached dwelling units.**

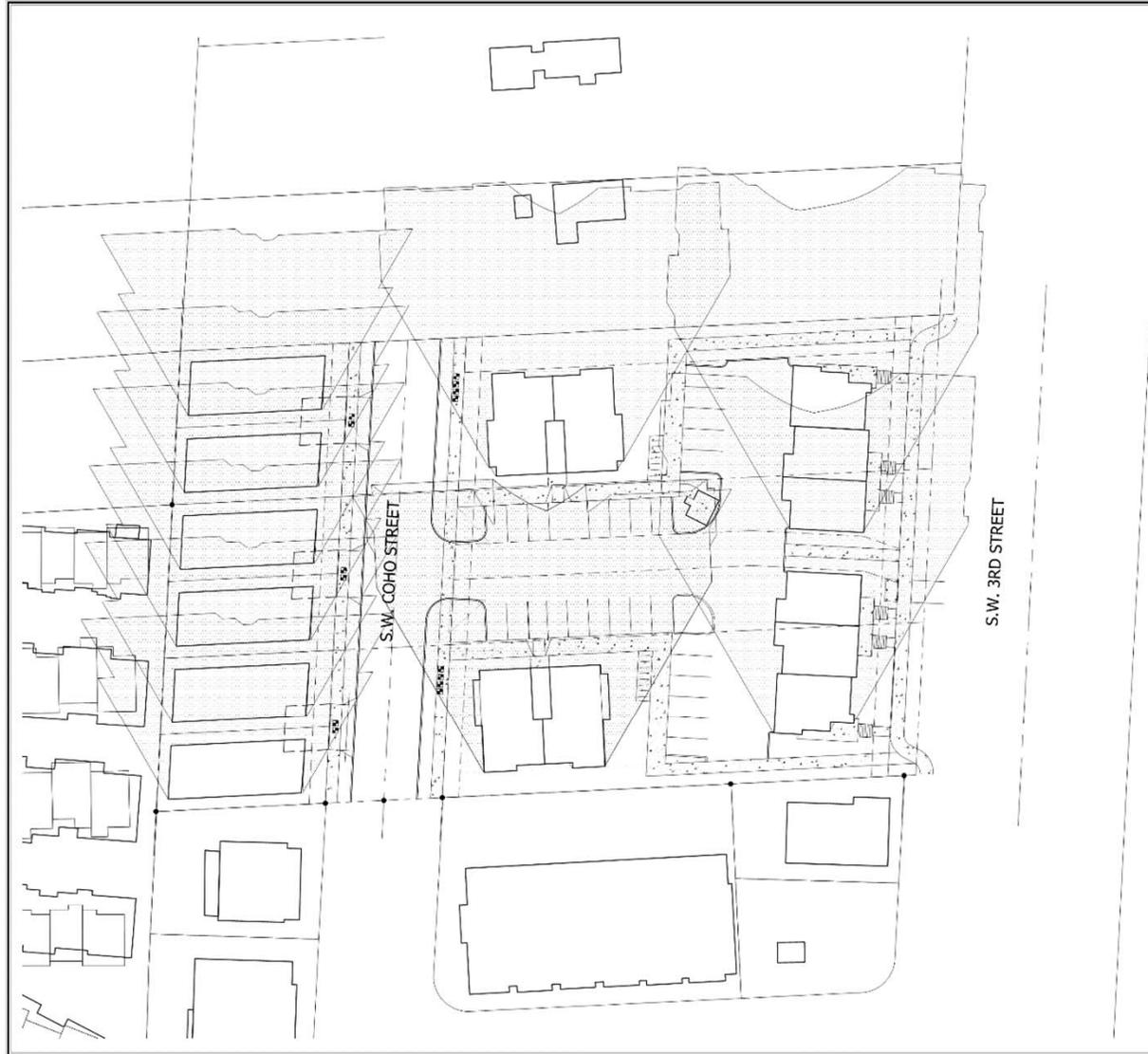


# LDC 4.6.40 – Reduction or Waiver of Standard in Subdivisions

A reduction or waiver from the requirements of Section 4.6.30 above may be granted by the Planning Commission to the minimum extent necessary to:

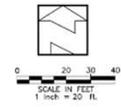
- c. **Address sites where site planning to achieve Solar Access is negatively affected by the construction of streets, utilities, bicycle, and pedestrian facilities that are required by the City of Corvallis Transportation Plan, or other adopted City Plan, or that are necessary in order to maintain an acceptable functional classification of roadways adjacent to the property. It must be shown that no other reasonable location is available for the required infrastructure.**
  - Staff finds that site planning is negatively affected by the construction of streets.
  - Staff finds this criterion is satisfied.

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**LEGEND**

 4 HOUR SHADOW  
PATTERN BETWEEN  
10am AND 2pm ON  
NOVEMBER 21



<p>LARRY HELLESTRO 5275W SE BELLEVUE AVE CORVALLIS OREGON 97331 341.750.4557</p>	<p><b>ELLE'S ADDITION CORVALLIS, OREGON</b></p> <p>J - SOLAR ACCESS PROTECTION PLAN</p> <p>2480-2500 SW 3RD ST</p>	<p>WILLAMETTE PLANNING, LLC 445 NW ELIZABETH DRIVE CORVALLIS, OR 97330 541-231-0111</p>																																										
<table border="1"> <tr><td>NO.</td><td>DATE</td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table>	NO.	DATE									<table border="1"> <tr><td>REV.</td><td>DATE</td><td>BY</td><td>APP.</td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </table>	REV.	DATE	BY	APP.																	<table border="1"> <tr><td>NO.</td><td>DATE</td><td>BY</td><td>APP.</td></tr> <tr><td>01</td><td>08.23.16</td><td> </td><td> </td></tr> <tr><td>1</td><td>08/24/16</td><td> </td><td> </td></tr> </table> <p>J</p> <p># 1 0' 1' SHEETS</p>	NO.	DATE	BY	APP.	01	08.23.16			1	08/24/16		
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# Existing Street Pattern & Development



# Staff Conclusion

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- Based on the discussion, findings, and conclusions addressed in the staff report, the application is consistent with the applicable LDC review criteria for a waiver to the solar access standards per LDC 4.6.40.

# Staff Recommendation

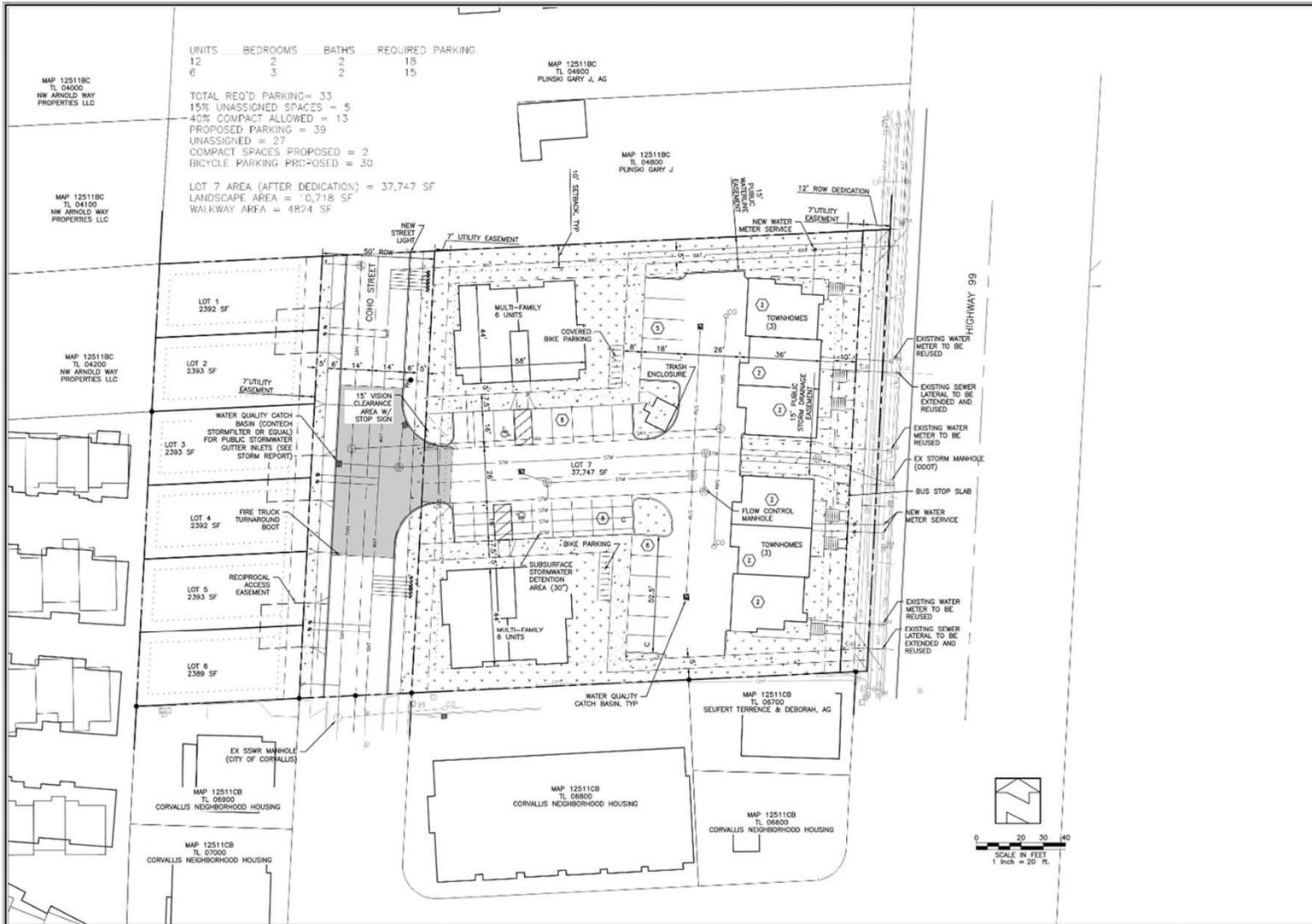
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- Page 6 of staff report
  - ▣ Solar Access Waiver: Approval

# Questions



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**LARRY HELLESTO**  
 33330 SE WELCH LN  
 CORVALLIS, OR 97333  
 541 753 1800

**ELLE'S ADDITION**  
**CORVALLIS, OREGON**  
**ATTACHMENT H1 - CONCEPTUAL DEVELOPMENT PLAN**  
 2450 - 2500 - SW 3RD STREET

  
 REGISTERED PROFESSIONAL ENGINEER  
 LARRY HELLESTO  
 NO. 101838  
 STATE OF OREGON  
 GENERAL: 6/30/2018

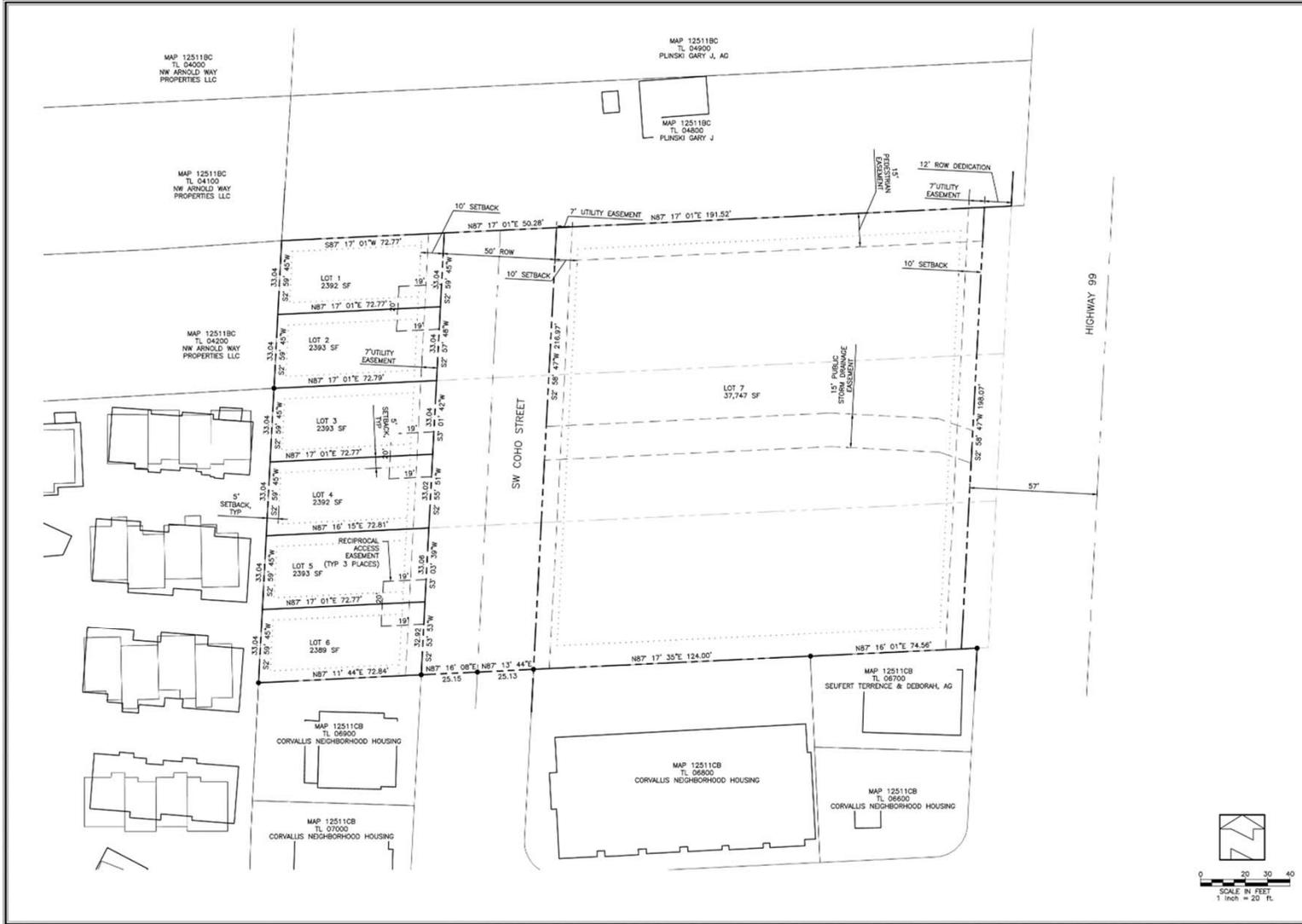
**MSS INC**  
 ENGINEERING CONSULTANTS  
 AND PLANNERS  
 215 NW 4th STREET  
 CORVALLIS, OR 97330  
 (541) 753-1300 FAX: (541) 753-0950



SHEET NO. 2 OF 2  
 DATE: 05.18.15

**H1**  
 # 1 OF 1 SHEETS

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LARRY HELLESTO  
 33750 SE MELODY LN  
 CORVALLIS, OR 97333  
 541.750.1887

**ELLE'S ADDITION  
 CORVALLIS, OREGON**  
 ATTACHMENT G - PROPOSED TENTATIVE SUBDIVISION PLAT

2460 - 2500 SW 3RD STREET

RENTSVAL 6/30/2018

**MSS INC**  
 ENGINEERING CONSULTANTS  
 AND PLANNERS  
 276 NW 45 STREET  
 CORVALLIS, OR 97330  
 (541) 753-1320 FAX (541) 753-0998

DATE	BY	CHKD	APPD
10/13/16	TL	TL	TL
11/18/16	TL	TL	TL
02.18.16	TL	TL	TL

SCALE IN FEET  
 1" = 20' FT

**G**

# 1 OF SHEETS

MAP 125118C  
 TL 04200  
 NW ARNOLD WAY  
 PROPERTIES LLC

MAP 125118C  
 TL 04100  
 NW ARNOLD WAY  
 PROPERTIES LLC

MAP 125118C  
 TL 04200  
 NW ARNOLD WAY  
 PROPERTIES LLC

MAP 125118C  
 TL 06600  
 CORVALLIS NEIGHBORHOOD HOUSING

MAP 125118C  
 TL 06600  
 CORVALLIS NEIGHBORHOOD HOUSING

MAP 125118C  
 TL 06600  
 CORVALLIS NEIGHBORHOOD HOUSING

MAP 125118C  
 TL 06700  
 SEUFERT TERENCE & DEBORAH, AG

MAP 125118C  
 TL 06600  
 CORVALLIS NEIGHBORHOOD HOUSING

