

**CITY OF CORVALLIS  
PLANNING COMMISSION AGENDA**

7pm, Wednesday, November 16, 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. Planning Commission Annual Report *(Summary of 11/8/2016 City Council Work Session Discussion)*
  
- III. Continued Review of the Land Development Code
  - a. LDC Chapter 2.0 – Public Hearings (Quasi-judicial proceedings – Section 2.0.50.07)
  
- IV. Minutes Review
  - a. October 5, 2016
  - b. October 19, 2016
  
- V. Old Business
  
- VI. New Business
  
- VII. 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. 21	Regular Meeting including OSU CPA formal findings	*Fire Station
CC, 6:30 pm	Dec. 5	Regular Meeting including adoption of Lawndale Annexation ordinance	*Fire Station
CC, 3:30 pm	Dec. 6	Work Session including HRC Annual Report	**MAMR
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 (only if necessary for public hearings)	*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  
 Claire Pate, Recorder

**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,

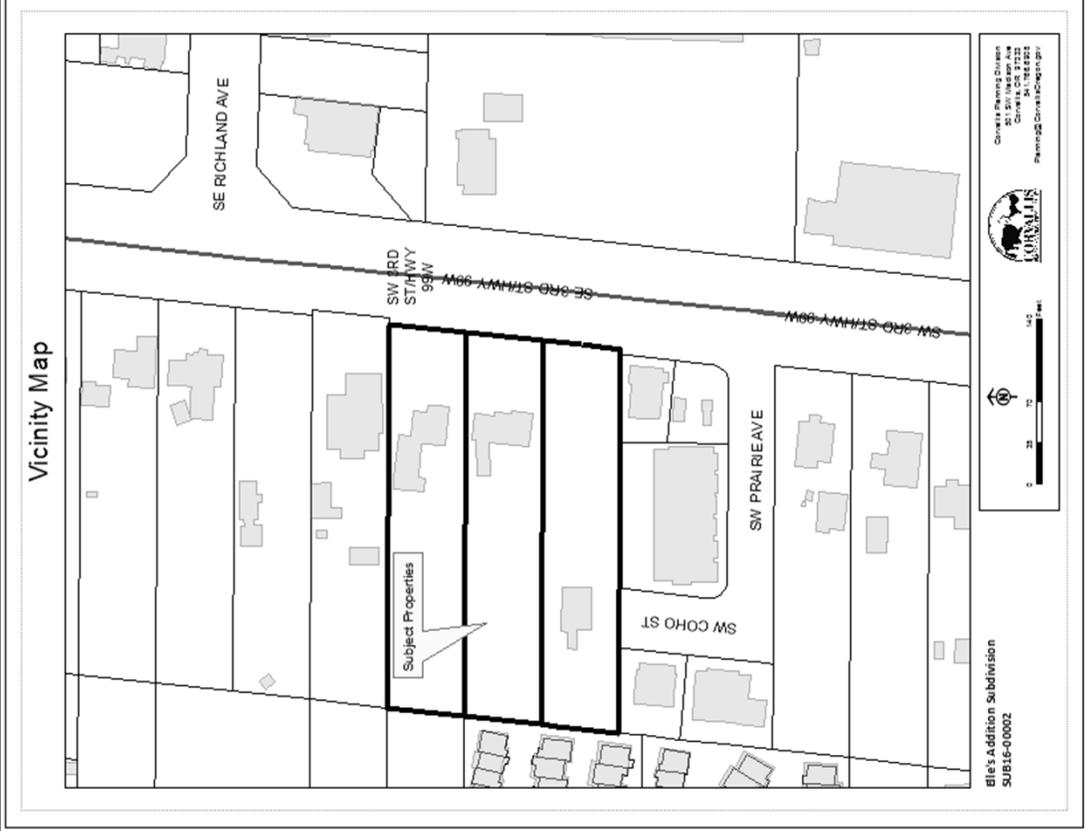
Larry Weymouth

/s/

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

**SUB16-00002**

# Vicinity





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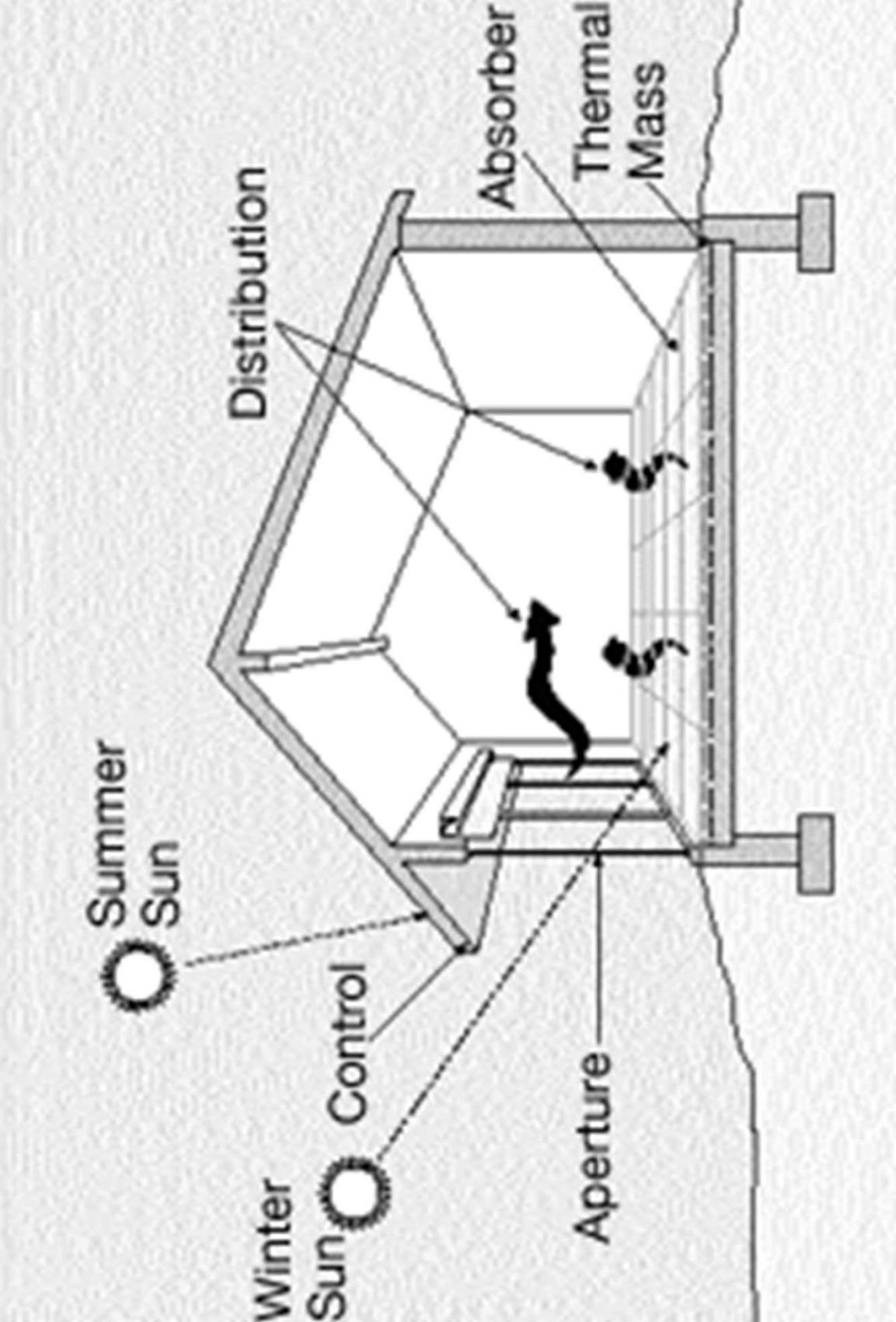
- Applicable Review Criteria:
  - Performance Standards
    - LDC 4.6.30
  - Reduction or Waiver of Standard in Subdivisions
    - LDC 4.6.40

# LDC 4.6.30 – Performance Standards

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**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.

<p>LARRY HELLESTRO 3230 SE BELLEVUE CORVALLIS, OREGON 97331 541.762.1822</p>	<p>ELLE'S ADDITION CORVALLIS, OREGON 2760-2500 SW 3RD ST J - SOLAR ACCESS PROTECTION PLAN</p>	<p>WILLAMETTE VALLEY PLANNING LLC 545 NW FLZAMTH DRIVE CORVALLIS, OR 97330 541-231-8111</p>	<p># 1 OF 1 SHEETS DATE: 11/15/15 SCALE: 1"=20' PROJECT: J</p>
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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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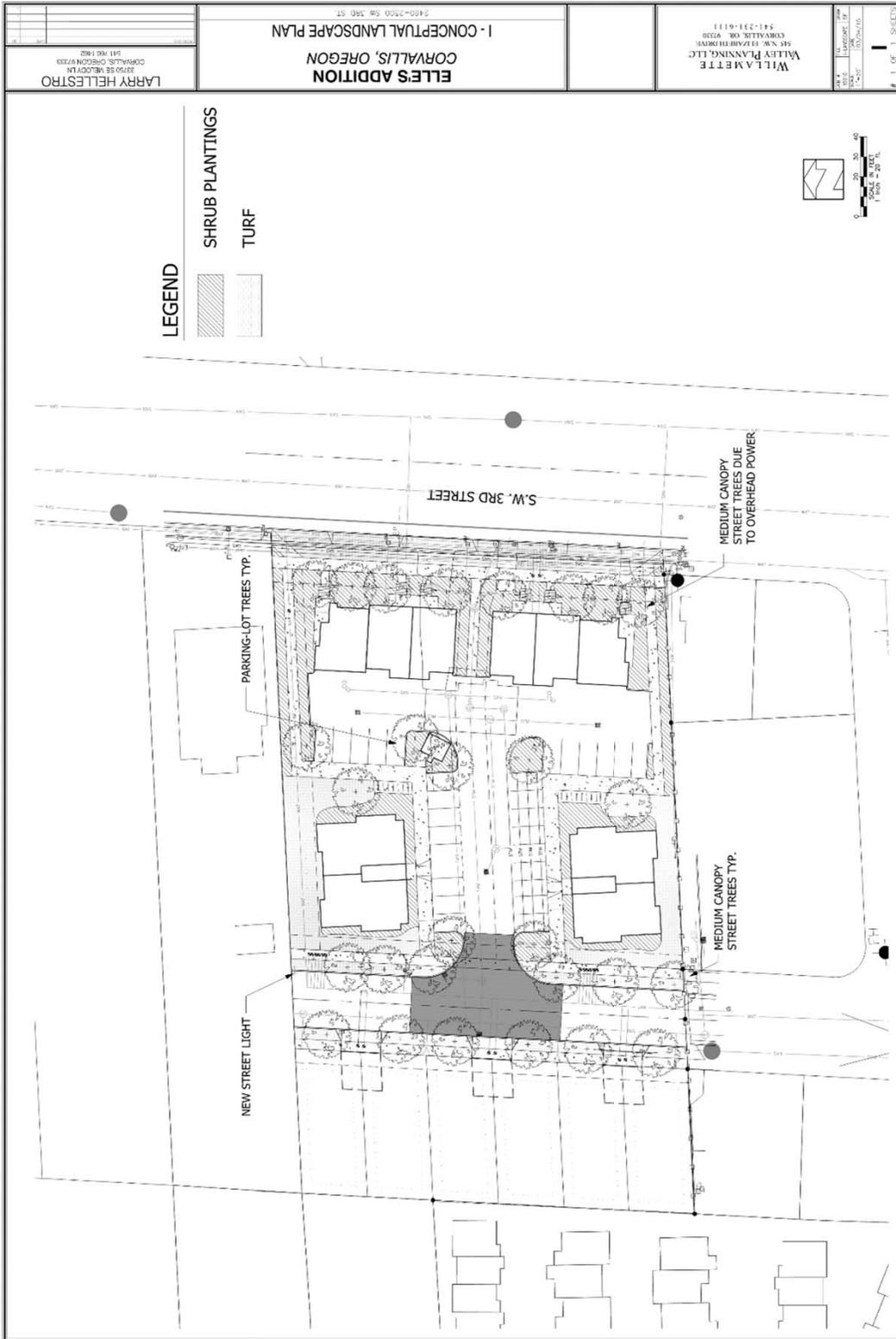
- Page 6 of staff report
- Solar Access Waiver: Approval

# Questions









**CITY OF CORVALLIS  
PLANNING COMMISSION DRAFT MINUTES  
October 19, 2016**

**Present**

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

**Staff**

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

**Absent**

Rob Welsh  
 Jim Ridlington

**Visitors**

**SUMMARY OF DISCUSSION**

	Agenda Item	Recommendations
	Call to Order	7pm
I.	Community Comments	None
II.	Deliberations – Elle’s Addition Subdivision (SUB16-00002)	Approved by 3-2 Vote
III.	Continued Review of LDC	
IV.	September 21, 2016 - Minutes Review	Approved as drafted
V.	Adjournment	9:15pm
	Next Meeting	November 2, 2016 @ 7pm

Attachments to the October 19, 2016 minutes:

- A. Applicant’s Final Written Arguments for Elle’s Addition.

**I. COMMUNITY COMMENTS: none**

**II. DELIBERATIONS – ELLE’S ADDITION SUBDIVISION (SUB16-00002)**

Chair Woodside opened deliberations on SUB16-00002.

**Declarations:** No new declarations.

**Staff Summary:**

Harris stated that the public hearing for the application had been closed on October 5, 2016, and the record was held open. No additional comments were received as of 5pm, October 12, 2016. The applicant has submitted additional testimony dated October 17, 2016, extra copies of which are made available at the back of the room (**Attachment A**). Staff will answer any additional questions that commissioners might have.

**Questions of Staff/Deliberations:**

Price referred to the applicant’s additional written testimony and the suggestion for adding a condition of approval related to installing chases for future rooftop solar systems. He asked if it was appropriate to include conditions of approval for a waiver or reduction to code standards. Coulombe said that if commissioners find that a waiver criterion is unsatisfied but would be satisfied with a proposed condition it could be included.

Morré asked if other applications in the past had asked for a waiver from the solar access standards. Yaich stated that the Sylvia subdivision application had included a waiver request, which was granted. Cole’s Crossing subdivision also was granted a solar access waiver. Coulombe noted that these were waivers in the context of a planned development so compensating benefits were a part of those considerations. To his knowledge, this is the first solar access standards variance request for this type of review.

Jensen asked what the development’s net area and range of units allowed were, and staff stated that it was 1.20 acres, with a minimum of 14 units and a maximum of 30 units.

Morré said she was concerned about applicant’s statement that the reason for the request was to accommodate a plan that would max out the total buildable area, and that there were alternative designs that might not require the waiver. This fact, and the fact that this would set a precedent, gave her pause especially with the focus that the City has on reducing energy consumption as a balance to density. Building every site out to its maximum potential to achieve goals of density and profit should not come at the expense of other important parts of the code that are looking to a future of what we want Corvallis to be.

Jensen said he did not see that the applicant had attempted to come up with a development plan that might have between 14 and 24 units which might meet solar access standards. Woods said that the applicant had discussed other options during the hearing, one of which was to have three larger lots with larger homes, instead of the six small lots on the west side. The applicant indicated that having the smaller lots would provide a type of house that the market wants, i.e. smaller starter homes that are affordable. The problem is that with the street’s north-south orientation, the houses cast a shadow on each other. The written testimony just received also refers to another designer who had had a plan to keep it as one parcel and construct townhomes or apartments on the west side which would then not be subject to solar access standards.

In response to comments from Morré referring to Land Development Code (LDC) Section 4.2.20, Woodside clarified that Section 4.6.40 was the appropriate citation in this case. Morré went on to say it was her opinion that none of the conditions in Section 4.6.40 necessarily applied. Woods

referred to Section 4.6.40.c and suggested that because Coho Street was required to go “to and through” on a north/south orientation to allow for additional development to the north, and because ODOT does not want additional access points along SW 3<sup>rd</sup> Street, this section seemed to apply. Morr  again stated that the applicant was requesting the waiver because they were maximizing the potential buildout on the lot. She believed that Section 4.6.40.c would only apply if there were no other design options.

Price opined that even if the developer reduced the number of lots on the west side of Coho from six to three, they would then be able to build houses of a size that might preclude solar access in any case. In response to a question from Morr , Harris stated that if the waiver is not granted, the developer has stated that they would pull the subdivision application and go straight to building permit for the lot. He agreed with Price that the applicant could meet the subdivision solar access standard by creating three large lots, but that at time of building permit they would no longer have to meet the standard.

Jensen asked what obligation he has to grant a waiver if he has not seen a plan come forward with a minimum number of lots which may very well meet the solar standard, and whether an applicant’s bottom line in terms of meeting numbers should be of concern to commissioners.

Hann addressed a concern about setting precedence, and shared his opinion that each case stands alone and does not really set a precedent for other cases. Coulombe said that precedent is a legal term that refers to a body’s decision and their requirement to follow it. Courts follow the precedent of other courts. The Planning Commission might informally develop its own body of law with respect to how it views cases, but it is not really precedent. The precedent that the Planning Commission would follow would be set by City Council, in terms of their interpretation of code provisions, etc.

Coulombe went on to address the preference for higher density versus moderate or lower density, and how the code weighs in on it. The criterion under question is not asking commissioners to do any balancing or to seek compensating benefits, as would be applied with a Planned Development application. Commissioners simply need to determine whether the applicant’s request for the waiver or reduction in solar access standards meets one of the criterion in Section 4.6.40. Any reference by the applicant to previous cases in which a waiver to solar access standards had been granted is simply part of their attempt to make a persuasive argument for commissioners to approve the application, and those other cases should not be viewed as setting a precedent for this case.

Price said that after reading through the code and the staff report, his opinion is that the City’s Transportation Plan and ODOT requirements for SW 3<sup>rd</sup> Street limit options and therefore the application meets the criterion set out in Section 4.6.40.c. He does not believe that commissioners should look at the “what ifs” but should instead view this proposal and determine whether it meets the code criteria.

Morr  reasserted her belief that it was not mandatory for the applicant to have the waiver in order to develop the site, and she did not believe that it was necessary for the commissioners to help them maximize their profit by granting unnecessary waivers.

Woods believed that there was adequate reasoning in the application and staff report to grant a waiver in accordance with Section 4.6.40.c. The code recognizes that energy from the sun is an important asset. However, the Commission is given authority to waive parts of the code when it can be determined that it would be a better outcome. From a broader energy perspective, a recent

study showed traffic patterns in and out of Corvallis with 18,000 people driving into the city each day for work. Part of the problem is the housing shortage in town, especially for first-time buyer entry-level homes. If more lots and homes like those proposed in the application were made available, there would be less driving required. It is important to consider the whole system in terms of energy benefit, though solar access is an important factor. The facts that the street and access configuration limit options for the developer and that this type of housing is needed lead him towards granting the waiver. The fact that they have indicated a willingness to build chases so that solar energy can be harvested off the roof is also commendable.

**MOTION:** Price **moved** to approve the proposed solar access waiver request (SUB16-00002) for Elle's Addition Subdivision, as described in Attachment A of the October 5, 2016 Staff Report. The motion is based upon the staff recommendation to the Planning Commission, and on the Planning Commission's deliberations, as reflected in the October 5 and October 19, 2016, Planning Commission minutes. The motion was **seconded** by Woods.

Morré said she wanted to respond to Woods' comments. She agreed it was important to look at the big picture but she felt that the reasons for living elsewhere are multi-faceted and not just because what is being built now is either higher-end housing or student housing. It is a complicated issue. The commissioners do not have the authority to control who is building what on individual lots. However, she finds applications like this disturbing in that it is working against some of what the community has said is important for community form and character. She believes there are other ways to meet affordable housing needs on other parcels around town. She cannot support projects coming forward seeking maximum profits and asking for a waiver.

Boeder asked staff what the process and the outcome would be if the applicant withdrew the application and proposed to build six townhomes instead. Yaich said that there were infinite scenarios for development on the property, but the general options are to go through a land use process to subdivide, which is what they are trying to do; otherwise they would go through a straight building permit process. In either case, the street connection would be required to run north/south which physically divides the property. At that point they could build any of the building types listed for the RS-12 zone within the prescribed density range, including town homes on a single lot. The applicant has chosen to go through the subdivision process in order to provide single-family dwelling lots which provide some variety of housing units.

Hann added that staff has presented a report for Commission consideration, with a recommendation based on their interpretation of the Land Development Code and its applicable provisions. It is fine to disagree with them, based on one's own interpretation. However, profit is so subjective and it is hard to project on a specific site what development costs will be and whether there will be a lot of profit or just a little profit. It is really not a part of commissioners' consideration, and should not be part of the discussion.

Woods said he liked having the variety of housing types. A waiver could be accompanied with a statement that the Commission values the existing solar standards, along with valuing a diversity of housing, including economic diversity. Without the ability to have some subjectivity to interpret the solar access standards within the bigger picture, there is the possibility that it will backfire and will give us housing types that are not as optimal for meeting our other community goals.

Price agreed with staff's points that both the City and ODOT transportation system requirements make the waiver a necessary request for this proposal. He does not believe that they can impose a condition of approval for installing the chases, though he hopes they will install them in the units.

He also likes the diversity of housing types which help to meet some of the City's other goals. He believes they have satisfied the criterion in Section 4.6.40.c and he supports staff's findings.

Jensen stated that he reread Section 4.6.40.c, and it is his understanding that if the applicant chose to simply put in townhomes they would not be required to meet solar access if they were not subdividing. It would be up to the developer to make that decision. However, he does not believe it is the required location of the streets that is leading to the waiver request, but rather the desire for densification.

Woods said he would prefer not to vilify densification, in that the code also speaks to the importance of compact urban form. Meeting all the passive solar standards is well and good, but if it is at the expense of not providing enough single family dwellings within a compact form the result will be urban sprawl. There will be even more energy expended because of the sprawl.

Woodside asked commissioners to continue the discussion if they had any points that had not been brought out, but to limit repetitive points.

Morré said she was looking at the original plat of three narrow lots, each with an access off SW 3<sup>rd</sup> Street. She agreed that limiting access points to one and extending Coho Street to serve the site made sense, but she felt there could be alternatives to routing the street, perhaps by curving it, which might provide more solar access. Harris said that there might be other orientations, but Public Works staff has said that this is the most logical and were not enthusiastic about curving the roadway.

Price added that if ODOT was not requiring the removal of curb cuts and the developer was able to build east/west oriented streets through the property, it would have met all the standards and the developer would not have had to come before Planning Commission. Along with the Corvallis Transportation Plan requiring "to and through" and having Coho Street serve the property to the north as well, he believes these requirements limit development options and that the criterion in Section 4.6.40.c has been met.

Morré shared her last points. There were originally three single-family dwellings on three lots, and there will inevitably be increased density by redevelopment. Additionally, there are several other housing developments to the north that will be impacted if Public Works staff holds to a requirement that Coho Street be on a straight north/south orientation.

#### Vote on the Motion:

The motion to approve the solar access waiver request was **approved** 3-2, with Morré and Jensen voting in opposition.

Woodside said that any participant not satisfied with the decision made can appeal to City Council within twelve days of the date a written decision is signed.

Hann complimented the commissioners on having a good and thorough discussion of the issues.

#### **CONTINUED REVIEW OF LAND DEVELOPMENT CODE**

Woodside moderated a brief discussion about whether to review the definitions in Chapter 1.6 as one entity, or review the definitions as they showed up in the various chapters of the Code, since the definitions might be better understood when considered in context. It was agreed to discuss

upfront the definitions that had already been specifically identified by commissioners for additional discussion, and to add any words needing definition that are not defined to the “unresolved planning issues” list.

Coulombe issued explanatory as well as cautionary statements about definitions. If one is attempting to interpret language, it is plain language in context with its apparent purpose. It is difficult to do that in the abstract looking at just a definition statement, and he thought it appropriate to review language and definitions within their contextual location or locations. Words that are not specifically defined in the Code have common meaning or meanings, as defined in the dictionary. He cautioned against deciding all words have to be defined within the Code, which unwittingly might give a word a narrower construct than is appropriate for uses in other parts of the Code. One should decide whether it is a “term of art” needing specific definition or whether a common dictionary meaning can be used.

Boeder, on the other hand, suggested that sometimes it is preferable to have a narrow definition that can be applied as a legislative tool to sway development a certain way. This then leaves little to interpretation.

Woodside asked Yaich to review the definitions that have been specifically identified by commissioners for review, and to go over which items have been added to the “unresolved planning issues” list. The following summarizes the discussion:

Words not defined in the Land Development Code and added to the “Unresolved Planning Issues” list for consideration:

- a. Sites
- b. View shed (defined in Comprehensive Plan (CP))
- c. Contains – (which has different uses throughout the code)
- d. Compatible (defined in CP)
- e. Neighborhood compatibility
- f. Comprehensive neighborhood (defined in CP)
- g. Mitigation
- h. May (referred to in Section 1.6.g)
- i. Climate Action Plan definitions (i.e. sustainable; sustainability; ecosystem; carbon footprint; net zero; transportation demand management)
- j. Setback (defined in the CP)
- k. Tract (*As noted in discussion below.*) \
- l. Tiny houses (*As noted in discussion below.*) \

List of terms/definitions identified for additional discussion

Discussion ensued on the various terms/definitions brought up by commissioners. The list of items and highlights of discussion points are as outlined below:

- a. Accessory Uses, Accessory Structures, and Accessory Dwelling Units – these are defined separately. Accessory structures are regulated by the development standards in Chapter 4.3, whereas Accessory Dwelling Units are covered under Chapter 4.9.
- b. Lots and Parcels – These are defined, with part of the definition coming out of Oregon Revised Statute (ORS) regulations related to land divisions. A lot, by definition, is a unit of land that is established through a subdivision plat. A parcel is a unit of land established

through a partition plat. Partitions are three or fewer units of land, and subdivisions are four or more units of land. Also reference Section 1.6.20.g which refers to interchangeability of the terms at times.

- c. Land, parcel of – this has a separate definition and is an established unit of land, and includes “lots of record.”
- d. Tract – It is defined in the Code as part of the subdivision process. It generally refers to open space, protected natural features or drainage areas that are held in common by homeowners’ associations. In response to questions raised by Boeder, it was agreed that there might be a need for more clarity in the definition since the State would consider a tract a lot or parcel in contradiction to the definition.
- e. Housing types and Building types – Building types are used most often when looking at the residential zones. Each zone provides a list of allowable building types, such as single-family detached, single-family attached, duplex or triplex etc. Housing types gets into the housing variety standards under Chapter 4.9. For subdivisions that exceed certain acreages there are standards relating to providing a variety of housing types. There was a discussion about the definition for Building Types in Chapter 1.6 and the meaning of Section c under that definition which spells out terms that are not considered building types for purposes of the Code but fall under housing types.

In response to a question from Morr  related to “tiny houses,” Yaich said there was no restriction in the LDC specific to them. The housing variety standards actually encourage smaller square footage single-family homes. The only restriction related to the square footages would be in the manufactured dwelling standards. There was consensus that Tiny Houses should be added to the “Unresolved Planning Issues” list since it was one of the recommendations of the Housing Development Task Force that would be coming to Planning Commission at some point in the future.

- f. Setback – Woods said that the definition in Chapter 1.6 seems straight forward, but LUBA’s interpretation with the Coronado case did not seem to jibe with this. There was a discussion about that case, and Coulombe said it had more to do with the ambiguity of Condition 12 as opposed to any issue with the setback definition. There was additional discussion about the Coronado case and how the process and condition could have been crafted better.

In response to a question from Morr , Coulombe said that some conditions can specify that criteria are required to be met through a deed restriction. However, there is no authority to require that all conditions be placed on the deed. There would be a lot of resistance to this. There is statutory language now that land use restrictions need to be checked by the buyer through the titling process.

Woodside suggested they stop the discussion at this juncture, and start the next Land Development Code training session with a discussion of density, and then Chapter 2.0.50 relating to Quasi-Judicial Hearings.

### **III. SEPTEMBER 21, 2016 - MINUTES REVIEW:**

The September 21, 2016, minutes were unanimously approved as drafted.

**IV. OLD BUSINESS**

Price said he had attended the City Council public hearing related to the OSU Comprehensive Plan amendments and a couple of people were very complimentary about the Planning Commission's work on this task.

**V. NEW BUSINESS**

Yaich announced that a new code compliance officer had been hired, and his name was Todd Easton.

Price gave a short report on the Housing and Community Development Advisory Board's last meeting, with Community Development Block Grant awards given out in the amount of \$500,000. Their recommendation goes to the City Council for approval.

**VI. ADJOURNMENT**

The meeting was adjourned at 9:15pm.

# WILLAMETTE VALLEY PLANNING LLC

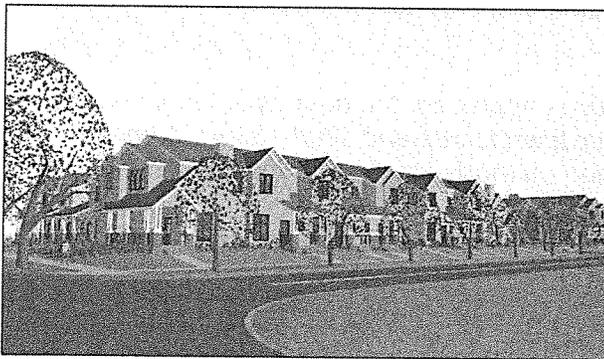
October 17, 2016

Corvallis Planning Commission  
c/o Aaron Harris  
501 SW Madison Avenue  
Corvallis, Oregon 97333

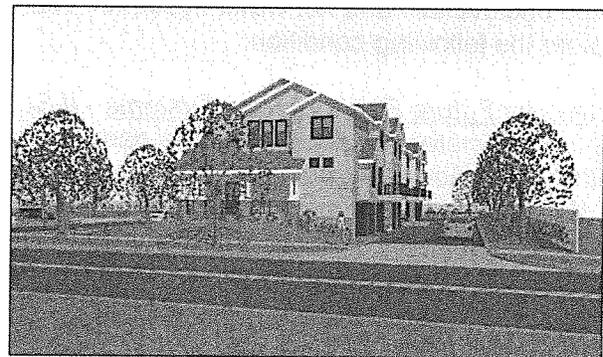
**RE: Applicant's Additional Written Testimony Regarding Solar Access Waiver  
Elle's Addition Subdivision (SUB16-00002)**

Dear Planning Commission Members:

During the public hearing, Commissioner's expressed concern about the appearance of the townhomes and single family units that might ultimately be constructed within the subdivision. The townhome design is based on another project currently under construction at the corner of SW 3<sup>rd</sup> Street and Goodnight Avenue, known at the Goodnight Townhomes. The images below provide a front, side and rear elevation of these units.

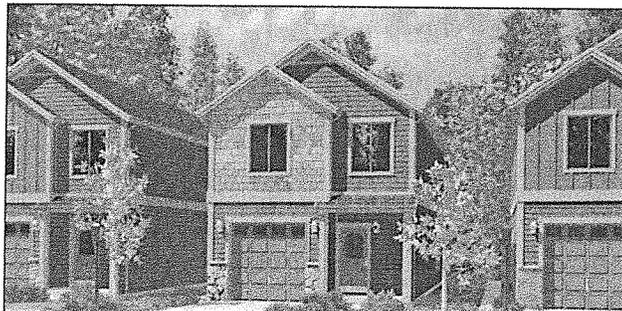


**Townhome - Front Elevation**



**Townhome - Side and Rear Elevation**

The single family dwellings will be modest 2 and 3 bedroom homes with a single car garage that would allow an additional car to park in the driveway. We are proposing to combine the driveways to accommodate the necessary street trees and on-street parking. The image below provides a front elevation of these units.



**Single Family Homes - Front Elevation**

The Commission asked if other site plan layouts were considered that might better address the solar access requirements. Prior to my involvement, another planning consultant developed several other plans that maximized the density, however both options had townhomes running in a north/south orientation. The only difference is that one of the plans included townhomes west of Coho Street. Under that design a subdivision wasn't required and was also not subject to the solar access requirements. The developer still has the option to construct 6 townhomes west of Coho Street on one parcel, thereby avoiding any solar access requirements for the entire project. Please recognize that land zoned RS-12 (Medium High Density Residential) typically isn't subdivided into small single-family lots, but developed as apartments or townhomes on a single parcel.

As I've mentioned before, the developers have a desire to construct modest entry level housing in South Corvallis. To achieve this in an affordable manner, they need to create small lots. If they are unable to develop these, then they will likely withdraw their subdivision application and construct 6 townhomes instead.

If you look closely at the Solar Access Protection Plan you will see that both apartment buildings comply with the solar access provisions. The 6 townhomes along SW 3<sup>rd</sup> Street are non-compliant as are 5 of the 6 single-family homes. Therefore the majority of the units (13 out of 24) will be solar compliant. However, since the solar access criteria only addresses lot compliance and not unit compliance, staff must calculate compliance of each lot and not each unit.

To mitigate the reduction in solar compliant lots, the applicant is willing to install a 12-inch diameter chase between the garage and attic of all townhomes and single-family homes to allow for future rooftop photovoltaic and hot water systems. We would recommend the Planning Commission consider the following condition:

*Chase for Future Rooftop Solar Systems - If SUB16-00002 is approved, the developer shall install a 12-inch diameter chase between the garage and attic of all townhomes and single-family homes within Elle's Addition Subdivision. Materials and installation methods for chases shall be included in plans submitted for building permits.*

We'd like to note that the code allows for both a solar access reduction and a waiver. We requested a waiver, but since one of the lots is compliant, it is actually a reduction to the standards instead of a waiver for all lots.

The City recently hired EcoNorthwest to prepare a Housing Needs Analysis and Economic Opportunities Analysis. This is similar to the analysis they did in 1998 for the City's Buildable Lands Inventory. On page 5-10 of the June 2016 Draft Report under "Conclusions about Housing Need" they conclude that "Corvallis needs additional smaller units and more diverse housing types. Demographic trends suggest that there will be an increase in demand for more affordable housing, such as smaller houses and lots sizes for single-family housing".

In closing, we hope the Planning Commission recognizes the importance of providing modest entry level housing in South Corvallis and that the addition of interior chases for rooftop solar systems mitigates the loss of passive solar options for the non-compliant structures.

We appreciate your thoughtful consideration on this matter.

Sincerely,

*David Dodson*

David j. Dodson, AICP