

**APPROVED MINUTES**  
**CANBY PLANNING COMMISSION**

6:00 PM – June 27, 2022

City Council Chambers – Virtual Meeting via Zoom

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**PRESENT** – Commissioners Jason Padden (Chair), Michael Hutchinson (Vice Chair), Chris Calkins, Judi Jarosh, Dan Ewert, and Mathew Ellison

**ABSENT** – None

**STAFF** – Don Hardy, Planning Director, Ryan Potter, AICP, Senior Planner, and Laney Fouse Lawrence, Recording Secretary

**OTHERS** – None

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## **1. CALL TO ORDER**

- a. Pledge of Allegiance

**The meeting was called to order at 6:00 PM.**

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## **PLANNING COMMISSION WORK SESSION**

The Planning Commission met in a Work Session to discuss:

- Residential Fence Standards – Ryan Potter, Senior Planner

Potter opened the work session explaining the reasons why there is a need for discussion regarding fencing standards. The City has been experiencing substantial residential growth, with a large number of new homes being constructed. Some developers and builder have simply chosen to not abide by the fencing code, putting their homeowners in a tough position. Residential development can have 6' tall fences and 3.5' tall fences within the front and secondary street frontage setbacks. Intersection corners are limited to a 2.5' tall fence for vision clearance reasons. Older residential fences have been "grandfathered in". A graphic was presented showcasing the fencing setbacks for front and secondary frontages, and corner lots. Examples of code-complaint fences were shown, focusing on side yard step-ups/downs and corner lot conditions. Different options were shown for how to avoid stepping down to a 3.5' tall fence, including the use of vegetation.

Potter introduced four design principles and explained why they inform the City's existing fence code provisions. He discussed the fortress effect, visibility/sight lines, "eyes on the street," and speed accountability. Certain factors are contributing to the fencing issues such as builders not complying with the code and an increase in small lots which only exacerbates the issue. Examples of non-compliant fences were shown as well as renderings of options that would have been allowed as an alternative to the non-complying fence. Pros and cons of both shorter

and taller fences were discussed, and Potter asked the Commission for guidance on regulations and standards moving forward.

Director Hardy stated the City is only responsible for inspecting temporary and final occupancy and conditions of approval for commercial and industrial projects. Occupancy of single-family residential homes is solely the responsibility of the County and their building department review. The County is less inclined to review fencing unless it is over 7' in height, which then requires a building permit. Staff have noticed more non-conformity within newer developments and these houses are being sold to individuals who don't realize that their new home is already in violation of the code.

Commissioner Ellison stated there should be some discussion regarding the side yard setback for corner lots. Commissioner Calkins agreed with Ellison's statement saying the restrictions on fencing height and setbacks should be discussed especially as the city becomes more populated and residentially dense. He also mentioned he doesn't see the point in allowing homeowners to use greenery as additional privacy. Installing vegetation or greenery for additional privacy still disrupts vision clearance. He believes that having complaint-based enforcement creates inequity throughout the city.

Commissioner Hutchinson recommended creating visibility standards for all intersections no matter what the obstruction may be. He also suggested that citizens should come before the Commission and defend their point of view on fencing and give reason for the decisions that they make.

Commissioner Ewert brought up arbor fencing and the safety concerns that this type of fencing can cause. He mentioned that the code needs to be followed and that there should be no occupancy permit given until the fencing complies. Ewert suggested that the issues of fencing have become more apparent as lot sizes have become smaller.

Commissioner Ellison suggested getting the newer subdivision HOA's (homeowners associations) involved in helping enforce the fencing standards. Director Hardy stated that the City and HOAs have absolutely no correlation as far as enforcement. Commissioner Ewert suggested giving the responsibility to the HOA and letting them try and resolve the non-compliance. If the fencing standard is not met, then the citation should go to the HOA.

Director Hardy warned the Commission that the Council would need to get involved on a policy level and that many of the discussed approaches would represent significant undertakings. He mentioned increased staff time and that no other jurisdiction has done that.

Commissioner Padden mentioned looking at the fencing standards that border walking trails, alleys, parks, and commercial properties, etc. He believes that if shrubbery and other materials are used to aid a fence then those materials should be considered the fence and follow the standard. In the event that a citizen wants to build a fence that is outside of the standards, they should be allowed to submit a conditional use permit, with the approval of their neighbors, to the City for review. Many of these conditional use permits would mostly involve uneven grading

between properties. He suggested looking at how other municipalities, similar to Canby, have structured their fencing code.

Commissioner Hutchinson and Jarosh both urged the need to create a definition for fencing and what materials are accepted to use for fencing. Commissioner Ewert brought up the fencing issues that may arise when the street improvements within the older residential areas take place. Commissioner Calkins suggested Council evaluate whether or not to replace the City's current complaint-based approach to code enforcement.

Commissioner Padden brought up how he would like to see an increase in the walkability within the older downtown and residential areas. He pitched using the city's gas tax money to update the ADA accessibility of intersections. He mentioned also wanting to create a sidewalk grant fund for citizens to apply for when the time comes to install or improve their sidewalk.

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## **2. PLANNING DIRECTOR UPDATE**

- a. Next Planning Commission meeting is Monday, July 11, 2022, at 6:00 pm.

An update about the open-air seating issue will be discussed by the City Council to determine near-term and long-term programs. The discussion will focus on outdoor seating options within both rights-of-way, public sidewalk, as well as within private parking lots.

On July 25<sup>th</sup>, there will be a hearing regarding an industrial development application. On August 8<sup>th</sup>, the historic resources code will likely come forward for approval. There are some larger warehouse projects that will mostly likely be heard on August 8<sup>th</sup> and 22<sup>nd</sup>. The housing advisory committee will have their second meeting on June 28<sup>th</sup> at 6:00 pm to discuss buildable lands for residential development and employment. On July 14<sup>th</sup>, there will be an open house to discuss both housing and economic opportunity analysis at 6:30 PM.

## **3. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION**

Commissioner Padden mentioned if anyone would like to apply to be a part of the Planning Commission they could still apply. He reminded the Commission of the new stipulations for applicant speaking time which has changed from 5 minutes to a maximum of three.

## **4. ADJOURNMENT**

**The meeting adjourned at 7:52 PM.**