



City of Canby

SUPPLEMENTAL MEMORANDUM

DATE: January 19, 2024

TO: Planning Commission
Parties of Record

FROM: Brianna Addotta, AICP – Associate Planner

RE: DR 23-06, PLA 23-05 Tievoli Commons Public Comment

A staff report and recommendation to the Planning Commission regarding application DR 23-06 and PLA 23-05 (Tievoli Commons) was published on January 12, 2024. It has come to the attention of Planning Staff that correspondence from a public commenter, received prior to release of the staff report for Tievoli Commons, was erroneously omitted from the Planning Commission packet. The public comment is attached to this memo and is now being circulated to the Planning Commission for your review. This memo serves as a supplement to the original staff report dated January 12, 2024, and no changes to analysis in the original staff report are necessary. Staff would however like to provide the following response to the public comment:

In 1991, Ordinance 866 established Solar Access Requirements under Division IX. of Chapter 16 of the Canby Municipal Code (CMC). Division IX contained solar access standards for new development. These standards were in place and applied to development review until February of 2013. Ordinance 1369 was approved and adopted by City Council. Ordinance 1369 removed the entirety of Division IX. from Chapter 16 of the CMC. At that time, Text Amendment Staff Report TA 12-02 stated, *"This text amendment proposed numerous edits, including... Omitting outdated solar access/balance standards; new technology has rendered solar layout standards obsolete. In addition, staff has found that these standards are impractical, encourage inefficient use of land, and that administering these standards is cumbersome and counterproductive."* Current Development Services staff therefore have no standards pertaining to solar access to apply to new development and have no basis to further restrict the height of new buildings beyond the height regulations of the zone or as supported elsewhere in the CMC.

Sincerely,

Brianna Addotta, AICP – Associate Planner

Attn: Canby Planning Commission

File# DR 23-06/PLA 23-05

Subject: Urgent Concerns Regarding Overshadowing in Upcoming Development





I am writing to express my significant concern about the pending development at 486 S Knott, 360 SE Township, and the adjacent vacant lot, the resulting “overshadowing” — the limiting of access to sunlight, daylight, and solar gains for both internal and external spaces.

My residence, situated at the rear of our property at 492 S Knott St, faces the imminent reality of severely diminished sunlight. A fundamental question is: Do residents have a right to sunlight?

The short answer is YES - Many countries now recognize the need to legally protect their citizens in this way. A Japanese court stated “Sunshine is essential to a comfortable life, and therefore a citizen's right to enjoy sunshine at his home should be duly protected by the law,”.

Overshadowing is not only a local concern but a global issue. Consider an issue that New York City leaders are working to overcome. Existing structures and new have combined to create “canyons”. That is, areas that are consistently dark, as the bottom of a canyon would be. These areas have become a plague to the city.

The proposed new buildings will replicate this growing urban phenomenon here in Canby. Utilizing SunCalc.org, which considers building height, Earth's and the sun's orbit dynamics, the shadows from the proposed development structures— which I understand to be 26.5 ft (8.1m) high— will **at 12 noon extend over 63 ft** (19.5 m) during low-sun winter months. The median shadow length cast at 12 noon will be approximately 50 feet creating a constantly shadowed area.

Computation path of the sun for:	Computation path of the sun for:
360 SE Township Rd, Canby, Oregon, 97013	360 SE Township Rd, Canby, Oregon, 97013
01.Dec.2023 12:00 UTC-8  	28.Feb.2023 12:00 UTC-8  
Solar data for the selected location	Solar data for the selected location
Dawn: 06:56:13	Dawn: 06:21:06
Sunrise: 07:29:07	Sunrise: 06:50:22
Culmination: 11:59:47	Culmination: 12:23:14
Sunset: 16:30:09	Sunset: 17:56:49
Dusk: 17:03:03	Dusk: 18:26:08
Daylight duration: 9h1m2s	Daylight duration: 11h6m27s
Distance [km]: 147,513,723	Distance [km]: 148,195,421
Altitude: 22.92°	Altitude: 36.67°
Azimuth: 180.05°	Azimuth: 172.82°
Shadow length [m]: 19.15	Shadow length [m]: 10.88
at an object level [m]: <input type="text" value="8.1"/>	at an object level [m]: <input type="text" value="8.1"/>

Sunlight is not only crucial for mental and physical health but also plays a vital role in maintaining a clean environment. As Science Daily reports, sunlight activates titanium dioxide molecules, triggering a reaction that destroys bacteria, algae, and fungi.

In light of these concerns, I propose the following actions:

- 1) Limit Building #6 and #7 to single-story dwellings: Restricting the height of specific buildings will mitigate overshadowing issues. See attached for building locations
- 2) Consider limiting other proposed buildings: Avoiding excessive shading and maintaining harmony with existing single-level properties.
- 3) Remove barriers and waive penalties: Waive city/county penalties and barriers that may be incurred as a result of fewer units being built in that residential zone, providing flexibility to address overshadowing concerns.

Supporting this proposal are insights from the [Essex design guide](#), which from its inception has gained both national and international recognition Today the Guide is still regarded as required reading for those responsible for designing new communities. Additionally, I am sharing links to relevant articles including ["In the Shadow of Rising Towers, Laments of Lost Sunlight in New York"](#) and ["Japanese Courts Back Right to Sunshine"](#) both from The New York Times as well as ["Cleaning with Sunlight"](#) from Science Daily.

I urge you to consider these concerns seriously and take necessary actions to prevent the adverse effects of overshadowing on our community.

Thank you for your attention to this matter.

Sincerely,

Monica Olvera

