

ORDINANCE NO. 669

AN ORDINANCE AMENDING ORDINANCE NO. 443, AS AMENDED, PROVIDING A PROCEDURE FOR THE REVIEW OF CONDOMINIUM PROPOSALS, AMENDING THE REQUIREMENTS FOR PLANNED UNIT DEVELOPMENTS, MODIFYING THE ACCESS REQUIREMENTS, ESTABLISHING A FEE SCHEDULE FOR VARIOUS APPLICATIONS AND DECLARING AN EMERGENCY.

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1: Section 29-1 of Ordinance No. 443, commonly referred to as the "Subdivision Ordinance", is hereby amended to provide as follows:

Section 29-1: PLANNED UNIT SUBDIVISION

WHEREAS, the zoning map of the City of Canby establishes only zone boundaries, and the City Zoning Ordinance No. 659, as amended, establishes the permitted use of land in the various zones and the conditions applicable to such use, and all of the provisions, conditions and requirements set forth in said Zoning Ordinance are in general designed to apply to individual lots and minimum area parcels, it is therefore the purpose of a planned unit development, as the term is employed in this Ordinance, of permitting the development of land in a manner which would be as good as or better than, that resulting from the traditional lot by lot development while substantially maintaining the same population density and area coverage permitted in the zone in which the project is located. A planned unit development will also permit flexibility in design, placement of buildings, use of open spaces, circulation facilities, off-street parking areas and the best utilization of site potentials characterized by special features of geography, topography, size or shape. The use of this method of dividing land superimposes

the regulations of this Section of the Ordinance on other portions of the Ordinance without changing the fundamental intent of the minimum requirements and the literal interpretation of those requirements as stated in Sections 25, 26, 27, 28, 29 and 30 of Ordinance No. 443.

Any condominium development project, whether the construction of new units or the conversion of existing rental units, must meet all of the requirements of this section, with the exception of new construction of six (6) or fewer units to which the regulations of Section 29-2 shall apply. These requirements and standards are found to be necessary to govern the conversion of rentals to unit ownership because of the following:

If uncontrolled, the conversion of rental units to condominiums is likely to result in the displacement of renters; this is compounded by Canby's historically low vacancy rates.

The total number of rental units in Canby is limited at this time and must be adequately protected in order to maintain a variety of alternative housing types.

Few of the existing apartment developments provide the amenities normally associated with planned unit developments and few were designed to accommodate unit ownership.

A. Minimum Requirements: The minimum requirements for a residential planned unit development subdivision shall include the following two (2) items. Unless these two (2) items can be met, this Section of the Subdivision Ordinance shall not apply and the project shall be developed as a conventional subdivision.

1. A minimum of ten (10) percent of the gross area of the subdivision shall be devoted to park and recreational purposes except in the case of conversions of existing rentals to unit ownership, where the Planning Commission may permit a lesser requirement if it is found that adequate recreation facilities exist for the units.

2. The average area per dwelling unit shall not be less than that allowed within the Zoning District in which the subdivision is located. The average area shall be calculated by dividing the number of dwelling units into the gross area of the total land development, minus that area occupied by streets.
- B. Types of Projects: The Planned Unit Development of a site allows for the unified development of a site whether it is in a single ownership or in a multiple ownership for the construction of residential, commercial or industrial projects, or the combination thereof.
- C. Initial Requirements: Prior to development, application shall be made to the Commission for site approval for all or any portion of the proposed development. Where only a portion of the development is submitted for approval, a Master Plan shall also be submitted indicating the intended layout for the total development. An application for approval shall follow requirements included within Sections 4 through 12 of Ordinance 443, and in addition, shall include the following items:
1. Any areas proposed to be dedicated or reserved for public parks, schools, playgrounds, or otherwise dedicated or reserved for public purposes.
 2. Other undedicated open-space set aside for the use of the residents of the development in common.
 3. A general land-use plan for the proposed subdivision indicating the areas to be used for various purposes.
 4. Types of dwellings and site locations thereof.
 5. Proposed locations of off-street parking areas with dimensions.
 6. Pedestrian walks, malls and other trails, both public and private.
 7. A circulation plan indicating the proposed movement of vehicles, goods and pedestrians within the development to and from adjacent public thorough-fares. Any special engineering features and traffic regulation devices needed to facilitate or insure the safety of this circulation shall be shown. Supporting data shall be supplied when requested by the Commission.

8. The stages to be built in progression, if any.
 9. The location of adjacent utilities intended to serve the development and a layout of the utilities within the development.
 10. Table showing the density and lot coverage of the overall development.
 11. Such other pertinent information as the Commission may require in order to make necessary findings on the site approval.
- D. General Requirements: The following general requirements shall be met in submittance and development of a Planned Unit Development Subdivision:
1. The site approval as acted upon by the Commission shall be binding upon the development and variations from the plan shall be subject to approval by the Commission.
 2. All land within the Planned Unit Development may be subject to contractual agreements with the City of Canby and to recorded covenants providing for compliance with the City's requirements.
 3. The development of the property in the manner proposed will not be detrimental to the public welfare and will be in keeping with the general intent of the remainder of the City's Subdivision Ordinance.
 4. The plan for the proposed development shall present a unified and organized arrangement of buildings and service facilities.
 5. The development must be designed so that the land areas and buildings around the perimeter of the project are in keeping with the adjoining properties.
 6. Each Planned Unit Development Subdivision shall be a complete development considering all previous requirements. The Commission may in addition require the inclusion of facilities such as curbs sidewalks, street lights, storm drainage, sanitary sewers, underground power and telephone lines, landscaping and adequate off-street parking, and may require the dedication of adequate easements for utilities.

7. Access and types of access for the open-space area or areas shall be shown.
 8. Land which is not intended for structural development, such as buildings or street uses, shall remain in open space usage perpetually. Maintenance of such open space areas shall remain the responsibility of the Homeowners Association, in a manner outlined in the By-Laws of such association.
 9. The manner in which the open-space or park and recreational areas are to be maintained shall be presented along with the proposed preliminary copy of the proposed Home Owners Association By-Laws and Contractual Agreements shall be submitted with the preliminary subdivision.
 10. The Planning Commission may, and in the case of single story or Townhouse structures, shall, require the separation of utilities from one unit to the next.
 11. In reviewing an application for the conversion of existing residential units to condominiums, the Commission shall utilize the general standards as are applied to the new construction of Planned Unit Developments. A proposed conversion which is not found to meet the standards customarily applied to Planned Unit Developments will not be approved.
 12. In reviewing an application for the conversion of existing residential units to condominiums, the Planning Commission shall consider the vacancy rates of multiple family rental units throughout the City at the time of the application. It is the intent of the City to assure that there is at least one suitable rental unit available and vacant for each unit converted to condominium ownership.
 13. All other requirements stated in Ordinance No. 443 regarding the Preliminary Plat and not covered by this Section of the Ordinance shall be met.
- E. Modification: The provisions of Section A.2 may be modified by the Planning Commission if such modifications would not be contrary to the purpose and intent of the Ordinance.

F. Approval: After all pertinent requirements for the Planned Unit Development Subdivision have been fulfilled, the proposed development shall be considered in line with the procedures set forth in the Ordinance regarding the Final Subdivision Plats.

G. Compliance with County and State Requirements: Applicants for condominium projects shall bear full responsibility for compliance with County and State requirements.

Section 2: Ordinance No. 443, as amended, is hereby further amended by adding thereto a new section which is to immediately follow section 29-1 of said Ordinance and is to be numbered 29-2, providing as follows:

Section 29-2: CONDOMINIUM PROJECTS INVOLVING THE NEW CONSTRUCTION OF SIX OR FEWER UNITS

WHEREAS, the new construction of small condominium projects is expected to have no adverse impacts on the appropriate growth and development of the City, the following regulations shall apply to such projects involving six (6) or fewer units on a single parcel:

A. APPLICATION REQUIRED: Developers proposing to construct a condominium project of six (6) or fewer units shall file an application with the City Planner prior to undertaking such construction. The following information shall be submitted with the application:

1. Two copies of a plot plan, drawn to scale and including all divisions of the proposed units.
2. Letters from representatives of the various utility providing agencies as required in Subsection "B", below.
3. A written statement describing the proposed project and the various site improvements to be made.

B. STANDARDS: The following standards shall apply to all condominium projects involving the new construction of six or fewer units:

1. All utilities shall be separated on a unit to unit basis, except in cases where the units are to be in multi-story structures where some of the units will not have ground floors, in which case the utilities shall be separated as much as possible from one unit to the next.
 - a. The developer shall present plans for utility separation to the City Engineer, Utility Board Manager, Canby telephone Association Manager and, if warranted, an appropriate official of the Northwest Natural Gas Company.
 - b. The developer shall solicit from each affected utility agency a written statement verifying that the proposed plan for utility separation meets the requirements of that agency.
 2. Applicants shall be responsible for compliance with all applicable City, County and State regulations governing the construction, platting, and sale of condominium units.
 3. Improvement requirements for small condominium projects shall be the same as those which would be required for a subdivision of the property. These shall include:
 - a. Curb, gutter, and sidewalk construction to City standards;
 - b. Installation and extension of utilities;
 - c. Street improvements adjacent to site;
 - d. Dedication of right-of-way sufficient to allow for the widening or extension of the street;
 - e. Filing of a waiver of the right to remonstrate against any future public facility or utility improvements which would benefit the property.
- C. REVIEW OF APPLICATION: The City Planner shall review the information submitted by the applicant and shall determine whether it meets the requirements of this and other applicable ordinances. Upon completion of this review, the City Planner shall notify the applicant in writing of the required conditions to be met prior to sale or occupancy of the units.

1. If modifications to the project are necessary to assure compliance with the applicable regulations, the City Planner shall notify the applicant of such modifications.
2. Included with the written notification from the City Planner will be one copy of the proposed plot plan labeled "tentatively approved," or "tentatively denied" and marking any modification or corrections which may be necessary.

D. RECORDATION OF PLAT, FINAL PROCEDURES: The applicant shall be responsible for compliance with all applicable requirements prior to sale or occupancy of the units. This shall include the following final procedures as well as compliance with the basic standards of this and other applicable ordinances:

1. The developer shall file with the City Planner a reproducible copy (mylar or sepia) of the recorded plat of the development.
2. Included with the copy of the plat will be copies of the by-laws of the owners association and any contracts, covenants, restrictions, or waivers of remonstrance recorded for the property.

E. NOT APPLICABLE TO CONVERSIONS: Proposals to convert existing rentals or leased property to condominium ownership shall comply with the requirements of Section 29-1, regardless of the number of units involved. Applicants intending to utilize the provisions of Section 29-2 must file the appropriate application and receive written approval from the City Planner prior to receipt of a Certificate of Occupancy for the units.

Section 3: Section 28(2) of Ordinance No. 443, is hereby amended to provide as follows:

Section 28(2): ACCESS:

Ingress and egress to any lot or parcel, the creation of which has been approved by the Planning Commission, shall be taken along that portion fronting on a public street unless otherwise approved by the Planning Commission.

Section 4: Ordinance No. 443, as amended, is hereby further amended by adding thereto a new Section which is to immediately follow Section 38 of said Ordinance and is to be numbered 38-1, providing as follows:

Section 38-1: FEES

WHEREAS, the administration of the City Subdivision Ordinance in compliance with State regulations is a complicated and time-consuming process involving professional, technical, clerical and legal personnel, the following fee schedule is hereby adopted to assure that those applicants who necessitate these efforts are responsible for paying for the services provided. The following fees shall be paid at the time of filing an application or appeal. No part of the fees shall be refunded. These fees in no way affect the subdivision development fees to be computed per Section 15 of the Subdivision Ordinance.

- A) Land Partition. \$150.00
- B) Subdivision \$150.00 plus \$5.00
per lot (or \$5.00
per unit for PUD's)
- C) Condominium Projects of Six
or fewer Units. \$25.00
- D) Appeal of Commission Action \$100.00

Section 5: It being deemed by the Canby City Council that an emergency exists, this Ordinance shall take effect immediately upon its final passage by the City Council.

Submitted to the Council and read the first time at a Regular meeting thereof on April 2, 1980 and scheduled for second reading and action of the Canby City Council

at a Regular meeting thereof on May 7, 1980,
commencing at the hour of 7:30 p.m. o'clock p.m. at the Council
Meeting Chambers at the Canby City Hall in Canby, Oregon.

Harold A. Wyman
Harold A. Wyman - City Recorder

Passed on final reading of the Canby City Council at a regular
meeting thereof held on the 7th day of May, 1980,
by the following vote: YEAS 6. NAYS 0.

Robt. E. Rapp
Robt. E. Rapp - Mayor

ATTEST:

Harold A. Wyman
Harold A. Wyman - City Recorder