

ORDINANCE NO. 690

AN ORDINANCE TO PROVIDE REGULATIONS GOVERNING LAND USE PLANNING AND DEVELOPMENT ACTIVITIES WITHIN THE CITY OF CANBY AND INCLUDING: DEFINITIONS; RULES AFFECTING THE PLANNING COMMISSION; ZONING REGULATIONS; LAND DIVISION AND LOT LINE ADJUSTMENT REGULATIONS; CONDOMINIUM AND PLANNED UNIT DEVELOPMENT REGULATIONS; ANNEXATION REGULATIONS; REGULATIONS AFFECTING PROPOSED STREET ALIGNMENTS; ESTABLISHING GENERAL STANDARDS AND PROCEDURES; ADOPTING THE COMPREHENSIVE PLAN; AND REPEALING THE FOLLOWING ORDINANCES; NO.'S 443; 516; 517; 555; 556; 558; 577; 578; 583; 592; 599; 605; 606; 608; 659; 663; and 669.

THE CITY OF CANBY ORDAINS AS FOLLOWS:

ARTICLE I.

10.1.10: Title: This Ordinance shall be known as the "Land Development and Planning Ordinance of the City" which incorporates such common names as "Zoning Ordinance", "Subdivision Ordinance", and the "Goals, Policies and Implementation Measures of the Comprehensive Plan".

10.1.20: Definitions:

A) As used in this Ordinance, the masculine includes the feminine and the neuter, and the singular includes the plural with no preference intended or implied.

B) Unless the context requires otherwise, the following words and phrases shall mean:

- 1) Abutting, adjoining, or adjacent. Physically touching, having at least one common point or boundary, or lots separated only by a public street.
- 2) Accessory structure or use. A structure or use not intended for human habitation, incidental and subordinate to the main use of the property and which is located on the same lot with the main use such as, but not limited to, garage, carport, tool shed, private greenhouse or utility building.

- 3) Agriculture. The tilling of the soil, the raising of crops, silviculture and horticulture.
- 4) Alley. A narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.
- 5) Billboard. A sign which has a surface space upon which advertising may be posted, painted, or affixed, and which is generally, although not necessarily, designed for the rental or lease of such sign space for advertising not relating to the use of the property upon which the sign exists.
- 6) Boardinghouse, lodging, or rooming house. A building where lodging with or without meals is provided for compensation for at least four (4), but not more than ten (10) guests.
- 7) Building. A structure built for the shelter or enclosure of persons, animals, chattels or property of any kind.
- 8) Building line. A line on a plat indicating the limit beyond which buildings or structures may not be erected.
- 9) Central business district (CBD). The downtown area of Canby, defined generally by zoning or designation on the Land Use Map of the Comprehensive Plan for downtown commercial development.
- 10) City. The City of Canby, Oregon.
- 11) Commission. The Planning Commission of the city.
- 12) Council. The City Council of Canby, Oregon.
- 13) Curb line. A line along the edge of the curb nearest the street lot line; not necessarily the right of way line.
- 14) Development plan. Any plan adopted by the Planning Commission for the guidance of growth and improvement of the city,

- 12) Council. The City Council of Canby, Oregon.
- 13) Curb line. A line along the edge of the curb nearest the street lot line; not necessarily the right of way line.
- 14) Development plan. Any plan adopted by the Planning Commission for the guidance of growth and improvement of the city, including modifications or refinements which may be made from time to time.
- 15) Dwelling, duplex; or dwelling, two family. A detached building containing two dwelling units.
- 16) Dwelling, multi-family. A building containing three or more dwelling units.
- 17) Dwelling, single-family. A detached building containing one dwelling unit. Attached or "common wall" single-family dwellings may also exist provided that each is situated on a separate lot and provided that each such unit shall not contain a common wall with more than one other dwelling unit. Mobile homes and modular units shall not be considered to be single-family dwellings unless found to meet all city building, mechanical, electrical and other construction codes applicable to conventional units built on the site.
- 18) Dwelling unit. One or more rooms designed for occupancy by one family and not having more than one cooking facility.
- 19) Easement. A grant of the right to use a strip of land for specific purposes.
- 20) Family. An individual or two or more persons related by blood, marriage, adoption, or legal guardianship living together in a dwelling unit in which meals or lodging may also be provided for not more than two additional persons excluding servants; or a group of not more than four persons excluding servants who need not be related by blood, marriage, adoption or legal guardianship living together in a dwelling unit.

- 21) Height of building. The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.
- 22) Home occupation. A lawful activity commonly carried on within a dwelling by members of the family occupying the dwelling with no employees or other persons being engaged, provided that:
- a) The residential character of the building is maintained.
 - b) The activity occupies less than one-quarter of the ground floor area of the building.
 - c) The activity is conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term nor infringe upon the rights of neighboring residents to enjoy the peaceful occupancy of their homes.
 - d) The occupation shall not be carried on in an accessory building of the residence.
 - e) No signs be permitted, except for a maximum of 1-1/2 square foot unilluminated nameplate within the interior of the building or in a window.
 - f) All home occupations require a city business license.
- 23) Hotel. A building in which lodging is provided for more than 10 guests for compensation and in which no provision is made for cooking in the rooms.
- 24) Intersection. The place where two streets meet or cross.
- 25) Kennel. A place where four (4) or more dogs more than four (4) months of age, on one lot or contiguous lots under one ownership are kept.

- 26) Loading space. An off-street space within a building or on the same lot with a building for the temporary parking of a commercial vehicle or truck while loading or unloading merchandise or materials and which space has access to a street.
- 27) Lot. A single parcel or tract of land for which a legal description has been filed in the office of the County Recorder or the boundaries of which are shown on a recorded subdivision plat.
- 28) Lot area. The total horizontal area within the lot lines of a lot, excluding the access strip serving a flaglot.
- 29) Lot, corner. A lot abutting on two intersecting streets other than an alley, provided that the streets do not intersect at an angle greater than 135 degrees.
- 30) Lot front. The street lot line on a corner lot which the principal use or structure is facing. If no such use or structure exists, the street side having the shorter length. If the sides are of approximately equal length, the City Planner may designate the lot front.
- 31) Lot, interior. A lot other than a corner lot.
- 32) Lot line. The property line bounding a lot.
- 33) Lot line, interior. All lot lines other than street lot lines which separate one parcel from another.
- 34) Lot line, street. A lot line that separates the lot from a street other than an alley.
- 35) Lot, through. A lot having frontage on two parallel or approximately parallel streets other than alleys.
- 36) Lot width. The average width of a lot when measured at the front and rear setback lines for a principal use.

- 37) Mobile home. A movable structure which is certified to have been designed and constructed in compliance with the 1976 construction standards of the Federal Department of Housing and Urban Development and as may be amended.
- 38) Mobile home park. A tax lot or lots where two (2) or more mobile homes are used for human occupancy and where the space is available for rent or lease.
- 39) Mobile home subdivision. A subdivision of property where individual lots are available for the placement of mobile homes.
- 40) Motel. A building or group of buildings on the same lot containing guest units with separate and individual entrances and consisting of individual sleeping quarters, detached or in connected rows, with or without cooking facilities, for rental to transients.
- 41) Nonconforming structure, lot, or use. A structure, lot or use which lawfully existed prior to the adoption of zoning requirements for the zone in which it is located and with which it does not comply.
- 42) Parent parcel. A lot or parcel of land from which other parcels or lots are divided.
- 43) Parking space. A rectangle in the dimensions as set forth in Article 3 of this Ordinance together with maneuvering and access space required for a standard american automobile to park within the rectangle.
- 44) Pedestrian way. A right-of-way for pedestrian traffic.
- 45) Person. An individual, firm, partnership, corporation, company, association, syndicate, or any legal entity, and including any trustee, receiver, assignee, or other similar representative thereof.

- 46) Planning Commission. The planning commission of the City of Canby, Oregon.
- 47) Plat. The map or drawing on which the subdivider's plan of subdivision is presented and which he submits for approval and intends in final form to record. Includes "preliminary", "tentative", and "final plats".
- 48) Right-of-way. The area between the boundary lines of a street or other easement.
- 49) Roadway. The portion or portions of a street right-of-way developed for vehicular traffic.
- 50) Setback. A distance which a structure is required to be set back from a lot line.
- 51) Sidewalk. A pedestrian walkway with permanent surfacing to city standards.
- 52) Street. The entire width between the right-of-way lines of every way which provides for public use for the purpose of vehicular and pedestrian traffic, and the placement of utilities and including the term "road", "highway", "lane", "place", "avenue", "alley", or other similar designations.
- a) Alley. A narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.
 - b) Arterial. A street of considerable continuity which is primarily a traffic artery for intercommunication between large areas.
 - c) Collector. A street supplementary to the arterial street system and a means of intercommunication between this system and smaller areas; used to some extent for through traffic and to some extent for access to abutting properties.

- d) Cul-de-sac (dead end street).
A short street having one end open to traffic and being terminated by a vehicle turnaround.
 - e) Half-street. A portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision.
 - f) Marginal access or frontage street. A minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.
 - g) Minor street. A street intended exclusively for access to abutting properties.
- 53) Structural alteration. Any change in the supporting members of a structure, including the supporting parts of foundations, bearing walls or partitions, columns, beams, girders, or the roof.
- 54) Structure. That which is built or constructed. An edifice or building of any kind or any piece of work artificially built up or composed of parts jointed together in some manner and which requires a location on the ground.
- 55) Subdivide land. To divide a parcel of land into four or more parcels in a given calendar year for the purpose of transfer of ownership or building development, whether immediate or future, when such parcel exists as a unit or contiguous units under a single ownership.
- 56) Subdivision. Either an act of subdividing land or tract of land subdivided as defined in this Section.
- 57) Trailer coach. A trailer or motor home not certified as meeting the HUD 1976

standards or as may be amended for design and construction of a mobile home.

- 58) Trailer park. A tax lot or lots where space is rented or leased for the location of two (2) or more trailer coaches, or some combination of mobile homes and trailer coaches for human habitation.
- 59) Urban growth boundary (UGB). The area specifically delineated in the City's Comprehensive Plan as being already urbanized or available for future urban development.
- 60) Urbanizable The term applied to property which is within the city's urban growth boundary and which is planned for eventual urban development.
- 61) Use. The purpose for which land or a structure is designed, arranged, or for which it is occupied or maintained.
- 62) Vision Clearance area. The triangular area at the intersection of two streets or a street and a railroad, two sides of which are measured from the corner intersection of the existing or proposed curb lines to a distance specified in this Ordinance. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the curb lines at intersections have rounded corners, the curb lines will be extended in a straight line to their points of intersection. No plantings, structures or temporary or permanent obstructions shall be located within a vision clearance area, excepting one tree trunk and one utility pole, with a maximum diameter of 18 inches, within an area extending from 2-1/2 to 10 feet above the curb or street elevation.
- 63) Yard. An open space on a lot which is unobstructed from a point two and one-half feet above the general ground level of the graded lot upward, except as otherwise provided in this Ordinance.

- 64) Yard, interior. A yard lying between the nearest point of a building and the interior lot line and measured horizontally to the interior lot line.
- 65) Yard, street. A yard lying between the nearest point of a building and the street and measured horizontally to the street lot line.

ARTICLE 2 PLANNING COMMISSION

- 10.2.05: Introduction: The City of Canby has had an active Planning Commission for more than 25 years. The planning commission sits as both a hearing body for land development applications and as a recommending body, giving advice to the city council on a variety of subjects relating to the growth and development of the Canby area.
- 10.2.10: Membership: The planning commission shall continue to consist of seven (7) members.
- 10.2.15: Appointment and removal: Members of the planning commission shall be appointed by the city council and may be removed by the city council, after hearing, for misconduct or nonperformance of duty. Any vacancy shall be filled by the council for the unexpired term of the predecessor in the office.
- 10.2.20: Non-voting participants: The City Attorney shall be entitled to sit with the commission and take part in its discussions, but shall not have the right to vote. City staff persons shall also attend to assist the commission in the conduct of its business.
- 10.2.25: Term of office: Upon the adoption of these regulations the city council shall immediately proceed to modify the terms of office of the present members of the planning commission such that the terms of two members shall expire on December 31, 1981; the terms of two members shall expire on December 31, 1982; the terms of three members shall

expire on December 31, 1983. Thereafter, all members of the planning commission shall be appointed to three year terms, unless appointed to fill the remainder of an unexpired term.

- 10.2.30: Limitation on business engagements: Not more than two (2) members shall be engaged principally in the buying, selling or developing of real estate for profit as individuals, or be members of any partnership or officers or employees of any corporation engaged principally in the buying, selling or developing of real estate for profit. Not more than two (2) members shall be engaged in the same kind of business, trade or profession.
- 10.2.35: Election of chairman and appointment of secretary: The planning commission shall elect a chairman and vice chairman who shall be voting members and the commission shall appoint a secretary who need not be a member of the commission.
- 10.2.40: Compensation: Commission members shall receive no compensation but shall be reimbursed for duly authorized expenses.
- 10.2.45: Employment of assistants: The planning commission shall have power and authority to employ consulting advice on municipal problems, and such clerks as may be necessary and to pay for their services and for such other expenses as may lawfully be incurred, but all compensation and expenses authorized by this Article shall be paid out

of such funds which are first budgeted by the city council and placed at the disposal of the planning commission for such purposes.

10.2.50: Meeting place: The city council shall assign to the commission such offices or locations in which to hold its meetings, transact its business and keep its records.

10.2.55: Meeting and quorum: The commission shall meet at least once a month when applications are pending and may make and alter rules and regulations for its government and procedure consistent with the laws of this state and with the City Charter and ordinances. A majority of the members of the commission constitutes a quorum.

10.2.60: Duties: Except as otherwise provided by law, it shall be the duty of the commission and it shall have power to:

A) Recommend and make suggestions to the city council and to all other public authorities concerning laying out, widening, extending, and locating of streets, parking, sidewalks and boulevards, relief of traffic congestion, betterment of housing and sanitation conditions and establishing of zones of districts limiting the use, height, area and bulk of buildings and structures.

B) Recommend to the city council and all other public authorities plans for regulation of the future growth, development and beautification of the municipality in respect to its public and private buildings and works, streets, parks, grounds and vacant lots, and plans consistent with future growth and development of the city in order to secure to the city and its inhabitants sanitation, proper service of all public utilities, and transportation facilities.

C) Do and perform all other acts and things necessary or proper to carry out the provisions of city ordinance and of Oregon Revised Statutes, Chapter 227, and all amendments thereto.

D) Study and propose in general such measures as may be advisable for promotion of the public interest, health, safety and welfare of the city and of the surrounding area.

E) Perform such acts as are now, or may hereafter be, specified in the Land Development and Planning Ordinance or otherwise authorized by the city council.

10.2.65: Action and recommendations of the planning commission:

A) Any actions of the planning commission may be appealed to the city council, provided that any such appeals must be properly filed as required in Article 8.

B) All recommendations made to the city council by the planning commission shall be in writing.

C) City council shall not act upon any item requiring the action or recommendation of the planning commission until the planning commission has had ample time to consider the item; except in the case of an emergency situation where the city council finds that prompt action is necessitated to preserve the public health, safety, or general welfare.

10.2.70: Investigations and recommendations: The city planning commission may make investigations and recommendations to any person, partnership, firm, corporation or public authority with reference to the location of buildings, structures or works to be erected, constructed or altered; but such recommendations shall not have the force or effect of a law or ordinance except when so prescribed by the laws of the State of Oregon or ordinances of the City of Canby. Any person, partnership, firm,

corporation or public authority having charge of the construction, placing or designing of buildings or other structures and improvements in the city may call upon the planning commission for information. Provided, however, that the planning commission shall take no action which will prejudice the body in the consideration of any pending or anticipated application.

10.2.75: Powers: The city planning commission shall have all the powers which are now or may hereafter be given to it under the General Laws of the State of Oregon; and it may receive gifts, bequests or devises of property to carry out any of the purposes of this act, and shall have control and disposition over the same, unless this Ordinance or this provision of this Ordinance should be repealed, in which case such control shall be vested in the city council or in a hearings officer as may be appointed for the purpose.

10.2.80: Conflicts of interest:

A) A member of the planning commission shall not participate in any commission proceeding or action in which any of the following has a direct or substantial financial interest:

- 1) The member or his spouse,
- 2) A brother, sister, child, parent, father-in-law or mother-in-law.
- 3) Any employee, partner or business associate with whom he has been engaged in business within the previous two (2) years, or any business with which he is negotiating for or has an arrangement or under-

standing concerning prospective partnership or employment.

B) Any actual or potential conflict of interest shall be disclosed at the meeting of the commission where the action is being taken.

10.2.85: Hearings officer: The city council may appoint or designate one or more qualified persons as planning and zoning hearings officer, to serve at the pleasure of the city council.

10.2.90: Expenditures: The city planning commission shall have no authority to make any expenditures on behalf of the city, or to obligate the city for the payment of any sums of money, except as herein provided, and then only after the city council has first authorized such expenditures for said purpose by adoption of a budget including a line item for such expenditures, and placed the same at the disposal of the planning commission, or has otherwise adopted a resolution to provide the administrative method by which the said funds shall be drawn and expended.

ARTICLE 5 ZONING REGULATIONS

10.3.05 General Provisions

A) Compliance with Ordinance Provisions. No building, structure, or land shall hereafter be used or occupied, and no building structure, or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered contrary to the provisions of this ordinance. No lot area, yard, or required off-street parking or loading area existing on or after the effective date of this ordinance shall be reduced in area, dimension, or size below the minimums required by this ordinance, nor shall any lot area, yard, or required off-street parking or loading area that is required by this ordinance for one use be used to satisfy the lot area, yard, off-street parking or loading area requirement for any other use, except as may be provided in this ordinance.

B) Zoning Map:

- 1) The location and boundaries of the zones designated in this Article are hereby established as shown on the map entitled "Zoning Map of the City of Canby" dated with effective date of this ordinance and signed by the Mayor and the City Recorder and hereafter referred to as the "zoning map".
- 2) The signed copy of the zoning map shall be maintained on file in the office of the City Recorder and is hereby made a part of this ordinance.

C) Zone Boundaries: Unless otherwise specified, zone boundaries are lot lines or the center lines of streets, railroad rights-of-way, or such lines extended. Where a zone boundary divides a lot into two or more zones, the entire lot shall be considered to be in the zone containing the greater lot area, provided the boundary adjustment is a distance of less than 20 feet.

D) Zoning of Annexed Areas: An area annexed to the city shall be automatically classified as the least intensive zone which conforms to the Land Use Map of the Comprehensive Plan.

E) Prohibited Parking: In addition to the provisions of the motor vehicle laws of Oregon regulating parking, no person shall park any vehicle, except an automobile, motorcycle, van or pickup truck rated no larger than one ton, on any public street or alley within any residential zone, except for an emergency or for the purpose of loading or unloading.

F) Area of Flag Lots: The area of a "panhandle" shaped or flag lot shall be considered to be the rear

or buildable portion of the lot and shall not include the driveway or access strip.

G) Illegally Created Lots: In no case shall a lot which has been created in violation of state statute or city ordinance be considered as a lot of record for development purposes, until such violation has been legally remedied.

H) Area and Yard Reductions: When there are existing dwellings on the lots situated immediately to each side of a given lot and each of those neighboring lots has less than the required street yard depth, the street yard of the subject property may be reduced to the average street yard of those two abutting lots. When there is an existing dwelling situated on a lot immediately to either side of a given lot which fronts on the same street, and such existing dwelling has a street yard which is less than half of that required in the zone, the street yard of the subject property may be reduced to a depth which is halfway between that normally required in the zone and that of the existing dwelling on the neighboring lot. If on the effective date of this ordinance, a lot or the aggregate of contiguous lots held in a single ownership, has less than the required area or width, the lot or lots may be occupied by a permitted use subject to the other requirements of the zone, provided that if the deficiency is one of area, residential uses shall be limited to single family dwellings and further provided that if the deficiency is one of width, each required interior yard may be reduced by one foot for each four feet of deficient width. In no case, however, shall such reduction result in an interior yard of less than five feet. Where two or more contiguous substandard recorded lots are in common ownership and are of such size to constitute at least one conforming "zoning lot", such lots or portions thereof shall be so joined, developed, and used for the purpose of forming an effective and conforming lot or lots. Such contiguous substandard lots in common ownership shall be considered as being maintained in common ownership after the effective date of this ordinance for zoning purposes.

I) Sidewalks Required:

- 1) In all commercially zoned areas, the construction of sidewalks and curbs (with appropriate ramps for the handicapped on each corner lot) shall be required as a condition of the issuance of a building permit for new construction or substantial remodeling, where such work is estimated to exceed a valuation of \$20,000 as determined by the building code. Where multiple permits are issued for construction on the same site, this requirement shall be imposed when the total valuation exceeds \$20,000 in any calendar year.

- 2) The planning commission may impose appropriate sidewalk and curbing requirements as a condition of approving any discretionary application it reviews.

J) Height Allowances: The following types of structures or structural parts are not subject to the building height limitations: Chimneys, cupolas, tanks, church spires, belfries, derricks, fire and hose towers, flagpoles, water tanks, elevators, windmills, utility poles and other similar projections.

K) Fences: Fences not more than three and one-half (3-1/2) feet in height may be constructed up to property lines in the street setbacks of any R-1, R-2, or C-1 zone. Fences not more than six (6) feet in height may be constructed in any interior yard, street yard along the side of a corner lot, or street yard along an alley. Provided however, that in no case shall a fence be constructed in violation of the requirements of a vision clearance area. The Planning Commission may require sight obscuring or noise mitigating fences up to eight (8) feet in height for any development it reviews in C-2, M-1 or M-2 zones.

10.3.10: Off Street Parking and Loading

A) At any time of erection of a new structure, or at the time of enlargement or change in use of an existing structure within any zone in the city, off-street parking spaces shall be provided as indicated in this Section, unless greater requirements are otherwise established. Except, however, that no off-street parking shall be required for any use permitted outright within the C-1 zone in the rectangular area bounded by N. Ivy Street on the east, N.W. First Avenue on the south, N. Fir Street on the west, and N.W. Third Avenue on the north.

B) Where square footage is specified, the area measured shall be the gross floor area of the building primary to the functioning of the particular use of the property other than space devoted to off-street parking or loading. Where employees are specified, the term shall apply to

all persons, including the proprietors working on the premises during a peak shift.

C) A change of use in an M-1 or M-2 zone need not require the provision of a paved parking or loading area unless it requires change of occupancy (as defined in the building code) or the approval of a quasi-judicial application.

D) In no case will off-street parking be allowed within a vision clearance area of an intersection.

E) The following parking standards shall be observed:

1.	<u>Use</u>	<u>Off-Street Parking Required</u>
	Residential use:	
	Single family dwelling	Two spaces per dwelling unit for new construction. (Existing single family dwellings having only a single parking space shall not be considered to be nonconforming.)
	Two family and multi-family dwelling	Two spaces per dwelling unit, however, no parking will be allowed within a street yard setback. One additional guest parking space shall be provided for every five units for each development of ten or more units.
	Residential hotel rooming house or boarding house	Spaces equal to 80% of the number of guest accommodations.
	Hotel	Spaces equal to 50% of the number of guest accommodations.
	Motel	One space per guest accommodations plus one space per manager.
	Club or Lodge	Spaces to meet the combined uses.

2. Institutions:

Welfare or correctional institution Spaces equal to 20% of the number of patient or inmate beds.

Convalescent hospital, nursing home, rest home, sanitarium, home for the aged. Spaces equal to 50% of the number of patient or resident beds.

Hospital Spaces equal to 150% of the number of patient beds.

3. Places of public assembly:

Church One space per four seats or eight feet of bench length in the main auditorium.

Library One space per 400 square feet of floor area plus spaces equal to 50% of the number of employees.

Preschool nursery; kindergarten Two spaces per teacher.

Elementary or junior high school One space per classroom plus one space per teacher.

High School One space per classroom plus spaces equal to 16% of the number of students.

Other auditorium or meeting space One space per four seats or eight feet or bench length.

4. Commercial amusements

Stadium, arena or theater One space per four seats or eight feet of bench length.

Bowling alley Five spaces per alley plus spaces equal to 50% of the number of employees.

Dancehall, skating rink One space per 100 square feet of floor area plus spaces equal to 50% of the number of employees.

5. Commercial:

Service or repair shop; retail store handling exclusively bulky merchandise such as automobiles or furniture One space per 600 square feet of floor area.

Other retail store One space per 400 square feet of floor area.

Bank; office (other than medical or dental) One space per 500 square feet of floor area plus one space per two employees.

Medical or dental One space per 300 square feet of floor area plus one space per two employees.

Eating or drinking establishments One space per 200 square feet of floor area.

Mortuaries One space per four seats or eight feet of bench length in chapels.

6. Industrial:

Storage warehouse; manufacturing establishment; air, rail or trucking freight terminal One space per employee.

Wholesale establishment One space per employee plus one space per 700 square feet of patron serving area.

F) Off-street loading: Buildings or structures to be built or substantially altered which receive and distribute material or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. Loading space that has been provided

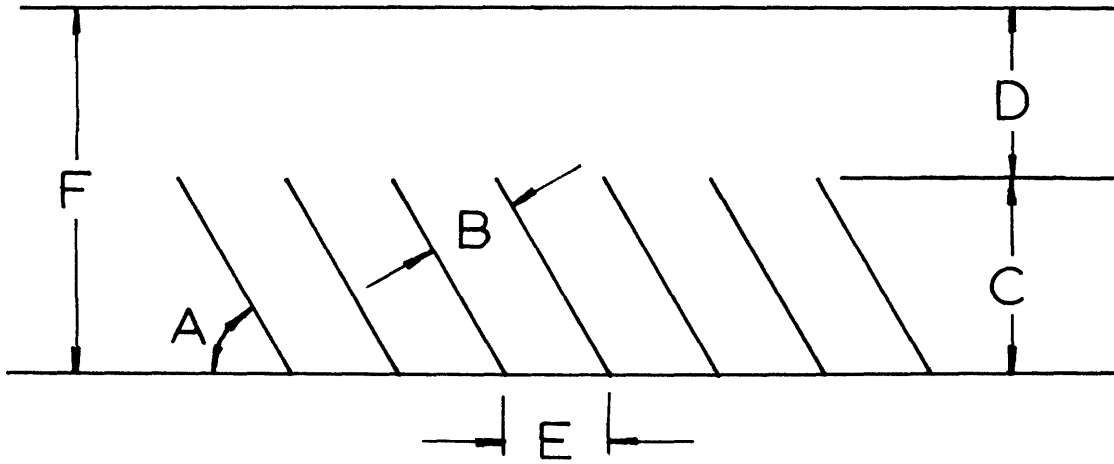
for an existing use shall not be eliminated if its elimination would result in less than the space required to adequately handle the needs of the use. Off-street parking areas used to fulfill the requirements of this ordinance shall not be used for loading and unloading except during periods of the day when these areas are not needed for parking.

G) General Requirements for Parking Lots and Loading Areas: A parking lot or loading area, whether an accessory or principal use, intended for the parking of cars or trucks or the loading from one or more trucks shall comply with the following.

- 1) Areas used for standing or maneuvering of vehicles shall have durable and dust free surfaces (e.g. asphalt or oil mat) maintained adequately for all weather use and so drained as to avoid flow of water across sidewalks.
- 2) Except for parking to serve residential uses, parking or loading areas adjacent to or within residential zones or adjacent to residential uses shall be designated to minimize disturbance of residents.
- 3) Artificial lighting shall be so deflected as not to shine or create glare in any residential zone or on any adjacent dwelling.
- 4) Access aisles shall be of sufficient width for all vehicular turning and maneuvering, but in no case shall two-way and one-way driveways be less than twenty (20) feet and (12) feet respectively.
- 5) Parking spaces serving property containing other than one (1) or two (2) dwelling units shall be so located and served by driveways that their use will require no backing movements or maneuvering within a street right-of-way other than an alley.
- 6) Service drives to off-street parking and loading areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic ingress and egress and the maximum safety of pedestrians and vehicular traffic on the site.

- 7) All parking areas and parking spaces except those required in conjunction with a single family dwelling on a single lot shall be designed and laid out to the minimum standards as set forth in Figure 1, Parking Table.
- 8) Owners of two or more uses, structures or parcels of land may utilize jointly the same parking area when the hours of operation do not overlap, provided satisfactory legal evidence is presented in the form of deeds, leases, or contracts securing full access to such parking areas for all the parties jointly using them.
- 9) The Planning Commission shall have the authority to require designated areas to be set aside for vehicular parking for the handicapped.

FIGURE 1: PARKING TABLE



A	B	C	D	E	F
*0°	8'0"		12.0	22.0	20.0
20°	9'6"	15.1	12.0	27.8	27.1
30°	9'6"	17.3	12.0	19.0	29.3
45°	9'6"	19.4	13.0	13.4	32.4
60°	9'6"	20.5	18.0	11.0	38.5
70°	9'6"	20.6	18.5	10.5	39.1
80°	9'6"	19.5	24.0	9.6	43.5
90°	9'6"	18.0	24.0	9.5	42.0

*Parallel

This above table and diagram provide the minimum dimensional standards for parking areas and space. In the parking diagram, "A" equals the parking angle, "B" equals the stall width, "C" equals the minimum stall depth, "D" equals the minimum clear aisle width, "E" equals the minimum clear stall distance at bay side, "F" equals the minimum clear bay width.

10.3.15: Classification of Zones: In order to carry out the purposes and provisions of this ordinance, the City is divided into zones designated as follows:

<u>Base Zones</u>	<u>Abbreviation</u>
Agricultural	Ag.
Low Density Residential	R-1
Intermediate Density Residential	R-1.5
Medium Density Residential	R-2
Downtown Commercial	C-1
Residential Commercial	C-R
Convenience Commercial	C-C
Highway Commercial	C-2
Light Industrial	M-1
Heavy Industrial	M-2
<u>Overlay Zones</u>	
Planned Unit Development	PUD
Hazard	H
<u>Uses Permitted</u>	

In each zone, the uses permitted outright or permitted subject to the issuance of a conditional use permit are as follows:

10.3.17: Agricultural Zone (Ag.):

A) Uses Permitted Outright

1. Single Family Dwelling. One single family dwelling per lot.
2. Agriculture, including all accessory structures necessary to the conduct of agriculture activity but excluding commercial processing, sales, manufacturing,

or packaging plants, except when used for items grown primarily on the premises.

3. Accessory structures and uses, including those located on a lot which is adjacent to the lot housing the principal use or structure.

B) Conditional Uses:

1. Public building or land use, including public utility.

C) Development Standards:

1. The following table indicates the required development standards of the Ag zone.

MINIMUM LOT STANDARDS		MINIMUM YARD REQUIREMENT		MAXIMUM BUILDING HEIGHT	MAXIMUM LOT COVERAGE	OTHER REGULATIONS
Area:	Width & Frontage:	Street Yard:	Interior Yard:			
5 ac.	60' except that the Planning Commission may approve lots having less frontage, subject to special conditions to assure adequate access.	20 ft.	10 ft.	35 ft.	60%	*Vision clearance distance shall be 10 ft. from an alley and 30 ft. from any other street. All setbacks to be measured from the furthest projection of the building.

10.3.18: Low Density Residential Zone (R-1):

A) Uses Permitted Outright:

- 1) Single-family dwelling. One single family dwelling per lot.
- 2) Agriculture, including all accessory structures necessary to the conduct of agricultural activity but excluding commercial processing, sales, manufacturing, or packaging plants except when used primarily for items grown on the premises.
- 3) Accessory uses and/or accessory structures.
- 4) Two family dwelling on oversized lot when planned for such use as part of the original subdivision design. One two-family dwelling where the lot contains a minimum of 14,000 square feet or, if a corner lot on other than arterial streets, 10,000 square feet. Any duplex constructed on a corner lot of less than 14,000 square feet shall be designed such that access to the different units is taken from different streets.
- 5) Mobile home subdivisions when developed as planned unit developments, subject to the requirements of Articles 4 and 5.
- 6) Public building or land use such as fire station, city hall, park and playgrounds, library or museum.

B) Conditional Uses:

- 1) Cemetery
- 2) Church
- 3) Day Nursery
- 4) Hospital
- 5) Nursing home, convalescent home, or home for the aged.
- 6) School
- 7) Utility, pumping station or substation
- 8) Golf courses, public or private, with facilities and structures that are associated with the use.
- 9) Home occupations which otherwise meet the strict definition of Section 10.1.20, but which involve the manufacture of products, non-residential storage of goods, or any activity which is likely to increase traffic.

10) Accessory use or structure located on a lot or lots abutting the lot which houses the principal use of the property.

11) Mobile home or trailer park subject to the criteria of Section 10.3.45.

12) Two family dwelling when not planned for such use at the time of the original subdivision approval.

C) Development Standards:

1) The following table indicates the required development standards of the R-1 zone.

MINIMUM LOT STANDARDS		MINIMUM YARD REQUIREMENT		MAXIMUM BUILDING HEIGHT	MAXIMUM LOT COVERAGE	OTHER REGULATIONS
Area:	Width & Frontage:	Street Yard:	Interior Yard:			
7,000 sq. feet per single family dwelling	60', except that the Planning Commission may approve lots having less frontage, subject to special conditions to assure adequate access.	20 ft.	10 ft.	Principal building: 35 feet or 2-1/2 stories, whichever is less.	Principal building: No limit Accessory building: No more than the area covered by the main building, unless lot area exceeds 12,000 sq. ft. in which case no limit is specified.	*Vision clearance distance shall be 10 ft. from an alley and 30 ft. from any other street. *All setbacks to be measured from the furthest projection of the building. *Required yards on southern and western exposures may be reduced by not more than 5' for eaves or canopies to provide shade.
A minimum area of 5,600 sq. ft. may be permitted within a new subdivision or partition, provided that the overall mean average lot size exceeds 7,000 sq. feet.	Corner Lots: 65 feet			Accessory building: 22 ft. or one story whichever is less.		

10.3.20: Intermediate Density Residential (R-1.5):

A) Uses Permitted Outright:

- 1) Uses permitted outright in the R-1 zone.
- 2) Two or three family dwelling. One duplex or triplex on each lot.

B) Conditional Uses:

- 1) Uses listed as conditional in the R-1 zone.
- 2) Single family dwellings having common wall construction and located on lots of not less than 4,500 square feet each.

C) Development Standards:

- 1) The following table indicates the required development standards of the R-1.5 zone.

MINIMUM LOT STANDARDS		MINIMUM YARD REQUIREMENT		MAXIMUM BUILDING HEIGHT	MAXIMUM LOT COVERAGE	OTHER REGULATIONS
<p>Area:</p> <p>6,000 sq. ft. for the first dwelling unit & 4,000 sq. ft. for each additional unit.</p> <p>A minimum area of 5,000 sq. ft. may be permitted within a new subdivision, provided that the overall mean average lot size exceeds 6,000 sq. ft.</p> <p>Single family dwellings with common wall construction may be permitted on lots of 4,500 sq. ft. each if approved as a conditional use.</p>	<p>Width & Frontage:</p> <p>60 ft. except that the Planning Commission may approve lots having less frontage, subject to special conditions to assure adequate access.</p> <p>Corner Lots: 65 feet</p>	<p>Street Yard:</p> <p>20 ft.</p>	<p>Interior Yard:</p> <p>10 ft.</p>	<p>Principal building:</p> <p>35 ft.</p> <p>Accessory building:</p> <p>22 ft. or one story, whichever is less.</p>	<p>60%</p>	<p>*Vision clearance distance shall be 10 ft. from an alley and 30 ft. from any other street.</p> <p>*All setbacks to be measured from the furthest projection of the building.</p> <p>*Required yards on southern and western exposures may be reduced by not more than 5 ft. for eaves or canopies to provide shade.</p>

10.3.21: Medium Density Residential Zone (R-2):

A) Uses Permitted Outright:

- 1) Uses permitted outright in the R-1 Zone.
- 2) Boarding, lodging or rooming house.
- 3) Multi-family dwelling.
- 4) Mobile home subdivisions subject to the requirements of Section 10.5.80.

B) Conditional Uses:

- 1) A use listed as conditional in the R-1 Zone.
- 2) Mobile home or trailer parks, subject to the criteria of Section 10.3.45.
- 3) Motels or hotels.
- 4) Single family dwellings having common wall construction and located on lots of not less than 4,000 square feet each.

C) Development Standards:

- 1) The following table indicates the required development standards of the R-2 zone.

MINIMUM LOT STANDARDS		MINIMUM YARD REQUIREMENT		MAXIMUM BUILDING HEIGHT	MAXIMUM LOT COVERAGE	OTHER REGULATIONS
Area:	Width & Frontage:	Street Yard:	Interior Yard:			
5,000 square feet for the first dwelling unit plus 2,500 sq. square ft. for each additional unit; except that single family dwellings with common wall construction may be permitted on lots of 4,000 sq. ft. each if approved as a conditional use.	60' (see Section 10.3.60 for regulations governing access. Corner Lots: 65 feet	20 ft.	10 ft. for single story 12 ft. for double story.	35 ft.	40% of the lot for multiple family developments; 70% for single family residences	*Vision clearance distance shall be 10 ft. from an alley and 30 ft. from any other street. *All setbacks to be measured from the furthest projection of the building. *Required setbacks on the southern and western exposures may be reduced by not more than 5' for eaves or canopies to provide shade.

10.3.24: Downtown Commercial Zone (C-1):

A) Uses Permitted Outright:

- 1) Dwelling units incidental and attached to any use listed in a C-1 zone. (Residences are subject to the regulations of the R-2 zone).
- 2) Retail store or shop, except those first listed as permitted uses in the C-2 zone.
- 3) Amusement enterprise, including pool hall, bowling alley, dance hall, skating rink or theater, when enclosed in a building.
- 4) Bakery, for retail sale primarily on premises.
- 5) Barber or beauty shop.
- 6) Bank or other financial institution.
- 7) Bicycle sales, service, or repair.
- 8) Blueprinting, photostating, printing, or other reproduction process.
- 9) Building materials, supply or sales when enclosed in a building.
- 10) Bus depot.
- 11) Business college.
- 12) Catering establishment.
- 13) Club or lodge hall.
- 14) Laundry or cleaning establishment.
- 15) Frozen food lockers.
- 16) Hotel and apartment hotel.
- 17) Laboratory for experimental, photo or electronic testing research.
- 18) Locksmith or gunsmith.
- 19) Magazine or newspaper distribution agency.
- 20) Mortuary.
- 21) Office, business or professional.
- 22) Parking lot or parking structure.
- 23) Pawn shop.
- 24) Restaurant, without drive-in service.
- 25) Scientific or professional instrument sales or repair.
- 26) Sales, rental or repair of small recreational, radio, television, business or household equipment.
- 27) Studio, including music, art, dancing, photography or health.
- 28) Taxidermy shop.
- 29) Telephone or telegraph exchange.
- 30) Theater, except drive-in.
- 31) Upholstery shop.
- 32) Watch and clock repair.

33) Similar commercial uses as determined by the Planning Commission.

B) Conditional Uses:

- 1) A use listed as conditional in the R-1 zone.
- 2) Miniature golf courses.
- 3) Dwelling units other than those which are incidental and attached to a use listed in the C-1 zone.

C) Development Standards:

- 1) The following table indicates the required development standards of the C-1 zone.

MINIMUM LOT STANDARDS

MINIMUM YARD
REQUIREMENT

MAXIMUM
BUILDING
HEIGHT

MAXIMUM
LOT
COVERAGE

OTHER REGULATIONS

Area:	Width & Frontage:	Street Yard:	Interior Yard:	45 ft.	No limit	*Vision clearance distances shall be 10 ft. from an alley and 15 ft. from any other street.
None	None	None, except 10 ft. where adjoin- ing a resid- ential zone.	None			

10.3.25: Residential/Commercial (C-R):

A) Uses Permitted Outright:

- 1) Uses permitted outright in the R-1 zone.
- 2) Parking lots or parking structures.
- 3) Bakery, for retail sale on premises only.
- 4) Barber or beauty shop.
- 5) Bicycle service and repair shop with all business and storage conducted within an enclosed building.
- 6) Church.
- 7) Ceramic, arts, crafts, or hobby shop, provided that adequate parking exists for any classes given.
- 8) Day care center serving 15 or fewer children or adults.
- 9) Locksmith shop.
- 10) Magazine or newspaper distribution agency.
- 11) Sales, rental or repair of small recreational, radio, television, business or household equipment.
- 12) Studio, including music, art, dance, photography or health.
- 13) Upholstery shop.
- 14) Watch or clock repair.
- 15) Business or professional offices.
- 16) Rooming or boarding houses.
- 17) Shoe repair.

B) Conditional Uses

- 1) Uses listed as conditional in R-1 or R-1.5 zones.
- 2) Uses listed as permitted outright in R-2 zones.
- 3) Motels or hotels.

C) Development Standards:

- 1) The following table indicates the required development standards of the C-R zone.

MINIMUM LOT STANDARDS		MINIMUM YARD REQUIREMENT		MAXIMUM BUILDING HEIGHT	MAXIMUM LOT COVERAGE	OTHER REGULATIONS
Area: 7,000 sq. ft.	Width & Frontage: 60' except that the Planning Commission may approve lots having less frontage subject to special conditions to assure adequate access.	Street Yard: 20 ft.	Interior Yard: None, except 10 ft. where adjoining a residential zone.	45 ft.	60%	*Vision clearance distances shall be 10 feet from an alley and 30 feet from any other street.

10.3.26: Convenience Commercial (C-C):

A) Uses Permitted Outright:

1. Convenience commercial enterprises having no more than 4,000 square feet of floor area including:

- a) Retail stores
- b) Barber or beauty shop
- c) Service station not operating after 10 P.M. or before 6 A.M.
- d) Similar appropriate commercial uses as determined by the Planning Commission.

B) Conditional Uses:

- 1) Other commercial uses
- 2) Dwelling units

C) Development Standards:

- 1) The following table indicates the required development standards of the C-C Zone.

MINIMUM LOT STANDARDS		MINIMUM YARD REQUIREMENT		MAXIMUM BUILDING HEIGHT	MAXIMUM LOT COVERAGE	OTHER REGULATIONS
Area:	Width & Frontage:	Street Yard:	Interior Yard:			
None	None	20 ft.	None, except 10 ft. where adjoining a residential zone.	35 ft.	60%	*Vision clearance distances shall be 10 feet from an alley and 30 feet from any other street.

10.3.28: Highway Commercial Zone (C-2):

A) Uses Permitted Outright:

- 1) A use permitted outright in a C-1 zone, other than dwelling units.
- 2) A use listed as conditional in a C-1 zone.
- 3) Automobile, motorcycle, boat or truck sales, service, repair, rental, storage or parking.
- 4) Billboard.
- 5) Theaters or other drive-in commercial recreational enterprises.
- 6) Restaurant, including drive-in.
- 7) Kennel.
- 8) Lumber yard.
- 9) Machinery, farm equipment, or implement sales, service or rental.
- 10) Motel or tourist court.
- 11) Service station.
- 12) Tire shop, including incidental tire recapping.
- 13) Veterinarian's office or animal hospital.
- 14) Fuel oil distribution, retail, provided all fuel oil storage is underground.
- 15) Nursery and greenhouse.
- 16) Feed and seed store.
- 17) Similar commercial uses as determined by the Planning Commission.

B) Conditional Uses:

- 1) Mobile home or trailer parks.
- 2) A use permitted outright in an M-1 Zone.

C) Development Standards:

- 1) The following table indicates the required development standards of the C-2 Zone.

MINIMUM LOT STANDARDS		MINIMUM YARD REQUIREMENT		MAXIMUM BUILDING HEIGHT	MAXIMUM LOT COVERAGE	OTHER REGULATIONS
Area:	Width & Frontage:	Street Yard:	Interior Yard:			
None	None	20 ft. where abutting Highway 99E, remaining property none, except 10 ft. where abutting a residential zone.	None, except 10 ft., where abutting a residential zone.	45 ft.	60%	*Vision clearance distances shall be 10 ft. from an alley and 15 ft. from any other street.

10.3.31: Light Industrial Zone (M-1):

A) Uses Permitted Outright:

- 1) Manufacturing, fabricating, processing, compounding, assembling or packaging of products made from previously prepared materials such as cloth, plastic, paper, metal, wood (but not including sawmills or lumber mills), the operation of which will not result in:
 - a) The dissemination of dusts, gas, smoke, fumes, odors, atmospheric pollutant or noise which exceed Oregon Department of Environmental Quality standards.
 - b) Danger by reason of fire, explosion, or other physical hazard.
 - c) Unusual traffic hazards.
- 2) Automobile body shop.
- 3) Contractor's equipment or storage yard.
- 4) Dwelling for watchman or caretaker working on the property.
- 5) Food processing plant.
- 6) Fuel distribution, wholesale or retail.
- 7) Ice or cold storage plant.
- 8) Laundry or dry-cleaning plant.
- 9) Lumber yard.
- 10) Machinery, farm equipment or implement sales, service or rental.
- 11) Motor or rail freight terminal.
- 12) Railroad trackage and related facilities.
- 13) Restaurant.
- 14) Service station.
- 15) Stone, marble, or granite cutting.
- 16) Tire retreading or recapping.
- 17) Transfer and storage company.
- 18) Utility service yard.
- 19) Veterinarian's office or animal hospital.
- 20) Warehouse
- 21) Wholesale distribution, including warehousing and storage.
- 22) Similar heavy commercial and light industrial uses as determined by the Planning Commission.
- 23) Business or professional office.

B) Conditional Uses:

- 1) Motels, hotels and similar transient accommodations.
- 2) Other heavy commercial or light industrial uses as determined by the Planning Commission.

C) Development Standards:

- 1) The following table indicates the required development standards of the M-1 zone.

MINIMUM LOT STANDARDS		MINIMUM YARD REQUIREMENT		MAXIMUM BUILDING HEIGHT	MAXIMUM LOT COVERAGE	OTHER REGULATIONS
Area:	Width & Frontage:	Street Yard:	Interior Yard:	45 feet	No limit	<p>*Vision clearance area distances shall be 15 ft or 10 ft at intersection including an alley.</p> <p>*Outside storage abutting or facing a lot in a residential zone shall be enclosed by a sight obscuring fence. The fence shall be so designed as to screen the storage from view from the residential zone and shall be of such material and design as will not detract from adjacent residences.</p>
5,000 square feet.	50 feet	None, except 10 ft. where abutting a residential zone.	None, except 10 ft. where abutting a residential zone.			

10.3.33: Heavy Industrial Zone (M-2):

A) Uses Permitted Outright:

1) A use permitted outright in an M-1 zone.

B) Conditional Uses:

1) All other uses when evaluated on the standards and criteria specified in Section 10.3.75, and the following point system for evaluating heavy industrial development proposals.

Explanation: Each of the following characteristics will be evaluated by the Planning Commission and assigned a certain number of points (positive and negative). A net point total of "0" will be considered to be the pre-requisite for approval of an industrial conditional use. In entering its findings of fact for its decision, the Commission shall indicate its findings regarding the following:

<u>Points:</u>	<u>Subject:</u>
0 to -10	Traffic impacts, particularly heavy truck traffic and its impact on non-industrial areas and streets.
0 to -10	Noise impacts, especially loud and high pitched noise and noise expected to occur at night.
0 to -10	Air pollution, including odors as well as measurable pollutants.
0 to -10	Water pollution, including impacts on groundwater and surface water as well as any unusual or hazardous discharges to the city sewage treatment facility.
0 to -10	Water consumption, especially where city water is utilized rather than a private source.
0 to -10	Electrical consumption.
0 to -40	Other adverse impacts, which may include factors not listed above

or may be used to add more negative points to any of the items already listed, where extreme adverse impacts are expected.

- 0 to +20 Tax benefits to the community, particularly for property taxes beyond the costs of providing public services.
- 0 to +10 Total number of persons to be employed.
- 0 to +10 Number of local persons who can expect to be employed, based upon percentages of skilled, semi-skilled and unskilled positions.
- 0 to +10 Reliance of industry on locally produced resources and locally processed materials.
- 0 to +10 Export characteristics and residual benefits to other local industries.
- 0 to +40 Other community benefits, including particularly advantageous design characteristics, etc. May also be used to add more positive points to each of the factors listed above where extremely beneficial impacts are expected.

C) Development Standards:

- 1) The following table indicates the required development standards of the M-2 Zone.

MINIMUM LOT STANDARDS		MINIMUM YARD REQUIREMENT		MAXIMUM BUILDING HEIGHT	MAXIMUM LOT COVERAGE	OTHER REGULATIONS
Area: 5,000 sq. ft.	Width & Frontage: 50 feet	Street Yard: None, except 20 ft. where abutting a residential	Interior Yard: None, except 20 ft. where abutting a residential zone.	45 ft.	No limit	<p>*Vision clearance area distances shall be 15 Ft. or 10 Ft. at intersections including an alley.</p> <p>*Outside storage abutting or facing residential zone shall be enclosed by a sight obscuring fence. The fence shall be so designed as to screen the storage from view from the residential zone and shall be of such material and design as will not detract from adjacent residences.</p>

10.3.35: Planned Unit Development Overlay (P.U.D.):

A) Purpose:

The Planned Unit Development overlay zone is intended to be used in conjunction with any of the city's underlying base zones (example: R-1-PUD; M-1-PUD etc.) to assure that the ultimate development of the site will meet the requirements of a planned unit development. The Planned Unit Development overlay zone is intended to be applied only to those specific properties which, because of unique characteristics, such as size, shape and location of the parcel are most suitable for development as planned unit developments.

B) Uses Permitted Outright:

The uses permitted outright in the underlying base zone, provided they are developed in conformance with the City's regulations and procedures for planned unit developments.

C) Conditional Uses:

The uses listed as "conditional" in the underlying base zone.

10.3.37: Hazard Overlay Zone (H):

A) Purpose:

The Hazard overlay zone is intended to be used in conjunction with any of the City's underlying base zones (example: R-1-H; M-2-H; etc.) to assure that the development of the site will not result in an unacceptable level of risk because of hazardous conditions. The Hazard overlay zone is intended to be applied only to those specific properties which have been identified as having steep slopes or potential for flooding.

B) Uses Permitted Outright:

- 1) One single family dwelling per lot, provided that it is designed, located, and constructed with a base floor elevation which is at least one (1) foot above the base flood elevation determined in compliance with the requirements of the Federal Flood Insurance Program.

- 2) Agriculture, including all accessory structures necessary to the conduct of agricultural activity, provided that such structures comply with the requirements of the Federal Flood Insurance Program, and excluding commercial processing, sales, manufacturing, or packaging plants, except when used for items grown primarily on the premises.
- 3) Accessory structures and uses, provided that they comply with the requirements of the Federal Flood Insurance Program.
- 4) Water intake or sewer outflow structures which meet county and state requirements for construction as well as the requirements of the Federal Flood Insurance Program.

C) Conditional Uses:

- 1) All uses not listed above as permitted outright, but listed as either permitted or conditional uses in the underlying base zone. In reviewing such conditional use permit applications the Planning Commission shall require full compliance with the requirements of the Federal Flood Insurance Program, proof of base floor elevations at least one (1) foot above base flood levels, and may impose special conditions to mitigate or minimize hazards to life and property.

10.3.40 Signs:

A) Purpose:

- 1) The purpose of this Section is to help maintain the appearance of the City by encouraging well designed and wisely located signs which are consistent with the intent and objectives of the Comprehensive Plan.
- 2) These regulations are intended to control the size, location, number, and type of signs in such a manner as to minimize any adverse affects on the public health, safety, general welfare or overall aesthetic appearance of the City.

B) Construction and maintenance:

- 1) Each sign shall be constructed to meet the requirements of applicable Building, Electrical and Mechanical Codes.
- 2) All signs and component parts shall be kept in good repair and maintained in a safe, neat, clean, and attractive condition.

- 3) No sign shall be erected or maintained in such a manner that any portion of its surface or its supports will interfere in any way with the free use of, or any access to, any fire escape, exit or standpipe. No signs shall be erected or maintained so as to obstruct any window so that light or ventilation is reduced below standards required by any applicable law or building code.

C) Setbacks.

- 1) Signs are required to meet the setback requirements of the applicable zone district. Except however, that the street yard setback for signs shall be at least 50% of that required for other structures in the zone.
- 2) Signs shall not be allowed to obstruct a vision clearance area at an intersection.
- 3) Signs for nonconforming structures or uses shall be permitted without the necessity of receiving a permit to expand a nonconforming structure or use, provided that such signs meet all other requirements of local ordinance and provided that such signs are no less in conformance than the existing structure or use.

D) Temporary Signs.

- 1) Political campaign signs, real estate or land development signs, and temporary signs advertising such things as social events, garage sales, rental vacancies, or farm products are all permitted provided that they do not exceed the total square footage of allowed sign area per lot by more than 50% and provided that they meet all other ordinance requirements. Except, however, that such temporary signs in residentially zoned areas shall not exceed eight (8) square feet per dwelling unit.
- 2) All temporary signs shall be removed within five (5) days after the culmination of the event they were intended to advertise.

E) Street Banners.

No street banners or other signs projecting over a public right-of-way shall be permitted without

the prior consent of the City Council, except, as may be permitted in the Uniform Sign Code.

F) Signs on Trailers or Vehicles.

Signs on trailers or vehicles shall not be considered to be valid temporary signs as used in this ordinance. No such signs on trailers or vehicles shall be allowed to be parked on any public right-of-way or to otherwise violate the setback requirements for signs, except for those nameplates or logos which may be affixed to a commercial vehicle to indicate the owner's name and place of business, where such advertising is incidental to the use of the vehicle.

G) Signs Not Designed to be Viewed from any Public Right-of-way.

1) Nothing in this Section shall prevent the erection, location or construction of small directional or instructional signs on private property when such signs are solely designed to direct or to guide or to instruct pedestrian or vehicular traffic while on the parcel of real property on which said signs are located.

2) Nothing in this Section shall prevent the erection, location or maintenance of signs located on private property that are not viewable from a public street or right-of-way or other nearby private property unless the building official deems that the continuation of such a sign constitutes a serious and immediate danger to public safety and welfare.

H) Prohibited Signs.

Rotating, Moving, Flashing, Changing, Reflecting or Blinking Signs are hereby prohibited other than those with white lights indicating the date, time, and temperature. No sign or other advertising structure as regulated by this Section shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape, or color, it may interfere with, obstruct the view of, or be confused with,

any authorized traffic sign, signal, or device; or which makes use of the words, "stop", "look", "detour", "danger", or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse motorists. Sign lighting which is designed or constructed in a manner which produces glare that creates a nuisance to nearby dwellings will not be permitted.

I) Nameplates.

Nothing in this Section is intended to preclude or regulate the placement of nameplates or address signs of less than 2 square feet, provided that such small signs are unlighted and provided that not more than one such nameplate or address sign shall be used for each dwelling unit or occupant.

J) Area of Signs Permitted by Zoning District.

Signs in commercial or industrial zoning districts shall comply with the following chart:

PERMITTED TOTAL SQUARE FOOTAGE OF SIGN

AREA PER SQUARE FOOTAGE OF USE*

	Up to 500 sq. ft.	500 to 1,000 sq. ft.	1,000 to 2,500 sq. ft.	2,500 to 4,000 sq. ft.	4,000 to 6,000 sq. ft.	6,000 to 10,000 sq. ft.	10,000+ sq. ft.
C-1	40	60	80	100	150	200	250
C-C	20	40	60	60	60	60	60
C-R	20	30	40	50	50	50	50
C-2	50	75	100	150	200	250	300
M-1	50	75	100	150	200	250	300
M-2	50	75	100	150	200	250	300

*"Square Footage of Use" is intended to apply only to building area or other portion of the property where business is actually conducted, exclusive of parking areas, open space, or undeveloped portions of the property.

** Sign area may be increased by as much as 60% for businesses having frontage on more than one street.

10.3.45: Mobile Home and Trailer Parks: The following regulations shall be applied to mobile home parks or trailer parks, shall guide the staff in the process of conducting site plan reviews, and shall guide the Planning Commission in the process of considering conditional use permits.

A) Applicants shall submit plot plans in the appropriate number and general form as is required for either a site plan review or conditional use permit, as applicable, which shall include the following:

- 1) Locations, number and general design of pads or stalls where units are to be located.
- 2) Locations and designs of streets, private drives and parking areas.
- 3) Locations and designs of exterior storage areas, with an indication of whether vehicles are to be stored.
- 4) Locations and basic designs of any structures which are to be permanently situated on the property and an indication of the use of such buildings.
- 5) Locations, with calculations of area, of each of the recreation, open space, or landscaped areas.

B) In reviewing applications for mobile home parks or trailer parks the following standards and criteria shall apply:

- 1) Maximum density shall be as follows:
 - a) R-1 Zone. 7 units/acre
 - b) R-1.5 Zone. 10 units/acre
 - c) R-2 Zone and other zones listing Mobile Home or Trailer Parks as conditional or permitted uses . . . 12 units/acre
- 2) Density figures may be increased by not more than 2 units per acre for trailer parks pro-

viding spaces for overnight camping facilities.

- 3) The setback requirements of the zone shall be applied to the locations of mobile homes or trailers, except that in no case shall such units be placed less than fifteen (15) feet from any interior lot line nor less than 25 feet from any public street.
- 4) The access requirements of Section 10.3.60 shall be utilized to determine the permitted number of units.
- 5) Paved pedestrian paths or walkways shall be provided along at least one side of each private road and between each unit and any out-building provided to serve that unit. Such paths are to be a minimum of two feet in width and designed to prevent drainage water from passing over such walkways.
- 6) A minimum of fifteen (15) feet of separation shall be maintained between individual units as well as between units and permanent buildings.
- 7) A concrete patio area of at least 150 square feet shall be provided for each unit.
- 8) Playground or open space areas shall be provided and specified on the plan, and suitable equipment for such purposes shall be specified. Such areas shall be protected from streets, drives, and parking areas. A minimum of 100 square feet of playground or open space area for each mobile home space shall be provided in one or more locations within the mobile home park. The minimum size of each such playground or open space shall be 2500 square feet. Except, however, that those requirements may be reduced by as much as 50% if the planning commission finds that such reduction is justified because of indoor recreation facilities which are provided.
- 9) A minimum of fifteen percent (15%) of the total development shall be landscaped, including a strip at least 15 feet wide along all interior lot lines.
- 10) A sight obscuring fence which is not less than four (4) nor more than six (6) feet in

height shall be provided along the perimeter of the development, except where reduced fence height is required for vision clearance along street frontage.

C) No mobile home or travel trailer will be allowed to remain in a mobile home or trailer park unless a parking space or previously approved storage area has been provided for the purpose. Mobile homes or travel trailers which are parked in storage areas shall not be occupied.

D) When reviewing a conditional use permit application for the development or expansion of a mobile home park or trailer park the commission may impose special conditions of approval for the perimeter of the park to assure that its outward appearance does not conflict with surrounding uses or activities.

10.3.50: Other Regulations Affecting Mobile Homes, Motor Homes, and Travel Trailers: Mobile homes, motor homes or travel trailers other than in approved mobile home parks or subdivisions shall not be inhabited or used except as provided in this Section, or as may otherwise be specified in the Land Development and Planning Ordinance.

A) No camper, trailer, motor home, or mobile home may be used or inhabited for more than seven (7) days unless such placement, use or habitation conforms with the requirements of the Ordinance.

B) Parking or placement of such vehicles or structures within any public right-of-way is subject to the enforcement provisions of City ordinances governing nuisances and traffic violations.

C) The City Council may, after receiving a properly filed application and recommendations from the staff and the Fire Marshal, approve a permit to allow the use of a travel trailer, mobile home, or motor home for a period not to exceed six (6) months.

1) Approval of such permits shall be based upon findings that this use will have no significant adverse impacts on the value or appropriate development of nearby properties.

- 2) Any permit issued pursuant to the terms of this Section may be revoked by the Council on 24 hours notice upon finding that the use is a menace to public health or is resulting in a public nuisance.

D) The City Council may also issue temporary permits for the use and occupancy of travel trailers or motor homes in special hardship situations, subject to the following:

- 1) Duration of the permit shall be specified by the Council and may include a provision which requires renewal at predetermined intervals.
- 2) The nature of the hardship must be a physical or mental infirmity of a resident of either the principal dwelling unit or the temporary unit, and shall be certified as such in writing by a medical doctor or court of competent jurisdiction.
- 3) Prior to final issuance of the permit, the applicant shall sign an affidavit agreeing to remove or cease using the travel trailer or motor home upon the death or relocation of the infirm person.
- 4) Upon receipt of an application and accurate plot plan for such a temporary hardship permit the following procedure shall be followed:
 - a) Notices shall be mailed to the owners of property within 100 feet of the subject property, giving them ten (10) days in which to request a public hearing on the application.
 - b) If no such requests for hearing are received within the time limits, the application shall be scheduled for Council action at its next regular meeting without a public hearing.
 - c) If a public hearing is formally requested, it shall be scheduled on an upcoming Council agenda and the hearing procedures of Article 8 followed.

- 5) A decision on an application for a temporary hardship permit shall be based upon the following standards and criteria:
 - a) No significant adverse impacts on the value or appropriate development of nearby properties will result.
 - b) The subject property contains sufficient vacant area to allow for the placement of the temporary unit without overcrowding the lot or the vicinity overall and will result in a reasonable amount of open space in the area.
 - c) The temporary unit will be connected to all required utilities in a manner which meets code requirements.
 - d) The placement of the unit will meet the setback requirements of the zone.
 - e) The hardship situation is legitimate and clearly necessitates the issuance of a temporary permit as an alternative to having all of the affected persons share a single dwelling unit on the property.
- 6) The City Council may establish requirements as a condition of approving such an application which are necessary to assure compliance with the intent of this Section and to minimize adverse impacts on the surrounding neighborhood.

E) The City Council may issue temporary permits for the use and occupancy of mobile homes, travel trailers, or motor homes for the purpose of housing caretakers or watchmen subject to the following:

- 1) Duration of the permit shall be specified by the council and may include a provision which requires renewal at predetermined intervals.
- 2) Such temporary permits may only be issued for industrial areas, large commercial tracts, public ownerships, or, for short terms, at construction sites.

- 3) Prior to final issuance of the permit, the applicant shall sign an affidavit agreeing to remove the mobile home, travel trailer, or motor home upon the expiration of the permit.
- 4) A decision on a permit authorized subject to this Subsection shall be based upon the following standards and criteria:
 - a) No significant adverse impacts on the value or appropriate development of nearby properties will result.
 - b) The subject property contains sufficient vacant area to allow for the placement of the temporary unit without overcrowding the lot or the vicinity overall and will result in a reasonable amount of open space in the area.
 - c) The temporary unit will be connected to all required utilities in a manner which meets code requirements.
 - d) The placement of the unit will meet the setback requirements of the zone.
- 5) The city council may establish requirements as a condition of approving such an application which are necessary to assure compliance with the intent of this Section and to minimize adverse impacts on the surrounding neighborhood.

10.3.60 Access Limitations on Project Density: A major factor in determining the appropriate density of residential development, particularly in higher density areas, is vehicular access. In order to assure that sufficient access is provided for emergency response as well as the convenience of residents, the following special limitations shall be placed on the allowable number of units in a residential development:

A) The maximum number of units to take access to a given private road or driveway shall be:

- 1) 16, for any one-way drive, or 20, for any one-way drive with a parking strip.
- 2) 24, if the traveled portion of the road or driveway is less than 24 feet in width.
- 3) 36, if the traveled portion of the road or driveway is between 24 and 30 feet in width.
- 4) 40, if the traveled portion of the road or driveway exceeds 30 feet in width.

B) The maximum number of units listed in Subsection (A), above, may be increased by up to 50% for looped or through roads or driveways, except in the case of one-way drives which shall in all cases be looped.

C) The planning commission may allow increases beyond the maximum number of units listed in Subsections (A) and (B), above, for planned unit developments. Such increases shall not exceed an additional 20% and shall be based upon a specific finding that no unwarranted problems for emergency response vehicles will result.

D) The established requirements of a 12 foot minimum width for one-way drives and 20 foot minimum width for two-way drives shall remain in effect.

E) All turnaround systems shall meet or exceed the requirements of the parking provisions of this Ordinance delineated in Section 10.3.10.

F) All on-site private roads and drives shall be designed and constructed to provide safe intersections and travel surfaces which will not result in hazards for motorists, bicyclists, or pedestrians.

10.3.62: Other Access Limitations: 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.

10.3.70: Site Plan Review: Prior to undergoing a plan check for construction, all proposed commercial, industrial, and multiple family residential development projects (having greater than 2 dwelling units) shall undergo a site plan review to be conducted by the staff. This review is intended to focus on code compliance and the mitigation of potential health and safety hazards rather than on architectural or aesthetic design features. Additional to the requirements imposed as a result of a site plan review the staff may also make certain recommendations which are not binding upon the applicant but which are intended to improve the overall quality or appearance of the development.

A) Eight (8) copies of a plot plan, drawn to a clearly legible scale, shall be submitted to the city planner for review. These plans shall include all of the following which may be applicable to the development.

- 1) Locations and general designs of all structures, showing exterior doors.
- 2) Locations, sizes and general designs of all signs.
- 3) Bicycle paths, bicycle parking areas, sidewalks, and other pedestrian ways.
- 4) Landscaping areas and water systems for landscaped areas.
- 5) Parking layout, including specially designated areas for economy cars and spaces for the handicapped. The patterns of vehicular traffic shall be shown, including ingress and egress points on to adjacent streets.
- 6) Locations and types of traffic control signs.
- 7) Distances between structures and other significant features.

- 8) Planned exterior lighting arrangement.
- 9) Method of screening garbage cans and exterior storage areas from view.
- 10) Locations, sizes, and types of fences to be used.
- 11) Vision clearance areas.
- 12) Storm drainage plans.
- 13) Locations and general nature of utility lines, pipelines, standpipes, hydrants, etc.
- 14) Arrangement and location of mail boxes.

B) The City Planner and other appropriate staff persons shall review the plans and may make field inspections of the site to determine whether the proposed development conforms with applicable city ordinances.

C) Necessary corrections, additions, or deletions to the plans shall be noted on them, with one copy of the corrected plan placed on file and another returned to the applicant.

- 1) If the corrections, additions, or deletions are relatively minor, the building permit may be issued upon completion of the normal building permit process.
- 2) In the case of major modifications to the design, however, the City Planner or Building Official may require that the plot plan be re-drawn and re-submitted for review prior to issuance of the building permit.

D) The staff shall utilize the following standards and criteria in conducting a site plan review:

- 1) Compliance of the proposal with all applicable city ordinance requirements.
- 2) A determination that the proposal will result in no unusually hazardous conditions for motorists, bicyclists, pedestrians, or other users of the site.
- 3) A determination that exterior lighting will not result in glare on neighboring properties or a hazard to motorists.

4) A finding that any previously established conditions of approval (for a variance, conditional use permit, etc.) have been met.

E) On appeal of a staff decision regarding a site plan review the commission shall utilize the same standards and criteria as are required of the staff.

F) On additions to existing buildings the site plan review shall be conducted only on those portions of the project affected by the additions, except where potential hazards may result from the design, in which case the review may be expanded to include any portions of the total development where such hazardous conditions may exist.

10.3.75: Conditional Uses:

A) Authorization to Grant or Deny Conditional Uses:
A conditional use listed in this ordinance shall be permitted, altered, or denied in accordance with the standards and procedures of this Section. In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as a conditional use, a change in the use or reduction in lot area or an alteration of the structure shall require the prior issuance of conditional use permit. In judging whether or not a conditional use permit shall be approved or denied, the Planning Commission shall weigh the proposals, appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed and to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable:

- 1) The proposal will be consistent with the comprehensive plan and the objectives of the zoning ordinance and other applicable policies of the city.
- 2) Taking into account location, size, design, and operation characteristics, the proposal will have minimal adverse impact on the (a) livability, (b) value and appropriate development of abutting properties and the surrounding area compared to the impact of development that would be permitted outright in the zone.

- 3) The location and design of the site and structures for the proposal will be as attractive as the nature of the use and the setting warrants.
- 4) The proposal will preserve assets of particular interest to the community.
- 5) The applicant has a bona fide intent and capability to develop and use the land as proposed and has some appropriate purpose for submitting the proposal, and is not motivated solely by such purposes as the alteration of property values for speculative purposes.

B) Application for Conditional Uses: A request for a conditional use or modification of an existing conditional use may be initiated by a property owner or his authorized agent by filing an application with the City Planner upon forms prescribed for the purpose. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. The Planning Commission may request other drawings or material essential to an understanding of the proposed use and its relationship to the surrounding properties.

C) Public Hearing Required: Each properly filed application for a conditional use permit shall be considered by the Planning Commission following a public hearing advertised and conducted in the manner prescribed in Article 8.

D) Placing Conditions on a Permit: In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose conditions which it finds necessary to avoid a detrimental impact and to otherwise protect the best interests of the surrounding area or the community as a whole. These conditions may include the following:

- 1) Limiting the manner in which the use is conducted including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare, and odor.
- 2) Establishing a special yard, other open space or lot area or dimensions.

- 3) Limiting the height, size, or location of a building or other structure.
- 4) Designating the size, number, location and nature of vehicle access points.
- 5) Improving the street and/or expanding the right-of-way.
- 6) Designating the size, location, screening, drainage, surfacing or other improvement of a parking area or truck loading area.
- 7) Limiting or otherwise designating the number, size, location, height and lighting of signs.
- 8) Limiting the locating and intensity of outdoor lighting and requiring its shielding.
- 9) Requiring diking, screening, landscaping or other facility to protect adjacent or nearby property and designating standards for its installation and maintenance.
- 10) Designating the size, height, location and materials for a fence.
- 11) Protecting and preserving existing trees, vegetation, water resources, wildlife habitat or other significant natural or open space areas.
- 12) Other conditions to permit the development of the City in conformity with the intent and purpose of the conditional classification.

E) Notification of Action: The City Planner shall notify the applicant in writing of the action of the Planning Commission within five days after the decision has been rendered.

F) Standards Governing Conditional Uses: A conditional use shall ordinarily comply with the standards of the zone for uses permitted outright except as specifically modified by the Planning Commission in granting the conditional use permit or as otherwise provided as follows:

- 1) Building height. The height limitations of any zone may be exceeded by a conditional use to a maximum height of 75 feet, provided that each yard is increased over the yard requirement by the addition of five feet for

every five feet or fraction thereof of additional height over 35 feet.

- 2) Utility substation or pumping station. The minimum lot size of the zone in which a public utility is to be located may be waived by the Planning Commission only on finding that the waiver will not result in unacceptable levels of noise or other detrimental effect on adjacent property. No equipment storage shall be permitted on the site.
- 3) Signs. Signs may be permitted for a conditional use, in keeping with the nature of the use. The Planning Commission may require the applicant to submit details of proposed signs to allow for consideration with the use permit for the structure or use.

10.3.80: Nonconforming Uses and Structures:

- A) Continuation of Nonconforming Use or Structure. Subject to the provisions of this Section, a nonconforming structure or use may be continued but shall not be altered or extended except as provided herein.
- B) Nonconforming Structure: A structure conforming as to the use but nonconforming as to height, setback, or coverage may be altered or extended providing the alteration or extension is in conformance with this Ordinance. Any expansion must follow the procedures as set forth in Subsection (D), below.
- C) Discontinuance of a Nonconforming Use:
 - 1) If a nonconforming use involving a structure is discontinued from active use for a period of one year, further use of the property shall be as a conforming use.
 - 2) If a nonconforming use not involving a structure is discontinued for a period of six months, further use of the property shall be for a conforming use.
- D) Application for Expansion of Nonconforming Structure or Use:
 - 1) A request for an expansion of a nonconforming use or structure may be initiated by a property owner or his authorized agent by filing an application with the City Planner upon forms

prescribed for the purpose. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. If the application is for the expansion of a nonconforming structure, the City Planner will send to the owners of all property within 100 feet of the subject property a notice of application, informing them that they may request a public hearing before the Planning Commission on the application by filing a written notice within ten (10) days. If no such request for hearings are received within the time limits, and if the staff determines that the application is of a relatively minor nature, the City Planner shall authorize the building inspector to proceed to issue the necessary construction permits for the expansion.

- 2) If a request for a hearing is filed for an application to expand a nonconforming structure, or if the staff determines that the application is not of a minor nature, or if the application is for the expansion of a nonconforming use or structure housing a nonconforming use, the City Planner shall schedule the application for a public hearing before the Planning Commission. The Planning Commission may request other drawings or material essential to an understanding of the proposed use and its relationship to the surrounding properties.

E) Authorization to Grant or Deny Expansion of Nonconforming Structure or Use. An expansion of a nonconforming use or structure shall be permitted, altered, or denied in accordance with the standards and procedures of this Section. In judging whether or not a nonconforming use shall be approved or denied, the Planning Commission shall weigh the proposal's appropriateness and desirability or the public convenience or necessity to be served against any adverse condition that would result from authorizing the particular development at the location proposed and, to approve such expansion shall find that the criteria as set forth in Section 10.3.75(A) 2 through 5 can be met by observance of conditions, or are not applicable.

F) Destruction of a Nonconforming Use or Structure: If a nonconforming structure or a structure containing a nonconforming use is destroyed by any cause to an extent exceeding 80 percent of the cost of replacement of the structure using new materials, as determined by the

Building Official, the property owner may apply to the Planning Commission to restore the nonconforming use or structure. In judging whether or not the restoration of a nonconforming use shall be approved or denied, the Planning Commission shall weigh the proposal's appropriateness and desirability or the public convenience or necessity to be served against adverse conditions that would result from authorizing the particular restoration at the location proposed and, to approve such restoration shall find that the criteria as set forth in Section 10.3.75(a) 2 through 5 can be met by observation of conditions, or are not applicable.

G) Completion of Building. Nothing contained in this ordinance shall require any change in the plans, alteration, construction or designated use of a building upon which construction work has lawfully commenced prior to the adoption of this ordinance, except that if the designated use will be nonconforming it shall, for the purpose of subsection (C), above, be a discontinued use if not in operation within one year of the date of issuance of the building permit.

10.3.85: Amendments to the Zoning Map:

A) Authorization to Initiate Amendments: An amendment to the zoning map may be initiated by the City Council, by the Planning Commission or by application of a property owner or his authorized agent. The Planning Commission shall, within forty (40) days after closing the hearing, recommend to the City Council, approval, disapproval or modification of the proposed amendment.

B) Application and Fee: An application for amendment by a property owner or his authorized agent shall be filed with the City Planner on forms prescribed for the purpose, and shall include the appropriate fee.

C) Public Hearing on an Amendment: Before taking final action on a proposed amendment, the Planning Commission shall hold a public hearing on the amendment following the requirements for advertising and conduct of hearings prescribed in Article 8.

D) Standards and Criteria: In judging whether or not the zoning map should be amended or changed, the Planning Commission and City Council shall consider:

- 1) The Comprehensive Plan of the City, and the plans and policies of the County, State, and local

districts in order to preserve functions and local aspects of land conservation and development.

- 2) A public need for the change.
- 3) Whether the change will serve the public need better than a change which might reasonably be made on other available property. (If the change is legislative as opposed to quasi-judicial, the standard will be whether the proposed change will serve the public need better than any other change which might be expected to be made.)
- 4) Whether the change will preserve and protect the health, safety and general welfare of the residents in the area.
- 5) Statewide Planning Goals, until such time as the City Comprehensive Plan is found to be in compliance with the Statewide Planning Goals of the Land Conservation and Development Commission.

E) City Council Review: Upon receipt of the record of the planning commission proceedings, and the recommendation of the commission, the City Council shall conduct a review of that record and shall vote to approve, deny, or approve subject to modifications, the recommendation of the Planning Commission. The City Council shall hear the arguments based upon the record. Additional or supplemental information not included within the original record shall not be considered. The arguments on the record shall not be conducted as a public hearing.

F) Improvement Conditions: In acting on an application for a zone change, the Planning Commission may recommend and the City Council may impose conditions to be met by the proponents of the change before the proposed change takes effect. Such conditions shall be limited to improvements or physical changes to the property which are directly related to the health, safety, or general welfare of those in the area. Further, such conditions shall be limited to improvements which clearly relate to and benefit the area of the proposed zone change. Allowable conditions of approval may include, but are not necessarily limited to:

- 1) Street and sidewalk construction or improvements.
- 2) Extension of water, sewer, or other forms of utility lines.

3) Installations of fire hydrants.

G) Record of Amendments: The City Planner shall maintain a record of amendments to the zoning map in a form convenient for the use of the public.

ARTICLE 4 LAND DIVISION REGULATIONS

10.4.10: General Provisions:

A) Purpose: The purpose of this Article is to define subdivisions, partitions, and related terms, to establish minimum requirements and standards necessary for efficient, safe, and attractive land division and development consistent with the physical characteristics of the city; to prescribe form, content, and procedures to be followed in the development and approval of land divisions and related maps and plats and to designate those authorized to give such approval; and to provide penalties and notice of violations. Authorization and minimum standards for this Article are provided for by ORS Chapters 92 and 227.

Land division is the most important factor in establishing the physical character of a growing community. If improperly designed and executed, it wastes the intrinsic value of the land and can become a costly burden to the community. It is hoped that these regulations and procedures will encourage the well-planned division of land while preventing land division with high future costs to those who will occupy the land, their neighbors, and the city as a whole. It is further the purpose of this Article:

- 1) To ensure that the public health, safety, convenience, and general welfare be given due consideration in the division and development of land.
- 2) To help implement the Comprehensive Plan and elements thereof.
- 3) To provide a means to emphasize environmental protection and preservation of the historical and natural assets of the city by encouraging orderly development relating to location, number, design and distribution of lots and parcels.
- 4) To minimize, by proper design and development, the danger to life and property caused by hazards of fire, flood, soil erosion, and land slippage.
- 5) To provide lots, parcels, and development sites of a sufficient shape, size, and character for the purpose for which they will be used.
- 6) To provide the establishment of adequate water supply, sewage disposal, surface water drainage, and other utilities and facilities as needed for the public health, safety and convenience.

- 7) To ensure adequate provisions for transportation, including roads, bicycle ways, and pedestrian ways which take into consideration anticipated usage, safety factors, and impact on the neighboring area.
- 8) To ensure that the costs of developing roads, utilities and public areas serving new developments will be substantially absorbed by the benefitted persons as opposed to the citizens of the city at large.
- 9) To provide adequate light, air, open space, and recreational areas, and to encourage better techniques and innovations in the arrangement of building sites and/or lots and parcels.

B) Scope of Regulations: Subdivision plats and minor and major partition maps shall be reviewed by the commission in accordance with these regulations. A person desiring to divide land in any manner which is governed by these regulations shall submit tentative plans and final documents for approval as provided in these rules and the state law.

C) Conformance:

- 1) Comprehensive Plan: A subdivision or partition shall conform to the Comprehensive Plan. A determination of such conformity shall be based upon consideration of all applicable portions of the Comprehensive Plan and shall not be based solely upon a review of the land use map.
- 2) Land Development and Planning Ordinance: A land division shall be subject to all applicable requirements of other Sections of this Ordinance. Where an applicant seeks the approval of any division which requires a change in zoning, the applicant may be required to complete rezoning process prior to submittal of an application for property division.
- 3) Health, Safety and Sanitation: A subdivision or partition shall conform to all applicable State, County and City regulations regarding health, safety and sanitation. The County will not issue any permits for onsite sewage disposal systems for any lot or parcel created in violation of these regulations, nor for the remainder of the parent parcel from which lots or parcels have been illegally created, unless and until such violation has been rectified and all legal requirements met.

4) Building: Structures and buildings in any property division shall conform with applicable codes and regulations regarding building. The City Building Official shall not allow the issuance of a building permit on any lot or parcel created, subdivided or partitioned in violation of these requirements. No building permit shall be issued for the remainder of the parent parcel, from which any lots or parcels have been created in violation of this Ordinance, unless and until such violation has been rectified and all legal requirements met.

5) Streets and Roads: A property division shall conform to all applicable city ordinances or policies pertaining to streets, roads or access.

D) Delegation of Authority: The commission is hereby delegated all lawful powers and functions given the City Council under ORS Chapter 92 with respect to consideration, requirements, and approvals of all tentative maps and plats for subdivisions and partitions other than the authority to accept land for dedication to the public.

E) Applications Required: The following land use actions shall require the filing of an appropriate application and completion of the proper procedures established therefor in this Article:

1) Minor partitions.

2) Major partitions.

3) Subdivisions (including planned unit developments which are also governed by the requirements of Article 5.)

4) Lot line adjustments.

F) Applicability of Regulations: The regulations of this Article apply to all portions of the City of Canby as it now exists or may hereafter be altered.

10.4.20: Lot Line Adjustments: The relocations of one or more property lines between lots or parcels where no additional lots or parcels will result constitutes a lot line adjustment rather than a partition or subdivision. The procedure to be followed in such cases is as follows:

A) An application for lot line adjustment shall be filed with the City Planner on forms prescribed for the purpose. Such applications shall include six copies of a map drawn to scale for the purpose and meeting the requirements for a tentative map indicated in Section 10.4.30.

B) The City Planner and City Engineer shall review the proposed lot line adjustment and shall determine whether the following criteria have been met:

- 1) Each of the remaining parcels and any structures located thereon shall be in full compliance with all regulations of Chapter 10, including the setback requirements of Article 3. Except, however, that lot line adjustments are permitted on nonconforming lots and lots with nonconforming structures provided that the nonconforming lots and structures will be no less in conformity as a result of the lot line adjustment.
- 2) No new lots or parcels will be created as a result of the lot line adjustment without receiving approval as a partition or subdivision.
- 3) If it is deemed necessary to assure the accuracy of recorded information, a survey may be required of the applicant.
- 4) Lot line adjustments shall not be permitted where the result will be the creation of additional building sites in known hazardous locations or where the appropriate development or extension of public facilities will be impaired as a result.

C) The City Planner is hereby authorized to approve lot line adjustments in compliance with the requirements of Subsection B, above. In any case where the City Planner determines that the requirements of Subsection B can not or may not be met, the application shall be scheduled for the consideration of the commission, with a recommendation from staff. In any case where the City Planner determines that a lot line adjustment will significantly alter the design and appropriate development of a subdivision or partition which has previously been approved by the city or other nearby property, the City Planner shall schedule the application for consideration by the commission.

D) The commission shall review the information submitted and shall make a decision approving, modifying, or denying the proposal so as to assure compliance with the requirements of the Land Development and Planning Ordinance. The applicant shall be notified in writing of the decision

of the commission and the reasons therefor. One copy of the proposed plan shall be returned to the applicant labeled "approved," "denied" or "modified." An additional copy shall be kept on file for future reference.

E) Applicants for lot line adjustments shall bear full responsibility for compliance with all applicable state and local regulations and for the following:

- 1) Any public or private easements to be altered as a result of the lot line adjustment shall require the prior approval of the agency or individual having rights to such easements.
- 2) The County Assessor shall be notified that the lot line adjustment is not to result in the creation of an additional Tax Lot. If a separate Tax Lot is created as a result, the city shall indicate that it is not considered to be a separately saleable or developable building site and may record a statement to that effect with the County Recorder.
- 3) Approval of all lienholders having an interest in properties affected by a lot line adjustment shall be obtained.

10.4.30: Major or Minor Partitions:

A) Filing procedures: Any application for a land partition shall be accompanied by the following:

- 1) Eighteen (18) copies of the tentative partition map, drawn to scale and submitted on paper no less than 8-1/2 by 11 inches in size, and showing all of the following information:
 - a) The date, northpoint, scale and sufficient description to define the location and boundaries of the tract to be partitioned.
 - b) Name and address of the record owner and the person who prepared the tentative map.
 - c) Approximate acreage of the land under a single ownership or, if more than one ownership is involved, the total contiguous acreage of the landowners directly involved in the partitioning.

- d) For land adjacent to and within the tract to be partitioned, the locations, names and existing widths of streets; location, width and purpose of other existing easements, and location and size of sewer and water lines and drainage ways and the location of power poles.
 - e) Outline and location of existing buildings to remain in place and any forested or other significant areas of vegetation.
 - f) Parcel layout, showing size and relationship to existing or proposed streets and utility easements.
 - g) Such additional information as required by the commission.
- 2) A written statement describing the proposed development and including supportive documentation regarding the particular design in terms of its conformance with the Comprehensive Plan and compatibility with surrounding land use patterns.

B) Standards and Criteria: Improvements in partitions. The same improvements shall be installed to serve each building site of a partition as is required of a subdivision, and the same basic design standards shall apply. However, if the commission finds that the nature of development in the vicinity of the partition makes installation of some improvements unreasonable, the commission shall except those improvements. In lieu of excepting an improvement, the commission may recommend to the council that the improvement be installed in the area under special assessment financing or other facility extension policies of the city.

- 1) Minor Partition: Application for a minor partition shall be evaluated based upon the following standards and criteria:
- a) Conformance with the text and applicable maps of the Comprehensive Plan.
 - b) Conformance with all other applicable requirements of the Land Development and Planning Ordinance.

- c) The overall design and arrangement of parcels shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of adjacent properties.
 - d) No minor partitioning shall be allowed where the sole means of access is by private road, unless it is found that adequate assurance has been provided for year-round maintenance sufficient to allow for unhindered use by emergency vehicles, and unless it is found that the construction of a street to city standards is not necessary to insure safe and efficient access to the parcels.
- 2) Major Partitions: Application for a major partition shall be evaluated based upon the following standards and criteria:
- a) Conformance with the text and applicable maps of the Comprehensive Plan.
 - b) Conformance with other applicable requirements of the Land Development and Planning Ordinance.
 - c) The overall design and arrangement of parcels shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of adjacent properties.
 - d) A private street to be established by deed without full compliance with these regulations may be approved by the commission provided it is the only reasonable method by which the rear portion of an unusually deep parcel, of a size to warrant partitioning into not over two parcels, may be provided with access. In no case, however, shall the use of a private road be approved for partitioning unless it is found that adequate assurance has been provided for year-round maintenance sufficient to allow for unhindered use by emergency vehicles, and unless it is found that the construction of a street

to city standards is not necessary to insure safe and efficient access to the parcels.

- e) The creation of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivision except, however, the commission shall approve the creation of a public street to be established by deed without full compliance with the regulations applicable to subdivisions provided any of the following conditions exist:
 - i) The establishment of the public street is initiated by the council and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street.
 - ii) The tract in which the street is to be dedicated is a major partition within an isolated ownership of not over one acre or is of such size and characteristic as to make it impossible to develop building sites for more than three dwelling units.

C) Planning Commission Action:

- 1) Tentative maps shall be submitted to the commission for review and determination that the proposal will be compatible with the Comprehensive Plan and the requirements of the Land Development and Planning Ordinance. The commission may require such dedication of land and easements and may specify such conditions or modifications to the tentative map as are deemed necessary to carry out the Comprehensive Plan. In no event, however, shall the commission require greater dedications or conditions than would be required if the parcel were subdivided.
- 2) Upon action by the commission the applicant shall be notified in writing of the decision reached and the steps which must be taken before the parcels can be transferred or utilized for separate development.
- 3) One copy of the tentative map, clearly marked "approved," "denied," or "modified" shall be retained in an appropriate file and one copy of same returned to the applicant.

D) Final Procedures and Recordation:

- 1) Following the action of the city in approving or conditionally approving a tentative map for a partition, the applicant shall be responsible for the completion of all required improvements, or the posting of adequate assurances in lieu thereof, to the satisfaction of the City Engineer prior to the transfer of title of any of the parcels involved.
- 2) Recordation of an accurate survey map, prepared by a registered engineer or licensed surveyor, complying with the conditions and requirements of the city, must be completed within one year of the approval of the tentative map. One copy of the recorded survey map shall be filed with the City Planner for appropriate record keeping.
- 3) The applicant shall bear full responsibility for compliance with applicable State and City regulations regarding the recordation of documents and subsequent transfer of ownership.

10.4.40: Subdivisions:

A) Filing procedures: Any application for a subdivision shall be accompanied by:

- 1) Eighteen (18) copies of the tentative subdivision plat, together with improvement plans and other supplementary material as may be required to indicate the general program and objectives of the project.
- 2) Scope. The tentative plat need not be a finished drawing but it should show all pertinent information to scale, in order that the commission may properly review the proposed development.
- 3) Partial development. Where the tentative plat to be subdivided contains only a part of the tract owned or controlled by the subdivider, the commission may require a sketch of a preliminary layout for streets and lots in the unsubdivided portion.
- 4) Information required. The tentative plat shall include the following information:

- a) Vicinity map. Vicinity map at scale 1" = 400' showing the relationship of the plat to the existing street or road pattern.
- b) Detailed map. The tentative plat shall be drawn at a scale of 1" = 50' if the parcel is less than 10 acres, or for areas over 10 acres, 1" = 100'.
- c) General information. The following general information shall be shown on the tentative plat:
 - i) Proposed name of the subdivision. This name must not duplicate nor resemble the name of another subdivision in the county and shall be reviewed by the commission.
 - ii) Date, northpoint and scale of drawing.
 - iii) Appropriate identification of the drawing as a tentative plat.
 - iv) Location of the subdivision sufficient to define its boundaries and a legal description of the tract boundaries.
 - v) Names and addresses of the owner or owners, subdivider, engineer, surveyor, or other individual who prepared the plat.
- d) Existing conditions. The following existing conditions shall be shown on the tentative plat:
 - i) The location, widths, and names of all existing or planned streets, other public ways and easements within or adjacent to the tract; and other important features, such as section lines and corners, city boundary lines and monuments which may have been found.
 - ii) Contour lines having the following minimum intervals:

- One foot contour intervals for ground slopes less than five (5) percent.
 - Two foot contour intervals for ground slopes between five (5) and ten (10) percent.
 - Five foot contour intervals for ground slopes exceeding ten (10) percent.
- iii) Location and direction of all water courses on and abutting the tract. Approximate location of areas subject to inundation, stormwater overflow, or standing water. Base flood data showing elevations of all property subject to inundation in the event of a 100 year flood shall be shown.
- iv) Natural features, such as rock outcroppings, marshes, wooded areas, isolated preservable trees, and significant areas of vegetation.
- v) Existing uses of the property, including location of all existing structures to remain on the property after platting.
- vi) The location of at least one temporary bench mark within the plat boundaries or the source of the contour line data shown. (Source and accuracy subject to approval of city engineer.)
- e) Proposed plan of subdivision. The following additional information shall be included on the tentative plat of a subdivision:
- i) The location, width, names, approximate grades and radii of curves of proposed streets. The relationship of proposed streets to future streets, as shown on any approved development plan. If no complete development plan is in effect in the area, assurance of adequate traffic circulation shall be provided.
 - ii) Easements. Location on the site or abutting property, showing the width

and purpose of all existing and proposed easements.

- iii) Lots. Approximate dimensions of all lots, approximate lot size, proposed lot and block numbers.
- iv) Proposed land use. Sites, if any, allocated for:
 - Multiple family dwellings.
 - Shopping centers.
 - Churches.
 - Industry.
 - Parks, schools, playgrounds.
 - Open spaces.
 - Special erosion control provisions including structures or areas with vegetation.
- f) Explanatory information with tentative plat. Any of the following information may be required by the commission and, if it cannot be shown functionally on the tentative plat of a subdivision, it shall be submitted in separate statements accompanying the plat:
 - i) Proposed deed restrictions in outline form, if any.
 - ii) Statement of subdivision improvements to be made or installed, including landscape planting, street lighting, etc., and when such improvements are to be made.
 - iii) Approximate center line profiles showing the finished grade of all streets as approved by the city engineer including extensions for a reasonable distance beyond the limits of the proposed subdivision.
 - iv) Typical cross sections of proposed streets showing widths of roadways, location and

width of sidewalks and the location and size of utility mains.

- v) Approximate plan and profiles of proposed sanitary and storm sewers with grades and pipe sizes indicated and plan of the proposed water distribution system, showing pipe sizes and the location of valves and fire hydrants. If sewers are not provided, an alternate method of sewage disposal, approved by Clackamas County, must be shown.
- vi) Property dedication. A general description of property intended to be dedicated to the city or the public other than street right-of-way.
- vii) A plan for domestic water supply lines and related water service facilities.
- viii) If lot areas are to be graded, a plan showing the nature of cuts and fills and information on the character of the soil. The commission may require a signed affidavit from a registered civil engineer, certifying that no property damage or hazards will result from erosion attributable to such grading or other site preparation.
- ix) Proposals for other improvements such as electric utilities and pedestrian ways.
 - x) A written statement describing the proposed development and including supportive documentation regarding the relationship of the subdivision to the requirements of the Comprehensive Plan and its general compatibility with surrounding land use patterns.
- g) Preliminary review of tentative plat. Upon receipt, the City Planner shall furnish one copy of a tentative plat and supplementary material to the City Engineer and such other agencies as are known to be affected. Other agencies believed to have an interest shall be provided notice of the proposal. These officials and agencies shall be given a reasonable time to review the plat and to suggest revisions that appear to be in the public interest.

B) Standards and Criteria: Applications for a subdivision shall be evaluated based upon the following standards and criteria:

- 1) Conformance with the text and applicable maps of the Comprehensive Plan.
- 2) Conformance with other applicable requirements of the Land Development and Planning Ordinance.
- 3) The overall design and arrangement of lots shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of adjacent properties.
- 4) Until such time as the city's Comprehensive Plan is formally found to be in compliance with the Statewide Planning Goals by the Land Conservation and Development Commission (LCDC), the city shall also evaluate subdivision proposals in light of the Goals.

C) Design Standards:

- 1) Streets.
 - a) General. The location, width, and grade of streets shall be considered in relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation pattern with intersection angles, grades, tangents, and curves appropriate for the traffic to be carried. Where location is not shown in a development plan, the arrangement of streets shall either:
 - i) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
 - ii) Conform to a plan for the neighborhood approved or adopted by the commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing street patterns impractical.

- iii) Minimum right-of-way and roadway width shall follow the requirements of Article 7.
- b) Reserve strips. Reserve strips or street plugs controlling the access to streets will not be approved unless such strips are necessary for the protection of the public welfare or of substantial property rights or both, and in no case unless the control and disposal of the land composing such strips is placed within the jurisdiction of the city, under conditions approved by the commission.
- c) Alignment. All streets other than minor streets or cul-de-sacs, shall as far as possible, be in alignment with existing streets by continuations of the center lines thereof. Jogs creating "T" intersections shall have center line offsets of not less than 150 feet, unless it is found that community benefits of such an alignment outweigh its disadvantages.
- d) Future extension of streets. Where a subdivision adjoins unplatted acreage, streets which in the opinion of the commission should be continued in the event of the subdivision of the acreage, will be required to be provided through to the boundary lines of the tract. Reserve strips, street plugs and temporary turnaround areas may be required to preserve the objectives of street extensions. Reserve strips and street plugs shall be deeded to the City of Canby prior to final plat approval. If, in the opinion of the City Engineer, a traffic, pedestrian, or safety hazard temporarily exists by the construction of a dead-end street, he may direct that a barricade of adequate design be installed as one of the required improvement items for the subdivision.
- e) Intersection angles. Streets shall intersect one another at an angle as near to a right angle as possible, and no intersections of streets at angles of less than 30 degrees will be approved unless necessitated by topographic conditions. When intersections of other than 90 degrees are unavoidable,

the right-of-way lines along the acute angle shall have a minimum corner radius of 12 feet. All right-of-way lines at intersections with arterial streets shall have a corner radius of not less than 12 feet.

- f) Existing streets. Whenever existing streets adjacent to or within a tract are of inadequate width, dedication of additional right-of-way shall be provided at the time of subdivision.
- g) Half streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision, when in conformity with the other requirements of these regulations, and when the commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Reserve strips, street plugs, special signs and even barricades may be required to preserve the objectives of half streets.
- h) Cul-de-sac. A cul-de-sac shall be as short as possible and shall have a maximum length of 450 feet and serve building sites for not more than 18 dwelling units. A cul-de-sac shall terminate with a circular turn-around to city standards.
- i) Marginal access streets. Where a subdivision abuts or contains an existing or proposed arterial street the commission may require marginal access streets, through lots with suitable depth, screen planting contained in a non-access reservation along the rear property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- j) Alleys. Alleys shall be provided to commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are made as approved by the commission. Alley intersection corners shall have a minimum radius of 10 feet.

- k) Street names. No street name shall be used which will duplicate or be confused with the name of existing streets except for extensions of existing streets. Street names and numbers shall conform to the established pattern in the city and the surrounding area and shall be subject to the approval of the commission.
- l) Planting easements. Where physical conditions require approval of streets less than 60 feet in width, additional easements for planting street trees or shrubs may be required.
- m) Grades and curves. Grades shall not exceed 7 percent on major or secondary arterials, 10 per cent on collector streets, or 15 per cent on any other street. In flat areas allowance shall be made for finished street grades having a minimum slope of .5 per cent. Center line radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, or 100 feet on other streets, and shall be to an even 10 feet. On arterials there shall be a tangent of not less than 100 feet between reversed curves.
- n) Streets adjacent to highway 99E or railroad right-of-way. Wherever the proposed subdivision contains or is adjacent to a railroad right-of-way or highway 99E, provisions may be required for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad or highway 99E. The distances shall be determined with due consideration of cross streets at the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way.

2) Blocks

- a) General. The lengths, widths and shapes of blocks shall be designed with due regard to providing adequate building sites suitable

to the special needs of the type of use contemplated, needs for convenient access, circulation, control and safety of street traffic and limitations and opportunities of topography.

- b) Sizes. Blocks shall not exceed 1200 feet in length, except blocks adjacent to arterial streets or unless the previous adjacent layout or topographical conditions justify a variation. The block depth shall be sufficient to provide 2 lot depths appropriate to the sizes required by Article 3.

3) Easements

- a) Utility lines. Easements for electric lines or other public utilities are required, subject to the recommendations of the utility-providing agency. If the street rights-of-way are less than 60 feet in width, utility easements 12 feet in width may be required along all street lot lines. Except, however, that the commission may authorize the creation of lots without utility easements along side or rear lot lines for those specific cases where single-family dwellings with common wall construction have been approved. The underground location of utilities shall remain a standard requirement within subdivisions.
- b) Water Courses. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width as will be adequate for the purpose of assuring adequate flood control. Streets parallel to water courses may be required.
- c) Pedestrian ways. In any block over 800 feet in length, a pedestrian way with a minimum width of 10 feet or combination pedestrian way and utility easement shall be provided through the

middle of the block. If unusual conditions require blocks longer than 1200 feet, two pedestrian ways may be required. When essential for public convenience, such ways may be required to connect to cul-de-sacs, or between streets and other public or semipublic lands or through greenway systems. Long blocks parallel to arterial streets may be approved without pedestrian ways if desirable in the interests of traffic safety.

- d) Solar easements. Subdividers shall be encouraged to establish solar easements and utilize appropriate solar design in their development proposals. Solar easements shall be shown on the final plat and in the deed restrictions of a subdivision.

4) Lots.

- a) Size and shape. The lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- b) Minimum lot sizes.
 - i) Lot sizes shall conform with requirements of Article 3 of the Land Development and Planning Ordinance.
 - ii) In areas that cannot be connected to sewer trunk lines minimum lot sizes shall be greater than the minimum herein specified if necessary because of adverse soil structure for sewage disposal by septic systems. Such lot sizes shall conform to the requirements of Clackamas County for sewage disposal unless provisions are made for sanitary sewers.
- c) Lot frontage. All lots shall meet the requirements specified in Article 3 for frontage on a public street, except that the planning commission may allow the creation of flaglots, cul-de-sac lots and other such unique designs upon finding that access and building areas are adequate.

- d) Double frontage. Double frontage or through lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantage of topography and orientation.
- e) Lot side lines. The side lines of lots shall run at right angles to the street upon which the lots face, or on curved streets they shall be radial to the curve, unless there is some recognizable advantage to a different design.
- f) Resubdivision. In subdividing tracts into large lots which at some future time are likely to be resubdivided, the location of lot lines and other details of the layout shall be such that resubdivision may readily take place without violating the requirements of these regulations and without interfering with the orderly development of streets. Restriction of building locations in relationship to future street right-of-way shall be made a matter of record if the commission considers it necessary.
- g) Building lines. If special building setback lines are to be established in the subdivision, they shall be shown on the subdivision plat or included in the deed restriction. This includes lots where common wall construction is to be permitted between two single family dwellings.
- h) Potentially hazardous lots or parcels. The commission shall utilize its prerogative to modify or deny a tentative plat or partition map where it is found that a proposed lot or parcel is potentially hazardous due to flooding or soil instability.
- i) Flaglots or panhandle shaped lots. The commission may allow the creation of flaglots provided that the following standards are met:
 - i) Not more than one flaglot shall be created to the rear of any conventional lot and having frontage on the same street unless it is found that access will be adequate and that multiple flaglots are the only reasonable method to allow

for development of the site.

- ii) The access strip is to be a minimum of 20 feet in width and shall be paved for its full width from its connection with the public street to the main body of the lot. Except, however, that access strips no less than 12 feet in width may be permitted where two such drives abut and are provided with reciprocal easements for use.
 - iii) For residential flaglots, a minimum building setback of 5 feet from the access strip shall be maintained where such buildings exist prior to the creation of the flaglot.
 - iv) Design and locations of buildings on flaglots shall be such that normal traffic will have sufficient area to turn around, rather than necessitating backing motions down the access strip. The commission may establish special setback requirements at the time of approving the creation of flaglots.
- 5) Public open spaces. Due consideration shall be given by the subdivider to the allocation of suitable areas for schools, roads, parks, and playgrounds to be dedicated for public use.
- 6) Grading of building sites. The commission may impose bonding requirements, similar to those described in Subsection 7 of this Section, for the purpose of ensuring that grading work will create no public hazard nor endanger public facilities where either steep slopes or unstable soil conditions are known to exist.
- 7) Improvements.
- a) Improvement procedures. In addition to other requirements, improvements installed by a land divider either as a requirement of these regulations or at his own option shall conform to the requirements of these regulations and improvement standards and

specifications followed by the city, and shall be installed in accordance with the following procedure:

- i) Improvement work shall not be commenced until plans have been checked for adequacy and approved by the city. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the tentative plat of a subdivision or partition. No work shall commence until the developer has signed the necessary certificates and paid the subdivision development fees specified elsewhere in this Section.
 - ii) Improvement work shall not commence until after the city is notified, and if work is discontinued for any reason it shall not be resumed until after the city is notified.
 - iii) Improvements shall be constructed under the inspection and to the satisfaction of the City Engineer. The city may require changes in typical sections and details in the public interest if unusual conditions arise during construction which warrant the change.
 - iv) Underground utilities, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length obviating the necessity for disturbing the street improvements when service connections are made.
 - v) A map showing public improvements "as built" shall be filed with the city engineer within 60 days of the completion of the improvements.
- b) Type of improvements. The following improvements shall be installed at the expense of the subdivider unless specifically exempted by the Planning Commission:

- i) Streets, including drainage.
 - ii) Complete sanitary sewer system, unless the area is not accessible to a trunk line.
 - iii) Water distribution lines, and fire hydrants.
 - iv) Sidewalks and any special pedestrian ways.
 - v) Street name and traffic control signs.
 - vi) Street lights.
 - vii) Lot, street and perimeter monumentation.
 - viii) Underground power lines.
 - ix) Underground telephone lines.
 - x) Where dedicated or undedicated open space is proposed or provided, it shall be the subdivider's responsibility to provide standard public improvements to and through that open space.
- c) Streets.
- i) All streets, including alleys, within the subdivision and streets adjoining, but only partially within the subdivision shall be improved.
 - ii) All public streets shall be constructed to city standards for permanent street and alley construction. Catch basins and dry wells shall be installed and interconnected to provide drainage as may be required by the city engineer. Upon completion of the street improvement, monuments shall be re-established and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street center lines as required by ORS Chapter 92.

- iii) Prior to city approval of the final subdivision plat, all perimeter and back lot line monumentation shall be installed and the installation of the front lot monumentation (along and within street rights-of-way) shall be guaranteed. Any monuments destroyed during improvement installation shall be replaced at the developer's expense.
- d) Surface Drainage and Storm Sewer System.
 - i) Drainage facilities shall be provided within the subdivision and to connect the subdivision to drainage ways or storm sewers outside the subdivision if necessary as determined by the City Engineer.
 - ii) Capacity, grade, and materials shall be by a design approved by the City Engineer. Design of drainage within the subdivision shall take into account the location, capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such area. In addition to normal drainage design and construction, provisions shall be made to handle any drainage from pre-existing subsurface drain tile. It shall be the design engineer's duty to investigate the location of drain tile and its relation to public improvements and building construction.
- e) Sanitary Sewers. Sanitary sewers shall be installed to serve the subdivision and to connect the subdivision to existing mains. In the event it is impractical to connect the subdivision to the city sewer system, the commission may authorize the use of septic tanks if lot areas are adequate, considering the physical characteristics of the area. The commission may require the subdivider to install and seal sewer lines to allow for future connection to the city system.
- f) Water system. Water lines and fire hydrants serving the subdivision and connecting the subdivision to city mains shall be installed

to the satisfaction of the manager of the Canby Utility Board and the Fire Marshal.

- g) Sidewalks. Sidewalks shall be required on both sides of a public street and in any special pedestrian way within the subdivision, except that in the case of identified arterials, or industrial districts, the commission may approve a subdivision without sidewalks if alternative pedestrian routes are available. Sidewalk construction may be postponed until the actual construction of buildings on the lots, provided that adequate assurance is given that such sidewalks will be installed.
- h) Bicycle routes. If appropriate to the extension of a system of bicycle routes, existing or planned, the commission may require the installation of bicycle lanes within streets or separate bicycle paths.
- i) Street Name Signs. Street name signs shall be installed at all intersections according to city standards or deposit made with the city of an amount equal to the cost of installation.
- j) Street Lighting System. Street lights shall be required to the satisfaction of the manager of the Canby Utility Board.
- k) Other Improvements:
 - i) Curb cuts and driveway installation are not required of the subdivider but, if installed, shall be according to city standards.
 - ii) Street tree planting is not required of the subdivider but, if planted, shall be according to city requirements and of a species compatible with the width of the planting strip.
 - iii) The developer shall make necessary arrangements with utility companies or other persons, or corporations affected for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting and cable television, shall be placed underground.

- 1) Improvements in Areas of Flood or Slope Hazard:
 - i) Any public utility or facility associated with a subdivision or partition within an area subject to flooding shall be designed, located, and constructed so as to minimize or mitigate flood damage and shall not result in raising the water elevation in a designated floodway beyond the limits prescribed by the Federal Flood Insurance Program.
 - ii) A new or replacement water supply system shall be designed, located, and constructed to minimize or eliminate infiltration of flood waters into the system.
 - iii) A new or replacement sanitary sewage system shall be designed, located, and constructed to minimize or eliminate infiltration of flood waters into the system and discharges from the system into the flood waters.
 - iv) An on-site septic tank system or other individual waste disposal shall be located to avoid impairment or contamination during flooding.
 - v) Any public utility or facility, including streets, associated with a subdivision or partition within an area which is subject to flooding or slope instability shall be designed, located, and constructed so as to amply protect such public utility or facility from damage due to such natural hazards. The commission and council shall consider the potential repair or maintenance costs to be borne by the public when reviewing the proposed design, location, and construction of such public utilities or facilities.
- m) Survey Accuracy and Requirements: In addition to meeting the requirements as set forth in ORS relative to required lot, street and perimeter monumentation, the following shall be required:
 - i) An accuracy ratio of subdivision plat boundary line closure of one in ten thousand (.0001) feet as found in the field.

- ii) Two primary perimeter monuments (one of which can be the initial point) having the same physical characteristics as the initial point. The monuments are to be on a common line visible, if possible, one to the other at time of approval and preferably at angle points in the perimeter. They shall be points as far apart as practicable. A survey monument witness sign of a design acceptable to the city engineer shall be placed within 18 inches of both monuments. The position for the initial point and other primary perimeter monuments shall be selected with due consideration to possible damage during construction and desirability of witness sign location.

- iii) Street centerline monumentation shall consist of a 2 inch diameter brass cap set in a concrete base within and separate from a standard monument box with cover (standard city details applicable) at locations specified by the City Engineer (generally at intersections with centerline of arterial or collector streets and within streets proposed to be greatly extended into adjacent future subdivisions). All other street centerline points (intersections, points of tangent intersections, cul-de-sac centerlines, cul-de-sac off-set points) shall be monumented with a five-eighth inch (5/8") diameter steel rod thirty inches (30") long with an approved metal cap driven over the rod and set visible just below the finish surface of the street. If any points of tangent intersection fall outside of a paved section street, the above monumentation will be required at point of curvature and point of tangency of the curve. All centerline monuments are to be accurately placed after street construction is complete.

- n) Agreement for Improvements: Before commission approval of a subdivision plat or partition map, the land divider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the property or execute and file with the City Engineer an agreement specifying the

period within which required improvements and repairs shall be completed and provided that, if the work is not completed within the period specified, the city may complete the work and recover the full cost and expense, together with court costs and reasonable attorneys fees necessary to collect said amounts from the land divider. The agreement shall also provide for reimbursement of the city for the cost of inspection by the city which shall not exceed ten percent of the improvements to be installed.

o) Bond:

i) The land divider shall file with the agreement, to assure his full and faithful performance thereof, one of the following:

- A surety bond executed by a surety company authorized to transact business in the state in a form approved by the City Attorney.

- A personal bond co-signed by at least one additional person together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of ability to proceed in accordance with the agreement.

- Cash.

ii) Such assurance of full and faithful performance shall be for a sum approved by the City Engineer as sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses, and to cover the cost of the city inspection.

iii) If the land divider fails to carry out provisions of the agreement and the city has unreimbursed costs or expenses resulting from such failure, the city shall call on the bond or cash deposit for reimbursement. If the cost or expense incurred by the city exceeds the amount of the bond or cash deposit, the land divider shall be liable to the city for the difference.

- p) Guarantee. All improvements installed by the subdivider shall be guaranteed as to workmanship and materials for a period of one year following acceptance by the city.
- q) Large Scale or Solar Efficient Development. The standards and requirements of this Article may be modified by the commission in the case of a plan and program for a complete community, a neighborhood unit, a solar efficient design, a large scale shopping center, or large industrial development, which in the judgment of the commission provides adequate public spaces and improvements for the circulation, recreation, light, air, and service needs of the developed tract and its relation to adjacent areas, and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the intents and purposes of the Comprehensive Plan. (See Article 5 for information regarding planned unit developments.)

8) Planning Commission Action:

- a) Tentative plats shall be submitted to the commission for review and determination that the proposal will be compatible with the Comprehensive Plan and the requirements of Land Development and Planning Ordinance. The commission may require such dedication of land and easements and may specify such conditions or modifications to the tentative plat as are deemed necessary to carry out the intent of the Comprehensive Plan and the Land Development and Planning Ordinance.
- b) Within 40 days from the first regular commission meeting following submission of a tentative plat of a subdivision, the commission shall conduct a public hearing on the proposal and shall review the plat and the reports of appropriate officials and agencies. The commission may approve the tentative plat as submitted or as it may be modified. If the commission does not approve the plat, it shall express its disapproval and its reasons therefor. Action of the commission shall be based upon pertinent findings of fact.

- c) Upon action by the commission the applicant shall be notified in writing of the decision reached and the steps which must be taken before the lots can be transferred or utilized for separate development.
- d) One copy of the tentative plat, clearly marked "approved", "modified", or "denied" shall be retained in an appropriate file and one copy returned to the applicant.
- e) Approval of the tentative plat shall mandate approval of the final plat if there is no change in the plat of the subdivision and if the subdivider complies with the requirements of this Article and all conditions of approval set by the commission.

9) Final Procedures and Recordation:

- A) Following the action of the city in approving or conditionally approving a tentative plat for a subdivision, the applicant shall be responsible for the completion of all required improvements, or the posting of adequate assurances in lieu thereof, to the satisfaction of the City Engineer, prior to the transfer of title of any of the lots involved.
- b) Submission of the subdivision plat. Within one year after approval of the tentative plat, the subdivider shall cause the subdivision or any part thereof to be surveyed and a plat prepared in conformance with the tentative plat as approved. The subdivider shall submit the original hardboard drawing, a mylar copy, and any supplementary information to the city. If the subdivider wishes to proceed with the subdivision after the expiration of the one-year period following the approval of the tentative plat, he must formally request an extension of time, in writing, stating the reasons therefor. The commission shall review such requests and may, upon finding of good cause, allow a time extension of not more than six (6) additional months, provided that the request for time extension is properly filed before the end of the one year approval period.

- c) Information on Plat: In addition to that required for the tentative plat or otherwise specified by law, the following information shall be shown on the plat:
- i) Date, northpoint and scale of drawing.
 - ii) Legal description of the tract boundaries.
 - iii) Name and address of the owner or owners, subdivider, engineer or surveyor, and land planner or landscape architect.
 - iv) Tract boundary lines, right-of-way lines of streets and lot lines with dimensions, bearings or deflection angles and radii, arcs, points of curvature and tangent bearings. All bearings and angles shall be shown to the nearest one second and all dimensions to the nearest 0.01 foot. If circular curves are proposed in the plat, the following data must be shown in tabulation form: curve radius, central angles, arc length, length and bearing of long chord. All information shown on the face of the plat shall be mathematically accurate.
 - v) Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not definitely located of record, a statement of the easement shall be given. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision shall be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication.
 - vi) Name and right-of-way width of each street or other designated rights-of-way.
 - vii) Any building setback lines, if more restrictive than otherwise required in Article 3.
 - viii) Numbering of blocks consecutively within the subdivision and numbering of lots within each block.

- ix) Location and purpose for which sites, other than residential lots, are dedicated or reserved.
- x) Easements and any other areas for public use dedicated without any reservation or restriction whatever.
- xi) A copy of any deed restrictions written on the face of the plat or prepared to record with the plat with reference on the face of the plat.
- xii) The following certificates which may be combined where appropriate:
 - A certificate signed and acknowledged by all parties having any record title interest in the land, consenting to the preparation and recording of the plat.
 - A certificate signed and acknowledged as above, dedicating all land intended for public use except land which is intended for the exclusive use of the lot owners in the subdivision, their licenses, visitors, tenants and servants.
 - A certificate with the seal of, and signed by, the engineer or the surveyor responsible for the survey and final plat.
 - Other certifications now or hereafter required by law.
- xiii) Where any portion of the platted area is subject to inundation in the event of a 100-year flood, that area shall be clearly indicated on the final plat.
- d) Supplemental Information with Plat: The following data shall accompany the final plat:
 - i) A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises.

- ii) Sheets and drawings showing the following:
 - Traverse data including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners, and showing the error of closing, if any.
 - The computation of distances, angles, and courses shown on the plat.
 - Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners and state highway stationing.
- iii) A copy of any deed restrictions applicable to the subdivision.
- iv) A copy of any dedication requiring separate documents.
- v) A certificate by the City Engineer that the subdivider has complied with the requirements for bonding or otherwise assured completion of required improvements.
- vi) A certificate of the subdivider of the total cost or estimate of the total cost for the development of the subdivision in accordance with the provisions and requirements of this ordinance or any other ordinance or regulation of the city relating to subdivision development. This certificate is to be accompanied by a final bid estimate of the subdivider's contractor, if there is a contractor engaged to perform the work and the certificate of the total cost estimate must be first approved by the City Engineer.
- vii) A subdivision development fee according to the following schedule and based on the subdivider's approved certificate of the total development cost, or estimate of the total cost:

<u>On Any Amount Exceeding</u>	<u>But Not Exceeding</u>	<u>Rate</u>
\$ 0	\$ 5,000	\$250
5,000	200,000	\$250 plus 3% of amount in excess of \$5,000.
200,000	0	\$6,100 plus 2% of amount in excess of \$200,000.

e) Technical Plat Review:

i) Upon receipt by the city, the plat and other data shall be reviewed by the city engineer who shall examine them to determine that the subdivision as shown is substantially the same as it appeared on the approved tentative plat and that there has been compliance with provisions of the law and of these regulations.

ii) The City Engineer may make such checks in the field as are desirable to verify that the plat is sufficiently correct on the ground and his representatives may enter the property for this purpose.

iii) If the City Engineer determines that full conformity has not been made, he shall advise the subdivider of the changes or additions that must be made and shall afford the subdivider an opportunity to make the changes or additions.

f) Planning Commission Approval: Approval of the plat shall be indicated by the signatures of the chairperson of the commission and the City Engineer.

i) If the City Engineer determines that the final plat is in full conformance with the approved tentative plat and other regulations, he shall so advise the chairperson of the commission. The chairperson of the commission may then sign the plat without further action by the commission. If the final plat is not in full conformance, or, if the City Engineer elects, he shall submit the plat to the full commission. If the final plat is referred to the chairperson for signature without submission to the commission, the chairperson may elect to submit the plat to the commission for further review. When submitted to the commission, approval of the final plat shall be by a majority of those present. If the plat is signed without further review by the commission, the action shall be reported to the commission by the chairperson at the next regular meeting. In the absence of the

chairperson, his duties and powers with respect to action on final plats shall be vested in the vice-chairperson.

- ii) After the plat has been approved by all City and County officials, two reproducible copies of all data (plat face, dedications, certificates, approvals) and one copy of recorded restrictive and protective covenants shall be returned to the city engineer.

- g) Filing of Final Plat: Approval of the plat by the city as provided by this Article shall be conditioned on its prompt recording. The subdivider shall, without delay, submit the plat to the County Assessor and the county governing body for signatures as required by ORS Chapter 92. The plat shall be prepared as provided by ORS Chapter 92. Approval of the final plat shall be null and void if the plat is not recorded within six (6) months of the date of the signature of the chairman of the City Planning Commission.

ARTICLE 5 CONDOMINIUM AND PLANNED UNIT DEVELOPMENT
REGULATIONS

10.5.10: General Provisions: Planned unit developments may constitute a subdivision involving unique design methods or the development of a single tract without property divisions. Where proposed as a subdivision, the regulations of Article 4 as well as the requirements of this Article shall apply. Where proposed as an overall development of a single tract without property division, a planned unit development shall be considered a conditional use in any zoning district.

A) Purpose. The purpose of this Article is to prescribe the procedures for the development of a planned unit project or subdivision. It is also the purpose of this Article to enable the development of planned unit projects or subdivisions in order to permit a degree of flexibility and diversification in the use of land through grouped buildings or large-scale land planning and the arrangements of specific structures and open spaces within such development. For these reasons and to permit the accomplishment of this purpose, the provisions of this Article are superimposed upon the regulatory provisions of Articles 3 and 4.

It is therefore the purpose of a planned unit development, as the term is employed in the Land Development and Planning 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 generally 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 location or shape.

10.5.20: Applications. The requirements of Articles 3 and 4 governing application procedures for conditional use permits and tentative subdivision plats, as applicable, must be met for planned unit development proposals.

A) Planned unit development projects may be applied for by:

- 1) The owner of all the property involved, if under one ownership; or
- 2) An application filed jointly by all owners having title to all of the property in the area proposed for the planned unit development project, if there is more than one owner; or
- 3) An authorized agent acting on behalf of all property owners; or
- 4) A government agency.

B) Form and content of applications. Applications shall be submitted to the City Planner on forms prescribed for the purpose.

- 1) There shall be included as a part of the application an accurate map, drawn to scale of not less than 100 feet to the inch, showing the boundaries of the site; the proposed location and horizontal and vertical dimensions of all buildings and structures proposed to be located on the site; proposed locations and dimensions of open space within the site; proposed public dedications, if any, within the site; location, dimensions and design of off-street parking facilities, showing points of ingress to and egress from the site; the location, direction and bearing of any major physiographic features such as railroads, drainage canals, and existing topographic contours at intervals of not less than five feet, together with proposed grading, drainage and landscaping.

Article, with the exception of the new construction of six (6) or fewer units to which the regulations of Section 10.5.70 shall apply. Applicants for condominium projects shall bear full responsibility for compliance with county and state requirements in all cases.

10.5.50: Minimum Requirements: The minimum requirements for a residential planned unit development shall include the following two (2) items:

A) A minimum of ten (10) percent of the gross area of the development 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 lessor requirement if it is found that adequate recreation facilities exist for the units.

B) 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. Except, however, that the commission may grant a density bonus of not more than fifteen percent to planned unit developments where it is found that unique, beneficial design features (such as solar efficiency, recreation facilities, or other community assets) warrant such a bonus. The commission shall clearly state its findings in support of granting or denying a requested density bonus.

10.5.60: General Requirements:

A) 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. The form of the application shall follow the requirements, and be subject to the standards and criteria, of a subdivision or conditional use permit, depending upon whether the proposed development involves the division of property. Additional to the information which is otherwise required, the applicant shall submit accurate information on all of the following which may be applicable:

- 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. Access and types of access for the open-space area or areas shall be shown.
- 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. The commission may require a complete circulation plan if warranted by the size and type of development.
- 7) The stages to be built in progression, if any.
- 8) The location of adjacent utilities intended to serve the development and a layout of the utilities within the development.
- 9) Table showing the density and lot coverage of the overall development.
- 10) Such other pertinent information as the commission may require in order to make necessary findings on the site approval.

B) Standards and criteria. Additional to the standards and criteria listed in Article 3 and 4 which are applicable to planned unit development, the following standards and criteria shall apply:

- 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 Land Development and Planning 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 do not conflict with the adjoining properties. The commission may establish special conditions for the perimeter of the development to minimize or mitigate potential conflicts.
- 6) Each planned unit development shall be a complete development considering all previous requirements. The commission may in addition require the inclusion of facilities such as special curbs, sidewalks, street lights, storm drainage, sanitary sewers, underground power and telephone lines, landscaping and adequate easements for utilities.
- 7) Land which is not intended for physical 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 individual owner or Owners Association, in a manner outlined in the by-laws of such association.

- 8) The manner in which any open-space or park and recreational areas are to be maintained shall be presented along with the preliminary copy of the proposed Owners Association By-Laws and Contractual Agreements shall be submitted with the preliminary subdivision. In the case of an individual owner the commission may impose special requirements to assure long-term maintenance.
- 9) 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.
- 10) 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.
- 11) 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.

C) Permissive exceptions to requirements. In considering a proposed planned unit development project, the approval thereof may involve modifications in the regulations, requirements and standards of the zoning district in which the project is located so as to appropriately apply such regulations, requirements, and standards to the development. Modification of the lot size, lot

width and yard setback requirements may be approved by the commission at the time of the approval of the tentative subdivision plat or conditional use permit.

- 1) Building height. Building height shall conform to the zoning district in which said development is located.
- 2) Off-street parking. Off-street parking and off-street loading requirements shall be pursuant to Article 3.

10.5.70: Condominium Projects Involving the New Construction of six or fewer Units.

In that 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) 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) 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. 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.

- 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 expansion 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) 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) 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) Proposals to convert existing rentals or leased property to condominium ownership shall comply with the requirements of Section 10.5.40, regardless of the number of units involved. Applicants intending to utilize the provisions of Section 10.5.70 must file the appropriate application and receive written approval from the city planner prior to receipt of a Certificate of Occupancy for the units.

10.5.80: Mobile Home Subdivisions: All mobile home subdivisions, as defined in the Land Development and Planning Ordinance, are treated as planned unit development applications. This insures an adequate design review process for this type of development which may occur in any residential zone.

A) Although it may warrant special conditions of approval in terms of exterior appearance, the nature or value of surrounding development shall not be the basis of denial of an application for a mobile home subdivision.

B) The following minimum standards shall be applied to all mobile home subdivisions:

- 1) Mean average lot size to be at least 85% of that normally required for single family dwellings within the zone, with no lots smaller than 68% of that normally required.
- 2) Any conventional residential units (i.e., not mobile homes) to be constructed within the subdivision are to be located on lots of at least 7,000 square feet.
- 3) All units are to be placed on, and securely fastened to, permanent foundations meeting city building code requirements.
- 4) All units are to be fully skirted in a manner which obscures the undercarriage of the mobile home and its foundation. Such skirting is to be of a material which matches or reasonably compliments the siding of the unit. The commission may require site preparation such that the frames of the mobile homes are not elevated above the surrounding ground level.
- 5) Adequate storage areas are to be provided. The commission may require the construction of separate storage buildings on each lot within the development or the construction of a single storage area for the use of the entire subdivision.
- 6) Setbacks may be reduced to a minimum of five (5) feet, except along the perimeter of the development and along any public street, in which cases a setback of twenty (20) feet shall be maintained. The commission may use its discretion to allow for some variation in building orientation from lot to lot to increase visual variety.

- 7) A minimum of twenty percent (20%) of the total area shall be landscaped, including a strip at least twenty (20) feet in width along the perimeter of the development.
- 8) A sight obscuring fence not less than four (4) nor more than six (6) feet in height shall be constructed around the perimeter of the development, other than those areas where a reduced height is required for vision clearance on street frontage.
- 9) Water line sizing and fire hydrant locations shall be established by the Manager of the Canby Utility Board and the Fire Marshal.
- 10) The commission may set special conditions of approval for the lots on the perimeter of the development to assure that they are aesthetically pleasing. Such conditions may include:
 - a) Requiring that the larger lots be located along the perimeter.
 - b) Requiring all units to have pitched roofs, lapped siding, composition shingle or shake roofs, double-wide construction or similar requirements to assure compatibility with nearby developments which may or may not include mobile homes.

10.5.90: Special Housing Projects for the Elderly or Handicapped:

- A) The planning commission may permit the development of special housing projects for the elderly or handicapped, subject to the provisions of this Section.
 - 1) It is recognized that the elderly and handicapped, often having special housing needs and frequently cannot afford conventional housing. In order to reduce costs, densities may be increased beyond those normally allowed by zoning and parking requirements may be reduced if normal requirements are found to be unnecessary for the type of development proposed.

2) Special emergency response or fire safety requirements may be imposed in order to assure public safety in these unique developments.

B) The conditions of this Section are intended to be applied to either condominium or rental type developments which meet the criteria of housing for the elderly or handicapped.

C) In reviewing an application for a special housing project for the elderly or handicapped the commission shall utilize the standards and criteria which are applicable to other planned unit development proposals, requiring either a conditional use permit or a subdivision approval, depending on whether the development involves the division of property.

D) The standards normally applied to a planned unit development may be modified by the commission in the case of special housing projects for the elderly or handicapped, provided that specific findings of fact are entered in support of such modifications. The Planning Commission may:

- 1) Increase the permitted density by not more than 50% of that normally allowed within the zone.
- 2) Decrease the amount of required parking by not more than 60% of that normally required.
- 3) Decrease the area required for outdoor recreation, if sufficient area is provided for open space and if indoor recreation facilities are provided.
- 4) Increase the amount of permitted lot coverage by not more than 10% of that normally required.
- 5) Require special emergency access drives, fire hydrants, or other improvements which are intended to ensure the safety of the residents.
- 6) Impose such special conditions of approval as are deemed to be necessary to minimize any adverse impacts of a higher density development upon surrounding properties.

E) Special housing projects for the elderly or handicapped, where densities higher than that normally permitted by zoning are requested, shall be encouraged only in locations which are near commercial services.

F) The commission shall require adequate assurance that any development proposed under the conditions of this Section will be restricted to occupancy by the elderly, handicapped, or such caretakers as may be necessary.

ARTICLE 6 ANNEXATION REGULATIONS

- 10.6.10: Purpose: It is the purpose and general intent of this Article to delineate the appropriate procedures to be followed to annex territory to the city. It is recognized that alterations to the corporate limits are major land use actions affecting all aspects of city government including taxation, the provision of public services, land use patterns, vehicle circulation, etc. Decisions on proposed annexations are, therefore, of critical importance to the city.
- 10.6.20: State Regulations: The regulations and requirements of ORS Chapter 222 are hereby adopted by reference and made a part of this Article.
- 10.6.30: Filing Procedure: Property owners seeking to annex territory to the city shall file with the city planner an appropriate application form for the purpose. Included with the application form will be 18 copies of a map or maps accurately showing the area proposed for annexation and any important features of the land. Also included with the application shall be a written statement explaining the conditions surrounding the proposal and addressing the required criteria of Section 10.6.40 below.
- 10.6.40: Standards and Criteria:
- A) When reviewing a proposed annexation of territory, the commission shall give ample consideration to the following standards and criteria:

- 1) Compatibility with the text and maps of the Comprehensive Plan, giving special consideration to those portions or policies relating to the urban growth boundary.
- 2) Compliance with other applicable city ordinances or policies.
- 3) Capability of the city and other affected service-providing entities to amply provide the area with urban level services.
- 4) Compliance of the application with the applicable sections of ORS 222. (In other words, a "triple majority" type application must contain proof that a triple majority does, in fact, exists, etc.).
- 5) Public need for an annexation of the scope proposed.
- 6) Public need for the annexation of the specific area proposed, when compared to other properties which might reasonably be expected to be annexed to the city.
- 7) Risk of natural hazards which might be expected to occur on the subject property.
- 8) Effect of the urbanization of the subject property on specially designated open space, scenic, historic, or natural resource areas.
- 9) Economic impacts which are likely to result from the annexation.

B) If the proposed annexation involves property beyond the city's urban growth boundary, or if the annexation is proposed prior to the acknowledgment of compliance of the city Comprehensive Plan by the State Land Conservation and development Commission, the proposal shall be reviewed for compliance with the Statewide Planning Goals.

10.6.50: Consideration of Applications:

A) Upon receipt of an application, with all required supportive documentation, the staff

shall schedule the proposed annexation for consideration by the commission at an upcoming meeting. Copies of the submitted information shall be distributed to the Clackamas County Planning Commission and to all affected public service-providing agencies or entities which might be affected by the proposal, requesting that they comment to the commission.

B) The commission shall review the information submitted in view of the standards and criteria listed in Section 10.6.40 and shall formulate a recommendation for the consideration of the City Council.

C) The city council shall schedule the matter for public hearing at its next available calendar date, following the procedures outlined in Article 8. Upon conclusion of the hearing, the council shall vote to approve or deny the application, based upon appropriate findings of fact.

D) If a regional authority is empowered to make final decisions or annexations in the Canby area, the councils' action shall be viewed as a recommendation to that body which will be regarded as the official position of the City of Canby. If no such regional authority exists, the council may order the annexation to proceed, following the requirements of ORS 222.

ARTICLE 7 STREET ALIGNMENTS

10.7.10: Purpose: This section is intended to insure that adequate space is provided in appropriate locations for the planned expansion, extension, or realignment of public streets. Further, it is intended to allow for the safe utilization of streets once developed. This section is to be used in conjunction with other general ordinances of the City of Canby which affect public improvements, roads, highways, etc.

10.7.20: General Provisions:

A) The Street Circulation Map of the Comprehensive Plan shall be used to determine which streets are to be "arterials" and "collectors". Based upon this, arterial street rights-of-way shall be between 60 and 80 feet in width, depending upon the previously determined plan for each such street. Collector street rights-of-way shall have a minimum width of 60 feet.

B) Local streets shall have a minimum right-of-way width of 60 feet where they are connecting existing local streets of 60 foot width with nearby collectors or arterials, or where they are intended to provide access primarily to commercial or industrial developments. Except, however, that the commission may allow the creation of local streets with 50 foot wide rights-of-way upon finding that no adverse effects upon access to the adjoining properties will result, including pedestrian and bicycle access as well as access by motor vehicles, and upon finding that greater width will not be necessary to allow for anticipated street widening.

C) The city engineer shall be responsible for establishing appropriate alignments for all streets. Street surface widths and specific design details shall also be the responsibility of the city engineer except as may be altered by the planning commission or city council for special circumstances.

D) No building permit shall be issued for the construction of a new structure within the planned right-of-way of a street, or the appropriate setback from such a street as established in Article 3.

E) Existing structures which were legally established within a planned road alignment or abutting setback shall be regarded as nonconforming structures.

10.7.30: Street Widening: The following list of streets shall be utilized in conjunction with the Street Circulation Map of the Comprehensive Plan and the requirements of applicable city ordinances to determine the required rights-of-way for given streets:

A) TO BECOME OR REMAIN 40' RIGHT-OF-WAY:

N. Knott between N.E. 4th Avenue and N.E. 9th Avenue

N. Locust Street between N.E. 3rd Avenue and N.E. Territorial Road

N. Juniper Court

N.W. 6th Avenue from N. Grant Street to Canby Village Apartments

N.W. 7th Avenue between N. Grant Street and N. Holly Street

S.W. 2nd Avenue between S. Elm Street and S. Ivy Street

S.W. 3rd Avenue between S. Elm Street and S. Ivy Street

S.E. 3rd Avenue between S. Ivy Street and S. Knott Street

S. Birch Street between S.W. 4th Avenue and S.W. 5th Avenue

S.W. 5th Avenue between Highway 99E and S. Birch Street

S.W. 7th Avenue between S. Fir Street and
S. Ivy Street

S. Knott Street between S.E. 2nd Avenue and
S.E. Township Road

S. Fir Street between S.W. 3rd Avenue and
S.W. 4th Avenue

B) TO BECOME OR REMAIN 50' RIGHT-OF-WAY:

N.E. 9th Place

S.W. 6th Place

S. Maple Street between S.E. 5th Avenue and
S.E. Township Road

N. Ash street between N.W. 6th Place and
N.W. Knights Bridge Road (portion 51')

N. Aspen Street between N.W. 6th Place and
N.W. Knights Bridge Road

N. Birch Street between N.W. 6th Avenue and
N.W. 7th Avenue

N.W. Dahlia Place between N.W. 7th Avenue
and N. Cedar Street

S. Locust Street between S.E. 2nd Avenue
and S.E. Township Road

N.W. 7th Avenue between N. Birch Street and
N.W. Dahlia Place

N.W. 6th Place

N.W. 6th Avenue between N. Baker Drive
and Dahlia Court

N.W. Baker Drive between N.W. 3rd Avenue and
N.W. 6th Avenue

C) All other streets shall have a minimum right-
of-way width of 50 feet, except in specific cases
where the planning commission finds that a wider
right-of-way is necessary to continue the existing
pattern of a street which connects other main
streets.

ARTICLE 8 GENERAL STANDARDS AND PROCEDURES

10.8.10: General Provisions: The following general standards and procedures apply to the regulations of all sections of the Land Development and Planning Code, except as may be specifically noted.

A) Action on Application:

- 1) Any action taken by the commission or council on any application filed pursuant to the requirements of this ordinance shall be based upon findings of fact entered by the commission or council in making the decision. Such findings of fact shall be based upon the standards and criteria listed in the pertinent Section of this ordinance and upon such other legal requirements as may exist.
 - a) It is recognized that the burden of proof on all applications is upon the applicant in terms of justifying the proposal.
 - b) The scope of the required findings of fact shall vary with the scope of the project such that a major project requires more extensive justification than does a minor project.
- 2) The City Planner shall be responsible for sending written notification to applicants within five (5) days after a decision is reached by the commission or council.
- 3) The commission shall take action on each properly filed application within sixty (60) days of receipt of such application, unless this time limit is extended by mutual consent of the applicant and the commission. The council shall observe the same time limits in acting on recommendation from the commission or appeals from commission actions.

B) Applications and Fees: Application for annexations, zone changes, variances, conditional use permits, appeals, other permits or approvals and property divisions initiated by property owners or their agents shall be made in writing and submitted to the City Planner. Each such application shall be accompanied by a fee as follows, no part of which shall be refunded:

1)	Major or minor partition	\$150.00
2)	Subdivision	\$150.00 plus \$5.00 per lot
3)	Condominium projects of six or fewer units	\$ 25.00
4)	Condominium conversion or construction of seven or more units	\$150.00 plus \$5.00 per unit
5)	Conditional use permit	\$150.00
6)	Variance	\$200.00
7)	Expansion of nonconforming use or structure	\$ 25.00 plus an additional \$100.00 if scheduled for public hearing
8)	Zone change	\$250.00
9)	Annexation	\$250.00
10)	Appeal of planning commission decision	\$100.00
11)	Lot line adjustment	\$ 25.00
12)	Hardship permit for mobile home or travel trailer	\$ 25.00 plus an additional \$100.00 if scheduled for public hearing
13)	Comprehensive Plan amendment	\$250.00
14)	Amendment to the text of the Land Development and Planning Ordinance	\$250.00 plus an additional \$100.00 if the amendment includes con- current changes to the Compre- hensive Plan or Article 9 of this Ordinance

C) Temporary Permits: The Building Official may issue temporary permits for buildings to be used for construction offices, storage incidental to construction of buildings on the property and for signs advertising a subdivision or tract of land or the lots therein. Such permits shall be issued for a specific time period and shall include a signed statement from the applicant agreeing to remove the structure or sign at the completion of that period.

D) Business License Review: Applications for a business license shall be reviewed for compliance with these regulations. The administrative procedure established by the City Administrator for review of business license applications shall be followed in order to assure that business operators are made aware of code requirements such as sign regulations, parking standards, and land use regulations. No business license shall be issued until it is found that the proposed business will comply with the requirements of this code. Except, however, that a change in the type of business in an area zoned for industrial use need not meet complete parking requirements unless required to do so as a part of a discretionary hearing process conducted by the commission or city council.

E) Council acceptance of dedicated land. No property shall be considered to be dedicated to the city unless first accepted as such by the council, or shown as such on a legally recorded subdivision plat which bears the approval signatures of the City Engineer and Planning Commission chairman. The Planning Commission is empowered to accept dedication of land for public street purposes in a subdivision, only, with all other dedications being the responsibility of the council. The applicant shall be responsible for furnishing adequate title insurance for any such land to be dedicated, unless this requirement is waived by the council for good cause.

F) Amendments to the Land Development and Planning Ordinance. Amendments to the text of this ordinance, whether initiated by the commission, council, or a private applicant, shall follow the same procedures as a legislative zoning amendment set forth in Article 3, except for amendments to Article 9, which will follow the procedures set forth in that Article.

G) Severability: If any provision of these regulations is for any reason found to be invalid or unconstitutional by a court of competent jurisdiction, such judgment shall not affect the validity of the remaining portions of this Ordinance.

10.8.20:Administration and Enforcement:

A) Purpose: Recognizing the need for fair and impartial administration and the important of strict enforcement of these regulations, it is the intent of the council in adopting these regulations that all reasonable means

of enforcement be utilized and maximum allowable penalties be sought for willful violations.

B) Duty: It shall be the duty of the City Planner, with assistance from other city staff, to administer and enforce the Land Development and Planning Code.

C) Revocation of conditional use permits and variances.

1) Automatic Revocation: All conditional use permits and variances shall be automatically revoked if not exercised within one year from the date of approval or such additional time as is specified by the granting body at the time of approval. Conditional use permits and variances shall not be deemed exercised until the use of the property permitted by the conditional use permit or variance has actually commenced, or in the event that such use involves the construction of a building, that all required permits for said building have been obtained.

2) Revocation for Noncompliance: Any conditional use permit or variance may be revoked by the council for noncompliance with conditions set forth in the original approval, after first holding a public hearing and giving written notice of such hearing to the grantee.

D) Interpretation: The provisions of this Ordinance shall be held to be the minimum requirements fulfilling its objectives.

E) Penalties and Civil Remedies:

1) The maximum penalties allowed by State law shall be pursued for those who are found to knowingly violate the regulations of the Land Development and Planning Code. Each day a violation exists is a separate offense and may be punished as such.

2) When costs (attorney fees, court costs, staff or consultant expenses) are accrued in the enforcement of this Ordinance, the city may institute appropriate civil action to recoup the costs from the violators.

- 3) Alternative remedy. In case a building or other structure is, or is proposed to be, located, constructed, maintained, repaired, altered, or used in violation of this Ordinance, the building or land in violation shall constitute a nuisance, and the city may, as an alternative to other remedies that are legally available for enforcing these requirements, institute injunction, mandamus, abatement, or other appropriate proceedings to prevent, enjoin temporarily or permanently, abate, or remove the unlawful location, construction, maintenance, repair, alteration, or use.
- 4) Individuals who have been victimized by illegal land development practices shall be encouraged to seek civil relief from the developers for any and all costs and inconveniences which they have suffered as a result of such illegal practices.

F) Enforcement Procedures:

- 1) City staff and officials will work closely with local title insurance companies, developers, and members of the real estate profession to ensure fair and reasonable enforcement of these regulations.
- 2) Upon finding any indication of a violation of state law relative to land division, city staff shall contact the Real Estate Division of the State Department of Commerce urging their assistance in the investigation of the matter.
- 3) Upon finding that the regulations of this Ordinance have apparently been violated, the City Planner shall cause the following steps to be taken:
 - a) A member of the staff shall attempt to contact the property owner or apparent violator, explaining the requirements of this Ordinance and type of action which the city can be expected to take if the violation is not corrected.
 - b) If the property owner and/or violator is willing to correct the violation, he/she shall be given a reasonable amount of time to make such correction.

- c) If the owner and/or violator cannot be reached, is reached but does not intend to comply, or fails to comply within the time limits previously agreed to, the city shall take all of the following steps which are deemed appropriate in the situation:
 - i) Record a document affecting the title of all properties involved in the violation, thereby "clouding" the title and stating that no further permits will be issued for the development of any of the subject property.
 - ii) Withhold any and all permits for the development of the property.
 - iii) Disconnect the property from city services.
 - iv) Begin criminal proceedings.
 - v) Begin civil proceedings.
- d) The city planner shall notify, by certified mail, all record owners of the property involved, stating the nature of the remedial actions which the city is taking to correct the apparent violation.

10.8.30: Public Hearings:

A) Purpose: These provisions are intended to further specify the procedures for public hearings to be conducted by either the commission or council in the administration of the Land Development and Planning Ordinance.

B) Public Hearings Required: As specified in this Ordinance, public hearings are required before the commission or council on different types of actions.

- 1) The following actions shall be considered at a public hearing of the commission:
 - a) Conditional use permits;
 - b) Variances;
 - c) Revocation of permits;
 - d) Zone changes;

- e) Amendments to the text of this Ordinance, other than Article 9;
 - f) Major and minor partitions;
 - g) Subdivisions; and
 - h) Expansions of a nonconforming use or structure, when required.
- 2) The following actions shall be considered at a public hearing of the council:
- a) Revocation of permits;
 - b) Annexations;
 - c) Amendments to Article 9 of this Ordinance; and
 - d) Permits for mobile homes, trailers, or motor homes to be used in hardship situations, when required.
- C) Hearing Procedures: In all evidentiary hearings before the commission or council required by this Ordinance the following procedures shall be followed:
- 1) All interested persons in attendance shall be heard on the matter for hearing, and this fact shall be communicated to those in attendance.
 - 2) A summary of the application or other matter for hearing shall be given by the presiding officer or someone appointed by the presiding officer.
 - 3) The staff report shall be made.
 - 4) Questions, if any, by the hearing body of the staff.
 - 5) The public hearing shall be opened and testimony shall be received in the following order:
 - a) Applicant.
 - b) Proponents.
 - c) Opponents.
 - d) Rebuttal by proponents or applicant.

- 6) Close public hearing.
 - 7) Questions, if any, by the hearing body.
 - 8) Discussion by the hearing body.
 - 9) A decision shall be made by the hearing body, except, however, that further discussion, decision, or re-opening of the public hearing may be postponed to another meeting, the time, date, and place of which shall be announced before adjournment.
 - 10) All persons who speak at such hearing shall identify themselves by name, address, and interest in the matter. Attorneys or other agents shall be allowed to speak on behalf of proponents or opponents.
 - 11) Physical evidence in the form of written documents, photographs, or other exhibits may be accepted by the hearing body if deemed to be pertinent to the case at hand.
 - 12) Written briefs by an interested party, their attorney or other agent will be accepted if filed with the secretary or clerk of the hearing body at least five (5) days prior to the hearing.
 - 13) A record made at any prior evidentiary hearing may be accepted, considered and used by the hearing body at any subsequent hearing; and said body by majority vote of a quorum present may deny to accept or hear any repetitious matter.
 - 14) The hearing body may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested. Upon recessing for this purpose, the hearing body shall announce the time and date when the hearing will be resumed.
- D) Public Notice: Prior to conducting a public hearing as prescribed in this Section, public notice including the time, place, and general nature of the hearing shall be posted in the following manner:
- 1) A written notice shall be posted at City Hall and such other conspicuous locations as the council may determine to be appropriate.

- 2) A written notice shall be published in a newspaper of general circulation in the community, once in either of the two consecutive weeks prior to the hearing.
- 3) For all quasi-judicial public hearings involving specific individual properties, the city planner shall be responsible for mailing copies of the public notice to all owners of property within 200 feet of the subject property, at least ten (10) days prior to the hearing date. Property ownership records of the county assessor's office shall be utilized.
- 4) The city planner may expand the area to receive notices or may otherwise take steps to assure that affected property owners or residents are made aware of the pending public hearing.
- 5) At least ten (10) days prior to any public hearing before the commission, the applicant shall post on the subject property a notice of the place, time, date, and nature of the pending application. The form of notice shall be supplied the applicant by the city planner.

E) Record of Public Notice: The staff shall maintain, within the file concerning the application, a copy of the notice sent and a list of the recipients of said notice. Failure of any individual to receive notice as prescribed in this Section does not invalidate the proceedings.

10.8.40: Appeals:

A) Purpose: These provisions are intended to further specify procedures to provide recourse in the event that an appellant is aggrieved by any order, requirement, permit, decision or determination made by city staff or by the commission in the administration or enforcement of the Land Development and Planning Ordinance.

B) Appeal to Council: An action or ruling of the commission authorized by this Ordinance may be appealed to the council within fifteen (15) days after the commission has rendered its decision by filing written notice with the City Planner, except in the case of action taken on a tentative map of a major partition or a tentative subdivision plat, for which the appeal period shall be thirty (30) days. If no appeal is taken within the specified period, and if no appeal is initiated by action of the council, the decision of the commission shall be final. The written notice of appeal shall clearly state

the nature of the decision being appealed and the reasons why the appellant is aggrieved. The appeal period shall ensue from the date that the written notification of the commission's action has been postmarked. The council may initiate an appeal on its own motion, following the same time limits listed above.

C) Standards and Criteria: In considering an appeal, the council shall utilize the record of the commission in the matter and shall hear arguments only upon the content of that record without conducting a new public hearing or permitting new evidence. The council's action on an appeal shall be governed by the same general regulations, standards and criteria as apply to the commission in the original consideration of the application. The council shall overturn the decision of the commission only where one or more of the following findings is made:

- 1) That the commission did not correctly interpret the requirements of the Land Development and Planning Ordinance, the Comprehensive Plan, or other requirements of law;
- 2) That the commission did not observe the precepts of good planning as interpreted by the council; or
- 3) That the commission did not adequately consider all of the information which was pertinent to the case.

D) Appeal Final: The decision of the council on an appeal is final unless appropriate civil action is filed.

E) Appeal of Staff Determinations: Any decision or interpretation of this Ordinance made by the staff may be appealed to the commission without fee, provided that such appeal is filed in writing within ten (10) days of the staff decision.

10.8.50: Variances: These provisions are intended to prescribe procedures which allow variations from the strict application of the regulations of this Ordinance, by reason of exceptional circumstances and other specified conditions:

A) Authorization: The commission may authorize variances from the requirements of this Ordinance, other than

Articles 7 and 9, where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of the regulations would cause an undue or unnecessary hardship, except that no variance shall be granted to allow the use of property for purpose not authorized within the district in which the proposed use would be located. In granting a variance the commission may attach conditions which it finds necessary to protect the best interest of the surrounding property or neighborhood and to otherwise achieve the purpose of this Ordinance.

B) Applications: A request for variance may be initiated by a property owner or his authorized agent by filing an application with the city planner on forms prescribed for the purpose. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and overall arrangement of the proposal.

C) Public Hearing Required: Before granting a variance from the regulations of this Ordinance the commission shall consider the application at a public hearing. The public hearing shall be conducted in the manner set forth in Section 10.8.30 of this Article.

D) Standards and Criteria: A variance may be granted only upon determination that all of the following conditions are present:

- 1) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same vicinity, and result from tract size or shape, topography or other circumstances over which the owners of the property have no control; and
- 2) The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same vicinity possess; and
- 3) The variance would not be materially detrimental to the purposes of this Ordinance, or to property in the same vicinity in which the property is located, or otherwise conflict with the objectives of any city plan or policy; and
- 4) The variance requested is the minimum variance which would alleviate the hardship; and

- 5) The exceptional or unique conditions of the property which necessitate the issuance of a variance were not caused by the applicant, his employees or relatives acting in deliberate violation of these or other city regulations.

10.8.60: Amendments to the Text of the Land Development and Planning Ordinance, other than Article 9:

- A) Authorization to Initiate Amendments: An amendment to the text of this Ordinance other than Article 9, hereof, the City Council, by the Planning Commission or by application of a property owner or his authorized agent. The Planning Commission shall, within forty (40) days after closing the hearing, recommend to the City Council, approval, disapproval or modification of the proposed amendment. Amendments to Article 9 are governed by the standards, criteria and procedures specified in that Article.
- B) Application and Fee: An application for amendment by a property owner or his authorized agent shall be filed with the City Planner on forms prescribed for the purpose.
- C) Public Hearing on an Amendment: Before taking final action on a proposed amendment, the Planning Commission shall hold a public hearing on the amendment following the requirements for advertising and conduct of hearings prescribed in Article 8.
- D) Standards and Criteria: In judging whether or not the ordinance should be amended or changed, the Planning Commission and City Council shall consider:
 - 1) The Comprehensive Plan of the city, and the plans and policies of the county, state, and local districts in order to preserve functions and local aspects of land conservation and development.
 - 2) A public need for the change.
 - 3) Whether the proposed change will serve the public need better than any other change which might be expected to be made.
 - 4) Whether the change will preserve and protect the health, safety and general welfare of the residents in the area.

5) Statewide Planning Goals, until such time as the city Comprehensive Plan is found to be in compliance with the Statewise Planning Goals of the Land Conservation and Development Commission.

E) City Council Review: Upon receipt of the record of the Planning Commission proceedings, and the recommendations of the commission, the City Council shall conduct a review of that record and shall vote to approve, deny, or approve subject to modifications, the recommendation of the Planning Commission. The City Council may question those individuals who were a party to the public hearing conducted by the Planning Commission if the commission's record appears to be lacking sufficient information to allow for a decision by the City Council. The Council shall hear arguments based solely on the record of the Commission.

F) Record of Amendments: The City Planner shall maintain a record of amendments to the text of this Ordinance in a form convenient for the use of the public.

ARTICLE 9 COMPREHENSIVE PLAN

GOALS, POLICIES AND IMPLEMENTATION MEASURES

10.9.10: Citizen Involvement

Goal: To provide the opportunity for citizen involvement throughout the planning process.

Policy A: Canby shall restructure the citizens advisory committee and committee for citizen involvement into a single committee which will play an advisory role on a variety of subjects.

Implementation Measures:

- 1) The newly structured advisory committee will include members of both the previous CAC and CCI who are interested in serving. Additional or replacement members shall be selected from different professions or vocations, different socioeconomic backgrounds, different parts of the community, and different areas of expertise.
- 2) One member each from the Planning Commission and City Council shall sit as ex-officio members of the committee, but will not have voting powers.
- 3) The committee will select a chairperson and vice chairperson to conduct meetings and report to the City Council. City staff will assist with meetings and will take "minutes" for a permanent record.
- 4) The committee will be structured to allow for a large number of members in order to encourage participation, but a quorum for committee action shall be set at a minimal figure to allow for meetings to occur when attendance is low. Specific details of the organization of the committee and conduct of meetings will be the responsibility of the committee.
- 5) The City Council may call upon the committee, or sub-committees from within its ranks, for input on any matter of concern to the city. It shall be the responsibility of the group to serve in such capacities as well as to hear and evaluate the comments of any citizen who may appear before them.

- 6) Members of the committee are to be appointed for initial terms of one or two years, with all subsequent terms to be of two year's duration, unless members are appointed to complete unexpired terms.
- 7) All members will be expected to serve in a conscientious and appropriate manner. Real or potential conflicts of interest are to be fully disclosed. Members will receive no pay for their services and may be removed by the City Council for good cause after the council conducts a hearing to consider such removal.

Policy B: Canby shall strive to eliminate unnecessarily cost, confusing and time consuming practices in the development review process.

Implementation Measures:

- 1) Amend the Zoning and Subdivision Ordinances to eliminate the practice of holding "de novo" reviews on appeals of Planning Commission decisions. Instead, create a system whereby the City Council will conduct a review of the "record" of the Planning Commission on any matter appealed to the council. The City Council would retain the authority to overturn Planning Commission decisions if it is found that the commission erred in its judgment, but the council would not go through the costly and time consuming process of holding a new public hearing on the matter, unless required to do so by state law.
- 2) Amend the Zoning Ordinance to specify that public hearings for rezoning applications will be held before the Planning Commission only. The City Council will retain the authority to use its own judgment in actually designating the zoning land, but will do so based upon the record of the Planning Commission's proceedings.
- 3) Adopt an Annexation Ordinance which delineates the full procedure to be followed for the annexation of unincorporated territory. Specify that public hearings for annexations shall be conducted before the City Council. The Planning Commission shall review each annexation proposal for compliance with the Comprehensive Plan and will make a recommendation accordingly, but the actual public hearing shall be conducted by the City Council.

- 4) Amend ordinances to reduce the amounts of application fees where new procedures are less costly for the city.
- 5) Amend the Zoning and Subdivision Ordinances to set definite time limits within which each application must be acted upon, unless time extensions are mutually agreed to by the applicant and the city.
- 6) Before implementing this portion of the Land Use Element assure that the public has been well informed of these procedural changes.

10.9.15: Urban Growth:

Goals:

- I) To preserve and maintain designated agricultural and forest lands by protecting them from urbanization.
- II) To provide adequate urbanizable area for the growth of the city, within the framework of an efficient system for the transition from rural to urban land use.

Policy A: Canby shall coordinate its growth and development plans with Clackamas County.

Implementation Measures:

- 1) The city shall provide the county with the opportunity to review and comment on proposed land use actions within or by the city which will clearly affect lands or facilities or services within the urban growth boundary prior to city action. Such proposals may include:
 - a) Comprehensive Plans, or Plan Amendments, including any proposed changes in land use designations or policies.
 - b) New or amended planning implementation ordinances and/or measures, including but not limited to Zoning and Subdivision Ordinances.

- c) Proposed land use actions within the city limits which would have a significant impact on lands, services, or facilities outside the city limits, including the following: rezonings; conditional use permits; subdivisions; planned unit developments.
- 2) A special "coordination" area, is hereby established along with the urban growth boundary. This area, lying immediately outside of the urban growth boundary represents the general geographical area where Canby and Clackamas County will continue to coordinate planning activities, including those pertaining to requests for changes in land use. Further, it is recognized that the city's overall planning process has been geared to an area which is larger than the actual urban growth boundary.
- 3) County requests for comments on development proposals and other land use actions will be reviewed by city staff. If necessary, the staff may schedule such matters before the Planning Commission and/or City Council prior to responding to the county.
- 4) Lack of comment by either entity to the requests of the other shall be considered the same as "no objection" response.

Policy B: Canby shall provide the opportunity for amendments to the urban growth boundary where warranted by unforeseen changes in circumstances.

Implementation Measures:

- 1) Amendments to the urban growth boundary are regarded as amendments to both the Canby and the Clackamas County Comprehensive Plans. The city will process applications for UGB amendments in the manner prescribed by city ordinance, giving special emphasis to the following considerations:
 - a) Demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities.
 - b) The orderly and economic provision of urban facilities and services.
 - c) Maximum efficiency of land uses within the current urbanizable area.

- d) Environmental, energy, economic and social consequences.
 - e) Compatibility of the proposed change with other elements of the city and county Comprehensive Plans.
 - f) The other Statewide Planning Goals.
- 2) After action by the City Council, a recommendation shall be forwarded to the Board of County Commissioners in order to ensure coordination in any UGB amendments which may occur.
 - 3) City and county staff members shall meet and confer at least annually on Canby's urban growth boundary in order to evaluate recent trends and consider amendments which may be appropriate.
 - 4) The City Council will re-evaluate the urban growth boundary in the Spring of 1985 and on five year increments thereafter. The Council may initiate boundary amendments at that time and will complete new coordination agreements with the Board of County Commissioners.

Policy C: Canby shall discourage the urban development of properties until they have been annexed to the City and provided with all necessary urban services.

Implementation Measures:

- 1) A change in the use of urbanizable land uses designated on the Land Use Map of the Clackamas County Comprehensive Plan to uses shown on the City Comprehensive Plan shall only occur upon annexation to the city.
 - a) Development of land for uses on the City Comprehensive Plan will be encouraged to occur on under-developed lands adjacent to or encompassed by the existing city limits prior to the conversion of other lands within the boundary.
 - b) Urban facilities and services must be adequate in condition and capacity to accommodate the additional level of growth, as allowed by the City Comprehensive Plan prior to, or concurrent with, the land use changes.
- 2) Within the unincorporated area, the county shall limit the creation of parcels five acres or less in size. Smaller parcels shall be created only

if it is found that the specific design of the proposed property division will not hinder the eventual development of the property to urban standards.

- 3) Urban level facilities and services such as, but not limited to, public sewer or water systems shall be extended beyond the city limits only where it has been found that such an extension will increase the efficiency of the system overall, and in no cases for the purpose of encouraging development prior to annexation. Clackamas County will prevent densities and intensities of development which would necessitate the extension of urban services beyond the city limits.
- 4) The adopted maps showing growth phasing shall be used as a general guideline for the city's outward expansion. Areas designated as Type "A" urbanization lands shall generally be annexed prior to those areas shown as Type "B", etc. Annexation which is not in keeping with the phased growth concept shall only be permitted when the following findings are made:
 - a) Proponents of the proposed annexation have borne the burden of proving the appropriateness of the annexation. Such burden being greatest for those proposals which are least in keeping with the phased growth concept.
 - b) There will be some special benefit to the city overall as a result of the annexation which would not occur if the phased growth pattern was followed.
 - c) The annexation will result in no adverse impacts on the city's planned provision of public facilities and services.
 - d) The annexation is appropriate in terms of timing for city growth and development.
- 5) Where such public facilities as sewer and water lines are provided within a road right-of-way, annexation and mutually compatible development shall generally be encouraged simultaneously on both sides of the road, to assure maximum efficiency in the use of those services and to reduce development costs.

10.9.20: Land Use

Goal: To guide the development and uses of land so that they are orderly, efficient, aesthetically pleasing, and and suitably related to one another.

Policy A: Canby shall guide the course of growth and development so as to separate conflicting or incompatible uses while grouping compatible uses.

Implementation Measures:

- 1) Revise and update Zoning and Subdivision Ordinances to provide greater encouragement for developers to utilize planned unit development procedures. Allow for creative design in terms of multiple use concepts and clustering of developments.
- 2) Utilize the allowable "conditions of approval" for discretionary applications as a means of minimizing or mitigating conflicts between land uses.
- 3) Amend the Subdivision and Zoning Ordinances to allow the Planning Commission to have greater flexibility in the review of subdivision designs, without requiring a variance for such things as unusual lot shapes and setback variances.
- 4) Amend the Zoning Ordinance to create a Site Plan Review process to be conducted at the staff level, focusing on access, sign regulation, compliance with other city regulations and other aspects of public health or safety.
- 5) Utilize the Planned Unit Development overlay zone (recently created) to assure that areas of special concern are properly addressed and not merely lumped together with development of adjacent properties.
- 6) Encourage developers to set their own voluntary restrictions upon the development of their properties, provided that such restrictions are in keeping with the intent of the Policies of the Comprehensive Plan and provided that such restrictions are not intended to be "exclusionary" or prejudicial to certain groups of people.

- 7) Work towards a gradual increase in the density and intensity of development allowed within the city, discouraging wasteful development practices and designs.
- 8) In reviewing development proposals in areas which are adversely impacted by neighboring land uses or transportation systems, require the disclosure of such negative characteristics to prospective buyers.

Policy B: Canby shall encourage a general increase in the intensity and density of permitted development as a means of minimizing urban sprawl.

Implementation Measures:

- 1) Support the Policies of the Housing Element to increase the range of housing opportunities and diversify housing types.
- 2) Carefully analyze the "public need" criteria, in light of vacant or under-utilized incorporated property, prior to the annexation of additional land.
- 3) Allow density bonuses and other inducements to encourage developers to improve designs and utilize Planned Unit Development procedures.
- 4) Encourage developers to utilize special design techniques to maximize the intensity of industrial and commercial development at each given site.
- 5) In reviewing development proposals, recognize that the best interests of the overall community must, at times, outweigh the concerns of specific neighborhood groups. While maintaining the quality of life in Canby remains of critical importance, the implementation of the Comprehensive Plan will necessitate some actions which will be opposed by individuals or groups as being adverse to maintaining the local quality of life.
- 6) Amend zoning and annexation regulations to provide that the zoning of individual properties will automatically conform with the designation on the Land Use Map, at the time of annexation. Such regulations must emphasize the "public need" criteria to justify both the annexation and the subsequent zoning.

Policy #C: Canby shall discourage any development which will result in overtaxing any of the community's public facilities or services.

Implementation Measures:

- 1) Expand the list of agencies contacted in the development review process to include both local school districts and the Northwest Natural Gas Company.
- 2) Conduct staff level meetings with applicants and representatives of service providing agencies prior to Planning Commission meetings on major applications. This should insure greater accuracy of staff reports and provide applicants with the opportunity to discuss projects with representatives of the various agencies.
- 3) Encourage applicants to offer creative methods of minimizing adverse impacts on public facilities and services. Such things as private recreation facilities, dedication of land for public purposes, construction of off-site improvements, and special design features might accomplish this.

Policy D: Canby shall limit development in areas identified as having an unacceptable level of risk because of natural hazards.

Implementation Measures:

- 1) Amend the Zoning Ordinance by creation of an overlay district which will be applied to each area identified as being flood prone or having steep slopes.
- 2) Restrict the creation of additional building lots in areas designated by this overlay zoning. Encourage developers to utilize cluster design methods which concentrate development in those areas which are protected from hazardous conditions.
- 3) Assist the owners of property designated by this overlay zoning to assure that they are allowed a reasonable and acceptable use of their land.
- 4) Require proof in the form of an affidavit signed by a licensed professional (e.g., architect, engineer, or surveyor, as the case may warrant) that any development proposed in an area designated by

c) Medium Density Residential:

Generally distinguished by two family, three family or single family dwelling units and accessory uses, mobile home subdivisions subject to special criteria and other uses of the sort permitted in areas designated for Lower Density Residential use. City R-1.5 zoning conforms with this category with R-1 an allowable, less intensive, interim zoning.

d) Higher Density Residential:

Generally distinguished by multiple family or other residential uses, including mobile home subdivisions or parks subject to special design criteria, and intended to provide for the widest variety of housing opportunities. City R-2 zoning conforms with this category with R-1 or R-1.5 an allowable, less intensive, interim zoning.

e) Downtown Commercial:

Generally distinguished by businesses catering to foot traffic in city's established core area but also including incidental attached residential units and pre-existing uses of various sorts. City C-1 zoning conforms with this category, with R-1 an allowable, less intensive zoning. Existing R-2 zoned areas shall be allowed to remain as zoned.

f) Convenience Commercial:

Distinguished by commercial activities which are of a small size (totaling not more than 3 acres) and scale intended to provide services and commodities to the surrounding neighborhood, and to be conveniently located so that neighborhood residents can walk to and from the site. City C-C zoning conforms with this category with R-1 an allowable, less intensive, interim zoning. Existing R-2 zoned areas shall be allowed to remain as zoned.

g) Residential Commercial:

Distinguished by a mixture of light commercial and residential activities connecting two areas of heavier commercial usage, this category is intended to provide a unique opportunity for

mixed uses while maintaining a special focus on the access and traffic problems of S. Ivy Street. City C-R zoning conforms with this category with R-1 an allowable, less intensive, interim zoning. Existing R-2 zoned areas shall be allowed to remain as zoned.

h) Highway Commercial:

Distinguished by allowing the widest possible range of commercial uses and by catering to motor vehicle traffic. City C-2 zoning conforms with this category, with R-1 an allowable, less intensive, interim zoning. Existing R-2 zoned areas shall be allowed to remain as zoned.

i) Light Industrial:

Generally distinguished by light manufacturing, storage, wholesale or heavy retail sales operations, and incidental caretaker facilities. City M-1 zoning conforms with this category.

j) Heavy Industrial:

Generally distinguished by heavy manufacturing, storage, or wholesale operation, screened by specific "performance" criteria. City M-2 zoning conforms with this category, with M-1 an allowable, less intensive, interim zoning.

k) Public Schools, Public Recreation and other Public Property:

Distinguished as those properties which are held, and are expected to remain, in public ownership. Any city zoning may conform with these categories provided that it generally conforms with surrounding zoning.

l) Private Recreation:

Distinguished as the golf course and related country club facilities. Incidental, compatibly designed residential uses should be permitted in the future at a relatively low overall density. City R-1-PUD zoning conforms with this category.

m) Flood Prone or Steep Slope:

Distinguished as the area requiring special development regulation because of a history of flooding, or because of steep slopes on the perimeter of floodplains. City R-1-H zoning conforms with this category.

- 3) The official Land Use Map of the City of Canby shall be stored with the city's official Zoning Map and shall be maintained by the City Planner. The various designations shown on the Land Use Map are generalized. The City Planner shall be responsible for interpreting the map. In cases of a dispute over the intended designations of individual properties, the Planning Commission shall be responsible for interpreting the Land Use Map.
- 4) Utilize the Map of Areas of Special Concern in conjunction with the Land Use Map to determine the appropriate development of designated properties.

Policy F: Canby shall recognize the unique character of certain areas and will adopt special land use regulations to allow for the most appropriate development of such sites.

Implementation Measures:

- 1) Utilize the following criteria in conjunction with the Land Use Map on a site by site basis:
 - a) Area "A" is significant because of its location on highway 99E, at a main entry to the city. This site has long been zoned for industrial development but has remained vacant because of topographic constraints, lack of state highway access, and limited rail access. With the installation of traffic signals at the intersection of highway 99E and S.W. Berg Parkway, the opportunity for major access improvements to the site can be seen. It now appears that commercial development would better utilize this area, but with a large adjacent area designated for industrial development it would seem most reasonable to allow either light industrial or general commercial development (Provided that any commercial development utilize the signalized intersection for access to Highway 99E). For these reasons, area "A" may be zoned either M-1 or C-2-PUD.

- b) Area "B" is similar to area "A" in many respects and should be treated in the same manner. Located south of Highway 99E along S. Pine Street, it too has potential for either commercial or industrial development. Commercial uses will be limited to "heavy" commercial activities which are closely related to industrial activities or larger shopping centers based around a department store of the sort which can be expected to draw from a regional market area. It is recognized that the Land Use Map contains sufficient area for commercial uses of all sorts other than larger department store complex types. By designating this area for special treatment this problem should be resolved, while providing safe highway access and minimizing conflicts with the railroad. The extension of S. Pine Street to connect with Township Road will be a high priority regardless of the specific nature of development in the area. For these reasons, area "B" may be zoned either M-1 or C-2-PUD.
- c) Area "C" includes all of the property shown on the Land Use Map within the "Residential-Commercial" category and having frontage on S. Ivy Street. Ever-increasing traffic on S. Ivy Street necessitates special treatment for access, especially where commercial or multiple-family residential development occurs. The site plan review process shall be used to assure that strict adherence to parking and access requirements is maintained. Portions of this area which have already been zoned R-2 and developed to multiple-family densities will be allowed to remain in R-2 zoning.
- d) Area "D" is significant because of its location separating industrial, multiple-family residential, and single family residential areas. Originally intended as a "buffer strip" between conflicting uses, the site remains in private ownership with no known development plans. In order to assure that the development of the site does not conflict with surrounding uses, a review of any proposed design will be necessary. To assure maximum yield to the owner, without creating any undue hardships for residents. M-1-PUD zoning shall be applied to the site.

- e) Area "E" is significant because of its preponderance of extremely deep lots with resulting access constraints. Density of development remains extremely low because of poor access. As a means of opening this area up to increased development, while solving the access problem at the same time, planned unit developments using looped, one-way access roads shall be encouraged. Such one-way roads will be at least 20 feet in width, with parking restricted to one side and sidewalks required on one side only. They shall be private roads, and the city shall be guaranteed that the roads are maintained or work performed at the owners expense. The Land Use Map designates the area for Medium Density Residential use with appropriate zoning to remain R-1 until a specific proposal is made for R-1.5-PUD zoning.
- f) Area "F" consists of a relatively narrow strip of land along the west side of N. Maple Street north of 22nd Avenue. This land was included within the city's urban growth boundary to allow for the eventual widening of N. Maple Street, which is presently a half street. It has been identified as an area of special concern because the city may need to allow special development techniques to maximize density while still requiring adequate buffers to minimize conflicts with adjacent agricultural activities. The improvement of N. Maple Street to full width is a major city concern because of the potential for increased development in the area, particularly within the Country Club. Development along the street must also allow for streets to eventually be constructed intersecting N. Maple Street from the west. R-1-PUD zoning will be applied to this area at the time of annexation.

10.9.25: Environmental Concerns:

Goals:

- I) To protect identified natural and historical resources.
- II) To prevent air, water, land, and noise pollution.
- III) To protect lives and property from natural hazards.

Policy A: Canby shall direct urban growth such that viable agricultural uses within the urban growth boundary can continue it as long as it is economically feasible for them to do so.

Implementation Measure:

- 1) Maintain zoning provisions which allow agricultural operations within the city limits.
- 2) Conduct development reviews such that agricultural operations are regarded as part of the accepted pattern of local land use, rather than a nuisance to residents.

Policy B: Canby shall encourage the urbanization of least productive agricultural areas within the urban growth boundary as a first priority.

Implementation Measures:

- 1) Coordinate water and sewerage planning to facilitate this policy.
- 2) Coordinate street and road improvements with this policy.
- 3) Utilize areas where land is fragmented into small parcels which are not conducive to productive agricultural use.
- 4) Review annexation proposals in light of the growth phasing strategies of the Urban Growth Element.

Policy C: Canby shall maintain and protect surface water and groundwater resources.

Implementation Measures:

- 1) Consider an amendment to the City's sewer regulations to allow all functional septic systems to remain in use, but require the owners of any failing systems to connect to the City sewer system if they are within reach of such service.
- 2) Work closely with Clackamas County and State DEQ Sanitarians to assure that sanitation requirements are met.

Policy D: Canby shall require that all existing and future development activities meet the prescribed standards for air, water and land pollution.

Implementation Measures:

- 1) Include performance standards relative to pollution as part of the Zoning Ordinance applying to industrial development.
- 2) Participate in regional planning efforts and programs to upgrade the environment.

Policy E: Canby shall seek to mitigate, wherever possible, noise pollution generated from new proposals or existing activities.

Implementation Measures:

- 1) Require landscaping or other such devices within the city's ordinances to buffer and/or absorb sound.
- 2) Implement a design review process to review landscaping plans for new developments.
- 3) Encourage cluster development techniques which leave hazardous or noisy areas in open space usage.
- 4) Establish performance standards for noise to apply to new industrial developments.

Policy F: Canby shall cooperate with County and State agencies in the review of aggregate removal applications.

Implementation Measures:

- 1) Determine whether aggregate removal operations are likely to occur within the city limits. If so, amend the Zoning Ordinance to make such activities conditional uses in the appropriate zoning districts.
- 2) Conduct a staff review of any application filed with Clackamas County for sites near the city.

Policy G: Canby shall preserve and, where possible, encourage restoration of historic sites and buildings.

Implementation Measures:

- 1) Research the potential for the development of an ordinance for hisotric preservation.
- 2) Identify which sites should be recorded with the State of Oregon or which should be placed on record with the Federal Government.

- 3) Place special emphasis upon historically or architecturally significant structures in the development review process. It should be recognized that many of these structures were built prior to modern zoning regulations and may, therefore, require special consideration where a change in use or addition is proposed.

Policy H: Canby shall seek to improve the overall scenic and aesthetic qualities of the City.

Implementation Measures:

- 1) Implement sign control regulations in Zoning Ordinance.
- 2) Implement a design review process for major commercial, industrial and multiple family residential development.
- 3) Maintain and strictly enforce present standards for undergrounding utilities.

Policy I: Canby shall seek to preserve and maintain open space where appropriate and where compatible with other land uses.

Implementation Measures:

- 1) Revise zoning and subdivision regulations to create inducements for developers to cluster developments and preserve open space.
- 2) In the development review process, encourage designs which surround hazardous or noisy areas with open space areas which can serve as buffers.

Policy J: Canby shall attempt to minimize the adverse impacts of new developments on fish and wildlife habitats.

Implementation Measures:

- 1) Enforce overlay zoning of flood prone and steep slope areas to limit the densities and intensities of development in such areas.
- 2) Encourage cluster development as a means of assuring large open space areas.
- 3) Assist in the enforcement of state and federal regulations governing air and water pollution.

- 4) Enforce design review requirements for landscaping and tree planting.
- 5) Continue to cooperate with the State Department of Fish and Wildlife in the management of fish and wildlife at the community park along the Molalla River.

Policy K: Canby shall restrict urbanization in areas of identified steep slopes.

Implementation Measures:

- 1) Property divisions shall be regulated to prevent the creation of lots in areas which are inaccessible or unbuildable because of steep slopes.
- 2) Provide the Planning Commission with the authority to require a certified statement from a registered engineer or engineering geologist prior to construction in areas of steep slopes.

Policy L: Canby shall continue to participate in and shall actively support the Federal Flood Insurance Program.

Implementation Measures:

- 1) Amend the Zoning Ordinance to create an overlay zone which restricts development in areas of identified flood hazards.
- 2) In reviewing development proposals, prevent the creation of additional building sites in hazardous locations, encourage the clustering of development in the most appropriate locations, and require proof from a registered surveyor or engineer that proposed buildings will have habitable floor elevations at least one foot above the flood levels identified in the engineer's mapping.

Policy M: Canby shall seek to inform property owners and builders of the potential risks associated with construction in areas of expansive soils, high water tables, and shallow topsoil.

Implementation Measures:

- 1) Copies of the publication "Geology and Geologic Hazards of Northwestern Clackamas County, Oregon, 1979" by the State Department of Geology and Miner-

al Industries will be kept on file in City Hall and made available to those who are interested.

- 2) If deemed necessary on a case by case basis, the Planning Commission may require developers to record a written statement disclosing to potential purchasers that their properties may be exposed to some risk because of physical construction limitations.
- 3) If through the development review process, the Planning Commission finds that special conditions of approval are necessary to mitigate or minimize the risks associated with construction in such areas, the commission may impose such conditions.

10.9.30 Transportation.

Goal: To develop and maintain a transportation system which is safe, convenient and economical.

Policy A: Canby shall provide the necessary improvements to city streets, in an effort to keep pace with growth.

Implementation Measures:

- 1) Adopt and prioritize as part of the city's overall Capital Improvement Program, the following list of streets for major upgrading and improvements:
 - a) N. and S. Ivy Sts.
 - b) S. Elm St.
 - c) S.E. Township Rd.
 - d) N.E. and N.W. Territorial Rd.
 - e) N. Pine St.
 - f) S. Locust St.
 - g) N.E. and N.W. 3rd Ave.
 - h) N.E. and N.W. 10th Ave. (east of N. Locust)
 - i) N. Maple St. (north of N. 10th)
 - j) N. Redwood St. (north of N. 10th)
 - k) S.E. 13th Ave.
 - l) N. Holly St. (north of Territorial)
 - m) N.E. 4th Ave.(NOTE: Unless otherwise specified, improvements to include entire length.)
- 2) Continue the present system of maintaining other city streets on the basis of severity of condition and amount of use received.

- 3) Encourage property owners to form Local Improvement Districts for the purpose of upgrading roads, whether or not they are part of the prioritized list. If funding constraints develop, following the priorities established in the Capital Improvement Program.
- 4) City engineering staff shall set about to establish grades and conduct the other necessary preliminary surveying and engineering to allow for the improvement of all streets in Canby.
- 5) Utilize the provisions of the Zoning and Subdivision Ordinances to prevent the creation of dead-end streets which do not have adequate turnaround facilities.

Policy B: Canby shall work cooperatively with developers to assure that new streets are constructed in a timely fashion to meet the city's growth needs.

Implementation measures:

- 1) Adopt and prioritize, as part of the city's overall Capital Improvement Program, the following list of major new streets to be constructed:
 - a) S. Pine extension from Highway 99E to S.E. 13th Ave.
 - b) S. Redwood extension from Highway 99E and/or Haines Rd., generally parallel with the Molalla Forest Rd.
 - c) S.W. 13th Ave. extension to connect with S.W. Berg Parkway.
 - d) Extension of S.W. Berg Parkway across planned overpass to connect with N.W. Baker Dr.
 - e) N.E. 2nd Ave. extension to connect with N.E. 4th Ave. near the Fairgrounds.
- 2) Encourage property owners to form Local Improvement Districts for the purpose of constructing city streets, whether or not they are part of the prioritized list. If funding constraints develop, however, it may be necessary to limit L.I.D.'s to follow the priorities established in the Capital Improvement Program.

- 3) Utilize any and all feasible means (as outlined in the PUBLIC FACILITIES AND SERVICES ELEMENT) to finance the construction of new roads and other transportation services. Utilize the flexibility of different funding methods, combinations of funding methods, and creative methods of assessments to assure that the costs of needed improvements are shared by all benefitted parties.
- 4) City engineering and planning staff will study alternative road alignments and conduct other necessary studies for the City Council's ultimate adoption. Upon adoption, the provisions of the Zoning Ordinance will be utilized to prevent the construction of any structures which would hinder the later development of the road. Copies of such adopted road alignments shall be forwarded to Clackamas County for all unincorporated areas, requesting that they likewise limit new construction which would conflict with planned road alignments.
- 5) In new developments, reduce the required standard residential street right-of-way width from 60 to 50 feet unless the additional width is needed for tike lane purposes. Additional easement widths may be required, but the reduction in right-of-way widths should provide more design flexibility for builders.

Policy C: Canby shall attempt to improve its problem intersections, in keeping with its policies for upgrading or new construction of roads.

Implementation Measures:

- 1) Include within the Capital Improvements Program, in an order based upon the priorities established for road upgrading and/or new construction, the following list of intersections needing major improvements:
 - a) Ivy st. and Highway 99E.
 - b) Pine St. and Highway 99E
 - c) Redwood St./Haines Rd. and Highway 99E
 - d) Territorial Rd. and Highway 99E.

- e) S.W. Berg Parkway and Highway 99E (assuming that an overpass is to be constructed in this area).
 - f) Township Rd. and the railroad crossing.
- 2) City engineering, planning and police staffs shall develop alternative improvement plans for consideration by the City Council. After approval by the City Council the improvement plans for each intersection shall be included within the overall Capital Improvement Program.
 - 3) City police staff will begin filing copies of each accident report with the public works staff who will plot each accident on a base map kept for this purpose. The nature and location of repeated accidents shall be considered in future Capital Improvement Programing.

Policy D: Canby shall work to provide an adequate sidewalk and pedestrian pathway system to serve all residents.

Implementation Measures:

- 1) Include in the overall Capital Improvement Program a master plan of sidewalk development which identifies those areas which are most in need of sidewalks.
- 2) Actively promote the formation of Local Improvement Districts for sidewalk improvement. Recognizing that sidewalks provide benefits to the entire neighborhood, the city will employ unique assessment methods, if necessary, or otherwise stimulate the financing of L.I.D.'s for sidewalk construction.
- 3) The standard city policy of requiring the support of the majority of property owners in an L.I.D. may be reduced to the legal limit of only 1/3 of the property owners where the L.I.D. is intended to provide sidewalk improvements.
- 4) Allow for increased flexibility in sidewalk design, having sidewalks go around obstacles such as large trees and allowing sidewalks to be located on special easements (or within the street right-of-way) where necessary.
- 5) Amend the Zoning and Subdivision Ordinances to require the construction of sidewalks in commercial areas whenever new construction or significant remodeling

occurs. Sidewalks are also to be required in all new residential subdivisions.

- 6) Prepare a sidewalk master plan in conjunction with street and bicycle plans to serve as the basis of future requirements for sidewalk construction. Such future requirements may include a specification that sidewalks are to be constructed whenever new construction or significant remodeling of structures occurs along selected streets.

Policy E: Canby shall actively work towards the construction of a functional overpass or underpass to allow for traffic movement between the north and south side of town.

Implementation Measures:

- 1) Include the project within the overall Capital Improvement Program. Engineering staff to include an analysis of alternative locations and basic designs within the Capital Improvement Project.
- 2) After adoption of the Capital Improvement Program by the City Council, the city will begin to seek state and federal grant assistance for preliminary engineering, property acquisition and eventual construction of the overpass or underpass.
- 3) In recognition of the community-wide significance of such a facility, the city may utilize the option of general obligation bond funding to finance all or part of this project.

Polciy F: Canby shall establish and periodically update an official truck route system through the City.

Implementation Measures:

- 1) Adopt an ordinance which officially designates Canby's truck routes.
- 2) Review the truck route system for possible amendments after the completion of the traffic study and after any subsequently developed information becomes available.

Policy G: Canby shall continue in its efforts to assure that all new developments provide adequate access for emergency response vehicles and for the safety and convenience of the general public.

Implementation Measures:

- 1) Amend the Subdivision and Zoning Ordinances, as necessary, to assure that every dead-end street is provided with an adequate turnaround area. Temporary turnarounds may be utilized, but the Planning Commission may impose the necessary requirements to assure that such temporary dead-ends can, and will, be eventually continued on.
- 2) Amend the Subdivision Ordinance to prevent "half street" developments. The Planning Commission should retain some discretion to set specific conditions of approval on a case by case basis, but not to the extent that access is impaired.
- 3) Amend the Subdivision and Zoning Ordinances to set standards for flaglots and access to multiple family developments, such that the number of units permitted will relate directly to the adequacy of access.
- 4) In reviewing development proposals, assure that access is adequate but discourage unnecessary traffic through residential neighborhoods. Close coordination will be maintained between the circulation patterns of new developments and the density, intensity, and design of the proposed land use.
- 5) Amend the Zoning and Subdivision Ordinances to require developers who propose to block the logical extension of a public street to prove that such a street extension is not needed or that some other reasonable street alignment is still feasible.

Policy H: Canby shall provide appropriate facilities for bicycles and, if found to be needed, for other slow moving, energy efficient vehicles.

Implementation Measures:

- 1) Amend the Subdivision and Zoning Ordinances to require developers to provide sufficient right-of-way, and physical improvements, to allow for bike paths along roadways.
- 2) Increase public awareness of the fact that drivers are expected to share city streets with bicyclists.

- 3) Strictly enforce traffic regulations affecting both cyclists and drivers.
- 4) Work with Clackamas County and the State of Oregon in efforts to connect Canby's bicycle planning with that done for the entire region.
- 5) Include within the overall Capital Improvement Program a master plan for bicycle path development which identifies those routes where bike paths are most needed.

Policy I: Canby shall work cooperatively with the State Department of Transportation and the Southern Pacific Railroad Company in order to assure the safe utilization of the rail facilities.

Implementation Measures:

- 1) Seek improvements to the warning devices at the following rail crossings:
 - a) Highway 99E and "Molalla Spur".
 - b) N.E. Redwood St. and Southern Pacific Line.
 - c) N.E. Territorial Rd. and Southern Pacific Line.
 - d) Township Rd. and "Molalla Spur".
- 2) Attempt to develop a communication system which will allow railroad personnel to notify the city's police and fire dispatchers directly, when they are about to block a major crossing point. This would allow emergency vehicles to chart an alternative course and avoid blocked intersections. This could be especially important where a train has blocked traffic on Highway 99E.
- 3) When reviewing proposed industrial developments along rail lines, require appropriate site planning to allow for rail service without blocking motor vehicle traffic.

Policy J: Canby shall support efforts to improve and expand nearby air transport facilities.

Implementation Measures:

- 1) Notify the Federal Aviation Agency and the State Division of Aeronautics of Canby's recognition of the need for, and support of, improvements to nearby airports, heliports and landing strips.
- 2) Place special emphasis upon support for expansion of airports where Canby can expect to derive economic benefits from such improvements.

Policy K: Canby shall work to expand mass transit opportunities on both a regional and an intra-city basis.

Implementation Measures:

- 1) The City Council and city staff will begin to work more closely with representative of Tri-Met, to make sure that Canby's growing needs are understood and adequately addressed by that regional transportation agency.
- 2) Continue to support the efforts of "Loaves and Fishes" in providing transportation for the elderly.
- 3) Support the efforts of any other reputable organization to supply transportation services to the handicapped.
- 4) The City Planner will play the role of liason with other agencies and other communities engaged in supplying mass transit.
- 5) As a means of demonstrating the city's concern for efficient transportation alternatives, have staff people establish and coordinate a carpool/vanpool system for people who would otherwise be commuting to work in Portland or Salem.

Policy L: Canby shall work with private developers and public agencies in the interest of maintaining the transportation significance as well as environmental and recreational significance of the Willamette River.

Implementation Measures:

- 1) Contact the Port of Portland, Clackamas County, the Metropolitan Service District, and the various State agencies which have jurisdiction over the river, requesting that the City be notified of, and given

the opportunity to comment on, any development or utilization proposals affecting the area between Wilsonville and Oregon city.

Policy M: Canby shall actively promote improvements to State highways and connecting County roads which affect access to the City.

Implementation Measures:

- 1) Work with the State Division of Highways in setting priorities for improvements and lobby for adequate maintenance.
- 2) Contact the road departments of both Clackamas and Marion County requesting information on forthcoming plans to improve any of the three major routes connecting Canby and I-5.
- 3) Amend the Zoning ordinance to establish site planning standards and criteria for access to Highway 99E as a means of avoiding the sort of strip commercial problems common to 82nd Avenue in Southeast Portland.
- 4) Encourage planned unit developments along Highway 99E as a method of resolving access problems and preventing the visual blight which often results from strip commercial developments.

10.9.35: Public Facilities and Services:

Goal: To assure the provision of a full range of public facilities and services to meet the need of the residents and property owners of Canby.

Policy A: Canby shall work closely and cooperate with all entities and agencies providing public facilities and services.

Implementation Measures:

- 1) Expand the development review process to allow for a technical meeting among developers and staff persons of various service providing agencies, whenever requested by any affected party.
- 2) Expand the development review process to include local school districts for any housing-related development and the Northwest Natural Gas Company for any development.

- 3) Continue to stress the adequacy of services and facilities in the review of each development proposal. Encourage developers to approach projects in phases as a means of assuring that rapid development, outstripping essential services, does not occur. Approve only those applications where it is found that public facilities and services are adequate.
- 4) Work with the local school districts in an effort to establish dedication, or fees in lieu of dedication, standards whereby new residential developments would be contributing directly towards the construction of new facilities which are necessitated by that new residential growth. Such standards would also require a coordination with Clackamas County to ensure fairness throughout the school districts and would require careful consideration of their impacts on residential construction costs. (see HOUSING ELEMENT.)
- 5) Utilize city lobbying capabilities to support the efforts of any entity or agency attempting to improve services to Canby residents, in keeping with the Goals of the Comprehensive Plan. This would include the efforts of the Utility Board to increase electrical service to the community, efforts of Loaves and Fishes to provide facilities for senior citizens, and efforts of the school districts to expand facilities.
- 6) Amend Zoning and Subdivision Ordinances and conduct development review procedures in a manner which assures adequate easements for public utilities. By coordinating facilities planning with other service-providing agencies the city should be able to reduce land acquisitions costs which would otherwise be borne by the consumers.
- 7) Support the efforts of groups within the community which may attempt to improve local medical facilities and services.

Policy B: Canby shall utilize all feasible means of financing needed public improvements and shall do so in an equitable manner.

Implementation Measures:

- 1) Promote the creation of Local Improvement Districts as a means of financing needed improvements. This

will require political and staff commitments as well as "seed money" from the annual budget for those particular improvements which will benefit the entire community.

- 2) Utilize creative methods of assessment to assure that most costs are borne by those who will benefit the most from improvements.
- 3) Create a city fund for the promotion of L.I.D.'s. Such fund to be created by revenues from annexation fees, systems development charges, real estate sales taxes, utility connection fees, general fund money, or any other sources which are deemed to be both legal and appropriate in view of the policies of the Housing Element.
- 4) Revise the fee schedule for annexations and utility connections so that these costs represent a more equitable reimbursement to the city for its expenses in providing necessary facilities and services.
- 5) Consider the adoption of a "reimbursement" ordinance where the city would actually administer the funds. Because it is assumed that a developer will pass his improvement costs on to subsequent purchasers, it may be practical to charge a development fee of any developer who stands to gain a "windfall" benefit from the prior work of another developer. That money could then be passed on to those who purchased property from the developer who originally did the work. Such an ordinance would have to be carefully worded and would need some provision for covering the administration costs of the city. If used properly, however, it could encourage developers to work together in providing public facilities and services.
- 6) Allow property owners to "Brancroft" the various fees as provided in ORS 223, when it is determined that the bond market is adequate.
- 7) Utilize such sources as the Land and Water Conservation Fund and Community Development Block Grants for acquisition or development of recreation areas.

Policy C: Canby shall adopt and periodically update a capital improvement program for major city projects.

Implementation Measures:

- 1) Prepare and adopt a Capital Improvement Program listing projects, cost estimates, priorities, and funding sources.

- 2) Consider revisions to the C.I.P. as part of the annual budget process.
- 3) Do not "cut corners" on public investments in a manner which will decrease the longevity of the proposed improvement. While it is recognized that the city must remain interested in providing improvements at minimum cost, such fiscal restraint should not be allowed to create a "false economy" where improvements have a shortened design life. All public improvements should be regarded as long term investments of the community.

Policy D: Canby shall strive to keep the internal organization of city government current with changing circumstances in the community.

Implementation Measures:

- 1) Request the voters to approve an increase in the city's tax base as often as may be necessitated by inflation and/or community growth.
- 2) Revise, and request the voters to approve a City Charter which accurately depicts the needs of the community. Charter amendments should be considered on a regular basis of every five, or so, years to make sure that the total Charter remains up to date.
- 3) Increase cooperation and coordination between the Canby utility Board and City Council to assure that the Utility Board is operated along the basic policy lines established by the City Council and to assure that the taxpayers and utility customers of the community receive the best possible services for their dollars.
- 4) Provide personnel programs designed to assure that Canby will have a competent professional staff which can keep pace with community growth and changing circumstances.

Policy E: Canby shall assure that adequate sites are provided for public school and recreation facilities.

Implementation Measures:

- 1) City staff, as well as elected and appointed officials, will work with representatives of the school districts, community school's office, and other

recreation oriented groups to determine the best possible sites for future acquisition. Close cooperation shall be encouraged among all of the affected agencies and organizations to assure maximum efficiency in the acquisition, development, and utilization of park and recreation facilities.

- 2) Utilize Implementation Measure "4", under Policy A, to implement this policy.
- 3) Utilize the density bonus provisions of the planned unit development regulations to encourage developers to provide either public or private recreation facilities within their projects. If sufficient recreation opportunities are provided through this means, the amount of land needed for public acquisition can be reduced accordingly.

10.0.40 Economics:

Goal: To diversify and improve the economy of the City of Canby.

Policy A: Canby shall promote increased industrial development at appropriate locations.

Implementation Measures:

- 1) Protect future industrial areas from encroachment of incompatible uses. The Land Use Element contains a list of compatible zoning categories for each land use designation of the Comprehensive Plan. Zoning must conform with this criteria.
- 2) Structure the standards and criteria of the Zoning Ordinance to assist industrial developers in determining the feasibility of a potential project. Also, emphasize the importance of a rapid review process, avoiding unnecessary delays in processing applications for industrial developments.
- 3) Establish an economic development task force to promote industrial development:
 - a) The task force should be composed of local representatives such as people from the city staff, utility companies, industry, retail trade, developers, and the Southern Pacific Company.
 - b) The task force will determine what type of permanent structure (public, quasi-public,

or private) can best implement marketing activities, develop financing programs, and make necessary site improvements.

- c) The task force will research funding sources, both private and public and will coordinate efforts with the Clackamas County economic development program, Port of Portland, and state and federal economic development agencies.
 - d) The task force should also be in the position of recommending the initiation of industrial zoning to the Planning Commission or City Council.
- 4) Work towards assuring that adequate services, facilities, and transportation networks are available to serve industrial areas:
- a) Develop a Capital Improvement Program for extending services to industrial areas.
 - b) Plan for the expansion of the sewage treatment plant and other critical public services based upon a significant increase in industrial as well as residential growth.
 - c) Implement the Transportation Element.
 - d) Devise incentive programs for developers who assist in providing needed transportation facilities.

Policy B: Canby shall encourage further commercial development at appropriate locations.

Implementation Measures:

- 1) Develop a CBD revitalization and expansion plan which would be directed at:
 - a) Encouraging contiguous commercial development.
 - b) Providing for the relocation of structurally sound housing.
 - c) Encouraging the provision of pedestrian amenities and other alternatives to conventional styles or designs.

- 2) Implement a site plan review process.
- 3) Implement a sign ordinance, as part of the City Zoning Ordinance.
- 4) Work with downtown merchants and local Chamber of Commerce to assure that city policies address the needs of the local business community.
- 5) Promote in-fill commercial development prior to allowing further linear strip development along the highway or main arterials.
- 6) Place special emphasis on the vehicular and pedestrian access aspects of commercial developments in the site plan review process.

Policy C: Canby shall encourage economic programs and projects which will lead to an increase in local employment opportunities.

Implementation Measures:

- 1) Encourage local employers to hire local residents.
- 2) Negotiate with new industries to have preferential hiring for local residents.

Policy D: Canby shall consider agricultural operations which contribute to the local economy as part of the economic base of the community and shall seek to maintain these as viable economic operations.

Implementation Measures:

- 1) So long as there are other reasonable alternatives for urban growth, highly productive agricultural lands will be protected from urban encroachment.
- 2) Encourage owners of agricultural producing areas to take advantage of tax relief programs for open spaces and agricultural uses.
- 3) Agricultural operations, even those within the incorporated area, will be encouraged to remain in operation for as long as it is economically feasible to do so. Where developments are proposed on a "phased" basis, the first phase should be situated and designed such that agricultural operations can continue on the remaining property.

10.9.45: Housing:

Goal: To provide for the housing needs of the citizens of Canby.

Policy A: Canby shall adopt and implement an urban growth boundary which will adequately provide space for new housing starts to support an increase in population to a total of 20,000 persons.

Implementation Measures:

- 1) Outside of the existing city limits, the City's urban growth boundary will include sufficient buildable lands to meet the anticipated population increase of about 10,650 persons. The procedures established for the periodic review and updating of the UGB shall be utilized to assure that the UGB remains adequate as housing conditions or inventories of buildable lands change.
- 2) The City will utilize annexation criteria which will provide adequate space for anticipated short-term population growth (two or three years). The amount of land will include ample consideration of additional vacant area which for various reasons may be held off the market.

Policy B: Canby shall encourage a gradual increase in housing density as a response to the increase in housing costs and the need for more rental housing.

Implementation Measures:

- 1) Amend the Zoning Ordinance to allow limited duplex construction in low density, single-family areas.
- 2) Allow for a variety of lot sizes within residential zones with the overall average equaling the minimum square footage requirement.
- 3) Include within the Land Use Element areas designated for higher density development.
- 4) Promote more effective utilization of land area and improve aesthetics through design by providing a density bonus system within the planned unit development concept.

- 5) Encourage housing mix to occur in all residential areas through zoning application and through planned unit developments.
- 6) Amend zoning and subdivision regulations to limit the rate of condominium conversions in order to preserve an adequate number of rental units. Encourage the development of new condominium units as a means of meeting the demand for "unit Ownership".
- 7) Amend zoning and subdivision regulations to provide adequate opportunities for mobile home developments at densities which are slightly greater than standard single family developments.
- 8) Amend the Zoning Ordinance to create an R-1.5 residential district to allow densities between those permitted in R-1 and R-2 zones, and a Residential/Commercial Mixed Used Zone which will allow for a mixture of compatible residential and commercial uses in the same neighborhood.

Policy C: Canby shall coordinate the location of higher density housing with the ability of the City to provide utilities, public facilities, and a functional transportation network.

Implementation Measures:

- 1) Higher density housing shall be located only where the existing sewer and water systems can provide the necessary infra-structure to support those densities.
- 2) Higher density housing shall be planned in areas which are served by an adequate arterial system so as not to overburden local streets. The number of access points onto arterial roads shall be strictly controlled, however, in the interest of traffic safety.
- 3) The sequence of development for new residential areas shall coincide with the City's ability to provide adequate water and sewerage facilities without undue hardship.

Policy D: Canby shall encourage the development of housing for low income persons and the integration of that housing into a variety of residential areas within the City.

Implementation Measures:

- 1) Amend sections of the Zoning and Subdivision Ordinances to allow a density bonus to be given for developments which are specially designed to serve handicapped and elderly persons.
- 2) Encourage the private sector to provide low income housing.
- 3) Encourage low income housing aimed at home ownership, so property is not reduced from the tax rolls.
- 4) Support the County Housing Authority and the Farmers Home Administration in their continued efforts to provide low income housing.
- 5) Amend the Zoning Ordinance to allow for "lot size averaging" in new subdivisions or partitions, and duplex construction on larger lots in low density residential districts. Both of these changes should encourage greater diversity of housing types, rent levels, and price ranges without significantly affecting the character of established neighborhoods.

Policy E: Canby shall provide opportunities for mobile home developments in all residential zones, subject to appropriate design standards.

Implementation Measures:

- 1) Amend the Zoning Ordinance to make mobile home park developments a conditional use in any residential zone, thereby shifting the focus away from commercial and industrial areas.
- 2) Amend the Zoning and Subdivision Ordinances to provide for Mobile Home Subdivisions where each unit could be situated on its own lot, subject to the design review criteria of PUD procedures.
- 3) Mobile home developments near commercial or industrial areas will be adequately protected from traffic and noise, as would any other residential development.
- 4) The city shall have a set of design standards which is directed at providing living amenities within mobile home parks and subdivisions and providing adequate buffering to surrounding uses. These design standards will cover individual lot size, setback

and buffering requirements, landscape requirements, minimum acreage for park developments, and will allow for innovative ideas in subdivision layouts. They will not be intended or construed to prevent the appropriate development of mobile home projects.

10.9.50 Energy:

Goal: To conserve energy.

Policy A: Canby shall encourage energy conservation and efficiency measures in construction practices.

Implementation Measures:

- 1) The city shall remain informed of, and involved in, the activities of the State Energy Resources Board.
- 2) The city shall encourage increased energy conservation/efficiency methods in new construction and remodeling projects. Examples include extra insulation in walls, floors and ceilings; window size and placement; fluorescent lighting instead of incandescent lighting; weatherstripping around doors and windows, even beyond the requirements of the O.S.S.S.C.
- 3) Evaluate building requirements that pertain to techniques and materials and for their impact on resources and energy efficiency.
- 4) Periodically review, update and amend all applicable codes and ordinances to reflect energy efficiency.
- 5) Encourage builders and building designers to utilize the "thermal performance" standards of the O.S.S.S.C. to develop structures which exceed the basic minimum insulation requirements of the code.
- 6) Attempt to educate the public regarding the advantages of energy conservation/efficiency in design or construction.
- 7) Assist the county and other agencies in projects to retrofit existing homes and insulation and other components to increase efficiency.

- 8) Modify the zoning ordinance to allow eaves encroaching up to 5 feet into the southern and western setbacks of properties in R-1 and R-2 zones.

Policy B: Canby shall encourage development projects which take advantage of wind and solar orientation and utilization.

Implementation Measures:

- 1) Amend the city's planned unit development regulations to provide a "density bonus" for developments which are designed to utilize efficient solar and wind orientation and structural components which exceed minimum insulation requirements of the code.
- 2) Amend the zoning ordinance to allow solar oriented subdivisions without requiring special setback variances. Encourage the developers of such subdivisions to record "solar easements" to prevent the shading of solar collectors.
- 3) Encourage the acquisition of solar easements by property owners who fear that adjacent developments may shade their areas.
- 4) The city will include consideration of wind and solar orientation in the construction of its facilities. All other public agencies will be encouraged to follow suit as a means of saving public dollars while setting a good example for builders in the private sector.
- 5) Amend the subdivision ordinance to allow the Planning Commission to require the planting of selected species of deciduous trees for each new lot.

Policy C: Canby shall strive to increase consumer protection in the area of solar design and construction.

Implementation Measures:

- 1) The City Planner and Building Inspector will be available to discuss various aspects of solar design with potential builders or buyers.
- 2) The city staff will continue in its efforts to eventually adopt a performance standard system for determining energy efficiency. Particularly efficient designs will be rewarded by some form of special commendation which should increase competition among designers.

Policy D: Canby shall attempt to reduce wasteful patterns of energy consumption in transportation systems.

Implementation measures:

- 1) The land use map of the Comprehensive Plan and implementing zoning shall provide adequate areas for industrial and commercial development in the interest of expanding local employment opportunities and thereby, reducing the need for commuting.
- 2) The city will actively promote efforts to establish and maintain an adequate system of transit linking Canby with Portland and Salem. It is recognized that the present Tri-Met service to Portland is scarcely used, partly because of poor scheduling and partly because Canby residents have not yet felt a sufficient need to utilize the bus.
- 3) The city will actively support the use of Tri-Met, and any other mass transit systems serving the area, in an effort to increase ridership and bring about improvements in service.
- 4) Energy-efficient "alternative" means of transportation will be supported. Improvements to Canby's sidewalk system should encourage walking, recognizing bicycling as a valid transportation mode (and not simply a form of recreation), and allowing the use of various battery or pedal-powered vehicles on city streets are all energy-saving measures.
- 5) Adopt and fully implement the Transportation Element of the Plan for its energy conservation value.
- 6) Eventually, city growth will create a sufficient need to justify the development of an intra-city bus system. Whether a private or a public effort, the city will actively support such a transportation system when it is found that an adequate public need exists for this service.

Policy E: Canby shall establish and implement regulations for signs which discourage wasteful patterns of energy consumption.

Implementation Measures:

- 1) Revise city zoning ordinance to prevent the construction of motorized signs.

- 2) Revise zoning ordinance to limit the use of flashing lights on signs to conventional date/time/temperature signs using white lights.

10.9.80 Plan Amendment Procedures:

A) An amendment to the Land Use Map, goals, policies, or implementation measures of the city's Comprehensive Plan may be initiated by the City Council, by the Planning Commission or by application of a property owner or his authorized agent.

B) Applications for Plan Amendments shall be filed with the City Planner on forms prescribed for the purpose and shall include appropriate filing fees as established in Article 8 of the Land Development and Planning Ordinance.

C) Review and consideration of applications for Plan Amendments shall follow essentially the same procedure as for annexations, outlined in Article 8.

- 1) The Planning Commission shall conduct a review of the proposal and shall assist the staff in preparing a recommendation and staff report for the review of the City Council.
- 2) The City Council shall conduct a formal public hearing on the proposal following the procedures outlined in Article 8.
 - a) If the proposed Plan Amendment is found to be a quasi-judicial proposal, the standards and criteria which apply to zone changes (Article 3) shall govern.
 - b) If the proposed Plan Amendment is found to be legislative, primary consideration shall be given to areas or activities of "State-wide significance", as defined in ORS 197.
 - c) All proposed Plan Amendments shall be evaluated for:
 - i) Compliance with applicable Statewide Planning Goals;
 - ii) Compliance with those portions of the Comprehensive Plan which are not proposed to be amended; and

- iii) Compliance with the plans, programs, and policies of Clackamas County, state agencies or special districts having a direct bearing on the proposal.
- 3) The City Council shall take action approving, denying, or approving subject to modifications, the application based upon appropriate findings of fact.
- 4) Action of the City Council shall be final.