

ORDINANCE NO. 981

AN ORDINANCE FOR THE CITY OF CANBY, COUNTY OF CLACKAMAS, OREGON, AMENDING TITLE 16 OF THE PLANNING AND DEVELOPMENT CODE; AND DECLARING AN EMERGENCY

WHEREAS, it has been determined that changes are needed to amend or clarify the wording and standards of Title 16 (Land Development and Planning Ordinance) of the Canby Municipal Code; and

WHEREAS, the Canby Planning Commission, after providing appropriate public notice, conducted a public hearing, during which the citizens of Canby were given the opportunity to come forward to present testimony on these proposed changes; and

WHEREAS, after concluding the public hearing, the Planning Commission made appropriate changes to the wording of the proposal to assure that the public interest would be best served by this Ordinance; and

WHEREAS, the Planning Commission found that the standards and criteria of Section 16.88.160 of the Land Development and Planning Ordinance (Amendments to text of title) were met based on the analysis and conclusions of the staff report (TA 97-01), dated September 22, 1997, and recommended adoption of the amendment to the Land Development and Planning Ordinance; and

WHEREAS, City Council, after concluding a public hearing and review of the record of the Canby Planning Commission regarding the subject amendment, concluded that the amendment is appropriate;

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NOW, THEREFORE, THE CITY OF CANBY ORDAINS AS FOLLOWS:

Bold wording is language that is to be added.

[Brackets] are used to better delineate wording that is to be added and is adjacent to existing wording.

Redlined wording is language that is to be deleted.

Section 1. Add Section 16.04.063 Applications, as follows:

“Application” for a land use permit (site and design review, conditional use permit, annexation, zone change, subdivision, etc.) means a package of information that includes:

- A. The application form filled out and signed by the owner;**
- B. Site plan and/or narrative describing the proposal;**
- C. List of property owners on mailing labels (1" x 2-5/8"); and**
- D. The application fee.**

Section 2. Add Section 16.44.120 Application for Special Permits (16.44.090 - 16.44.110) as follows:

An application for a special permit under sections 16.44.090 - 16.44.110 shall be filed with the City Planner on forms prescribed for that purpose, typed or printed. Such applications shall include:

- A. Plot plan, drawn to scale (not less than 1"=40'), indicating:**
 - 1. The location of the unit subject to approval;**
 - 2. Distance of the unit to property lines and existing structures on the lot;**
 - 3. Streets;**
 - 4. Major topographic and landscape features; and,**
 - 5. Proposed utility connections.**
- B. Narrative describing the proposal, and length of time the permit is needed.**
- C. List of property owners within 100 feet of the subject property, on mailing labels (1" x 2-5/8").**

Section 3. Amend Section 16.48.020 Plot plans - information required, to read as follows:

[A. For all proposed commercial, industrial and multiple-family residential development projects (having greater than two dwelling units), three] eight 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 onto adjacent streets;
6. Locations and types of traffic-control signs;
7. Distances between structures and other significant features[, **including property lines**];
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 mailboxes[;
15. **Other requirements as per development review approval.**

B. For any residential structure including, but not limited to, manufactured homes, whether new or previously occupied, two 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;**
2. **Sidewalks and other pedestrian and/or bicycle paths;**
3. **Distances between structures and other significant features, including property lines;**
4. **Distances between the face of the garage and the back of the sidewalk;**
5. **Location of required street trees;**
6. **Vision clearance areas;**
7. **Location of street lights, hydrants, mailboxes, or other similar features on, or in front of the lot.]**

Section 4. Add Section 16.49.035 Application for Site and Design Review, as follows:

Any application for site and design review shall be typed or printed, and shall be accompanied by:

A. Copies. One (1) copy of the application on forms prescribed for the purpose, mailing labels, narrative, and other information submitted on 8-1/2" x 11" paper. Twenty-five (25) copies of the site plan, landscape plan, building elevations, and other large print drawings.

B. List of property owners within 200 feet of the subject property, on mailing labels (1" x 2-5/8").

C. A traffic impact analysis, conducted or reviewed by a traffic engineer contracted by the City and paid for by the applicant (through the City), and including an accident report for the adjacent roads and nearby intersections, for any project that results in any one of the following:

- 1. More than one access onto any collector or arterial street (such streets being designated by the City of Canby Transportation Plan);**
- 2. More than six (6) residential units that enter onto any collector or arterial street;**
- 3. Any multiple family dwellings (apartments, condominiums, townhouses, etc.) With more than six (6) units;**
- 4. Industrial or commercial enterprises that will employ twenty (20) or more on any single shift.**

D. In the case where the development is located in an area designed by the Hazard ("H") Overlay Zone, an affidavit signed by a licensed professional engineer that the development will not result in any undue hazard for the occupants or users of the development, nor in any unusual public expense in the event of flooding, landslide, or other natural disaster.

E. Site Plan Information. The site plan shall include the following information:

- 1. Vicinity Map. Vicinity map at a scale of 1"=400' showing the relationship of the plat to the existing street or road pattern.**
- 2. Detailed Site Plan. The site plan and landscape plan shall be drawn at a scale no smaller than 1"=50'.**
- 3. General Information. The following general information shall be shown on the site plan and/or landscape plan:**
 - a. Name or title to the development;**
 - b. Date, north arrow, and scale of drawing;**
 - c. Appropriate identification of the drawing as a site plan and/or landscape plan;**
 - d. Property lines in relation to the development;**
 - e. Names and addresses of the owner or owners, and development, engineer, architect, or other individual(s) who prepared the site plan and/or landscape plan;**
 - f. The location, widths, and names of all existing or planned streets, other public ways and easements within or adjacent to the lot, and other important features;**
 - g. Contour lines having the following minimum intervals:**
 - i. One-foot contour intervals for areas containing wetlands, or areas located within a 500-year flood plain;**
 - ii. Two-foot contour intervals for ground slopes between five and ten percent;**
 - iii. Five-foot contour intervals for ground slopes exceeding ten percent;**
 - h. Location and direction of all watercourses 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 one-hundred-year flood shall be shown;**

- i. Natural features, such as rock outcroppings, marshes or wetlands (as delineated by the State Division of Lands), wooded areas, isolated preservable trees (trees with trunks over 6" in diameter - as measured 4 feet above the ground), and significant areas of vegetation;
 - j. A plan for grading in areas that have wetlands, natural drainage areas or areas that are located within a 500-year flood plain;
 - k. Location of all existing structures, and whether or not any of them are to be retained with the development;
 - l. Location of all structures, showing exterior doors;
 - m. Location of all signs;
 - n. Bicycle paths, bicycle parking areas, sidewalks and other pedestrian ways;
 - o. Landscaping areas and water systems for landscaped areas;
 - p. Types, sizes, and location of plants to be used in the landscaping (can be a "palette" of possible plant to used in specific areas for landscaping);
 - q. 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 onto adjacent streets;
 - r. Locations and types of traffic-control signs;
 - s. Distances between structures and other significant features, including property lines;
 - t. Planned exterior lighting arrangement;
 - u. Method of screening garbage cans and exterior storage areas from view;
 - v. Locations, sizes and types of fences to be used;
 - w. Vision clearance areas;
 - x. Storm drainage plans;
 - y. Locations and general size and nature of utility lines, pipelines, standpipes, hydrants, etc.;
 - z. Arrangement and location of mailboxes.
4. Architectural Information. The following information shall be shown on the site plan:
- a. Profile elevations of the buildings, including color and material;
 - b. Size, color, profile, and location of all signage proposed for the development.

Section 5. Amend Section 16.50.020 Application for conditional uses, to read as follows:

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 twenty-five (25) site plans, 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. [The following information, typed or printed, shall be submitted with each application for a conditional use or modification of an existing conditional use:

A. Copies. One (1) copy of the application on forms prescribed for the purpose, mailing labels, narrative (including the types of uses proposed, hours of operation, and any mitigation measures for potential adverse impacts - if any), and other information submitted on 8-1/2" x 11" paper. Twenty-five (25) copies of the site plan, landscape plan, building elevations, and other large print drawings (not required if submitted as a part of a Site and Design Review application being reviewed concurrently).

B. In the case where the development is located in an area designed by the Hazard ("H") Overlay Zone, an affidavit signed by a licensed professional engineer that the development will not result in any undue hazard for the occupants or users of the development, nor in any unusual public expense in the event of flooding, landslide, or other natural disaster.

C. Site Plan Information. This information is not required as a part of the Conditional Use Permit application, if a Site and Design Review application is being reviewed concurrently with the Conditional Use Permit application. The site plan shall include the following information:

1. Vicinity Map. Vicinity map at a scale of 1"=400' showing the relationship of the plat to the existing street or road pattern.
2. Detailed Site Plan. The site plan and landscape plan shall be drawn at a scale no smaller than 1"=50'.
3. List of property owners within 200 feet of the subject property, on mailing labels (1" x 2-5/8").
4. A traffic impact analysis, conducted or reviewed by a traffic engineer contracted by the City and paid for by the applicant (through the City), and including an accident report for the adjacent roads and nearby intersections, for any project that results in any one of the following:
 - a. More than one access onto any collector or arterial street (such streets being designated by the City of Canby Transportation Plan);
 - b. More than six (6) residential units that enter onto any collector or arterial street;
 - c. Any multiple family dwellings (apartments, condominiums, townhouses, etc.) With more than six (6) units;
 - d. Industrial or commercial enterprises that will employ twenty (20) or more on any single shift.
5. General Information. The following general information shall be shown on the site plan and/or landscape plan:
 - a. Name or title to the development;
 - b. Date, north arrow, and scale of drawing;
 - c. Appropriate identification of the drawing as a site plan and/or landscape plan;
 - d. Property lines in relation to the development;
 - e. Names and addresses of the owner or owners, and development, engineer, architect, or other individual(s) who prepared the site plan and/or landscape plan;

f. The location, widths, and names of all existing or planned streets, other public ways and easements within or adjacent to the lot, and other important features;

g. Contour lines having the following minimum intervals:

i. One-foot contour intervals for areas containing wetlands, or areas located within a 500-year flood plain;

ii. Two-foot contour intervals for ground slopes between five and ten percent;

iii. Five-foot contour intervals for ground slopes exceeding ten percent;

h. Location and direction of all watercourses 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 one-hundred-year flood shall be shown;

i. Natural features, such as rock outcroppings, marshes or wetlands (as delineated by the State Division of Lands), wooded areas, isolated preservable trees (trees with trunks over 6" in diameter - as measured 4 feet above the ground), and significant areas of vegetation;

j. A plan for grading in areas that have wetlands, natural drainage areas or areas that are located within a 500-year flood plain;

k. Location of all existing structures, and whether or not any of them are to be retained with the development;

l. Location of all structures, showing exterior doors;

m. Location of all signs;

n. Bicycle paths, bicycle parking areas, sidewalks and other pedestrian ways;

o. Landscaping areas and water systems for landscaped areas;

p. Types, sizes, and location of plants to be used in the landscaping (can be a "palette" of possible plant to used in specific areas for landscaping);

q. 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 onto adjacent streets;

r. Locations and types of traffic-control signs;

s. Distances between structures and other significant features, including property lines;

t. Planned exterior lighting arrangement;

u. Method of screening garbage cans and exterior storage areas from view;

v. Locations, sizes and types of fences to be used;

w. Vision clearance areas;

x. Storm drainage plans;

y. Locations and general size and nature of utility lines, pipelines, standpipes, hydrants, etc.;

z. Arrangement and location of mailboxes.

6. Architectural Information. The following information shall be shown on the site plan:

a. Profile elevations of the buildings, including color and material;

b. Size, color, profile, and location of all signage proposed for the development.]

Section 6. Amend Section 16.52.040(A) Expansion of nonconforming structure or change of use - application required, to read as follows:

A. A request for an expansion of a nonconforming structure or change of nonconforming use may be initiated by a property owner or the owner's authorized agent by filing an application with the City Planner upon forms prescribed for the purpose. **[All information shall be typed or printed.]** 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, or change in use of a nonconforming use, the City Planner will send to the owners of all property within one hundred 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 request within ten days. If no such request for hearing is received within the time limits, and if the staff determines that the application is of a minor nature, and will not constitute an expansion or intensification of a nonconforming use, the City Planner may authorize the necessary license or permits for change of use or structural expansion. In making the above determination, the staff shall utilize the criteria set forth in Section 16.52.050.

[Applications shall include:

- 1. Plot plan, drawn to scale (not greater than 1"=40'), indicating:**
 - a. The location of the existing buildings;**
 - b. The location of the proposed expansion;**
 - c. Distance to property lines for existing buildings and the proposed expansion;**
 - d. Existing parking configuration;**
 - e. Streets;**
 - f. Major topographic and landscape features.**
- 2. Nature of the use being proposed (for a change in use permit application).**
- 3. List of property owners within 100 feet of the subject property, on mailing labels (1" x 2-5/8").]**

Section 7. Amend Section 16.54.020 Application and fee, to read as follows:

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, **[typed or printed]** and shall include the appropriate fee. **[The application shall include the following:**

- A. Comprehensive Plan designation of the property.**
- B. Narrative explaining the existing use of the property and the need for the change in zoning.**
- C. List of property owners within 200 feet of the subject property, on mailing labels (1" x 2-5/8").**

D. Appropriate fee.

E. Site plan, drawn to scale (not greater than 1"=40'), indicating:

- 1. The location of existing buildings (if any);**
- 2. The location of streets, sewer, water, electric, and other utility services;**
- 3. Major topographic and landscape features.]**

Section 8. Amend Section 16.58.020 Application, to read as follows:

An application for a lot line adjustment shall be filed with the City Planner on forms prescribed for the purpose[, **typed or printed**]. Such applications shall include[;] **six copies of a map drawn to scale for the purpose of and meeting the requirements for a tentative map as indicated in Chapter 16.60.**

[A. Signatures, or letters of authorization for filing an application, from the owners of all properties involved in the lot line adjustment.

B. Narrative explaining the need for the change in the property line(s).

C. List of property owners within 100 feet of the subject property, on mailing labels (1" x 2-5/8").

D. Plot plan, drawn to scale (not greater than 1"=40'), indicating:

- 1. The location of existing buildings (if any);**
- 2. The location of streets, sewer, water, electric, and other utility services;**
- 3. Major topographic and landscape features;**
- 4. The existing and proposed property line configuration;**
- 5. The proposed property line configuration;**
- 6. Dimensions and sizes of the existing and proposed lots, and of the area to be transferred between the properties involved.**

If the plot plan is larger than 11" x 17", twenty-five (25) copies shall be submitted with the application.]

Section 9. Amend Section 16.60.010 Filing Procedures, to read as follows:

Any application for a land partition[, **on forms prescribed for the purpose,**] shall be **[filed with the City Planner, typed or printed, and]** accompanied by the following:

A. Twenty-five (25) copies of the tentative partition map, drawn to a scale and submitted on paper no less than eight and one-half by eleven inches in size, and showing all of the following information:

- 1. The date, north point, scale and sufficient description to define the location and boundaries of the tract to be partitioned;**
- 2. Name and address of the record owner and the person who prepared the tentative map;**

3. If the applicant is a corporation, a certificate of good standing from the State Corporation Commission shall be filed. The name of the individual authorized to act as the registered agent of the corporation shall also be provided;
4. 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;
5. For land adjacent to and within the tract to be partitioned, the locations, names and existing **[right-of-way and pavement]** 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;
6. Outline and location of existing buildings to remain in place and any forested or other significant areas of vegetation;
7. Parcel layout, showing size[, **dimensions,**] and relationship to existing or proposed streets and utility easements;
- [8. Vicinity map of the subject property;**
- 9. Any wetlands shall be shown, as delineated by the State Division of Lands.]**

B. A written statement describing the proposed development and including supportive documentation regarding the particular design in terms of its conformance with the **Comprehensive Plan [approval criteria (16.60.030)]** and compatibility with surrounding land use patterns.

[C. List of property owners within 200 feet of the subject property, on mailing labels (1" x 2-5/8").

D. A traffic impact analysis, conducted or reviewed by a traffic engineer contracted by the City and paid for by the applicant (through the City), and including an accident report for the adjacent roads and nearby intersections, for any project that results in any one of the following:

1. More than one access onto any collector or arterial street (such streets being designated by the City of Canby Transportation Plan);
2. More than six (6) residential units that enter onto any collector or arterial street;
3. Any multiple family dwellings (apartments, condominiums, townhouses, etc.)
With more than six (6) units;
4. Industrial or commercial enterprises that will employ twenty (20) or more on any single shift.

E. In the case where the development is located in an area designed by the Hazard ("H") Overlay Zone, an affidavit signed by a licensed professional engineer that the development will not result in any undue hazard for the occupants or users of the development, nor in any unusual public expense in the event of flooding, landslide, or other natural disaster.]

Section 10. Amend Section 16.62.010 Filing Procedures, to read as follows:

Any application for a subdivision[, on forms prescribed for the purpose, typed or printed,] shall be [filed with the City Planner, and] accompanied by[the following]:

A. Copies. Twenty-five (25) 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.

B. Scope. The tentative plat need not be a finished drawing but it should shall all pertinent information to scale, in order that the Commission may properly review the proposed development.

C. 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 [non-binding] sketch of a preliminary layout for streets and lots in the non-subdivided portion [shall be provided].

[D. Mailing Labels. A list of property owners within 200 feet of the subject property, on mailing labels (1" x 2-5/8") shall be provided.

E. A traffic impact analysis, conducted or reviewed by a traffic engineer contracted by the City and paid for by the applicant (through the City), and including an accident report for the adjacent roads and nearby intersections, for any project that results in any one of the following:

- 1. More than one access onto any collector or arterial street (such streets being designated by the City of Canby Transportation Plan);**
- 2. More than six (6) residential units that enter onto any collector or arterial street;**
- 3. Any multiple family dwellings (apartments, condominiums, townhouses, etc.)
With more than six (6) units;**
- 4. Industrial or commercial enterprises that will employ twenty (20) or more on any single shift.**

F. In the case where the development is located in an area designed by the Hazard ("H") Overlay Zone, an affidavit signed by a licensed professional engineer that the development will not result in any undue hazard for the occupants or users of the development, nor in any unusual public expense in the event of flooding, landslide, or other natural disaster.]

[G]. Information Required. The tentative plat shall include the following information;

- 1. Vicinity Map. Vicinity map at a scale of one inch equals four hundred feet showing the relationship of the plat to the existing street or road pattern.**
- 2. Detailed Map. The tentative plat shall be drawn at a scale of one inch equals fifty feet if the parcel is less than ten acres, or for areas over ten acres, one inch equals one hundred feet.**

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3. General Information. The following general information shall be shown on the tentative plat;

- a. 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;
- b. Date, north point and scale of the drawing;
- c. Appropriate identification of the drawing as a tentative plat;
- d. Location of the subdivision sufficient to define its boundaries and a legal description of the tract boundaries;
- e. Names and addresses of the owner or owners, and subdivider, engineer, surveyor, or other individual who prepared the plat;
- f. If the applicant is a corporation, a certificate of good standing from the State Corporation Commission shall be filed. The name of the individual authorized to act as the registered agent of the corporation shall also be provided.

4. Existing Conditions. The following existing conditions shall be shown on the tentative plat:

- a. The location, **[right-of-way and pavement]** 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;
- b. Contour lines having the following minimum intervals:
 - i. One-foot contour intervals for **ground slopes less than five percent [areas containing wetlands, or areas located within a 500-year flood plain]**;
 - ii. Two-foot contour intervals for ground slopes between five and ten percent;
 - iii. Five-foot contour intervals for ground slopes exceeding ten percent;
- c. Location and direction of all watercourses 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 one-hundred-year flood shall be shown;
- d. Natural features, such as rock outcroppings, marshes **[or wetlands, as delineated by the State Division of Lands]**, wooded areas, isolated preservable trees **[(trees with trunks over 6" in diameter - as measured 4 feet above the ground)]**, and significant areas of vegetation;
- e. Existing uses of the property, including location of all existing structures to remain on the property after platting;
- f. The location of at least one temporary benchmark within the plat boundaries or the source of the contour line data shown. (Source and accuracy subject to approval of City Engineer).

5. Proposed Plan of Subdivision. The following additional information shall be included on the tentative plat of a subdivision:

- a. The location, width, names, approximate grades and radii of curves 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;

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- b. Easements. Location on the site or abutting property, showing the width and purpose of all existing and proposed easements;
- c. Lots. Approximate dimensions of all lots, approximate lot size, proposed lot and block numbers;
- d. Proposed Land Use. Sites, if any, allocated for:
 - i. Multiple-family dwellings.
 - ii. Shopping centers.
 - iii. Industry.
 - iv. Churches.
 - v. Parks, schools, playgrounds[, or other recreational facilities].
 - vi. Open space.
 - vii. Special erosion control provisions including structures or areas with vegetation.

6. Explanatory Information with Tentative Plat. Any of [T]the following information may be required by the Commission and, [shall be provided on the tentative plat.] [I]f it cannot be shown functionally on the tentative plat of a subdivision, it shall be submitted in separate statements accompanying the plat:

- a. Proposed deed restriction in outline form, if any;
- b. Statement of subdivision improvements to be made or installed, including landscape planting, street lighting, etc., and when such improvements are to be made;
- c. Approximate centerline 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;
- d. Typical cross-sections of proposed streets showing widths of roadways, location and width of sidewalks and the location and size of utility mains;
- e. 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;
- f. A general description of property intended to be dedicated to the City or the public other than street right-of-way;
- g. A plan for domestic water supply lines and related water service facilities [A plan for grading in areas that have wetlands, natural drainage areas and areas that are located within a 500-year flood plain];
- h. If lot areas are to be graded, a plan showing the nature of the cuts and fills and information on the character of the soil. The Commission may require a signed affidavit from a qualified professional engineer, or engineering geologist, certifying that no property damage or hazards will result from erosion attributable to such grading or other preparation;
- i. Proposals for other improvements such as electric utilities and pedestrian way;
- j. A written statement describing the proposed development and including supportive documentation regarding the relationship of the subdivision to the requirements of the Comprehensive Plan [approval standards and criteria (16.62.020)] and its general compatibility with surrounding land use patterns.

7. **Preliminary [Pre-application] Review of Tentative Plat. [Ten (10) copies of the tentative plat, with all required plat information, shall be submitted to the City Planner for a pre-application conference prior to a formal application submittal.]** 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. **[A pre-application conference shall be scheduled within thirty (30) days of receipt of the preliminary tentative plat and information. The City Engineer and interested/affected agencies shall be invited to the conference, with the applicant, in order]** **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.**

Section 11. Amend Section 16.72.030 Form and Content, to read as follows:

A. Applications shall be submitted to the City Planner on forms prescribed for the purpose[, typed or printed].

B. There shall be included as a part of the application **[all required information for a subdivision (16.62.010), for planned unit development applications involving division of property, or a conditional use permit (16.50.020) for planned unit development applications of a single tract without property divisions]** an accurate map, drawn to scale of not less than one hundred 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 feature such as railroads, drainage canals, and existing topographic contours at intervals of not less than five feet, together with proposed grading, drainage and landscaping.

C. The written information shall contain a statement of the general purpose of the project and an explanation of all features pertaining to uses and other pertinent matters not readily identifiable in map form. **[Proposed deed restriction in outline form, if any.]** The adoption of the form specifying the particular nonresidential uses permitted to locate on the site, if any, shall constitute a limitation to those specific uses.

Section 12. Delete Section 16.88.070 Amendments to title.

Amendments to the text of this title, whether initiated by the Commission, Council, or a private applicant, shall follow the same procedures as a legislative zoning amendment set forth in Division III.

Section 13. Amend Section 16.88.140(B) Appeal to Council, to read as follows:

B. Appeal to Council. An action or ruling of the Commission authorized by this title 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 or a minor partition or a tentative subdivision plat, for which the appeal period shall be thirty 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, **typed or printed,** shall clearly state the nature of the decision being appealed and the reasons why the appellant is aggrieved. **[The reasons why the appellant is aggrieved shall be provided in regards to the criteria and standards in 16.88.140(C).]** 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 limits above.

Section 14. Amend Section 16.88.150(B) Applications, to read as follows:

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, **typed or printed**. The application shall be accompanied by a **site plan, drawn to scale, showing the dimensions and overall arrangement of the proposal** **[the following:**

1. **Narrative explaining the nature of the needed variance, and an explanation of why the variance is needed, addressing the standards and criteria listed in 16.88.150(D).**
2. **List of property owners within 200 feet of the subject property, on mailing labels (1" x 2-5/8").**
3. **Plot plan, drawn to scale (not greater than 1"=40'), indicating:**
 - a. **The location of the existing and proposed (if any) buildings;**
 - b. **Property size and dimensions, and distances of existing or proposed buildings from property lines;**
 - c. **The location of streets, sewer, water, electric, and other utility services;**
 - d. **Major topographic and landscape features;****If the plot plan is larger than 11" x 17", twenty-five (25) copies shall be submitted with the application.]**

Section 15. Amend Section 16.88.160(B) Application and Fee, to read as follows:

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, **typed or printed.** **The application shall be accompanied by a written statement explaining the conditions surrounding the proposal and addressing the required criteria of Section 16.88.160(D).]**

Section 16. Amend Section 16.88.180(B) Application and Fee, to read as follows:

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[, typed or printed. The application shall be accompanied by a written statement explaining the conditions surrounding the proposal and addressing the required criteria of Section 16.88.180(D).]

Section 17. Amend Chapter 16.04 DEFINITIONS by adding the following definitions:

ACCEPTABLE SITE. For purposes of siting wireless telecommunications systems facilities, any land planned and zoned Highway Commercial or Commercial-Manufacturing.

ANTENNA. The specific device used to capture an incoming and/or transmit an outgoing radio-frequency signal. This definition shall include omni-directional (whip) antennas; directional (panel) antennas; parabolic (microwave dish) antennas; and ancillary antennas (i.e., GPS). All other transmitting or receiving equipment not specifically described herein shall be regulated in conformity with the type of antenna described herein which most closely resembles such equipment.

ATTACHED WTS FACILITY. An existing pole, tower or other structure capable of accommodating a WTS facility antenna, whether originally intended for such use or not.

BACKHAUL NETWORK. The land lines that connect a WTS provider's radio signals to one or more cellular telephone switching offices and/or local or long distance providers, or the public switched telephone network.

CELL. A geographic area where a single radio transmission sending/receiving station (per provider) and the equipment necessary to connect these radio calls to land lines or other cells are located.

COLLOCATION. Two or more WTS providers utilizing a structure or site specifically designed and/or approved for such multiple use, and including equipment shelters.

CONDITIONALLY SUITABLE SITE. For purposes of siting wireless telecommunications systems facilities, any land planned and zoned Residential/Commercial, Convenience Commercial, or Downtown Commercial.

DETACHED WTS FACILITY. A pole, tower or other structure designed and intended to support WTS facility antennas.

EQUIPMENT SHELTERS. For purposes of siting wireless telecommunications systems facilities, the buildings, structures, cabinets or vaults used to house and protect the equipment necessary to connect/relay radio signals from cell site to cell site and to land line systems. Associated equipment such as air conditioning or emergency generators shall be included in this definition of equipment shelters.

FCC. The Federal Communications Commission; the federal agency that regulates interstate and international communications by radio, television, wire, satellite and cable.

LATTICE TOWER. For purposes of siting wireless telecommunications systems facilities, a WTS support structure which consists of metal crossed strips or bars and which supports antennas and related equipment for one or more WTS provider.

MONOPOLE. For purposes of siting wireless telecommunications systems facilities, a WTS support structure which consists of a single tapered steel pole and which supports antennas and related equipment for one or more WTS provider.

PREFERRED SITE. For purposes of siting wireless telecommunications systems facilities, any land planned and zoned Light Industrial or Heavy Industrial.

STEALTH DESIGN. A variety of techniques used to disguise or mitigate the visual presence of WTS support structures, including, but not limited to screening by mature trees (75% or more of the pole beneath the tree canopy), mimicking common features of the urban landscape (light poles, church steeples, trees, etc.), painting antennas to match the color of supporting building walls, or roof mounting behind parapets.

WIRELESS TELECOMMUNICATIONS FACILITIES. The site, structures, equipment and appurtenances used to transmit, receive, distribute, provide or offer wireless telecommunications services. This includes, but is not limited to antennas, poles, towers, cables, wires, conduits, ducts, pedestals, vaults, buildings, electronics and switching equipment.

WIRELESS TELECOMMUNICATIONS SYSTEMS (WTS). The sending and receiving of radio frequency transmissions and the connection and/or relaying of these signals to land lines and other sending and receiving stations (cell sites), and including cellular radiotelephone, personal communications services, enhanced/specialized mobile radio, and commercial paging services.

Section 18. Amend 16.08.100 Height allowances, to read as follows:

The following types of structures or structural posts 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. **The height of Wireless Telecommunications Systems Facilities shall be in accordance with Section 16.08.120.**

Section 19. Chapter 16.08 GENERAL PROVISIONS is hereby amended by adding the following section:

Section 16.08.120 Siting and review process for Wireless Telecommunications Systems Facilities.

A. The purpose of this Ordinance is to provide standards and review processes for wireless telecommunications systems facilities locating within the City of Canby. This purpose shall be realized by implementing new provisions of the Canby Land Development and Planning Ordinance that will:

- 1. Regulate the placement, appearance and number of wireless telecommunications systems facilities;**
- 2. Ensure that the citizens of Canby will have access to a variety of wireless telecommunications systems and providers;**
- 3. Reduce the visual impact of certain wireless telecommunications systems facilities by encouraging collocation;**
- 4. Establish a graduated system of review that will expedite facilities placement in preferred locations; and**
- 5. Implement the applicable provision of the Federal Telecommunications Act of 1996.**

B. The siting and review process for WTS facilities is based on the type of facility (lattice, monopole, attached, stealth design or collocation) and its proposed location in a Preferred Site (M-1 or M-2 zoning districts), Acceptable Site (C-2 or C-M zoning districts), or Conditionally Suitable Site (C-R, C-C, or C-1 zoning districts).

C. The development review process for wireless telecommunications systems (WTS) facilities shall be as follows:

1. Building and Electrical Permits only:

- a. An attached WTS facility (existing structure, including collocation on cell tower), including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment, on a Preferred Site or Acceptable Site, where the height of the attached WTS facility is no more than 10 feet higher than the existing structure.**
- b. A detached WTS facility (monopole), including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment, on a Preferred Site, set back at least 660 feet from Highway 99E or land either planned or zoned for residential use, and less than 150 feet in height, including antennas.**
- c. A detached, stealth design WTS facility (monopole), including equipment shelters, buildings and cabinets housing WTS land line switching/ connection equipment, on an Acceptable Site, set back from all property lines a distance equal to or greater than the height of the tower, and less than 60 feet high.**

2. Building and Electrical Permits, and Site and Design Review (16.49):

- a. An attached WTS facility (existing structure, including collocation on cell tower), including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment, on a Preferred Site or Acceptable Site, where the height of the attached WTS facility is more than 10 feet higher than the existing structure.**

b. A detached WTS facility (monopole), including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment, on a Preferred Site, set back at least 660 feet from Highway 99E or land either planned or zoned for residential use, and equal to or over 150 feet in height, including antennas.

c. A detached WTS facility (monopole), including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment, on a Preferred Site, within 660 feet from Highway 99E or land either planned or zoned for residential use, and under 100 feet in height, including antennas.

d. A detached WTS facility (lattice tower), including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment, on a Preferred Site, set back at least 660 feet from Highway 99E or land either planned or zoned for residential use, and under 150 feet in height, including antennas.

e. A detached, stealth design WTS facility (monopole), including equipment shelters, buildings and cabinets housing WTS land line switching/ connection equipment, on an Acceptable Site, set back from all property lines a distance equal to or greater than the height of the tower, and less than 100 feet high, including antennas.

3. Building and Electrical Permits, Site and Design Review (16.49), and Condition Use Permit (16.50):

a. A detached WTS facility (monopole), including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment, on a Preferred Site, within 660 feet from Highway 99E or land either planned or zoned for residential use, and equal to or over 100 feet in height, including antennas.

b. A detached WTS facility (lattice tower), including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment, on a Preferred Site, setback at least 660 feet from Highway 99E or land either planned or zoned for residential use, and equal to or over 150 feet in height, including antennas.

c. A detached, stealth design WTS facility (monopole), including equipment shelters, buildings and cabinets housing WTS land line switching/ connection equipment, on an Acceptable Site, set back from all property lines a distance equal to or greater than the height of the tower, including, unless it is demonstrated that locating the proposed facility within the required setback area will take advantage of an existing natural or artificial feature to conceal the facility or minimize its visual impacts, and equal to or over 100 feet high, with a maximum height of 130 feet.

d. An attached WTS facility (existing structure, including collocation on cell tower) on a Conditionally Suitable Site, including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment, where the height of the attached WTS facility is no more than 10 feet higher than the existing structure.

D. Standards for siting WTS facilities shall be as follows:

- 1. Site and Design Review standards and criteria (Section 16.49.040) shall apply to all WTS facilities requiring Site and Design approval.**
- 2. Conditional Use Permit standards and criteria (Section 16.50.010) shall apply to all WTS facilities requiring Conditional Use Permit approval.**
- 3. All WTS facilities shall observe minimum lot size, lot coverage, building height and building setback requirements of the underlying zoning district unless specifically exempted or otherwise regulated by this Section. Underground facilities may encroach upon required yards or may be placed in appropriate easements.**
- 4. All detached WTS facilities shall be landscaped at the base of the towers/poles, and completely around the equipment shelters. The landscaping shall conform to the ODOT standards for plant size and spacing.**
- 5. Lighting for all WTS facilities shall be as required by the FAA or recommended by ODOT Aeronautics Division. All other lighting must be deflected away from adjoining property.**
- 6. All detached WTS facilities shall be screened from the public right-of-way and abutting property by a security fence or wall at least 6 feet in height consisting of chain link fencing with vinyl slats, solid wood fencing, concrete masonry unit block, or brick.**
- 7. Attached WTS facilities shall be painted to match the color of the mechanical screen wall or building to which it is attached.**
- 8. Equipment shelters, buildings and cabinets housing radio electronics equipment shall be concealed, camouflaged or placed underground.**
- 9. Any WTS facility sited on or designed with any of the following attributes shall first receive FCC approval, as specified in FCC Rules 1.1301 - 1.1319, as a condition of City approval prior to construction; Wilderness Area; Wildlife Preserve; Endangered Species; Historical Site; Indian Religious Site; Flood Plain; Wetlands; High Intensity White lights in residential neighborhoods; Excessive radio frequency radiation exposure.**

E. Application requirements for WTS facilities shall be as follows:

- 1. WTS providers whose proposals conforms with the provisions of subsection (C)(1) of this Section (16.08.120) shall submit the following information with the application for permits:**
 - a. A copy of that portion of the lease agreement (or lease memo) with the property owner, facility removal within 90 days of the abandonment and a bond to guarantee removal shall be submitted for review prior to development permit approval.**
 - b. A map of the City showing the approximate geographic limits of the "cell" to be created by the facility. This map shall include the same information for all other facilities owned or operated by the applicant within the City, or extending within the City from a distant location, and any existing detached WTS facilities of another provider within 1,000 feet of the proposed site.**

- c. A plot plan showing: the lease area; antenna structure; height above grade and setback from property lines; equipment shelters and setback from property lines; access; connection point with land line system; and all landscape areas associated with the WTS facility.
 - d. Anticipated capacity of the WTS facility (including number and types of antennas which can be accommodated).
 - e. The method(s) of stealth design (where applicable).
 - f. An engineer's statement that the radio frequency emissions at grade, or at the nearest habitable space when attached to an existing structure comply with FCC rules for such emissions; the cumulative radio frequency emissions if collocated.
 - g. The radio frequency range in megahertz and the wattage output of the equipment.
 - h. A description of the type of service offered (voice, data, video, etc.) And the consumer receiving equipment.
 - i. Identification of the provider and backhaul provider, if different.
 - j. A facilities maintenance regimen.
 - k. The zoning and Comprehensive Plan designation of the proposed site.
 - l. The FAA determination.
 - m. The distance from the nearest WTS facility.
2. WTS providers whose proposals conforms with the provisions of subsection (C)(2) and (C)(3) of this Section (16.08.120) shall submit, in addition to the requirements of 16.49.035 and/or 16.50.020 of the Land Development and Planning Ordinance, the following additional information:
- a. Items 1 - 14 in subsection (5)(a) above.
 - b. Alternatives for locating/relocating support structures within 250 feet of the proposed site.
 - c. Photo simulations of the proposed WTS facility from the four cardinal compass points and/or abutting right-of-way, whichever provides the most accurate representation of the proposed facility from a variety of vantage points.
 - d. An engineer's statement demonstrating the reasons why the WTS facility must be located at the proposed site (service demands, topography, dropped coverage, etc.).
 - e. An engineer's statement demonstrating the reasons why the WTS facility must be constructed at the proposed height.
 - f. Verification of good faith efforts made to locate or design the proposed WTS facility to qualify for a less rigorous approval process (building permit and/or building permit and site and design review approval).

F. Private amateur radio (HAM) antennas, their support structures, and direct to home satellite receiving antennas are exempt from this section (16.08.120), but shall otherwise comply with the applicable provisions of the underlying zoning district in which they are located to the extent that such provisions comply with Federal Communications Commission policy.

Section 20. Amend Table 16.10.050 Off-Street Parking Provisions, adding:

Commercial:

Wireless Telecommunication Systems 1.00 space per site

Section 21. Amend Section 16.22.020(31) Conditional uses, to read as follows:

32. Telephone or telegraph exchange, ~~excluding wireless or cellular communications towers or monopoles;~~

Section 22. Amend Section 16.22.020 Conditional uses, adding:

Attached WTS Facilities (see 16.08.120).

Section 23. Amend Section 16.24.020 Conditional uses, adding:

Attached WTS Facilities (see 16.08.120).

Section 24. Amend Section 16.26.020 Conditional uses, adding:

Attached WTS Facilities (see 16.08.120).

Section 25. Amend Section 16.28.010 Uses permitted outright, adding:

Attached WTS Facilities (see 16.08.120).

Detached WTS Facilities (monopole), less than 100 feet in height (see 16.08.120).

Section 26. Amend Section 16.28.020 Conditional uses, adding:

Detached WTS Facilities (monopole), equal to or over 100 feet in height (see 16.08.120).

Section 27. Amend Section 16.30.010 Uses permitted outright, adding:

Attached WTS Facilities (see 16.08.120).

Detached WTS Facilities (monopole), less than 100 feet in height (see 16.08.120).

Section 28. Amend Section 16.30.020(A) Conditional uses, to read as follows:

A. A use permitted outright in an M-1 zone and not listed in Section 16.30.010 [or below];

Section 29. Amend Section 16.30.020 Conditional uses, adding:

Detached WTS Facilities (monopole), equal to or over 100 feet in height (see 16.08.120).

Section 30. Delete Section 16.32.010(W) Uses permitted outright:

W. Wireless or cellular communications facility/tower;

Section 31. Amend Section 16.32.010 Uses permitted outright, adding:

Attached WTS Facilities (see 16.08.120).

Detached WTS Facilities (monopole or lattice tower), under 150 feet in height and at least 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120).

Detached WTS Facilities (monopole), under 100 feet in height and less than 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120).

Detached WTS Facilities (monopole), equal to or over 150 feet in height and at least 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120).

Section 32. Amend Section 16.32.020 Conditional uses, adding:

Detached WTS Facilities (monopole), equal to or over 100 feet in height and less than 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120).

Detached WTS Facilities (lattice tower), equal to or over 150 feet in height and at least 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120).

Section 33. Amend Section 16.34.020 Conditional uses, adding:

Detached WTS Facilities (monopole), equal to or over 100 feet in height and less than 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120).

Detached WTS Facilities (lattice tower), equal to or over 150 feet in height and at least 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120).

Section 34. Add Section 16.84.005 Background, as follows:

The process of annexation of land to the City allows for the orderly expansion of the City and adequate provision for public facilities and services. The City Charter requires that, unless mandated by State law, annexation, delayed annexations, and extension of city services, may only be approved by a majority vote among the electorate.

Section 35. Add to Section 16.84.010 Purpose, the following:

The procedures and standards established in this chapter are required for review of proposed annexations in order to:

- A. Provide adequate public information and sufficient time for public review before an annexation election;
- B. Maximize citizen involvement in the annexation review process;
- C. Establish a system for measuring the physical, environmental, and related social effects of proposed annexations; and
- D. Ensure adequate time for staff review.

Section 36. Amend Section 16.84.030 Filing Procedure, to read as follows:

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 twenty-five (25) 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 will be a written statement explaining the conditions surrounding the proposal and addressing the required criteria of Section 16.84.040. Whenever an application for annexation is filed, it shall be reviewed in accordance with the following procedures:

A. Determinations of Annexation Type. The Planning Director shall determine whether an application is for a Major or Minor Annexation as follows:

1. Major Annexation. An annexation shall be considered major if one or more of the following exist:

- a. More than one property is involved;
- b. City services do not abut the site;
- c. The land is vacant and the request involves more than one district designation; or,
- d. The land is development with more than one type of existing land use and more than one district designation is needed or requested.

However, if the Planning Director determines measuring the physical, environmental and related social effects of the proposal will be similar in difficulty to that of a minor annexation, a major annexation can follow the time line for minor annexation.

2. Minor Annexation. Any annexation not meeting the description provided above for a major annexation is considered a minor annexation. In general an annexation is considered minor if measurement of the physical, environmental and related social effects is easier than with a major annexation.

B. Application Filing Deadlines. Annexation elections are scheduled for May and November. Application deadlines are established to permit public hearings by both the Planning Commission and the City Council in time to meet State requirements for submitting ballot information for these election dates. Application deadlines for major and minor annexations are as follows:

1. A Major Annexation must be filed with the Community Services Department before 5:00 p.m. on the last working day in September for a ballot election in May and the last working day in March for a ballot election in November.
2. A Minor Annexation must be filed with the Community Services Department before 5:00 p.m. on the last working day in October for a ballot election in May and the last working day in April for a ballot election in November.

C. Application submittal. Property owners seeking to annex territory to the City shall file with the City Planner an appropriate application form for the purpose, typed or printed. Included with the application form will be twenty-five (25) copies of a map or maps accurately showing the area proposed for annexation and any important features of the land. The application shall include the following:

1. For applications submitted prior to 1/1/99, the Portland Metropolitan Area Local Government Boundary Commission application; for applications submitted on or after 1/1/99, written consent to the annexation signed by the requisite number of affected property owners, elector, or both, as provided in ORS 222.
2. The application fee established by the City. In addition to the application fee, the Planning Director shall require a deposit which is adequate to cover any and all election costs.
3. List of property owners within 200 feet of the subject property and, if applicable, those property owners that will be "islanded" by the annexation proposal, on mailing labels (1" x 2-5/8").

4. **Twenty-five (25) copies of a site plan, drawn to scale (not greater than 1"=40'), indicating:**
 - a. **The location of existing buildings (if any);**
 - b. **The location of streets, sewer, water, electric, and other utility services, on or adjacent to the property proposed for annexation;**
 - c. **Location and direction of all watercourses 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 one-hundred-year flood shall be shown;**
 - d. **Natural features, such as rock outcroppings, marshes or wetlands (as delineated by the State Division of Lands), wooded areas, isolated preservable trees (trees with trunks over 6" in diameter - as measured 4 feet above the ground), and significant areas of vegetation;**
 - e. **General land use plan indicating the types and intensities of the proposed, or potential, development;**
5. **A traffic impact analysis, conducted or reviewed by a traffic engineer contracted by the City and paid for by the applicant (through the City), for any project that results in any one of the following:**
 - a. **More than one access onto any collector or arterial street (such streets being designated by the City of Canby Transportation Plan);**
 - b. **More than six (6) residential units that enter onto any collector or arterial street;**
 - c. **Any multiple family dwellings (apartments, condominiums, townhouses, etc.) With more than six (6) units;**
 - d. **Industrial or commercial enterprises that will employ twenty (20) or more on any single shift.**
6. **A full quarter-section tax assessor's map, with the subject property(ies) outlined.**
7. **Legal description of the property to be annexed and a boundary survey certified by a registered engineer or surveyor;**
8. **A written statement explaining the conditions surrounding the proposal and addressing the required criteria of Section 16.84.040, including:**
 - a. **Statement of availability, capacity, and status of existing water, sewer, drainage, transportation, park, and school facilities;**
 - b. **Statement of increased demand for such facilities to be generated by the proposed development, if any at this time;**
 - c. **Statement of additional facilities required to meet the increased demand and phasing of such facilities in accordance with projected demand;**
 - d. **Statement outlining method and source of financing required to provide additional facilities;**
 - e. **Statement of overall development concept and methods by which physical and related social environment of the site, surrounding area, and community will be enhanced;**

f. Statement of potential positive and negative physical, aesthetic, and related social effects of the proposed, or potential, development on the community as a whole and on the smaller subcommunity or neighborhood of which it will become a part; and proposed actions to mitigate such negative effects (if any);

g. Narrative demonstrating the need for the urban development proposed for the annexation area; need should be demonstrated based upon a factual analysis of the following factors:

(1) Availability within the City of undeveloped land designated for proposed urban development;

(2) Analysis of immediate, short-term (1 to 5 years) demand for proposed urban development;

(3) Probable phasing of proposed urban development consistent with projected demand for period in which the annexation area is expected to be developed.

h. A statement indicating the type and nature of any Comprehensive Plan text or Map amendments or Land Development and Planning Ordinance or Zoning Map amendments that may be required to complete the planned development.

Section 37. Amend Section 16.84.040 Standards and criteria, to read as follows:

A. When reviewing a proposed annexation of territory, the Commission shall give ample consideration to the following standards and criteria:

[1. Annexation shall be in keeping with prioritization categories, as designated on the adopted maps showing growth phasing (Urban Growth Element of the Comprehensive Plan). Areas designated as Type "A" urbanization lands shall 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. Appropriateness of the annexation in terms of timing for City growth and development;

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.

The burden of proving the appropriateness of the annexation is greatest for those proposals which are least in keeping with the phased growth concept;

2. Analysis of the "need" for additional property within the City limits shall be provided. The analysis shall include the amount of developable land (within the same class of zoning - low density residential, light industrial, etc.) currently within the City limits; the approximate rate of development of those lands; and how the proposed annexation will affect the supply of developable land within the City

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limits. A supply of developable residential land to provide for the anticipated population growth over the following three years is considered to be sufficient;

3. Smaller non-farm land shall be considered a priority for annexation over larger farm land;

4. Access shall be adequate to the site;

5. Adequate public facilities and services shall be available to service the potential (or proposed) development;

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[6]. 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[7]. Compliance of the application with the applicable sections of Oregon Revised Statutes Chapter 222. (In other words, a "triple majority" type application must contain proof that a triple majority does, in fact, exist, etc.);

5. Appropriateness of the annexation of the specific area proposed, when compared to other properties which might reasonably be expected to be annexed to the City;

6[8]. Risk of natural hazards which might be expected to occur on the subject property [shall be identified];

7[9]. Effect of the u[U]rbanization of the subject property [shall not have a significant adverse effect] on specially designated open space, scenic, historic or natural resource areas;

8[10]. Economic impacts which are likely to result from the annexation [shall be evaluated in light of the social and physical impacts. The overall impact which is likely to result from the annexation and development shall not have a significant adverse effect on the economic, social and physical environment of the community, as a whole].

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 (LCDC), the proposal shall be reviewed for compliance with the Statewide Planning Goals.

Section 38. Amend Section 16.84.050 Consideration of applications, to read as follows:

A. Upon receipt of an application, [staff shall review the completeness of the application. After accepting the application as complete, staff shall schedule a public hearing to be held by the Planning Commission.] 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 Department of Environmental Services and to all affected public service-providing agencies or entities which might be affected by the proposal, requesting that they comment to the Commission.

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B. The Commission shall review the information submitted in view of the standards and criteria listed in Section 16.84.040 and shall formulate a recommendation for the consideration of the City Council. [conduct a public hearing to evaluate the proposed annexation and determine the appropriate zoning designation upon annexation. Unless specifically granted an exception in accordance with 16.84.090, the public hearing shall be conducted as follows:

1. Major Annexations - The Commission shall conduct its hearing in the first half of January for applications filed in September, and in the first half of July for applications filed in March;
2. Minor Annexations - The Commission shall conduct its public hearing in the second half of January for applications filed in October, and in the second half of July for applications filed in April.

Following the close of the public hearing, the Commission shall forward its recommendation concerning the annexation to the City Council. The Commission's recommendation shall include findings that specify how the proposal has or has not complied with the above review criteria (16.84.040). The Commission shall specify such consideration as findings in support of its decision and recommendation.

C. The City Council shall schedule the matter for public hearing at its next available calendar date [Upon receipt of the Commission's recommendation the matter shall be set for a public hearing before the City Council], following the procedures outlined in Division VIII. Upon conclusion of the hearing, the Council shall vote to approve or deny the application based upon appropriate findings of fact. [The City Council shall review all proposals prior to the City application deadline for submitting measures to the voters in May or November. The City Council shall only set for an election those annexations that are consistent with the above review criteria (16.84.040). The City Council shall specify such considerations as findings in support of its decision to schedule an annexation for an election.

Note: The City Council's decision to submit an annexation to the electorate is the last discretionary decision in the process. Certifying the election after votes are counted is not a discretionary decision.]

D. If regional authority is empowered to make final decisions for annexations in the Canby area, the Council's [recommendation for denial or] action [the election results] shall be viewed as a recommendation to that body which will be regarded as the official position of the City. If no such regional authority exists, the Council may order the annexation to proceed, following the requirements of Oregon Revised Statutes Chapter 222 [either the Council's decision not to set an election for the annexation (a decision of denial), or the results of the election is the final action in the City's review of an annexation application.]

Section 39. Add Section 16.84.060 Legal Advertisement of Pending Election, as follows:

After City Council review and approval, the City Administrator shall cause a legal advertisement describing the proposed annexation and pending election to be published in at least one newspaper of general circulation in the City. The advertisement shall be placed at least 14 days prior to the election. The size of the advertisement shall be determined by

the City Administrator, but shall not be less than one-half of a full page. The advertisement shall contain: a description of the location of the property, the size of the property, its current zoning and zoning upon annexation, a general description of the land use intended, a description of any Comprehensive Plan text or Map amendment or Zoning Ordinance text or Map amendment that is required; and a description of the positive and negative effects contained in the staff report, as well as the findings upon which the City Council based its decision.

Section 40. Add Section 16.84.070 Election Procedures, as follows:

A. Pursuant to ORS 222.130(1), the statement of chief purpose in the ballot title for a proposal for annexation shall contain a general description of the boundaries of each territory proposed to be annexed. The description shall use streets and other generally recognized features. Notwithstanding ORS 250.035, the statement of chief purpose shall not exceed 150 words. The ballot title wording shall be prepared by the City Attorney.

B. Pursuant to ORS 222.130(2), the notice of an annexation election shall be given as provided in ORS 254.095 and 254.205, except that in addition the notice shall contain a map indicating the boundaries of each territory proposed to be annexed.

C. Pursuant to ORS 222.111(7), two or more proposals for annexation of territory may be voted upon simultaneously; however, each proposal shall be stated separately on the ballot and voted on separately.

Section 41. Add Section 16.84.080 Setting of Boundaries and Proclamation of Annexation, as follows:

For annexation applications received prior to 1/1/99: if the annexation is approved by the electorate, the City Council, by resolution, shall recommend to the Portland Metropolitan Local Area Government Boundary Commission, the final boundaries of the area to be annexed by a legal description. For annexation applications received after 1/1/99: if the annexation is approved by the electorate, the City Council, by resolution or ordinance, shall set the final boundaries of the area to be annexed by a legal description and proclaim the annexation (ORS 222.170(3)).

Section 42. Add Section 16.84.090 Exceptions, as follows:

The City Council may authorize an exception to any of the requirements of this chapter. An exception shall require a statement of findings that indicates the basis for the exception. Exceptions may be granted for reasons including, but not limited to: identified health hazards, limited development potential, or administrative error. An exception to referring an annexation application that meets the approval criteria to an election cannot be granted except as provided in the Oregon Revised Statutes.

Section 43. Amend Section 16.08.110 Fences, to read as follows:

[A.] Fences not more than three and one-half feet in height may be constructed up to property lines in the street setbacks of any R-1, R-1.5, 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.

[B. Arbors that are added to a fence that is constructed of proper design (height and setbacks) and in accordance with this section (16.08.110), is allowed, given the following considerations:

1. The arbor shall not exceed eight (8) feet in height (including the fence & vegetation);
2. The arbor, or any part of the arbor, shall not obstruct the view of drivers or pedestrians navigating the streets and/or sidewalks in the area;
3. Vegetation on the arbor shall not be allowed to grow solid at any time, creating a solid barrier that blocks visibility;
4. If the vegetation becomes too full or too high, the owner is financially responsible to rectify the situation, and to maintain the vegetation, fence, and arbor;
5. Color, construction, and design must be consistent with other like arbors/fences in the immediate area;
6. The arbor shall not block, or in any way impede any present significant vistas enjoyed by neighboring homes and/or other points of interest existing at the time of the building of the fence or arbor;
7. The primary purpose of the arbor is to support and sustain foliage/vegetation.

C.] The Planning Commission may require site-blocking or noise mitigating fences for any development it review.

[D.] The Planning Commission may require fences of up to eight feet in height for any development in C-2, C-M, M-1 or M-2, or Planned Unit Development zones.

[E.] No fence/wall shall be constructed throughout a subdivision, planned unit development, or be part of a project that is/was subject to site and design review approval where the effect or purpose is to wall said project off from the rest of the community unless reviewed and approved by the Planning Commission.

Section 44. Amend Section 16.10.070(B)(12), to read as follows:

- B. 12. Maximum driveway widths and other requirements [except for single-family dwellings [see subsection (d) below]]:
- a. Unless otherwise herein provided, maximum driveway widths shall not exceed forty (40) feet.
 - b. No driveways shall be constructed within five (5) feet of an adjacent property line, except when two (2) adjacent property owners elect to provide joint access to their respective properties, as provided by subsection 2.
 - c. There shall be a minimum distance of forty (40) feet between any two (2) adjacent driveways on a single property.

[d. The minimum distance between two driveways on one single-family residential lot shall be thirty (30) feet. There is no minimum setback distance between a driveway and the property line for driveways on single-family residential lots.]

Section 45. Amend Section 16.16.030(F)(2), to read as follows:

- F. 2. All setbacks to be measured from the foundation line of the building; overhangs shall not exceed two feet; **mechanical units, used for the heating/cooling of residential units are exempt from interior and/or rear yard setback requirements**].

Section 46. Amend Section 16.18.030(F)(2), to read as follows:

- F. 2. All setbacks to be measured from the foundation line of the building; overhangs shall not exceed two feet; **mechanical units, used for the heating/cooling of residential units are exempt from interior and/or rear yard setback requirements**].

Section 47. Amend Section 16.20.030(F)(2), to read as follows:

- F. 2. All setbacks to be measured from the foundation line of the building; overhangs shall not exceed two feet; **mechanical units, used for the heating/cooling of residential units are exempt from interior and/or rear yard setback requirements**].

Section 48. Amend Section 16.22.030(F)(3), to read as follows:

- F. 3. All setbacks to be measured from the foundation line of the building; overhangs shall not exceed two feet; **mechanical units, used for the heating/cooling of residential units are exempt from interior and/or rear yard setback requirements**].

Section 49. Amend Section 16.28.030(C)(1) Development Standards, to read as follows:

C. Minimum yard requirements:

1. Street yard: twenty feet where abutting Highway 99-E and S. Ivy Street. **[Gas station canopies shall be exempted from the twenty foot setback requirements.]** Remaining property none, except ten feet where abutting a residential zone. Sign setbacks along Highway 99-E and S. Ivy Street are to be measured from the face of the curb rather than the lot line. Where no curb exists, the setback shall be measured from the property line. Other than signs which are nonconforming structures and street banners which have been approved per the requirements of the Uniform Sign Code, no signs will be allowed to be located within or to project over a street right-of-way;

Section 50. Amend Section 16.30.030(C)(1) Development Standards, to read as follows:

C. Minimum yard requirements:

1. Street yard: twenty feet where abutting Highway 99-E and S. Ivy Street. **[Gas station canopies shall be exempted from the twenty foot setback requirements.]** Remaining property none, except ten feet where abutting a residential zone. Sign setbacks along Highway 99-E and S. Ivy Street are to be measured from the face of the curb rather than the lot line. Where no curb exists, the setback shall be measured from the property line. Other than signs which are nonconforming structures and street banners which have been approved per the requirements of the Uniform Sign Code, no signs will be allowed to be located within or to project over a street right-of-way;

Section 51. Amend Section 16.32.030(C)(1) Development Standards, to read as follows:

C. Minimum yard requirements:

1. Street yard: twenty feet where abutting Highway 99-E and S. Ivy Street. **[Gas station canopies shall be exempted from the twenty foot setback requirements.]** Remaining property none, except ten feet where abutting a residential zone. Sign setbacks along Highway 99-E and S. Ivy Street are to be measured from the face of the curb rather than the lot line. Where no curb exists, the setback shall be measured from the property line. Other than signs which are nonconforming structures and street banners which have been approved per the requirements of the Uniform Sign Code, no signs will be allowed to be located within or to project over a street right-of-way;

Section 52. Amend Section 16.49.030(2)(a) Site and design review plan approval required, to read as follows:

2. a. Signs that are not [a] part of a reviewable development project. **[Signs that are a part of a reviewable development project, and that are proposed more than two (2) years beyond the final occupancy of the reviewed development.]**

Section 53. Add to Section 16.49.030(2) Site and design review plan approval required, the following:

2. **[e. Temporary commercial tent/canopy structures, which meet the Uniform Building or Fire Code, and which will be removed within thirty (30) days of placement.]**

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Section 54. Amend Section 16.88.020(C) Action on application, to read as follows:

C. The City Planner shall promptly review any application submitted for the review of the staff, Planning Commission, or City Council, and shall determine whether the filing is complete. **[This review shall occur within thirty (30) days of receipt of the application.]** Any application found to be incomplete in any way shall cause the City Planner to immediately notify the applicant of such deficiency. If the applicant fails to submit the required information within ~~thirty~~ **[one-hundred and eighty (180)]** days of the original submittal, **[or submits a letter within the 180 days stating that the information will not be submitted,]** the proposal will be scheduled for action, but such lack of complete information may be cited as a sufficient finding to justify the denial of the application.

Section 55. Amend Section 16.88.020(D) Action on application, to read as follows:

D. The Commission shall take action on each properly filed application within sixty days of receipt of such application, unless this time is extended by mutual consent of the applicant and the Commission. The Council shall observe the same time limits in acting on recommendations from the Commission or appeals from the Commission actions. In no case shall the total time for final action on an application, including appeal, exceed one hundred twenty days from the filing of a complete application. **[Extensions of time limits for review shall be accomplished in accordance with ORS 227.178(4) and 227.178(8), and such extensions shall apply to ORS 227.178(1) and 227.178(7).]**

Section 56. Emergency Declared.

Inasmuch as it is in the best interest of the citizens of Canby, Oregon, to provide appropriate regulations for the siting of wireless communications facilities, and for the processing of annexation applications that are required to be referred to a vote of the people, an emergency is hereby declared to exist and this ordinance shall take effect immediately upon its enactment after final reading.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, November 5, 1997, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and to come before the City Council for final reading and action at a regular meeting thereof on Wednesday, November 19, 1997, commencing at the hour of 7:30 p.m., in the Council Meeting Chambers at Canby City Hall in Canby, Oregon.


Marilyn K. Perkett, City Recorder

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on the 19th day of November, 1997, by the following vote:

YEAS 6 NAYS 0


Walter Daniels, Council President

ATTEST:


Marilyn K. Perkett
City Recorder

PROCLAMATION


Proclamation announcing the passage of an Amendment to the Canby City Charter at a regular election held November 4, 1997.

Be it hereby proclaimed by the Mayor of the City of Canby that an amendment to the Canby City Charter was approved by the electors of the City at a regular election held on November 4, 1997. The following language is hereby adopted:

“Chapter 1, NAMES AND BOUNDARIES, Section 3:

Section 3. BOUNDARIES. The corporate limits of the City shall include all territory encompassed by its boundaries as they now exist or hereafter are modified by a majority of the voters. Unless mandated by law, annexations, delayed or otherwise, to the City of Canby, may only be approved by a majority vote among the electorate. The Recorder shall keep at the City Hall at least two (2) copies of this Charter in each of which shall be maintained an accurate, up-to-date description of the boundaries. The copies and descriptions shall be available for public inspection at any time during regular office hours of the Recorder.” (All amended portions are in bold.)

The Amendment was passed by the following vote: YEAS - 2133 and NAYS - 1516, as submitted by the Clackamas County Elections Department.



Scott Taylor, Mayor