

ORDINANCE NO. 1019

AN ORDINANCE FOR THE CITY OF CANBY, COUNTY OF CLACKAMAS, OREGON, AMENDING TITLE 16 OF THE CANBY MUNICIPAL CODE (LAND DEVELOPMENT AND PLANNING ORDINANCE); 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 99-01), and recommended adoption of the amendment to the Land Development and Planning Ordinance; and

WHEREAS, the 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;

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.

~~Strikeout~~ wording is language that is to be deleted.

Wording that appears in normal font is to be retained as is.

Section 1. Add Section 16.10.100 Bicycle Parking, as follows:

Bicycle parking shall be provided for all multi-family residential, institutional, commercial, and industrial uses.

A. Dimensions and characteristics: Bicycle parking spaces should be at least six (6) feet long and two (2) feet wide, and overhead clearance in covered spaces should be at least seven (7) feet. A five (5) foot aisle for bicycle maneuvering should be provided and maintained beside or between each row of bicycle parking. Bicycle racks or lockers should be securely anchored to the surface or a structure.

B. Covered parking: Where there are ten (10) or more bicycle parking spaces, at least 50% of the bicycle parking spaces shall be covered.

C. Location. Bicycle parking shall be located in well-lit, secure locations within fifty (50) feet of the main entrance to a building, but not further from the entrance than the closest automobile parking space, and in no case further than 50 feet from an entrance when several entrances are involved.

D. Number of spaces. The bicycle parking standards set out in the table below shall be observed.

Table 16.10.110. Bicycle Parking

LAND USE CATEGORY	MINIMUM REQUIRED BICYCLE PARKING SPACES
Residential	
Multi-family residential, general	1 space per unit
Multi-family residential, seniors or with physical disabilities	4, or 1 space per 5 units, whichever is greater
Institutional	
Schools - Elementary	4 spaces per classroom
Schools - Jr. High/Middle School	4 spaces per classroom
Schools - Sr. High	8 spaces per classroom
College	1 space per 4 students (<i>plus 1 space per student housing room/unit</i>)
Transit Centers/Park & Ride Lots	5% of auto spaces (<i>or 100% of demand, depending on accessibility to bicyclists</i>)
Religious Institutions	1 space per 40 seat capacity
Hospitals	1 space per 5 beds
Doctor, Dentist Offices	2, or 1 space per 1000 ft ² , whichever is greater
Libraries, Museums, etc.	2, or 1 space per 1000 ft ² , whichever is greater
Commercial	
Retail Sales	0.33 space per 1000 ft ²
Auto-oriented Services	2 or 0.33 space per 1000 ft ² , whichever is greater
Groceries/Supermarkets	0.33 space per 1000 ft ²
Offices	2, or 1 space per 1000 ft ² , whichever is greater
Restaurants	1 space per 1000 ft ²
Drive-in Restaurants	1 space per 1000 ft ²
Shopping Centers	0.33 space per 1000 ft ²
Financial Institutions	2, or 0.33 space per 1000 ft ² , whichever is greater
Theaters, Auditoriums, etc.	1 space per 30 seats
Industrial	
Industrial Park	2, or 0.1 space per 1000 ft ² , whichever is greater
Warehouse	2, or 0.1 space per 1000 ft ² , whichever is greater
Manufacturing, etc.	2, or 0.15 space per 1000 ft ² , whichever is greater

Notes:

Each individual use needs to be evaluated for bicycle parking - e.g. a commercial accessory use in an industrial district may have different requirements than the industrial uses around it. Similarly, in mixed-use developments, the amount of each use and required bicycle parking needs evaluation. Finally, within each use category one needs to consider the different user categories - residents, employees, customers, etc. - and parking requirements for each.

Section 2. Add Section 16.49.030(2) Site and Design Review, Site and design review plan approval required, exemptions from site and design review as follows:

f. Parking lot or paving projects. If no buildings or structures are involved, paving or parking lot development in excess of 2,500 square feet of impervious surface is exempted from site and design review. All new paved areas and parking lots in excess of 2,500 square feet must meet the requirements of Section 16.49.150.

Section 3. Add Section 16.49.150 Parking Lots or Paving Projects.

All new paving or parking lot projects which create over 2,500 square feet of impervious surface and any new paving added to existing paved areas which creates a total of more than 2,500 square feet of impervious surface must meet City storm drainage requirements and parking lot landscaping standards and the drainage and access standards of the Oregon Department of Transportation (if applicable). Applications for such paving projects must submit the following information to the planning department:

A) Copies. One (1) copy of the application on forms prescribed for this purpose, ten (10) copies of site plan.

B) Site Plan Information. The site plan shall be drawn to scale and shall include the following information:

- 1. Existing buildings and structures;**
- 2. Adjacent streets, including right of way widths and street names;**
- 3. All existing and proposed driveways and/or access points,**
- 4. All existing or proposed parking spaces;**
- 5. Storm drainage plans;**
- 6. Detailed landscaping and irrigation plans.**

Section 4. Add Section 16.49.055 Modification to site and design review approvals.

A modification of any condition of approval for a site and design review approval or any proposed modification to an approved site plan, elevations, or landscape plan for an approved site and design review application must be approved by the Planning Commission. Such requests will be heard by the Planning Commission as a new business item. If the modification request is approved by the Commission, notice of the decision is distributed to property owners within two hundred (200) feet of the subject property and to all individuals with standing in the original site and design review hearing process. Such individuals may request a public hearing on the modification. Applications for modification will include the following:

A) Copies. One (1) copy of the application on forms prescribed for this purpose, ten (10) copies of site plan.

B) Site Plan Information. The site plan shall be drawn to scale and shall include the following information:

- 1. Existing and proposed buildings and structures;**
- 2. Adjacent streets, including right of way widths and street names;**

3. All existing and proposed driveways and/or access points,
 4. All existing or proposed parking spaces;
 5. Storm drainage plans;
 6. Detailed landscaping and irrigation plans;
 7. Clear illustration and depiction of the proposed change.
- C) Narrative. A narrative describing the proposed change and reasons why the change is requested.

Section 5. Amend Section 16.10.070(B) Off-Street Parking and Loading, Parking lots and access, as follows:

2. [The City of Canby encourages shared/joint access.] Owners of two (2) or more uses, structures, or parcels of land may agree to, [or be required by the City to], utilize jointly the same ingress and egress when the combined ingress and egress of both uses, structures, or parcels of land satisfies their combined requirements as designed in this ordinance, provided that satisfactory legal evidence is presented to the city Attorney in the form of deeds, easements, leases or contracts to establish joint use. Copies of said deeds, easements, leases or contracts shall be placed on permanent files with the city recorder.

Section 6. Amend Section 16.50.040 Conditional Uses, Placing conditions on a permit, as follows:

- [L. Limiting the number, location, and design of street accesses and requiring shared access when appropriate.]
- ~~E.~~ [M.] Other conditions to assure that the development complies with standards and criteria listed in section 16.50.010 (Ord. 740 section 10.3.75 (D), 1984)

Section 7. Amend Section 16.16.030(D) R-1 Low Density Residential Zone- Maximum building height, as follows:

1. Principal building: thirty-five feet; ~~or two and one-half stories, whichever is less;~~

Section 8. Amend Section 16.18.030(D) R-1.5 Medium Density Residential Zone- Maximum building height, as follows:

1. Principal building: thirty-five feet; ~~or two and one-half stories, whichever is less;~~

Section 9. Amend Section 16.20.010 R-2 High Density Residential Zone- Uses permitted outright, as follows:

- Uses permitted outright in the R-2 zone shall be as follows:
- A. Uses permitted outright in the [R-1] ~~R-2~~ zone;
 - [B. Two family or duplex dwelling;]
 - ~~B.~~ [C.] Boarding, lodging or rooming house;

- ~~C.~~ [D.] Multi-family dwelling;
- ~~D.~~ [E.] Manufactured and mobile home subdivision of eight or fewer lots per acre, subject to the requirements of Chapter 16.80
- ~~E.~~ [F.] Manufactured and mobile home or trailer parks, subject to the criteria of Chapter 16.44;
- F. [G.] Bed and Breakfast. (Ord. 890 section 21, 1993; Ord. 740 section 10.3.21 (A), 1984)

Section 10. Amend Section 16.32.010 M-1 Light Industrial Zone-Uses permitted outright, as follows:

W. ~~(Deleted by Ord. 981 section 30, 1997)~~ [Other light industrial uses as interpreted by the Planning Commission through an official interpretation hearing.]

Section 11. Amend Section 15.52.010 Non Conforming Uses and Structures-Continuation of nonconforming use or structure, as follows:

Subject to the provisions of this section, a nonconforming structure or use may be continued but shall not be altered, changed, or extended except as provided herein. Other than those expansions specifically permitted by section 16.52.035, the expansion of ~~new~~ [non]conforming uses shall not be permitted.

Section 12. Amend Section 16.88.130 Public hearings, Public Hearings Required, as follows:

I. [i.] Comprehensive Plan amendments. * The city council may, on its own motion, choose to conduct public hearings on legislative plan amendments or amendments involving large areas of property. If the council elects to conduct such hearings, it may do so in joint session with the [Planning Commission or after receiving the] written record of the commission.

~~*The city council may, on its own motion, choose to conduct public hearings on legislative plan amendments or amendments involving large areas of property. If the council elects to conduct such hearings, it may do so in joint session with the Planning Commission or after receiving the written record of the commission.~~

Section 13. Amend Section 16.54.020 Amendments to Zoning Map, Application and fee, as follows:

F. A traffic impact analysis may be required by the Planning Department or the Oregon Department of Transportation for any change in zoning which has the potential to generate more than four hundred (400) vehicle trips per day.

Section 14. Amend Section 16.49.035(C) Application for Site and Design Review, traffic impact analysis required:

~~4. Industrial or commercial enterprises that will employ twenty (20) or more on any single shift.~~ **Industrial or commercial enterprises which generate more than one hundred (100) vehicles per day.**

Section 15. Amend Section 16.50.020(C)(4) Application for Conditional Uses, traffic impact analysis required:

~~d. Industrial or commercial enterprises that will employ twenty (20) or more on any single shift.~~ **Industrial or commercial enterprises which generate more than one hundred (100) vehicles per day.**

Section 16. Amend Section 16.62.010(E) Filing Procedures for Subdivisions, traffic impact analysis required:

~~4. Industrial or commercial enterprises that will employ twenty (20) or more on any single shift.~~ **Industrial or commercial enterprises which generate more than one hundred (100) vehicles per day.**

Section 17. Amend Section 16.60.010(D) Filing Procedures for Major or Minor Partitions, traffic impact analysis required:

~~4. Industrial or commercial enterprises that will employ twenty (20) or more on any single shift.~~ **Industrial or commercial enterprises which generate more than one hundred (100) vehicles per day.**

Section 18. Amend Section 16.84.030(C) Filing Procedures for Annexations, traffic impact analysis required, as follows:

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 [(not required if all property to be annexed is located within an approved Master Planned area and a comprehensive traffic impact analysis is completed for the Master Planned area)]:

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.~~ **Industrial or commercial enterprises which generate more than one hundred (100) vehicles per day.**

Section 19. Amend Section 16.84.030(C)(4) Filing Procedures for Annexations, general land use plan required, as follows:

e. General land use plan indicating the types and intensities of the proposed, or potential, development [(not required if all property to be annexed is located within an approved Master Planned area)];

Section 20. Amend Section 16.84.030 Filing Procedures for Annexations, Application Filing Deadlines, as follows:

B. Application Filing Deadlines

Annexation elections are scheduled for May and November. [Special elections may be scheduled outside of May or November if paid for by the applicant.] 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.

[3. Major or minor annexations can be scheduled for a special election provided that all costs associated with the special election are covered by the applicant. Special elections will be scheduled by the city council following the required city council hearing on the application.]

Section 21. Add Section 16.46.010(G) Access Limitations on Project Density as follows:

[G. Public roads accessing any development shall be a minimum of two travel lanes (twenty-four (24) feet of paved width) to the nearest improved collector or arterial street, provided that any required improvement to provide additional pavement width to access a development meets both of the following conditions:

1. An essential nexus is proven, whereby the required improvement is directly related to the proposed development; and

2. Rough proportionality is proven, whereby the cost of the required improvement is roughly proportional to the impact that the development will have on the infrastructure.

Specific findings are required for each of the conditions listed above. If either of the two conditions are not met, the infrastructure is considered to be inadequate, and conditioning approval of a development on the widening of the access to the development is considered to be inappropriate.]

Section 22. Add Section 16.04.615 as follows:

Traffic Impact Analysis.

A comprehensive traffic analysis of a development proposal which includes trip generation, analysis of access/egress, accident analysis, intersection analysis, and traffic flow analysis.

Section 23. Add Section 16.04.635 as follows:

Trip Generation Study.

An analysis of the number of vehicle trips generated by a development proposal. Trip generation for commercial/industrial/residential/institutional projects are estimated through the Institute of Traffic Engineer's Manual (ITE Manual). The results of the trip generation study will determine the need for a Traffic Impact Analysis. If the trip generation study determines the use will generate more than 100 vehicle trips per day, the City Traffic Engineer may require a Traffic Impact Analysis.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, April 7, 1999, 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, April 21, 1999, commencing at the hour of 7:30 p.m., in the Council Meeting Chambers at Canby City Hall in Canby, Oregon.

Chauncey F. Siefried

Chauncey Siefried, City Recorder

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on the 21st day of April, 1999, by the following vote:

YEAS 6 NAYS 0

Scott Taylor

Scott Taylor, Mayor

ATTEST:

Chauncey F. Siefried

Chauncey Siefried, City Recorder