

ORDINANCE NO. 1057

**AN ORDINANCE AMENDING CHAPTER 16.35 OF THE CANBY MUNICIPAL CODE
AND DECLARING AN EMERGENCY.**

WHEREAS, it has been determined that changes are necessary to the Industrial Area Overlay zone (CMC Chapter 16.35) in order to assure quality development of the Industrial Park; and

WHEREAS, the Canby Planning Commission, after providing appropriate public notice, conducted a public hearing on the proposed changes, during which the citizens of Canby and interested parties were given the opportunity to come forward to present testimony on the proposal; 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 Sections 16.88.160 of the Land Development and Planning Ordinance, concerning amendments to the text of Title 16, were met, and recommended adoption of the Ordinance to the City Council; and

WHEREAS, the City Council, after reviewing the Planning Commission's recommendation and the record of the Canby Planning Commission regarding the subject amendment, concluded that the amendment is appropriate.

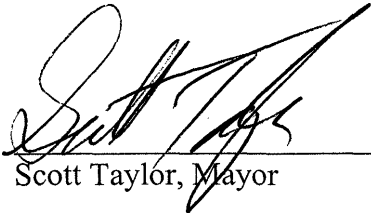
NOW, THEREFORE, THE CANBY CITY COUNCIL ORDAINS AS FOLLOWS:

- (1) Text Amendment 00-01 is hereby approved.
- (2) Title 16 of the Municipal Code is amended as detailed in Exhibit A.
- (3) Inasmuch as it is in the best interest of the citizens of Canby to begin applying the provisions of this Ordinance as soon as possible, an emergency is hereby declared to exist and this Ordinance shall take effect immediately upon its enactment after final reading.

SUBMITTED to the Council and read the first time at a special meeting thereof on October 23, 2000, ordered posted in three (3) public and conspicuous places in the City for a period of five (5) days, as authorized by the Canby City Charter; and to come up for final reading and action by the Canby City Council at a regular meeting thereof on November 1, 2000, commencing after the hour of 7:30 p.m., at the Council's regular meeting chambers at the Canby City Hall in Canby, Oregon.

ENACTED on the second and final reading by the Canby City Council at a regular meeting thereof on November 1, 2000 by the following vote:

YEAS 6 NAYS 0



Scott Taylor, Mayor

ATTEST:



Chauncey F. Sehnied, City Recorder Pro Tem

Chapter 16.35
CANBY INDUSTRIAL AREA
OVERLAY (I-O) ZONE

Sections:

- 16.35.010 Purpose.**
- 16.35.020 Applicability.**
- 16.35.025 Pre-application review and conditions of approval**
- 16.35.030 Uses permitted outright.**
- 16.35.040 Conditional uses.**
- 16.35.045 Prohibited uses.**
- 16.35.050 Development standards.**
- 16.35.060 Design guidelines.**
- 16.35.070 I-O design review matrix.**

16.35.010 Purpose.

The purpose of the Canby Industrial Area Overlay (I-O) zone is to implement the design guidelines and standards of the Canby Industrial Area Master Plan ("Master Plan"):

- A. Provide efficient circulation and access;
- B. Allow flexibility in siting development, including a range of industrial and commercial/industrial land uses;
- C. Provide visual continuity for streetscapes and developments;
- D. Encourage durable, high quality building materials.

The zone is intended to ensure high-quality industrial development with a mix of employment types and uses. (Ord. 1008 section 1 [part], 1998; Ord. 1057 section 2, 2000)

16.35.020 Applicability.

It is the policy of the City of Canby to apply the I-O zone to all lands within the

Master Plan area and other areas determined by the City, upon annexation or prior to application for development permit. The Master Plan area generally includes the area bound by Highway 99E and 1st Avenue to the north, Mulino Road to the east, SE 13th Avenue to the south, and Molalla Western Railroad to the west. The I-O zone has the following affect with regard to other chapters of this ordinance:

A. Incorporates the Canby Industrial Area Master Plan into Title 16. The Master Plan's design guidelines, standards, and plan maps are hereby incorporated by reference.

B. Permits land uses which are permitted by the underlying zone districts (C-M, M-1, M-2), with some exceptions.

C. Replaces selected development standards contained in the C-M, M-1, and M-2 zones, for continuity and quality of site design within the Master Plan area.

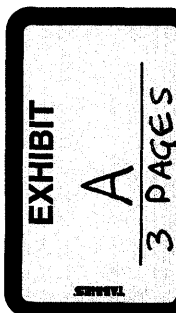
D. Utilizes the City's processes for development review, including land divisions, conditional uses, and design reviews. Provides a design review matrix (i.e., replacing the table in Chapter 16.49) which is tailored to the Master Plan area.

E. Provides additional conditional use standards to ensure development compatibility.

F. Lists uses that are prohibited outright due to incompatibility with the goals for the area. (Ord. 1008 section 1 [part], 1998; Ord. 1057 section 2, 2000)

16.35.025 Pre-application review and conditions of approval

A. A preapplication meeting with utility and service providers is required prior to any land use application, building permit application, or business license application in the I-O zone, unless this requirement is waived by the City Planner. The City Planner shall provide application forms for this purpose indicating all required information. The pre-application meeting shall allow utility and service providers to



make a detailed assessment of the proposed use prior to forming a recommendation on approval. In addition, this meeting will allow the City to evaluate whether a Conditional Use Permit will be required.

B. At the pre-application meeting, the City shall determine the need for a Hazardous Materials Management Plan. If required by the City, the applicant shall prepare a plan meeting the relevant sections of the Uniform Fire Code as determined by the City. The Plan shall allow utility and service providers to review the health and safety impacts of any proposed use and ensure an adequate plan will be in place to address those impacts prior to forming a recommendation on approval.

C. The Planning Commission or City Council may impose conditions to protect public health and safety on any discretionary land use application.

16.35.030 Uses permitted outright.

Unless limited by sections 16.35.040 or 16.35.045, uses permitted outright in the C-M zone, M-1 zone, and M-2 zone are permitted outright in the I-O zone, subject to the respective zone district boundaries. (Ord. 1008 section 1 [part], 1998)

16.35.040 Conditional uses.

Unless limited by subsection A below or section 16.35.045, conditional uses permitted in the C-M zone, M-1 zone, and M-2 zone are permitted as conditional uses in the I-O zone, subject to the respective zone district boundaries.

A. Any proposed site development, change in use, land division, or other action that results in any of the following requires conditional use approval in the I-O zone:

1. Less than 12 employees per developed acre. For the purposes of this section only, "developed" means all areas used for buildings, landscaping, vehicle maneuvering and parking areas, outdoor storage, and other areas occupied by the

use. For the purposes of this section only, "employees" means full-time equivalents unless the City specifically allows other interpretations;

2. More than 60 acres total in I-O zoning that is occupied by a single use or business. For the purposes of this section, businesses classified in the same NAICS industry group (four-digit code) are considered to be in the same use. This section is intended to apply cumulatively to all properties in the zone;

3. Utilization of any public service or utility to such an extent that the utility would not be able to supply all other uses projected in its current long-range plans;

4. Uses requiring an H-1, H-2, or H-3 occupancy under the Uniform Building Code;

5. In any C-M zoning overlain by I-O zoning, any retail or commercial use with a building footprint exceeding 50,000 square feet;

6. In any M-1 or M-2 zoning overlain by I-O zoning, any retail or commercial use not related to or supportive of the primary industrial use of the park; or

7. In any M-1 or M-2 zoning overlain by I-O zoning, retail areas occupying more than 15% of the building footprint or more than 3,000 square feet.

B. To approve a conditional use in the I-O zone, the Planning Commission shall find that each of the following additional criteria are either met, or can be met by observance of conditions, unless it is not applicable:

1. The proposed use is compatible with the industrial nature of the park and will have minimal negative impact on the development and use of surrounding properties;

2. The proposed use does not pose a threat to public health or safety; and

3. The proposed use is beneficial to the overall economic diversity and vitality of the City.

These criteria are in addition to those

provided in Section 16.50.010. In all other aspects, the conditional use process shall be as specified in Chapter 16.50. (Ord 1008 section 1 [part], 1998, Ord. 1057 section 2, 2000)

(THE REST OF THE INDUSTRIAL AREA OVERLAY CODE WILL BE UNCHANGED)

16.35.045 Prohibited uses

The following uses are prohibited in the I-O zone:

- A. Slaughter house;
- B. Rendering, reduction, or distillation of, or manufacturing from, animals, fish and their by-products;
- C. Auto, truck or motorcycle race track;
- D. Auto, truck, or motorcycle wrecking or salvage yard;
- E. Scrap metal storage and sales;
- F. Reclamation or manufacturing of steel barrels or drums;
- G. Dump or landfill, including rubbish, slag, organic materials, offal, or garbage in general;
- H. Livestock feeding pen, other than those associated with existing agricultural uses;
- I. Fireworks manufacturing or the manufacturing of ammunition or explosives;
- J. Nuclear power plant or similar use;
- K. Curing and storage of hides;
- L. Incinerator, smelter, blast furnace, or coke oven;
- M. Manufacture of oils, gasoline, or products made directly from petroleum, other oils, or tar products;
- N. Fertilizer production;
- O. Creosote production;
- P. Insecticide production;
- Q. Tire manufacturing;
- R. Saw, shingle, or lumber mill; and
- S. In any M-1 or M-2 zoning overlain by I-O zoning, commercial or retail uses over 50,000 square feet are prohibited.

This list should not be used to imply that any other use is permitted. (Ord. 1057 section 2, 2000)