

AGENDA

CANBY CITY COUNCIL MEETING

December 3, 2008, 7:30 P.M.

Council Chambers

155 NW 2nd Avenue

Mayor Melody Thompson

Council President Walt Daniels

Councilor Teresa Blackwell

Councilor Paul Carlson

Councilor Randy Carson

Councilor Tony Helbling

Councilor Wayne Oliver

CITY COUNCIL MEETING

1. CALL TO ORDER

- A. Pledge of Allegiance and Moment of Silence
- B. Canby Community Food & Toy Drive Sponsored by Canby Kiwanis Proclamation Pg. 1
- C. Mayor & Council Election Proclamation Pg. 2
- D. Measure 3-212 Proclamation Pg. 14
- E. Measure 3-313 Proclamation Pg. 16
- F. Measure 3-314 Proclamation Pg. 18
- G. Measure 3-315 Proclamation Pg. 20

2. COMMUNICATIONS

3. CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS

(This is an opportunity for visitors to address the City Council on items not on the agenda. It is also the time to address items that are on the agenda but not scheduled for a public hearing. Each citizen will be given 3 minutes to give testimony. Citizens are first required to fill out a testimony/comment card prior to speaking and hand it to the City Recorder. These forms are available by the sign-in podium. Staff and the City Council will make every effort to respond to questions raised during citizens input before tonight's meeting ends or as quickly as possible thereafter.)

4. MAYOR'S BUSINESS

5. COUNCILOR COMMENTS & LIAISON REPORTS

6. CONSENT AGENDA

(This section allows the City Council to consider routine items that require no discussion and can be approved in one comprehensive motion. An item may be discussed if it is pulled from the consent agenda to New Business.)

- A. Approval of Minutes of the November 19, 2008 City Council Work Session & Regular Meeting
- B. Appointment to Canby Public Library Board Pg. 22

7. PUBLIC HEARING

- A. TA 08-04 Canby Sign Standards (**Public testimony was previously taken at the Planning Commission Meeting. Therefore, no further public testimony will be taken at this meeting**) Pg.24

8. RESOLUTIONS & ORDINANCES

- A. Res. 1013, Proclaiming Annexation of 4.85 Acres Pg.146
- B. Res. 1014, Proclaiming Annexation of 2 Acres Pg.150
- C. Res. 1015, Proclaiming Annexation of 14.88 Acres Pg.154
- D. Res. 1016, Authorizing Transfer of Appropriations from an Existing Category to Another Existing Category Within the Swim Center Levy Fund Pg.158
- E. Res. 1017, Authorizing Transfer of Appropriations from an Existing Category to Another Existing Category Within the General Fund Pg.160
- F. Res. 1018, Authorizing City of Canby to Enter into a Depository Services Resolution for Governmental Entities with US Bank National Association Pg.162
- G. Ord. 1298, Authorizing Contract with Eagle Mailing Service to Provide Sewer and Street Maintenance Fee Printing and Mailing Services (2nd Reading) Pg.166
- H. Ord. 1299, Amending Canby Municipal Code Chapters 16.04, 16.35, 16.42, 16.52, 16.53, and 16.89 for the Purpose of Amending Sign Regulations Pg.168
- I. Ord. 1300, Authorizing Contract with SightLines Park and Playground Products to Purchase Replacement Bleachers for Maple Street Park Pg.172

9. NEW BUSINESS

- A. Cancellation of December 17 Council Meeting

10. CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS

11. CITIZEN INPUT

12. ACTION REVIEW

13. EXECUTIVE SESSION: ORS 192.660(2)(e) Real Property and ORS 192.660(2)(h) Pending Litigation

14. ADJOURN

*The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Kim Scheafer at 503.266.4021 ext. 233. A copy of this Agenda can be found on the City's web page at www.ci.canby.or.us. City Council and Planning Commission Meetings are broadcast live and can be viewed on OCTS Channel 5. For a schedule of the playback times, please call 503.263.6287.



Office of the Mayor

Proclamation

Canby Community Food & Toy Drive Sponsored by Canby Kiwanis

WHEREAS, the Canby Community Food & Toy Drive sponsored by Canby Kiwanis, originated for the purpose of providing toys and food for less fortunate families in our community; and

WHEREAS, by way of this Proclamation, the City of Canby recognizes that greater public awareness and involvement is needed in order for such programs to achieve their highest potential in providing and promoting joy to each household in this community; and

WHEREAS, Canby community members have undertaken the project of collecting and distributing toys and food to these needy families during the month of December; and

WHEREAS, donations for food baskets can be left at various locations around Canby;

NOW, THEREFORE, I, Melody Thompson, by virtue of the authority vested in me as Mayor of the City of Canby, do hereby proclaim December 14 through December 20, 2008 as:

CANBY COMMUNITY FOOD & TOY DRIVE WEEK SPONSORED BY CANBY KIWANIS

and urge all people of the City of Canby to observe this time by participating in this toy and food drive, helping to provide assurance that each family may have a twinkle in their eye this holiday season

Given unto my hand this 3rd day of December, 2008.

Melody Thompson
Mayor





Office of the Mayor

Proclamation

“Mayor & Council Election”

WHEREAS, the City of Canby, County of Clackamas, Oregon, held a General Election on November 4, 2008, and

WHEREAS, the Clackamas County Elections Department offers the following abstract as an official count of votes as of November 21, 2008:

MAYOR -

Melody Thompson - 4,767
Write-In - 258
Over Votes - 2
Under Votes - 2,345

CITY COUNCIL -

John Henri - 3,216	Other Write-Ins - 933
Walt Daniels - 3,461	Over Votes - 8
Jason Padden - 2,976	Under Votes - 18,720
Robert Bitter - 83 (Write-In)	
Robert Bittner - 91 (Write-In)	

WHEREAS, Walt Daniels, John Henri, and Jason Padden received the most votes for City Council and will be selected to four year terms on the Canby City Council. Robert Bitter received the fourth highest number of votes as a write-in and shall serve a two-year term. It was the City's determination that write-in votes for Robert Bitter and Robert Bittner were for the same person as there is not a Robert Bittner registered as an active voter with Clackamas County Elections that lives in the Canby city limits.

NOW, THEREFORE, I, Melody Thompson, Mayor of the City of Canby, Oregon, do hereby proclaim the foregoing to be a true and accurate accounting as presented by the Clackamas County Elections Division dated November 21, 2008.

Dated this 3rd day of December, 2008.

Melody Thompson
Mayor

NUMBERED KEY CANVASS

Clackamas County, Oregon
General Election
November 4, 2008

RUN DATE:11/21/08 09:12 AM

REPORT-EL52 PAGE 0086

WITH 5 OF 5 PRECINCTS REPORTING

VOTES PERCENT

VOTES PERCENT

CITY OF CANBY: Mayor

Vote for 1

01 = Melody Thompson

02 = WRITE-IN

4,767 94.87

258 5.13

03 = OVER VOTES

04 = UNDER VOTES

2

2,345

	01	02	03	04
0122 122	1240	68	0	641
0123 123	386	20	0	154
0124 124	1332	62	0	627
0125 125	942	58	2	440
0126 126	867	50	0	483

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SHERRY HALL, COUNTY CLERK
Sherry Hall
Council Packet Page 3 of 174

NUMBERED KEY CANVASS

Clackamas County, Oregon
General Election
November 4, 2008

RUN DATE:11/21/08 09:12 AM

REPORT-EL52 PAGE 0087

WITH 5 OF 5 PRECINCTS REPORTING

VOTES PERCENT

VOTES PERCENT

CITY OF CANBY: Councilor

Vote for 4

01 = John J Henri
02 = Walt Daniels
03 = Jason Padden

3,216 29.89
3,461 32.17
2,976 27.66

04 = WRITE-IN
05 = OVER VOTES
06 = UNDER VOTES

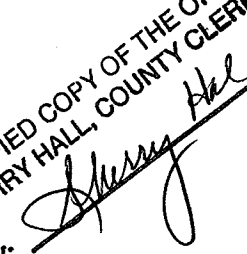
1,107 10.29
8
18,720

	01	02	03	04	05	06
0122 122	828	869	759	260	0	5080
0123 123	265	267	241	89	0	1378
0124 124	923	991	857	351	0	4962
0125 125	605	702	576	182	8	3695
0126 126	595	632	543	225	0	3605

CERTIFIED COPY OF THE ORIGINAL
SHERRY HALL, COUNTY CLERK
By *Sherry Hall*
Council Packet Page 4 of 174

Canby City Council
Write-In Results
November 4, 2008 General Election

NAME	TOTAL
AANODT, LARS	1
AMBROZIAK, DEMITRO IHOR	1
AMBROZIAK, ELIZABETH	1
ANDERSON, DAMIEN	1
ANDERSON, DICK	1
ANDERSON, DREW	1
ANDERSON, MARY	1
ANGEL, KIRA	1
ARCHIBALD, KAREN	1
AYRES, BRIAN	2
BAARSCH, RICK	4
BACKSTORN, ROBERT	1
BACKSTROM, BOB	2
BACKSTROM, ROBERT	5
BALL, RICHARD	2
BANGS, CHRIS	1
BARICH, FRANK	1
BARKER, SHEILA M K	2
BARNETT, MIKE	2
BATES, RUTHALINE	1
BECK, CLINTON	1
BELL, LOREN P	1
BENSON, JACK	1
BIRD, TWEETY	2
BITTER, ROBERT	83
BITTNER, ROBERT	91
BLACKWELL, TERESA	8
BLACKWELL, TERRI	1
BLACKWELL, TERRSA	1
BLACKWELL, TERRY	1
BLACKWELL, TERRY JO	2
BLACKWELL, THERESA	2
BOATRIGHT, CHRIS	1
BOETTGER, BRYCE	1
BOGGLE, NIKI	1
BOSS, EARL	1
BOWYER, AIMEE	1
BOYLAN, KRISTINE	1
BRADSHAW, CARL	1
BRAINARD, JOSH	1
BRANDS, JIM	1
BRITTON, DENNIS	1
BROWN RYAN J	1
BROWN, RYAN	3
BRUCHERS, MIKE	1
BUENEMAN, JEREMY	2
BURDETT, JIM	1
BURGIO, LORRAINE	1
BURGIO, LORRAINE A	1
BURKEY, BOB	2
BUSSEY, DAVID	2
BUTCHER, GOLDIE	2
BUTLER, CALLIE	1
BUTLER, MATTHEW	1

CERTIFIED COPY OF THE ORIGINAL
SHERRY HALL, COUNTY CLERK
BY: 

Canby City Council

Write-In Results

November 4, 2008 General Election

NAME	TOTAL
BUTLER, PATRICIA	1
BUTLER, THOMAS	1
BUYERS, LORI	1
CANGLEY, WILLIAM	2
CARLSON, PAUL	9
CARSON, RANDY	45
CASSEL, WILLIAM	1
CASTERLINE, DEBRA	1
CAULEY, RICK	2
CAULFIELD, MEGAN	1
CHAMBERLAIN, WILT	1
CHASE, DONALD	1
CHESSER, ANNA	1
CHRISTMAN, STEVE	2
CLAGGETT, KERRIE	1
CLARK, NORA	4
CLAYTON, NATHAN	2
COBB, DAN	2
COFFLIN, PATRICK	1
COLBERT, STEPHEN	1
COLEMAN, CAROL	3
COLVIEN, TRAVIS	1
COOLEY, WAYNE	2
COOPERRIDER, ROBERT V	1
COWGER, STEVE	1
CRAWFORD, TONY	1
CROSS, AARON	1
CROSS, AMY	1
CROSS, SHAWN	2
CUMMINGS, TERI	1
CUSHING, DONALD	1
CUTSFORTH, FRANK	3
CYRUS, MILEY	1
DAILEY, STEVE	1
DALE, TIM	3
DAVENPORT, WILSON	1
DAVIS, MICHELLA	1
DAVIS, RAY	1
DAVIS, RAYMOND	1
DEGRAW, BURT	2
DEGRAW, MANSON	3
DEMEHEY, BRIAN	1
DEPNER, DAWN	1
DEPNER, MARK	1
DEREMER, LORI	1
DEVLIN, PATRICK	1
DOE, JOHN	1
DOLITTLE, BEV	1
DOOLITTLE, BEVERLY	1
DOTY, CHRISTINA	1
DOUGLAS, SALLY	1
DRIGGERS, JOE	1
DUCK, DAFFY	2
DUNCAN, SCOTT	1

Canby City Council

Write-In Results

November 4, 2008 General Election

NAME	TOTAL
DUNCAN, TERI	2
EARHART, THEREASA	1
EATON, STEPHEN	2
EBY, ARDEN L SR	1
EDWARDS, GENE	1
ELLIS, KENNETH P	1
ELMORE, MARLENE	3
ENGLISH, MATT	1
ENRICH, CHRISTINE	1
ERLAND, ADA	1
ETZEL, CHRIS	2
EVANS, JEFF	1
EWERT, DAN	4
EWERT, DANIEL	1
FABIS, THOMAS M	2
FAIST, CINDY	1
FERGUSON, VERNE	2
FERGUSON, VERNON	1
FIELD, SCOTT	2
FIELDS, SCOTT	2
FILBRION, REGUS	1
FISHER, DAVID	1
FONSEAU, ANTHONY SR	1
FONSECA, ANTHONY	2
FONSECA, TONY	1
FORSMAN, GEORGE H III	1
FORSMAN, GEORGE III	1
FOSTER, BILL	2
FOSTER, WILLIAM R	1
FOX, STEVEN	1
FRASIER, IAN	2
FRENCH, STEVEN J	2
FRICKER, CRYSTAL	1
FRIEDEMANN, DALE	2
FRISBIE, JAMES	1
FRY, EMILY	1
FUDD, ELMER	2
FUENTEZ, DAVE	2
FURLAN, DON	1
G I JOE	1
GARCIA, JASON	1
GARCIA, JEN	1
GARCIA, JENNIFER	1
GARCIA, JILL	2
GARCIA, JOHN	1
GARCIA, JOSLIN	1
GARCIA, RUTH	1
GARL, CATHY	1
GARRE, LOUIS	2
GENTLE, RAYMOND	1
GIBSON, GUY	1
GIEGER, HANNAH	3
GIGER, JERRY	1
GINGERICH, CRAIG	1

Canby City Council

Write-In Results

November 4, 2008 General Election

NAME	TOTAL
GODINEZ, ALICIA	1
GONZALEZ, DANIEL	2
GONZALEZ, PEDRO	1
GOODMAN, KEVIN	2
GORDEN, DAVE	1
GORDON, DAVE	1
GOTTMAN, LILO	2
GRADY, GLAN L	1
GRAEBER, MARY	1
GRAHAM, W	1
GREENE, MICHAEL	1
GRIFFIN, JASON	1
GUERRA, RON	2
GUERRA, RONALD	1
GUERRA, RONALD G	2
GUNDER, JAUNETTA	1
GUSTAFSON, SCOTT	1
HAMAR, JOHN	1
HAMAR, LAMAR	1
HAMAR, LORAN	1
HAMAR, LOREN	69
HAMAR, LORIN	1
HAMER, LOREN	41
HAMMER, J	1
HAMMER, LOREN	1
HAMSON, COLLEEN	3
HAMSON, ELLE	1
HARNEY, BOB	1
HARRAX, STEVE	1
HARRIS, ROGER	5
HARVEY, KEN	1
HASKINS, JANET	3
HAZAPIS, NICHOLAS	1
HEMPHILL, DEL	2
HENRI, JOHN J	1
HENRY, JOHN J	1
HERN, ROBERT L	1
HESTER, SHANE	2
HILL, JIM	1
HILL, JOHN	1
HJELMERICH, LOYAL	1
HOLBROOK, LYNN	1
HOMMES, ISABELLE	1
HOOVER, MICHAEL	1
HOSTETLER, RON	3
HOWARD, JIM	1
HOWARD, KEN	1
HOWARD, MARILYN	1
HOWARD, PAUL	2
HUFF, DAVID	1
HUIRAS, GORDON	2
HULL, SUSAN	2
HUNTER, SANDY	1
IMDIEKE, BRIAN	2

Canby City Council
Write-In Results
November 4, 2008 General Election

NAME	TOTAL
INGRAHAM, PETER	1
INNES, MARC	1
JAMES	1
JAMESON, HEATHER	1
JARBOE, HANK	4
JASMER, MIKELLE	2
JEWELL, TOM	1
JOHNSON, CARISSA	1
JOHNSON, DALE	1
JOHNSON, DAN	1
JOHNSON, PAT	5
JONES, DARREL	1
JONES, JEAN	1
JONES, JOHN	1
JONES, ROBERT	1
JORDAN, MIKE	1
JORGERSON, CHRIS	1
JOYCE, SEAN	2
JUMESKI, VICKIE	2
KAUFFMAN, DENNIS	1
KEENEY, KEVIN	1
KEINONEN, MATT	1
KELLAR, NANCY	2
KELLEY, LEONARD J JR	1
KELLY, LEN	1
KELLY, TOM	1
KELLY, TOM R	1
KELSO, KATHI	1
KERN, JARROD	1
KIGGINS, MICHAEL	1
KING, CHARLES D	1
KING, CHUCK	1
KIPP, AARON	2
KIPP, HUGH	2
KIRSCH, TERRY	1
KLEN, RUSTY	1
KRAMER, CHRISTOPHER	1
KRAMER, COREY	1
KRAMER, MCKENZIE	1
KRAMER, MIKE	1
KRAXBERGER, GAIL	1
KRAXBERGER, JOEY	1
KRAXBERGER, LAURA	1
KRAXBERGER, LYNN	1
KUNZE, TED	3
KURRONEN, PETER	1
LACHNITE, EARL	2
LANDREVILLE, MICHAEL	1
LANGFORD, STEVEN	2
LANNING, FOREST D	1
LATHAM, APRIL	2
LAURELL, DAVE	1
LEANOUN, ASHA	1
LEBAKKEN, DAVE	2

Canby City Council

Write-In Results

November 4, 2008 General Election

NAME	TOTAL
LESHER, LOREN	3
LEVY, BERNARD M	1
LEVY, BERNIE	1
LIECHTY, ANGIE	2
LINDSEY, TROY	2
LONGSTREET, PATRICIA	1
LOSKE, PETE	1
LUCAS, BARRY	4
LUCICH, KATE	1
LUNDIN, SARAH	1
MADIERA, MATT	1
MAHAR, LOREN	2
MARIANO, RAYMOND	1
MARINE, ART	1
MARSHALL, GREG	1
MARTIN, J PATRICK	1
MASE, MICKEY	1
MASON, KEITH	2
MAY, MIKE	1
MCCAIN, JOHN	1
MCCORD, MELISSA	2
MCDONALD, GREGG R	1
MCEROY, GREG	2
MCKINNON, ROGER	1
MCKNIGHT, A CRESS	1
MCNICHOLS, MICHAEL	2
MCQUIRK, SYBLEA	1
MECUSEN, TERRY	3
MEEUWSEN, CAROL	1
MENDENHALL, JEFF	1
MERETHSTH, JOHN	1
MESHER, DAVID	2
MILLARD, MIKE	1
MILNE, JAN	2
MILNE, JANET	2
MOFFETT, ANDREW	2
MORGAN, DONALD	1
MOSS, JERRY	1
MOUSE, MICKEY	2
MOUSE, MINNIE	1
MOWRY, LINDA	1
MULKEY, JAY	1
MULLEN, TERRY	3
MULLIN, TERRY	5
MULLINS, DAWN	1
MULLINS, ROB	1
MULLINS, TERRY	2
MURPHY, JANNON	1
MYERS, MARLIN	1
MYERS, SUSAN	2
NELSON, CURTIS	1
NERENBERG, DONALD	1
NERENBERG, DON	1
NERENBERG, DONALD	3

Canby City Council

Write-In Results

November 4, 2008 General Election

NAME	TOTAL
NETTER, ED	2
NEWTON, JIM	4
NOSEN, JIM	1
NUNN, MARC	1
NUNN, MARK	1
OLIVER, RYAN	1
OLIVER, WAYNE	3
OLIVER, WAYNE	3
OLSON, BRIAN	1
OLSON, WALTER	1
ONION, DOUG	1
OPPTIMUSPRIME	1
OSWALD, BLAINE	1
PAINTER, DAVE	1
PARKER, GREG	3
PATRICK, KELLEY	1
PATTEN, B	1
PATTON, BILL	3
PATTON, WILLIAM	1
PAULSON, ERIN	1
PAULSON, LAFE	1
PAULSON, LILY	1
PAVLICEK, VINCE	1
PEDRO	1
PENDELTON, JACK	2
PENDETON, JACK	1
PENDLETON, JACK	14
PENDLETON, JOHN	2
PERMIN, MIKE	1
PETERSON, JEFF	2
PIERCE, DONNA	1
PIERSON, ADDIE L	1
PISCHEL, WALT	1
POE, ALEX	1
POLTRATZ, ERIC	1
POPPEN, DOUG	1
PRINCE, TERRY	8
PRINCE, TERY	1
RAINES, RON	11
RAMBO	1
REED, EVELLYN	1
REIF, BILL	1
RHOADS, EDWARD W	1
RIEF, JOSHUA S	2
RIEF, ROGER	2
ROBINETT, AUSTIN	1
ROCKEY	1
ROOTS, BEN	1
ROSS, PATRICK	1
ROTH, WILLIAM	1
RUBINO, JESSE	1
RUSH, RITA	1
RUSS, JILL	1
RUSS, RON	1

Canby City Council

Write-In Results

November 4, 2008 General Election

NAME	TOTAL
RUSS, TYLER	1
RUTLEDGE, TAMI	1
RUTLEDGE, TAMMY	1
SAJOVIC, RANDY	1
SAMPLES, REX	2
SANDERS, ROBERT	2
SANDSNESS, CHARLES	2
SANDY, DAVID	2
SATTER, PAUL	3
SCHIELE, G G	1
SCHINDLER, DAVID J	5
SCHLABACH, SHANNON	1
SCHRADER, KURT	2
SCOTT, JEFF	1
SCOTT, TOM	1
SCOTT, WAYNE	4
SEADAR, SAM	1
SEBANTAIN, NANCY	1
SEBASTIAN, NANCY	2
SEXTON, DYLAN	1
SHELBY, ANITA	1
SHOLLENBERGER, ROBERT	1
SHORE, MARTIN	1
SHROCK, JERM,Y	1
SILENCE, BRANDON	1
SILVA, MATTHEW	1
SIMPSON, BART	1
SINOR, JUSTIN	1
SKIFFINGTON, JUSTIN	1
SKIFFINGTON, MIKE	1
SMAY, DAVID	2
SMAY, DAVID W	1
SMITH	1
SMITH, CHRISTIAN	1
SMITH, KATE	1
SMITH, KAY	1
SMITH, MIKE	1
SMITH, OWEN	1
SMITH, PATTI	1
SOUTH, DENNIS	1
SPRAGUE, DOUG	1
SPRAGUE, STACY	1
ST, KEITH	1
STAFNEY, TODD	1
STAPLES, LARRY	1
STAR, RACHEL	1
STARR, RACHEL	2
STARRETT, KEVIN	1
STARRETT, MARGARET	1
STEENERSON, TOM	1
STEENERSON, TRACY	2
STEWART, KEITH	2
STODDARD, TRICIA	1
STONE, GABRIEL	1

Canby City Council
Write-In Results
November 4, 2008 General Election

NAME	TOTAL
STUART, TIM	1
SWAN, RON	1
SWANSON, MICHAEL J	1
SWOR, BILL	1
TAGGART, NICK	1
TAYLOR, J	1
TAYLOR, JARED	1
TAYLOR, REGINA	1
TESSMAN, RANDY	4
THAGON, MARY	1
THOMPSON, JAMIE L	1
THOMPSON, MERCY	1
THOROUGHMAN, RACHEL	1
TICK, THE	1
TILDEN, MARK JR	2
TRAFTON, JIM	1
TRIBBETT, JASON M	1
TURNER, STEVE	3
VARDT, GREG	1
VAUN, HOLLY	1
VODKA, MARK	15
WAAGE, KATHLEEN	1
WALKER, LEONARD	1
WALLBAUM, RUSS	1
WALLBAUM, TISH	1
WARING, DAVID	1
WARREN, TRENT	1
WATTON, SANDRA	1
WATTS, JEFF	1
WEBBER, LYNDIA	1
WEBBER, MARK	2
WESCOTT, BOB	1
WEST, BRAD	1
WETGANDT, DICK	2
WHITE, DAVID	1
WHITE, DAVID A	1
WHITNEY, ADAM	1
WIEGAND, LEE P	1
WIEGAND, LEE	7
WILKINSON, LARRY	1
WINTERS, SAIGE	1
WITT, JOE	2
WOLTER, ADAM	1
WONDER, E PAUL	1
WOOD, KAREN	1
WOOD, MARILYN	1
WORTHEN, TYLER	1
WRIGHT, RICHARD	4
YAZOLINNO, JERRY	1
ZANOTELLI, GEORGE	1
ZANOTELLI, MATTHEW P	1
ZEIG, JOHN	1



Office of the Mayor

Proclamation

“Measure 3-312 Election Results”

WHEREAS, the City of Canby, County of Clackamas, Oregon, placed a measure on the General Election ballot on November 4, 2008, to consider the following measure:

MEASURE NO. 3-312

**SHALL 4.85 ACRES LOCATED SOUTH OF N.E. TERRITORIAL,
WEST OF N. PINE, NORTH OF N.E. 16TH BE ANNEXED INTO
CANBY?**

WHEREAS, the Clackamas County Elections Department offers the following as an official count of votes for the General Election on November 4, 2008.

YES - 3,846

NO - 2,949

Over Votes - 1

Under Votes - 576

NOW, THEREFORE, I, Melody Thompson, Mayor of the City of Canby, Oregon, do hereby proclaim the foregoing to be a true and accurate accounting as presented by the Clackamas County Election Division dated November 21, 2008.

Dated this 3rd day of December, 2008.

Melody Thompson
Mayor

NUMBERED KEY CANVASS

Clackamas County, Oregon
General Election
November 4, 2008

REPORT-EL52 PAGE 0179

RUN DATE:11/21/08 09:12 AM

WITH 5 OF 5 PRECINCTS REPORTING

VOTES PERCENT

VOTES PERCENT

3-312 CITY OF CANBY: MEASURE APPROVING ANNEXATION OF
1.85 ACRES INTO CITY OF CANBY

Vote for 1

01 = Yes

02 = No

3,846 56.60

2,949 43.40

03 = OVER VOTES

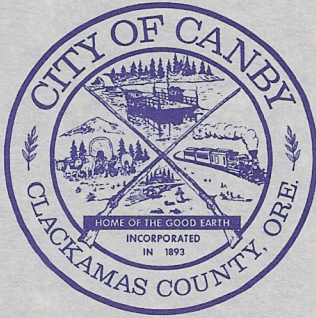
04 = UNDER VOTES

1

576

	01	02	03	04
1122 122	1032	757	0	160
1123 123	299	213	0	48
1124 124	1045	847	1	128
1125 125	731	574	0	137
1126 126	739	558	0	103

CERTIFIED COPY OF THE ORIGINAL
CHERRY HALL, COUNTY CLERK
BY: *[Signature]*, County Clerk
Council Packet Page 15 of 174



Office of the Mayor

Proclamation

“Measure 3-313 Election Results”

WHEREAS, the City of Canby, County of Clackamas, Oregon, placed a measure on the General Election ballot on November 4, 2008, to consider the following measure:

MEASURE NO. 3-313

**SHALL 2 ACRES LOCATED AT 1335 N.E. TERRITORIAL ROAD
BE ANNEXED INTO CANBY?**

WHEREAS, the Clackamas County Elections Department offers the following as an official count of votes for the General Election on November 4, 2008.

YES - 3,621

NO - 3,159

Over Votes - 1

Under Votes - 591

NOW, THEREFORE, I, Melody Thompson, Mayor of the City of Canby, Oregon, do hereby proclaim the foregoing to be a true and accurate accounting as presented by the Clackamas County Election Division dated November 21, 2008.

Dated this 3rd day of December, 2008.

Melody Thompson
Mayor

NUMBERED KEY CANVASS

Clackamas County, Oregon
General Election
November 4, 2008

REPORT-EL52 PAGE 0180

RUN DATE:11/21/08 09:12 AM

WITH 5 OF 5 PRECINCTS REPORTING

VOTES PERCENT

VOTES PERCENT

1-313 CITY OF CANBY: MEASURE APPROVING ANNEXATION OF
ACRES INTO CITY OF CANBY

Vote for 1

01 = Yes

02 = No

3,621 53.41
3,159 46.5903 = OVER VOTES
04 = UNDER VOTES1
591

	01	02	03	04
122 122	1013	772	1	163
123 123	260	252	0	48
124 124	959	930	0	132
125 125	705	599	0	138
126 126	684	606	0	110

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SHERRY HALL, COUNTY CLERK
BY *Sherry Hall* County Clerk
Council Packet Page 17 of 174



Office of the Mayor

Proclamation

“Measure 3-314 Election Results”

WHEREAS, the City of Canby, County of Clackamas, Oregon, placed a measure on the General Election ballot on November 4, 2008, to consider the following measure:

MEASURE NO. 3-314

**SHALL 14.88 ACRES LOCATED SOUTH OF S.E. 13TH AVENUE
AND EAST OF S. IVY STREET BE ANNEXED INTO CANBY?**

WHEREAS, the Clackamas County Elections Department offers the following as an official count of votes for the General Election on November 4, 2008.

YES - 3,487

NO - 3,290

Over Votes - 1

Under Votes - 594

NOW, THEREFORE, I, Melody Thompson, Mayor of the City of Canby, Oregon, do hereby proclaim the foregoing to be a true and accurate accounting as presented by the Clackamas County Election Division dated November 21, 2008.

Dated this 3rd day of December, 2008.

Melody Thompson
Mayor

NUMBERED KEY CANVASS

Clackamas County, Oregon
General Election
November 4, 2008

REPORT-EL52 PAGE 0181

RUN DATE:11/21/08 09:12 AM

WITH 5 OF 5 PRECINCTS REPORTING

VOTES PERCENT

VOTES PERCENT

3-314 CITY OF CANBY: MEASURE APPROVING ANNEXATION OF
14.88 ACRES INTO CITY OF CANBY

Vote for 1

01 = Yes

02 = No

3,487 51.45
3,290 48.5503 = OVER VOTES
04 = UNDER VOTES1
594

	01	02	03	04
0122 122	925	872	1	151
0123 123	261	251	0	48
0124 124	999	875	0	147
0125 125	641	665	0	136
0126 126	661	627	0	112

CERTIFIED COPY OF THE ORIGINAL
SHERIFF HALL, COUNTY CLERK
By *[Signature]*, County Clerk
County Packet Page 19 of 174



Office of the Mayor

Proclamation

“Measure 3-315 Election Results”

WHEREAS, the City of Canby, County of Clackamas, Oregon, placed a measure on the General Election ballot on November 4, 2008, to consider the following measure:

MEASURE NO. 3-315

SHALL THE CITY OF CANBY ISSUE \$19,000,000 IN GENERAL OBLIGATION BONDS TO CONSTRUCT A NEW POLICE AND MUNICIPAL COURT FACILITY? IF THE BONDS ARE APPROVED, THEY WILL BE PAYABLE FROM TAXES ON PROPERTY OR PROPERTY OWNERSHIP THAT ARE NOT SUBJECT TO THE LIMITS OF SECTIONS 11 AND 11B, ARTICLE XI OF THE OREGON CONSTITUTION.

WHEREAS, the Clackamas County Elections Department offers the following as an official count of votes for the General Election on November 4, 2008.

YES - 2,471

NO - 4,453

Over Votes - 4

Under Votes - 444

NOW, THEREFORE, I, Melody Thompson, Mayor of the City of Canby, Oregon, do hereby proclaim the foregoing to be a true and accurate accounting as presented by the Clackamas County Election Division dated November 21, 2008.

Dated this 3rd day of December, 2008.

Melody Thompson
Mayor

NUMBERED KEY CANVASS

Clackamas County, Oregon

General Election

November 4, 2008

REPORT-EL52

PAGE 0182

RUN DATE:11/21/08 09:12 AM

WITH 5 OF 5 PRECINCTS REPORTING

VOTES PERCENT

VOTES PERCENT

3-315 CITY OF CANBY: CANBY POLICE AND COURT FACILITY

GENERAL OBLIGATION BOND AUTHORIZATION

Vote for 1

01 = Yes

02 = No

2,471 35.69

4,453 64.31

03 = OVER VOTES

04 = UNDER VOTES

4

444

	01	02	03	04
0122 122	661	1180	2	106
0123 123	176	349	0	35
0124 124	646	1264	0	111
0125 125	540	788	2	112
0126 126	448	872	0	80

CERTIFIED COPY OF THE ORIGINAL
 CHERRY HALL COUNTY CLERK
 BY *[Signature]* Cherry Hall, County Clerk
 Council Packet Page 21 of 174

CITY OF CANBY
APPLICATION

NOV 21 2008

BOARD/COMMITTEES/COMMISSIONS/COUNCIL

CITY OF CANBY

Date: 11-20-08

Name: William F. Nesbit

Occupation: Business Owner

Home Address: _____

Employer: Graphix Plus

Position: President

Daytime Phone: 503.266.1122

Evening Phone: _____

E-Mail Address: _____

For which position are you applying? Canby Public Library Board

What are your community interests (committees, organizations, special activities)?

Canby Rotary Club, Volunteer (5 yrs) Knight Elem. School

Experience and educational background: BA Wake Forest College '66... newspaper reporter 1970-73... corporate public relations rep Kaiser Aluminum 1973-79... President Wm Nesbit & Assoc 1980-1999... purchased Graphix Plus 7/04

Reason for your interest in this position: To assist in developing + expanding the library's reach + operations

List any other City or County positions on which you serve or have served: none

Information on any special membership requirements: none

Referred by (if applicable): Marty Morelly ; Randy Carson

Feel free to attach a copy of your resume and use additional sheets if necessary

THANK YOU FOR YOUR WILLINGNESS TO SERVE CANBY

Please return to: City of Canby
Attn: City Recorder
182 N Holly Street
PO Box 930
Canby, OR 97013

Phone: 503.266.4021 Fax: 503.266.7961 Email: Scheaferk@ci.canby.or.us

Note: Please be advised that this information may be made available to anyone upon a public records request and may be viewable on the City's web site.

12-4-07

William F. Nesbit

Resume

Work History

2004-Present

President & Owner, Graphix Plus, Canby, Oregon

Responsible for overall administrative management of the company. Graphix Plus is a 35-year-old company providing marketing consulting, graphic design, printing, and distribution services to businesses in the Northern Willamette Valley and Portland Metropolitan area.

1999-2004

Writer, Lake Oswego, Oregon

Wrote articles for energy and general interest magazines including *American Way*, *Public Utilities Fortnightly*, *Power*, and *Electrical World*

1979-1999

President & Owner, Wm. Nesbit & Associates, Inc., Santa Rosa and Davis, California

Established and managed a 15-person, \$1 million-a-year marketing and technical communications company providing communications planning and management services, and writing, editing, graphics, and production services to clients including the Electric Power Research Institute, Pacific Gas & Electric Co., CH2M Hill, Chevron Inc., National Renewable Energy Laboratory, California Public Utilities Commission, and Sacramento Municipal Utility District. Supervised all financial, administrative, and personnel matters, and oversaw management of all client accounts.

1973-1979

Senior Public Relations/Public Affairs Representative, Kaiser Aluminum & Chemical Corporation, Oakland, California

Managed public relations for the corporation's Refractories and Industrial Chemicals divisions, and Energy Management, Environmental Control, and Research & Development departments. Wrote and managed production of a series of magazine-length publications examining contemporary business and public policy issues.

1970-1973

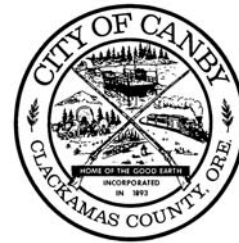
Newspaper Reporter, The Arizona Republic, Phoenix, Arizona, and The Hickory Daily Record, Hickory, North Carolina

1967-1970

1st Lieutenant, U.S. Army

Education

BA Wake Forest College, 1966



MEMORANDUM

TO: *Honorable Mayor Thompson and City Council*
FROM: *Melissa Hardy, Associate Planner*
THROUGH: *Mark C. Adcock, City Administrator*
DATE: *December 03, 2008*
RE: *Amendment to Text of Title; Application No. TA 08-04*
CANBY SIGN STANDARDS

Summary

TA 08-04 is a City-initiated application to amend code text in Title 16 of the Canby Municipal Code (CMC), for the purpose of amending Canby's sign regulations; specifically amending CMC Chapters 16.04, 16.35, 16.42, 16.52, 16.53, and 16.89.

Recommendation

Staff recommends that the City Council approve TA 08-04.

Recommended Motion: *"I move that the City Council approve Text Amendment No. TA 08-04 as presented, based on the findings in this staff report, and direct staff to present Council with an ordinance for adoption."*

Background

This code amendment originated out of recommendations from an ad-hoc task force that was formed in 2007 to create recommendations for new development standards for downtown Canby. One of the recommendations that came out of the task force was to update the city's sign standards as a project separate from drafting the new development standards for downtown Canby.

The Canby Urban Renewal Agency provided funding to hire a consulting team of Cogan Owens Cogan and SERA Architects, led by Matt Hastie, to work with a citizen committee and create a recommendation for new Canby sign codes. The citizen committee met with the consultant and with City Staff over the course of approximately six months. The consultant also held a workshop for the Planning Commission on October 27, 2008. These meetings resulted in the attached code text amendment proposal.

A Title 16 text amendment is a legislative land use amendment. In judging whether or not Title 16 should be amended, the Planning Commission and City Council must consider the following approval criteria:

1. The Comprehensive Plan of the city, and the plans and policies of the county, state, and local districts, in order to preserve functions and local aspects of land conservation and development; and
2. A public need for the change; and
3. Whether the proposed change will serve the public need better than any other change which might be expected to be made; and

4. Whether the change will preserve and protect the health, safety and general welfare of the residents in the community; and
5. Statewide planning goals.

Planning Commission held a public hearing concerning the proposed text amendment on November 24, 2008. Notice of the public hearing was published in the November 19, 2008, Canby Herald. Matt Hastie presented the proposal to Planning Commission. Rennie Baskett, manager of the local Walgreens store, spoke in favor of the text amendment. Gordon Root, a member of the citizen committee that worked on the amendment proposal, spoke in favor of the text amendment. The Planning Commission closed the public hearing on November 24, 2008, and voted 5-0 to forward a recommendation of approval to City Council based on the following findings.

Findings

1. The amendment complies with the Comprehensive Plan of the city, and with the plans and policies of the county, state, and local districts, and will preserve functions and local aspects of land conservation and development.
2. There is a public need for the change.
3. The amendment will serve the public need better than any other change which might be expected to be made.
4. The amendment will preserve and protect the health, safety, and general welfare of the residents in the community.
5. The amendment complies with the Statewide Planning Goals.

Alternatives

1. If the City Council wants to make any changes to the proposed amendment, the Council may approve a motion to hold the public hearing open to a date certain, and direct staff to return to Council with changes as requested.
2. If the City Council wants to deny TA 08-04, the Council may approve a motion to direct staff to prepare appropriate findings to deny TA 08-04, and to return to Council with those findings of denial.

Attachments

1. Proposed Text Amendment

ATTACHMENT 1

Proposed Text Amendment

Deleted text is illustrated in ~~strikeout font~~, added text is illustrated in red underlined font.

CMC CHAPTER 16.04: EXPLANATION OF PROPOSED CODE CHANGES

16.04.561 – Sign, Freestanding. This code amendment deletes the definition for “Freestanding Sign”, which is not used in the new proposed code. Freestanding signs are now called A-frame signs.

16.04.562 – Sign, Monument. This code amendment deletes the definition for “Monument Sign” from Chapter 16.04, because the definition has been modified and moved to Chapter 16.42 in the new proposed code.

16.04.563 – Sign, Pole. This code amendment deletes the definition for “Pole Sign” from Chapter 16.04, because the definition has been modified and moved to Chapter 16.42 in the new proposed code.

Chapter 16.04

DEFINITIONS

Sections:

- | | |
|---|---|
| 16.04.010 Grammatical interpretation. | 16.04.170 Dwelling, duplex-dwelling, two family. |
| 16.04.020 Generally. | 16.04.180 Dwelling, multi-family. |
| 16.04.030 Abutting-adjoining-adjacent. | 16.04.190 Dwelling, single-family. |
| 16.04.035 Acceptable site. | 16.04.200 Dwelling unit. |
| 16.04.036 Access. | 16.04.210 Easement. |
| 16.04.037 Access classification. | 16.04.215 Equipment shelters. |
| 16.04.038 Access connection. | 16.04.218 Façade. |
| 16.04.039 Access management. | 16.04.220 Family. |
| 16.04.040 Accessory structure or use. | 16.04.222 Floor area ratio. |
| 16.04.045 Accessway. | 16.04.223 Frontage road. |
| 16.04.050 Agriculture. | 16.04.225 FCC. |
| 16.04.060 Alley. | 16.04.228 Grade plane. |
| 16.04.061 Antenna. | 16.04.230 Height of building. |
| 16.04.063 Application. | 16.04.240 Home occupation. |
| 16.04.064 Attached WTS facility. | 16.04.250 Hotel. |
| 16.04.065 Backhaul network. | 16.04.255 Infill homes. |
| 16.04.066 Bed and Breakfast. | 16.04.260 Intersection. |
| 16.04.068 Bicycle Facilities. | 16.04.265 Joint access (or shared access). |
| 16.04.070 Billboard. | 16.04.270 Kennel. |
| 16.04.080 Boarding, lodging or rooming house. | 16.04.275 Lattice tower. |
| 16.04.090 Building. | 16.04.280 Loading space. |
| 16.04.100 Building line. | 16.04.290 Lot. |
| 16.04.105 Cell. | 16.04.300 Lot area. |
| 16.04.110 Central business district (CBD). | 16.04.310 Lot, corner. |
| 16.04.120 City. | 16.04.315 Lot depth. |
| 16.04.125 City Planner. | 16.04.318 Lot, flag. |
| 16.04.127 Collocation. | 16.04.320 Lot front. |
| 16.04.128 Commercial Recreation Uses. | 16.04.321 Lot frontage. |
| 16.04.130 Commission. | 16.04.330 Lot, interior. |
| 16.04.135 Conditionally suitable site. | 16.04.340 Lot line. |
| 16.04.137 Corner clearance. | 16.04.350 Lot line, interior. |
| 16.04.140 Council. | 16.04.360 Lot line, street. |
| 16.04.145 Cross access. | 16.04.370 Lot, through. |
| 16.04.150 Curb line. | 16.04.380 Lot width. |
| 16.04.155 Day care facility. | 16.04.385 Lowest floor. |
| 16.04.158 Detached WTS facility. | 16.04.387 Manufactured home manufactured housing unit |
| 16.04.160 Development plan. | |

16.04.390 Mobile home.
 16.04.400 Mobile home park.
 16.04.410 Mobile home subdivision.
 16.04.420 Modular home.
 16.04.425 Monopole.
 16.04.430 Motel.
 16.04.435 Neighborhood activity center.
 16.04.438 Nonconforming access features.
 16.04.440 Nonconforming structure, lot or use.
 16.04.450 Parent parcel.
 16.04.460 Parking space.
 16.04.470 Partition.
 16.04.480 Pedestrian way.
 16.04.490 Person.
 16.04.500 Planning Commission.
 16.04.510 Plat.
 16.04.512 Porches, covered.
 16.04.514 Preapplication conference
 16.04.515 Preferred site.
 16.04.516 Public facility, major
 16.04.517 Public facility, minor
 16.04.519 Reasonably direct.
 16.04.520 Recommendation.
 16.04.530 Right-of-way.
 16.04.540 Roadway.
 16.04.545 Safe and convenient bicycle and pedestrian routes.
 16.04.550 Setbacks.
 16.04.560 Sidewalk.

~~16.04.561 Sign, freestanding.~~
~~16.04.562 Sign, monument.~~
~~16.04.563 Sign, pole.~~
 16.04.565 Stealth design.
 16.04.567 Story above grade plane.
 16.04.570 Street.
 16.04.580 Structural alteration.
 16.04.590 Structure.
 16.04.595 Stub-out (or stub street)
 16.04.600 Subdivide land.
 16.04.610 Subdivision.
 16.04.615 Traffic impact analysis.
 16.04.620 Trailer coach.
 16.04.630 Trailer park.
 16.04.035 Trip generation study.
 16.04.640 Urban Growth Boundary (UGB).
 16.04.650 Urbanizable.
 16.04.660 Use.
 16.04.666 Vicinity.
 16.04.670 Vision clearance area.
 16.04.671 Walkway.
 16.04.672 Wireless telecommunications facility.
 16.04.676 Wireless telecommunications systems (WTS).
 16.04.680 Yard.
 16.04.690 Yard, interior.
 16.04.700 Yard, rear.
 16.04.710 Yard, street.
 16.04.715 Zero-lot line development.

16.04.010 Grammatical interpretation.

As used in this title, the masculine includes the feminine and the neuter, and the singular includes the plural with no preference or prejudice intended or implied. (Ord. 740 section 10.1.20 (A), 1984)

16.04.020 Generally.

Unless the context requires otherwise, the words and phrases set out in this chapter shall mean as follows. (Ord. 740 section 10.1 .20(B)[part], 1984)

16.04.030 Abutting-adjoining-adjacent.

Abutting, adjoining or adjacent means physically touching, having at least one common point or lots separated only by a public street, public right-of-way, or railroad right-of-way. (Ord. 890 section 3, 1993; Ord. 740 section 10.1.20(B)[part], 1984)

16.04.035 Acceptable site.

For purposes of siting wireless telecommunications systems facilities, any land planned and zoned Highway commercial or Commercial-Manufacturing. (Ord. 981 section 17, 1997)

16.04.036 Access.

Access means a way or means of approach to provide pedestrian, bicycle, or motor vehicle entrance or exit to a property. (Ord. 1043 section 3, 2000).

16.04.037 Access classification.

Access classification means a ranking system for roadways used to determine the appropriate degree of access management. Factors considered include functional classification, the appropriate local government's adopted plan for the roadway, subdivision of abutting properties, and existing level of access control. (Ord. 1043 section 3, 2000)

16.04.038 Access connection.

Access connection means any driveway, street, turnout or other means of providing for the movement of vehicles to or from the public roadway system. (Ord. 1043 section 3, 2000)

16.04.039 Access management.

Access management means the process of providing and managing access to land development while preserving the regional flow of traffic in terms of safety, capacity, and speed. (Ord. 1043 section 3, 2000)

16.04.040 Accessory structure or use.

Accessory structure or use means a detached structure or use not intended for human habitation, incidental and subordinate to the main use of the property and which is located on the same lot with the main use such as, but not limited to, garage, carport, tool shed, private greenhouse or utility building. (Ord. 740 section 10.1.20(B)[part], 1984)

16.04.045 Accessway.

Accessway means a walkway that provides pedestrian and bicycle passage either between streets or from a street to a building or other destination such as a school, park, or transit stop. Accessways generally include a walkway and additional land on either side of the walkway, often in the form of an easement or right-of-way, to provide clearance and separation between the walkway and adjacent uses. Accessways through parking lots are generally physically separated from adjacent vehicle parking or parallel vehicle traffic by curbs or similar devices and include landscaping, trees, and lighting. Where accessways cross driveways, they are generally raised, paved, or marked in a manner that provides convenient access for pedestrians. (Ord. 1043 section 3, 2000)

16.04.050 Agriculture.

Agriculture means the tilling of the soil, the raising of crops, silviculture and horticulture. (Ord. 740 section 10.1.20(B)[part], 1984)

16.04.060 Alley.

Alley means a narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting another street. (Ord. 740 section 10.1.20(B)[part], 1984)

16.04.061 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. (Ord. 981 section 17, 1997)

16.04.063 Application.

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. (Ord. 981 section 1, 1997)

16.04.064 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. (Ord. 981 section 17, 1997)

16.04.065 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. (Ord. 981 section 17, 1997)

16.04.066 Bed and Breakfast.

Bed and Breakfast means any single-family residential dwelling having rooms for rent to travelers or transients for a charge or fee paid, for rental or use for a period of less than thirty (30) days. Additionally, such establishment serving only one meal per day prior to the noon hour. (Ord. 890 section 4, 1993; renumbered due to Ord. 981 amendments)

16.04.068 Bicycle facilities.

Bicycle facilities is a general term denoting improvements and provisions made to accommodate or encourage bicycling, including parking facilities and all bikeways. (Ord. 1043 section 3, 2000)

16.04.070 Billboard.

Billboard means a sign which has a surface space upon which advertising may be posted, painted, or affixed, and which is generally, although not necessarily, designed for the rental or lease of such sign space for advertising not relating to the use of the property upon which the sign exists. (Ord. 740 section 10.1.20 (B)[part], 1984)

16.04.080 Boarding, lodging or rooming house.

Boardinghouse, lodging house or rooming-house means a building where lodging with or without meals is provided for compensation for at least four, but not more than ten guests. Board and care, foster care and similar accommodations are considered boardinghouses for the purposes of this title. (Ord. 740 section 10.1.20(B)[part], 1984)

16.04.090 Building.

Building means a structure built for the shelter or enclosure of persons, animals, chattels or property of any kind. (Ord. 740 section 10.1.20(B)[part], 1984)

16.04.100 Building line.

Building line means a line on a plat indicating the limit beyond which buildings or structures may not be erected. (Ord. 740 section 10.1.20 (B)[part], 1984)

16.04.105 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. (Ord. 981 section 17, 1997)

16.04.110 Central business district (CBD).

Central business district (CBD) means the downtown area of Canby, defined generally by zoning or designation on the Land Use Map of the Comprehensive Plan for downtown commercial development. (Ord. 740 section 10.1.20 (B)[part], 1984)

16.04.120 City.

City means the City of Canby, Oregon. (Ord. 740 section 10.1.20(B)[part], 1984)

16.04.125 City Planner.

City Planner means the person appointed by the city administrator as supervisor of the day-to-day operations of Canby's city planning functions, or another staff person he or she designates for a particular function. Also referred to as "Planning Director." (Ord. 890 section 5, 1993; Ord. 1080, 2001)

16.04.127 Collocation.

Two or more WTS providers utilizing a structure or site specifically designed and/or approved for such multiple use, and including equipment shelters. (Ord. 981 section 17, 1997)

16.04.128 Commercial Recreation Uses.

Commercial recreation uses means uses intended to provide for gymnastics, tennis, racquetball and other sport-related centers that require oversized indoor space and facilities. (Ord. 960, section 1, 12/18/96)

16.04.130 Commission.

Commission means the Planning Commission of the city. (Ord. 740 section 10.1.20(B)[part], 1984)

16.04.135 Conditionally suitable site.

For purposes of siting wireless telecommunications systems facilities, any land planned and zoned Residential/ Commercial, Convenience Commercial, or Downtown Commercial. (Ord. 981 section 17, 1997)

16.04.137 Corner clearance.

Corner clearance means the distance from an intersection of a public or private road to the nearest access connection, measured from the closest edge of the pavement of the intersecting road to the closest edge of the pavement of the connection along the traveled way. (Ord. 1043 section 3, 2000)

16.04.140 Council.

Council means the City Council of Canby, Oregon. (Ord. 740 section 10.1.20(B)[part], 1984)

16.04.145 Cross access.

Cross access means a service drive providing vehicular access between two or more contiguous sites so the driver need not enter the public street system. (Ord. 1043 section 3, 2000)

16.04.150 Curb line.

Curb line means a line along the edge of the curb nearest the street lot line, not necessarily the right-of-way line. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.155 Day care facility.

Day care facility means any facility that provides day care to children, including a day nursery, nursery school group, home of a family day care provider, or similar unit operating under any name, but not including any:

- A. Facility providing care that is primarily educational, unless provided to a preschool child for more than four hours a day.
- B. Facility providing care that is primarily supervised training in a specific subject, including but not limited to dancing, drama, music or religion.
- C. Facility providing care that is primarily an incident of group athletic or social activities sponsored by or under the supervision of an organized club or hobby group.
- D. Facility operated by a school district, political subdivision of this state, or a governmental agency.
- E. Residential facility licensed under ORS 443.400 to 443.455.
- F. Babysitters. (Ord. 890 section 6, 1993)

16.04.158 Detached WTS facility.

A pole, tower or other structure designed and intended to support WTS facility antennas. (Ord. 981 section 17, 1997)

16.04.160 Development plan.

Development plan means any plan adopted by the Planning Commission for the guidance of growth and improvement of the city, including modifications or refinements which may be made from time to time. (Ord. 740 section 10.1.20(B)[part], 1984)

16.04.170 Dwelling, duplex-dwelling, two-family.

Duplex dwelling or two-family dwelling means a building containing two dwelling units. (Ord. 740 section 10.1.20(B)[part], 1984)

16.04.180 Dwelling, multi-family.

Multi-family dwelling means a building containing three or more dwelling units. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.190 Dwelling, single-family.

Single-family dwelling means a detached building containing one dwelling unit. Attached or common wall single-family dwellings may also exist provided that each is situated on a separate lot and provided that each such unit shall not contain a common wall with more than one other dwelling unit. Mobile homes shall not be considered to be single-family dwellings for the purposes of this chapter unless found to meet all city building, mechanical, electrical and other construction codes applicable to conventional units built on the site. (Ord. 740 section 10.1.20 (B)([part], 1984)

16.04.200 Dwelling unit.

Dwelling unit means one or more rooms designed for occupancy by one family and not having more than one cooking facility. (Ord. 740 section 10.1.20(B)[part], 1984)

16.04.210 Easement.

Easement means a grant of the right to use an area of land for specific purposes. (Ord. 740 section 10.1 20(B)[part], 1984)

16.04.215 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. (Ord. 981 section 17, 1997)

16.04.218 Façade.

Façade means an exterior face of a building. (Ord 1275, 2008)

16.04.220 Family.

Family means an individual or two or more individuals related by blood, marriage, adoption, or legal guardianship living together in a dwelling unit in which meals or lodging may also be provided for not more than two additional individuals excluding servants; or a group of not more than five individuals, excluding servants, who need not be related by blood, marriage, adoption or legal guardianship living together in a dwelling unit. Five or fewer handicapped persons, along with those individuals charged with caring for such persons and sharing a

common dwelling unit, shall be considered to be a family for purposes of this title. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.222 Floor area ratio.

Floor area ratio means a method of calculating structural massing on a lot. Floor Area Ratio is expressed as a ratio of x divided by y, where x is equal to the sum of the gross floor area of all stories above grade plane, as measured to the outside surface of exterior walls, and y is equal to the lot area net of any publicly dedicated right-of-way or land. Detached accessory structures and detached or attached parking structures above grade plane are not included in the gross floor area calculation. (Ord 1275, 2008)

16.04.223 Frontage road.

Frontage road means a public or private drive which generally parallels a public street between the right-of-way and the front building setback line. The frontage road provides access to private properties while separating them from the arterial street (see also service roads). (Ord. 1043 section 3, 2000)

16.04.225 FCC.

The Federal Communications Commission; the federal agency that regulates interstate and international communications by radio, television, wire, satellite and cable. (Ord. 981 section 17, 1997)

16.04.228 Grade plane.

Grade plane means the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet from the building, between the building and a point 6 feet from the building. (Ord 1275, 2008)

16.04.230 Height of building.

Height of building means the vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.240 Home occupation.

Home occupation means a lawful activity commonly carried on within a dwelling by members of the family occupying the dwelling with not more than one non-resident employee being engaged, provided that:

- A. The residential character of the building is maintained;
- B. The activity occupies less than one-quarter of the ground floor area of the building;
- C. The activity is conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term nor infringe upon the rights of neighboring residents to enjoy the peaceful occupancy of

their homes. Business visitors to the premises shall not exceed eight (8) per day and delivery trucks shall not exceed one (1) per day;

D. The occupation shall not be carried on in an accessory building of the residence where the building is larger than six hundred (600) square feet;

E. No signs are permitted, except for a single unilluminated nameplate not to exceed two (2) square feet in area;

F. All home occupations require a city business license. (Ord. 890 section 7, 1993; Ord. 830 section 1, 1989; Ord. 740 section 10.1.20(B) [part], 1984)

16.04.250 Hotel.

Hotel means a building in which lodging is provided for more than ten guests for compensation and in which no provision is made for cooking in the rooms. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.255 Infill homes.

Infill homes mean existing and new single family dwellings, manufactured homes, two-family dwellings, duplexes and triplexes on lots that have existing homes on two adjacent sides. Each adjacent home must be within 25 feet of the common lot line with the infill homes and have pre-existed for at least 5 years (dated from the existing homes final building permit approval). (Ord. 1107, 2002; Ord 1237, 2007)

16.04.260 Intersection.

Intersection means the place where two streets meet or cross. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.265 Joint access (or shared access).

Joint access (or shared access) means a driveway connecting two or more contiguous sites to the public street system. (Ord. 1043 section 3, 2000)

16.04.270 Kennel.

Kennel means a place where four or more dogs more than four months of age are kept on one lot or contiguous lots under one ownership. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.275 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. (Ord. 981 section 17, 1997)

16.04.280 Loading space.

Loading space means an off-street space for the temporary parking of a commercial vehicle or truck while loading or unloading merchandise or materials and which space has access to a street. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.290 Lot.

Lot means a single parcel or tract of land for which a legal description has been filed in the office of the county recorder or the boundaries of which are shown on a recorded subdivision plat. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.300 Lot area.

Lot area means the total horizontal area within the boundary lines of a lot, excluding the access strip servicing a flag lot. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.310 Lot, corner.

Corner lot means a lot abutting two intersecting streets other than an alley, provided that the streets do not intersect at an angle greater than one hundred thirty-five degrees. (Ord. 740 section 10.1.20 (B) [part], 1984)

16.04.315 Lot depth.

Lot depth means the average distance from the front lot line to the rear lot line. (Ord. 1043 section 3, 2000)

16.04.318 Lot, flag.

A flag lot is a lot that does not meet minimum frontage requirements and where access to the public road is by a narrow, private right-of-way. (Ord. 1043 section 3, 2000)

16.04.320 Lot front.

Lot front means the street lot line on a corner lot which the principal use or structure is facing. If no such use or structure exists, it means the street side having the shorter length. If the sides are of approximately equal length, the City Planner may designate the lot front. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.321 Lot frontage.

Lot frontage means that portion of a lot extending along a street right-of-way line. (Ord. 1043 section 3, 2000)

16.04.330 Lot, interior.

Interior lot means a lot other than a corner lot. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.340 Lot line.

Lot line means the property line bounding a lot. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.350 Lot line, interior.

Lot line, interior means all lot lines which separate one parcel from another, other than street lot lines. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.360 Lot line, street.

Street lot line means a lot line that separates the lot from a street other than an alley. The street lot line is not generally the same as the curb line. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.370 Lot, through.

Through lot means a lot having frontage on two parallel or approximately parallel streets other than alleys. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.380 Lot width.

Lot width means the average width of a lot when measured at the front and rear setback lines for a principal use. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.385 Lowest floor.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this title found in Chapter 16.40 (Hazard Overlay Zone). (Ord. 804 section 2(A), 1987)

16.04.387 Manufactured home - manufactured housing unit.

Manufactured home and manufactured housing unit mean a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes only, the term manufactured home also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes and for Chapter 16.16, the term manufactured home does not include park trailers, travel trailers and other similar vehicles. For purposes of Chapter 16.16, a manufactured home shall be certified to meet the 1976 HUD Standards, as amended. (Ord. 859 section 1, 1991; Ord. 804 section 2(B), 1987)

16.04.390 Mobile home.

Mobile home means a movable structure which is certified to have been designed and constructed in compliance with the 1976 construction standards of the Federal Department of Housing and Urban Development and as may be amended. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.400 Mobile home park.

Mobile home park means a tax lot or lots where two or more mobile homes are used for human occupancy and where the space is available for rent or lease. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.410 Mobile home subdivision.

Mobile home subdivision means a subdivision of property where individual lots are available for the placement of mobile homes. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.420 Modular home.

Modular home means a residential structure constructed of one or more prefabricated parts which meet all city building, plumbing, mechanical, electrical and other construction codes applicable to conventional units which might be built on the site. (Ord. 740 section 10.1.20 (B) [part], 1984)

16.04.425 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. (Ord. 981 section 17, 1997)

16.04.430 Motel.

Motel means a building or group of buildings on the same lot containing guest units with separate and individual entrances and consisting of individual sleeping quarters, detached or in connected rows, with or without cooking facilities, for rental. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.435 Neighborhood activity center.

Neighborhood activity center means an attractor or destination for residents of surrounding residential areas. Includes, but is not limited to, existing or planned schools, parks, shopping areas, transit stops, and employment areas. (Ord. 1043 section 3, 2000)

16.04.438 Nonconforming access features.

Nonconforming access features means features of the property access that existed prior to the date of ordinance adoption and do not conform with the requirements of this ordinance. (Ord. 1043 section 3, 2000)

16.04.440 Nonconforming structure, lot or use.

Nonconforming structure, lot or use means a structure, lot or use which lawfully existed prior to the adoption of zoning requirements for the zone in which it is located and with which it does not comply. (Ord. 740 section 10.1.20(B)[part], 1984)

16.04.450 Parent parcel.

Parent parcel means a lot or parcel of land from which other parcels or lots are divided. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.460 Parking space.

Parking space means a rectangle in the dimensions as set forth in Division III of this title together with maneuvering and access space required for a conventional automobile to park within the rectangle. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.470 Partition.

Partition means to divide an area or tract of land into two or three parcels within the calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. Partitioned land does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size.

A. Major partition means a partition which includes the creation of a road or street.

B. Minor partition means a partition that does not include the creation of a road or street. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.480 Pedestrian way.

Pedestrian way means a right-of-way for pedestrian traffic. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.490 Person.

Person means an individual, firm, partnership, corporation, company, association, syndicate, or any legal entity, and including any trustee, receiver, assignee, or other similar representative thereof. (Ord. 740 section 10.1.20 (B) [part], 1984)

16.04.500 Planning Commission.

Planning Commission means the Planning Commission of the City of Canby, Oregon. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.510 Plat.

Plat means the map or drawing on which the subdivider's plan of subdivision is presented and which he submits for approval and intends in final form to record. Plat includes preliminary, tentative and final plats. (Ord. 740 section 10.1.20(B)[part], 1984)

16.04.512 Porches, covered.

Covered porches must not be enclosed by walls that are more than 42 inches in height, for 50 percent or more of their perimeter. (Ord. 1107, 2002)

16.04.514 Preapplication conference.

Preapplication conference means a meeting of the representatives of the city departments and other affected agencies, as determined by the City, to review and provide initial input on land use applications or other proposals. (Ord. 1237, 2007)

16.04.515 Preferred site.

For purposes of siting wireless telecommunications systems facilities, any land planned and zoned Light Industrial or Heavy Industrial. (Ord. 981 section 17, 1997)

16.04.516 Public facility, major.

A major public facility is any public service improvement or structure, other than transportation projects, developed by or for a public agency that is not defined as a minor public facility. Transportation projects are covered by Section 16.08.130. (Ord. 1237, 2007)

16.04.517 Public facility, minor.

A minor public facility includes the following public service improvements or structures developed by or for a public agency:

- a. Minor utility structures, except substations, but including poles, lines, pipes, telecommunications facilities or other such facilities.
- b. Sewer, storm drainage, or water system structures except treatment plants or reservoirs, but including pump stations, manholes, valves, hydrants or other portions of the collection, treatment and distribution systems located within public property or public easements.
- c. Street improvements within existing developments including sidewalks, curbs, gutters, catch basins, paving, signs and traffic control devices and street lights.

- d. Transit improvements, such as shelters or pedestrian and bicycle safety improvements, located within public right of way or public easements or on public property.
- e. School improvements which will not increase the capacity of the school nor create significant additional traffic or other impacts on the surrounding neighborhood.
- f. Park improvements which will not create significant additional motor or foot traffic impact on the surrounding neighborhood. (Ord. 1237, 2007)

16.04.519 Reasonably direct.

A reasonably direct route does not deviate unnecessarily from a straight line or is a route that does not involve a significant amount of out-of-direction travel for likely users. (Ord. 1043 section 3, 2000; Ord. 1237, 2007)

16.04.520 Recommendation.

Recommendation includes any staff report or report from the Planning Commission to the City Council. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.530 Right-of-way.

Right-of-way means the area between the boundary lines of a street or other easement. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.540 Roadway.

Roadway means the portion or portions of a street right-of-way developed for vehicular traffic. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.545 Safe and convenient bicycle and pedestrian routes.

Safe and convenient bicycle and pedestrian routes:

A. Are reasonably free from hazards; and

B. Provide a reasonably direct route of travel between destinations, considering that the optimum travel distance is one-half mile for pedestrians and three miles for bicyclists. (Ord. 1043 section 3, 2000)

16.04.550 Setback.

Setback means a distance which a structure is required to be set back from a lot line. Where specified in this title, some setbacks are measured from curbs or projected curb lines rather than lot lines. Railing for decks less than 30 inches above grade are exempt from setback standards. (Ord. 830 section 2, 1989; Ord. 740 section 10.1.20(B) [part], 1984; Ord. 955 section 1, 1996)

16.04.560 Sidewalk.

Sidewalk means a pedestrian walkway with permanent surfacing to city standards. (Ord. 740 section 10.1.20(B)[part], 1984)

~~16.04.561 Sign, Freestanding.~~

~~Freestanding sign means a sign wholly supported by a sign structure in the ground. Freestanding signs include monument signs and pole signs. (Ord. 1237, 2007)~~

~~16.04.562 Sign, Monument.~~

~~Monument sign means any sign affixed to a base which has a width that is equal to or greater than 1/3 of the width of the sign face. (Ord. 1237, 2007)~~

~~16.04.563 Sign, Pole.~~

~~Pole sign means any sign affixed to a base which has a width that is less than 1/3 of the width of the sign face. (Ord. 1237, 2007)~~

16.04.565 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 percent 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. (Ord. 981 section 17, 1997)

16.04.567 Story above grade plane.

Story above grade plane means any story having its finished floor surface entirely above grade plane, except that a basement shall be considered as a story above grade plane where the finished surface of the floor above the basement is either (1) more than 6 feet above grade plane, or (2) more than 12 feet above the finished ground level at any point. (Ord 1275, 2008)

16.04.570 Street.

Street means the entire width between the right-of-way line of every way which provides for public use for the purpose of vehicular and pedestrian traffic, and the placement of utilities and including the terms road, highway, lane, place, avenue, alley, or other similar designations.

A. Alley means a narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.

B. Arterial means a street of considerable continuity which is primarily a traffic artery for intercommunication between large areas.

C. Collector means a street supplementary to the arterial street system and a means of intercommunication between this system and smaller areas used to some extent for through traffic and to some extent for access to abutting properties.

D. Neighborhood connector means a street supplementary to the collector street system providing local access to adjacent properties as well as movement into or out of a neighborhood or between neighborhoods.

E. Cul-de-sac (dead-end street) means a short street having one end open to traffic and being terminated by a vehicle turnaround.

F. Half-street means a portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision.

G. Marginal access or frontage street means a minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.

H. Minor street means a street intended exclusively for access to abutting properties. (Ord. 740 section 10.1.20(B) [part], 1984; Ord. 1043 section 3, 2000)

16.04.580 Structural alteration.

Structural alteration means any change in the supporting members of a structure, including the supporting parts of foundations, bearing walls or partitions, columns, beams, girders, or the roof. (Ord. 740 section 10.1.20(B)[part], 1984)

16.04.590 Structure.

Structure means that which is built or constructed. Structure means an edifice or building of any kind or any piece of work artificially built up or composed of parts joined in some manner and which requires a location on the ground. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.595 Stub-out (or stub street).

Stub-out (or stub street) means a portion of a street or cross access drive used as an extension to an abutting property that may be developed in the future. (Ord. 1043 section 3, 2000)

16.04.600 Subdivide land.

Subdivide land means to divide a parcel of land into four or more lots in a given calendar year for the purpose of transfer of ownership or building development, whether immediate or future, when such parcel exists as a unit or contiguous units under a single ownership. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.610 Subdivision.

Subdivision means either an act of subdividing land or tract of land subdivided as defined in this chapter. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.615 Traffic Impact Analysis.

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. (Ord. 1019 section 22, 1999)

16.04.620 Trailer coach.

Trailer coach means a trailer or motor home not certified as meeting the HUD 1976 standards or as may be amended for design and construction of a mobile home. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.630 Trailer park.

Trailer park means a tax lot or lots where space is rented or leased for the location of two or more trailer coaches, or some combination of mobile homes and trailer coaches for human habitation. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.635 Trip generation study.

Trip Generation Study means 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 Transportation Engineers 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. (Ord. 1019 section 23, 1999)

16.04.640 Urban Growth Boundary (UGB)

Urban Growth Boundary (UGB) means the area specifically delineated in the city's comprehensive plan as being already urbanized or available for urban development. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.650 Urbanizable.

Urbanizable is the term applied to property which is within the city's Urban Growth Boundary and which is planned for eventual urban development. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.660 Use.

Use means the purpose for which land or a structure is designed, arranged, or for which it is occupied or maintained. (Ord. 740 section 10.1.20 (B) [part], 1984)

16.04.666 Vicinity.

Vicinity means nearby; within the same neighborhood. It should be noted that in applying the criteria of this chapter, the term vicinity will be applied to a larger area when warranted by a large project or a project which is expected to have an impact on a large area. (Ord. 805 section 1, 1987)

16.04.670 Vision clearance area.

Vision clearance area means the triangle area at the intersection of two streets, a driveway and a street, or a street and a railroad, two sides of which are measured from the corner intersection of the existing or proposed curb lines to a distance specified in this title. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the curb lines at intersections have rounded corners, the curb lines will be extended in a straight line to their points of intersection. No plantings, structures, or temporary or permanent obstructions shall be located within a vision clearance area, extending from two and one-half to ten feet above the curb or street elevation. Except, however, that one tree trunk not greater than eighteen inches in diameter shall be permitted within a vision clearance area. (Ord. 830 section 3, 1989; Ord. 740 section 10.1.20(B) [part], 1984)

16.04.672 Walkway.

Walkway means a hard-surfaced area intended and suitable for pedestrians, including sidewalks and the surfaced portions of accessways. (Ord. 1043 section 3, 2000)

16.04.672 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. (Ord. 981 section 17, 1997)

16.04.676 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. (Ord. 981 section 17, 1997)

16.04.680 Yard.

Yard means an open space on a lot which is unobstructed from a point two and one-half feet above the general ground level of the graded lot upward, except as otherwise provided in this title. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.690 Yard, interior.

Interior yard means a yard lying between the nearest point of a building and the street and measured horizontally to the interior lot line. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.700 Yard, rear.

Rear yard means a yard lying to the rear of the principal building on the lot and generally opposite the lot front. (Ord. 740 section 10.1.20 (B) [part], 1984)

16.04.710 Yard, street.

Street yard means a yard lying between the nearest point of a building and the street and measured horizontally to the street lot line. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.715 Zero-lot line development.

Zero-lot line development means detached dwellings required to have a side yard setback on only one side. (Ord. 1111 section 4, 2003)

CMC CHAPTER 16.35: EXPLANATION OF PROPOSED CODE CHANGES

16.35.050 – Development standards. This code amendment deletes the industrial overlay zone sign standards from Chapter 16.35, because they have been moved into Chapter 16.42 so that they can be found with the rest of the sign standards. The sign standards remain unchanged for the most part; however, the amount of signage allowed has been altered to conform with the new method of determining how large and how many signs are allowed.

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 [part], 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 Plans 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 [part], 2000)

16.35.25 Pre-application review and conditions of approval

A. A pre-application 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 Oregon 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. (Ord. 1057 section 2 [part], 2000; Ord 1237, 2007)

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; Ord. 1057 section 2 [part], 2000)

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 occupancy classification under the Oregon Structural Specialty 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 [part], 2000; Ord. 1237, 2007).

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 [part], 2000)

16.35.050 Development standards.

The following subsections indicate the required development standards of the I-O zone. These standards replace the standards of the C-M zone, M-1 zone, and M-2 zone, as follows:

A. Minimum lot area: none.

B. Minimum lot width and frontage: none.

C. Minimum yard requirements (measured from building foundation to right-of-way line):

1. Street yards(s): 20 feet for buildings up to 25 feet in height; 35 feet for buildings between 25 feet and 45 feet in height. Parking and internal drives (except curb cuts and entrance drives) are prohibited within the required 20 foot street yard.

2. Interior yard: 10 feet, except 20 feet where abutting a residential zone. Common-wall lot lines (attached buildings), and development which provide shared parking and circulation with abutting developments, are exempt from interior yard standards.

D. Maximum building height: 45 feet.

E. Maximum lot coverage: 60 percent in the C-M zone; none in the M-1 and M-2 zones.

F. Street access (curb cuts) spacing shall be a minimum of 200 feet on designated parkway and collector streets.

G. Street right-of-way improvements shall be made in accordance with the circulation plan, and streetscape/street section standards of the Industrial Area Master Plan.

H. Signs: ~~The following types of signs are prohibited: billboards, pole signs, can signs, painted wall signs [note: definitions should be added to Chapter 16.04 consistent with the Planning Commission's intent]. In addition to the provisions of Chapter 16.42~~ Signs, the following standards apply within the I-O zone:

~~1. Monument signs within the M-1 zone and M-2 zone may not exceed 32 square feet per sign face, or 64 square feet total. Monument signs in the M-1 zone and M-2 zone may not exceed 6 feet in height.~~

~~2. Monument signs within the C-M zone may not exceed 150 square feet per sign face, or 300 square feet total. One monument sign is allowed for developments up to 10 acres in size. Developments over 20 acres in size may be permitted a maximum of 2 monument signs. Only 1 monument sign per street frontage is allowed. Monument signs in the C-M zone shall have an enclosed base and may not exceed 30 feet in height.~~

~~3. Wall signs shall be permitted in conformance with Chapter 16.42.~~

~~4. Monument and wall signs in the M-1 and M-2 zones shall provide street address(es) when street address(es) are not visible from the street.~~

H. Building orientation standards. The following standards are intended to ensure direct, clear, and convenient pedestrian access:

1. Development in the M-1 zone and M-2 zone shall provide at least one public entrance facing the street. A direct pedestrian connection shall be provided between the primary building entrance and public sidewalk.
2. Developments within the C-M zone shall provide continuous, straight-line pedestrian connections between the street(s), buildings, and parking areas.

J. Right-of-way plantings: Street trees and ground cover plantings shall be installed with development, as approved by the City. Shrubs are prohibited within the public right-of-way.

K. Metal building exteriors are prohibited, except that the Planning Commission may approve architectural metal elements that accent and enhance the aesthetics of building entrances and office areas.

L. Lighting shall be required for all streets, sidewalks, and pedestrian ways. Applications for land division approval and site plan review shall include photometric plans.

M. Shared access: The City may require the provision of shared access drives through the land division review process. Shared access drives are intended to maintain adequate driveway spacing and circulation along the designated Parkway and Collector streets.

N. All landscaped areas shall be irrigated.

O. Other regulations: The C-M zone, M-1 zone, and M-2 zone provide other applicable regulations related to vision clearance, Highway 99E sidewalk width, setback measurement, outside storage, and wireless/cellular tower certification. (Ord. 1008 section 1[part], 1998; Ord. 1237, 2007)

16.35.060 Design guidelines.

The Industrial Area Master Plan provides design guidelines for reviewing development applications. The guidelines, which are incorporated into Table 16.35.000, encourage:

- A.** Flexibility to align local streets based on parcelization and development requirements;
- B.** Tree retention, planting of large (3-inch) caliper trees, and use of lawn/ground cover planting in front yard setbacks;
- C.** Placement of buildings at or near the setback line;
- D.** Placement of parking areas to the side or rear of buildings;

- E.** Placement of smaller commercial buildings at or near the street;
- F.** Building entries visible from the street with direct pedestrian connections;
- G.** Use of quality building materials;
- H.** Architectural detail to break up and articulate large surfaces and volumes, and to accentuate building entries; and
- I.** Open space retention and trail connections, as designated by the Master Plan. (Ord. 1008, section 1[part], 1998)

16.35.070 I-O Design review matrix.

The City uses the following matrix to evaluate compliance with the I-O design guidelines. The matrix substitutes for the general design review matrix provided in Chapter 16.49. Design review applications must comply with all other applicable provisions of Chapter 16.49, and achieve scores equal to or greater than the minimum acceptable scores in the matrix. (See Master Plan for illustrations.)

- A.** Exception: The City may reduce the minimum acceptable score(s) upon finding that certain provisions do not apply to a proposed development.

TABLE 16.35.040

CRITERIA	POSSIBLE SCORES		
<u>Parking</u>			
Parking areas located to the side or rear of buildings as viewed from public right-of-way: <50% or parking spaces = 0; 50%-75% = 1; 100% = 2	0	1	2
Increase minimum interior parking lot landscape over the base 15%: 15%-18% = 0; 18%-22% = 1; >22% = 2	0	1	2
Increase the number of trees planted within buffers and/or within the parking area: 100%-105% of base requirement* = 0; 105%-110% of base requirement = 1; >110% = 2. *The base requirement is determined based on total parking area/number of spaces, and parking setback perimeter, see Chapter 16.49.120.	0	1	2
Number of parking spaces (% of required minimum): >110% = 0; 110%-105% = 1; 105-100% = 2	0	1	2
Minimum Acceptable Score	4 Points		
<u>Transportation/Circulation</u>			
Proposed local street alignments: street not proposed = 0; street(s) proposed with some modifications to master plan = 1; proposed street(s) approximate recommended alignments = 2. Note: the planned parkway and collector streets are required elements, except as indicated by the Industrial Area Master Plan.	0	1	2

Design of all pedestrian ways (private, on-site pathways): six feet wide, raised concrete with painted crosswalks ("standard") = 0; standard with brick or similar pavers for pathways and crosswalks = 1; greater than 6 feet wide (inclusive of curb) and use of brick or similar pavers for pathways and crosswalks = 2.	0	1	2
Number of pedestrian connections between the street sidewalk and internal circulation system: one connection = 0; two connections = 1	0	1	
Minimum Acceptable Score (some provisions may not apply) 3 Points			

<u>Tree Retention, Open Space conservation and Trail Connections</u>			
Preserves trees as recommended by arborist or City Planning Department: <50% of recommended trees preserved = 0; 50%-75% = 1; 75%-100% = 2	0	1	2
Replaces trees that were recommended for retention: No = 0; Yes = 1. Mitigation based on reasonable tree replacement	0	1	
When site includes designated open space, park or trail connection; proposal does not dedicate or establish easement for designated open space/park or trail connection = 0; dedicated or establishes easement = 1; dedicated land/right-of-way and constructs improvements = 2	0	1	2
Minimum Acceptable Score (some provisions may not apply) 3 Points			

<u>Landscaping</u>			
Trees installed at 3 inch caliper: <25% of trees = 0; 25%-50% = 1; 50%-100% = 2.	0	1	2
Usable outdoor amenity provided with development (e.g., water features, plazas, seating areas and similar features): No = 0; Y = 1; Yes and public access provided (i.e., through an easement) = 2	0	1	2
Amount of grass or other planting used for ground cover treatment: <75% = 0; 75%-90% = 1; 90%-100% = 2	0	1	2
Minimum Acceptable Score 3 Points			
<u>Building Appearance and Orientation</u>			
Building orientation at or near street; parking or drive separates building from street = 0; at least 20% of elevation within 5 feet of minimum setback = 1; at least 20% of elevation is at a minimum setback = 2	0	1	2
Building entrances visible from the street: No = 0; Yes = 1	0	1	
Buildings use quality materials: concrete, wood, or wood siding = 0; concrete masonry, stucco, or similar material = 1; brick or similar appearance = 2	0	1	2
Articulation and/or detailing to break up large building surfaces and accentuate the building entrance(s): No = 0; Yes = 2	0		2
Minimum Acceptable Score 4 Points			

CMC CHAPTER 16.42: EXPLANATION OF PROPOSED CODE CHANGES

16.42.010 – Purpose. This code amendment changes the purpose statement for Chapter 16.42.

16.42.015 – Definitions and interpretation. This amendment revises existing definitions and adds new definitions to the code.

16.42.020 – Administration and permit requirements. This amendment combines and amends the two sections that were previously titled “Construction, maintenance and permit requirements” and “Administration and enforcement”.

16.42.023 – Administration and enforcement. This amendment deletes this entire section, because it has been amended and combined into section 16.42.020.

16.42.025 – General sign standards. This amendment deletes the section on nonconforming signs, because the nonconforming sign provisions have been moved into Chapter 16.52 so that they can be found with the provisions for other nonconforming structures and uses. This amendment also locates the amended provisions for prohibited signs, exempt signs, and for temporary signs all under one section.

16.42.028 – Exempted signs. This amendment deletes this section, because the provisions for exempted signs have been amended and moved into section 16.42.025.

16.42.029 – Prohibited signs. This amendment deletes this section, because the provisions for prohibited signs have been amended and moved into section 16.42.025.

16.42.030- Community event sign plan. This amendment deletes the section titled “Setbacks”, because provisions for sign setbacks have been moved unchanged into section 16.42.040. This amendment also provides for new standards to address temporary banners, seasonal holiday decorations, and permanent geographic identification banners or signage over a street or private road, or attached to utility or streetlight poles.

16.42.040 – Design standards for signs – This amendment creates a new section under which the amended design standards for signs are located.

16.42.050 – Size, type, and location of signs permitted by zoning district and use. This amendment creates a new section under which the amended provisions for size, type, and location of signs in each zoning district, and for different types of uses, are located.

16.42.060 – Automobile service station sign standards. This amendment creates a new section under which the new provisions specifically applicable service station properties are located.

16.42.070 – Measurements. This amendment creates a new section under which the new provisions for how signs are measured are located.

16.42.100 – Area of signs permitted by zoning district. This amendment deletes this section, because the sign area allowances have been amended and moved into section 16.42.050.

16.42.105 – Signs in public rights-of-way (including daily display signs). This amendment deletes this section, because the provisions for signs in public rights-of-way have been amended and moved into sections 16.42.025, 16.42.030, and 16.42.040 as applicable.

16.42.108 – Daily display signs in the Downtown District (C-1), Highway Commercial District (C-2), and Heavy Commercial/Manufacturing District (CM). This amendment deletes this section, because the provisions for daily display signs have been amended and moved into sections 16.42.025 and 16.42.040.

16.42.120 – Minor modification of sign standards. This amendment deletes this section, because the provisions for minor modification of sign standards have been amended and moved to Chapter 16.53 so that they can be found with the city's other minor variance provisions.

Chapter 16.42

SIGNS

Sections:

- 16.42.010 Purpose.
- 16.42.015 Definitions and interpretation.
- 16.42.020 ~~Construction, maintenance~~ Administration and permit requirements.
- ~~16.42.023 Administration and enforcement.~~
- ~~16.42.025 Nonconforming signs.~~ General sign standards.
- ~~16.42.028 Signs exempted or prohibited.~~
- ~~16.42.030 Setbacks.~~ Community event sign plan.
- 16.42.040 Design standards for signs.
- 16.42.050 Size, type, and location of signs permitted by zoning district and use.
- 16.42.060 Automobile service station sign standards.
- 16.42.070 Measurements.
- ~~16.42.100 Area of signs permitted by zoning district.~~
- ~~16.42.105 Signs in public rights-of-way~~
- ~~16.42.108 Daily display signs in the Downtown District (C-1), Highway Commercial District (C-2), and Heavy Commercial/Manufacturing District (CM)~~
- ~~16.42.120 Minor modification of sign standards.~~
- ~~16.42.130 Sunset clause.~~
- 16.42.140 Severability.

16.42.010 Purpose.

A. The purpose of this chapter is to: ~~help maintain the appearance of the city by encouraging well-designed and wisely located signs which are consistent with the intent and objectives of the Comprehensive Plan.~~

1. Protect the health, safety, property and welfare of the public;
2. Provide a neat, clean, orderly and attractive appearance in the community;
3. Encourage well-designed and wisely located signs;
4. Provide for safe construction, location, erection and maintenance of signs;
5. Prevent proliferation of signs and sign clutter, minimize adverse visual safety factors to travelers in the public right-of-way;
6. Facilitate economic development and enhance the city's ability to retain and

attract businesses and customers;

7. Contribute to a simple and efficient regulatory process; and

8. Achieve these purposes consistent with state and federal constitutional limits on the regulation of speech.

~~B. These regulations are intended to control the size, location, number and type of signs in such a manner as to minimize any adverse effects on the public health, safety, general welfare or overall aesthetic appearance of the city.~~To achieve this purpose, it is necessary to regulate the design, quality of materials, construction, location, electrification, illumination, and maintenance of signs that are visible to the public.

C. Nothing in these regulations is intended to control the construction or location of directional or informational signs installed by the city, county or state for the purpose of controlling traffic, indicating street names, providing legal or public notice, or other public purposes.

~~D. The purpose of this chapter is also to encourage and facilitate economic development by allowing a wide range of message media to advertise, announce, identify, communicate and enhance the city's ability to retain and attract sources of economic development and growth. (Ord. 955 sections 13-16, 1996; Ord. 913 section 1, 1994; Ord. 830 section 13, 1989; Ord. 740 section 10.3.10(A), 1984)~~

16.42.015 Definitions and interpretation.

Words and phrases used in this chapter shall have the meanings set forth in this section. Words and phrases not defined in this section, but defined elsewhere in the Land Development and Planning Ordinance of the city, shall be given the meanings set forth in such ordinance. Principles for computing sign area and sign height are contained in section 16.42.400070. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this ordinance.

A. A-Frame Sign. A double-faced temporary sign composed of two sign boards attached at the top and separate at the bottom, not permanently attached to the ground.

B. Abandoned Sign. A sign or sign structure that has been damaged, and repairs and restoration are not started within 90 days of the date the sign was damaged, or are not diligently pursued once started.

C. Alter. To make a change to a sign or sign structure, including but not limited to, changes in area, height, projection, illumination, shape, materials, placement and location on a site. Altering a sign does not include ordinary maintenance or repair, repainting an existing sign surface, including changes of message or image, or exchanging the display panels of a sign.

D. Automobile Service Station. A retail place of business engaged primarily in the sale of motor fuels.

E. Awning Sign. A sign attached to or incorporated into an overhead cover extending above the sidewalk or ground (usually above windows and doors).

F. Balloon Sign. A sign consisting of a membrane that relies on internal gaseous pressure or a semi-rigid framework for maintaining its form.

~~**AG. Banner Sign.** Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges.~~ **A sign made of fabric or other non-rigid material with no enclosing framework.** National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

BH. Beacon. Any light, excluding street lights and traffic signals, with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

I. Bench Sign. A sign on an outdoor bench.

J. Blade/Overhang Sign. A sign, other than a wall sign, that projects from, and is supported by or attached to a roof or wall of a building or structure.

K. Building Elevation Area. The area of a single side of a building, measured in square feet and calculated by multiplying the length of the side of the building by the height of the building to the roof line. If the roof line height varies along the side of the building, the average of the lowest and highest roof line height on that side shall be used in the calculation.

L. Building Frontage, Primary. The ground floor lineal length of a building wall that faces a street, driveway, parking lot, courtyard or plaza and has an entrance or exit open to the general public.

M. Building Frontage, Secondary. The ground floor lineal length of a building wall that faces a street, driveway, parking lot, courtyard or plaza and does not have an entrance or exit open to the general public.

N. Bulletin Board. A board that provides information in a horizontal linear format, that can be changed either manually through placement of letters or symbols on tracks mounted on a panel, or electronically through use of an array of lights in a dot matrix configuration. A bulletin board is not a sign in itself, but rather is an element that is allowed as part of a monument sign, pole sign, marquee sign, blade/overhang sign, or wall sign.

O. Business Complex. A site consisting of one or more lots sharing appurtenant facilities, such as driveways, parking and pedestrian walkways.

1. Minor Business Complex. A site proposed for or consisting of multiple uses and/or multiple tenants, where the building(s) contain a maximum of 14,999 square feet in gross floor area.

2. Major Business Complex. A site proposed for or consisting of multiple uses and/or multiple tenants, where the building(s) contain 15,000 to 99,999 square feet in gross floor area.

3. Industrial/Research Business Complex. A site proposed for or consisting of multiple uses and/or multiple tenants, where the building(s) contain a minimum of 100,000 square feet in gross floor area.

~~**CP. Canopy Sign.** Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy. Only the area occupied on the canopy by lettering, symbol, or logo is to be counted within the area limits of section 16.42.100.~~
a permanent roofed structure which may be freestanding or attached to a building and is not a completely enclosed structure.

~~**D. Commercial Message.** Any sign wording, logo, or other representation that, directly or indirectly names, advertises, or calls attention to a business, product, service or other commercial activity.~~

Q. Community Event Sign Plan. A sign plan approved by City Council which permits temporary banners or seasonal holiday decorations to extend over a street, over a private road providing vehicle access into a property, or to be attached to utility or streetlight poles.

~~**E. Daily Display Sign.** Daily display sign means a temporary on-premises sign normally associated with business activity which is placed out of doors during business hours for display and returned indoors during off hours. Daily Display Signs may be constructed in a sandwich board (A-frame) style, mounted on a single pedestal, or other similar construction, and are intended to be unlit and easily moved. Does not have a changeable reader board.~~

~~**FR. Directory Signs.**~~ **Directory signs include** signs that are attached to the building and are a directory of the occupants of the building, signs that provide vehicular clearance information, signs that identify parking lot sections or direct vehicles in a parking lot, and similar signs as determined by the City Planner. The sign face of each directory sign shall not exceed two (2) square feet, or in the case of an occupant directory, shall not exceed one (1) square foot per occupant listed on the directory sign.

S. Electronic Message Board. A board that, through the use of moving structural elements, flashing or sequential lights, or lights in a dot matrix or LED configuration which may be changed intermittently or by other automated method, results in a message or image display that changes, moves or appears to move. An electronic message board is not a sign in itself, but rather is an element that is allowed as part of a monument sign, pole sign, marquee sign, blade/overhang sign, or wall sign.

~~**G.T.** Flag. Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.~~
A. rectangular piece of fabric of distinctive design that is displayed hanging free from a staff, halyard or building to which it is attached. A flag is often used to display the symbol of the United States, a nation, state, or other governmental entity.

U. Flashing Sign. A sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source.

V. Grade. For freestanding signs, “grade” is the average level of the ground measured five feet from either end of the base of the sign, parallel to the sign face. For signs mounted on buildings, the grade is the average level of the sidewalk, alley or ground below the mounted sign measured five feet from either end of the sign face.

W. Illuminated Sign. A sign illuminated by an internal light source or an external light source primarily designed to illuminate the sign. The illumination is “external” when the light source is separate from the sign surface and is directed to shine upon the sign and “internal” when the light source is contained within the sign, but does not include signs where the text or image is composed of dot matrix or LEDs. External illumination is “direct” when the lamp fixture is directly seen by the public, such as a floodlight, and “indirect” when the source of light is not directly seen by the public, such as cove lighting.

X. Lawn Sign. A temporary freestanding sign that is supported by a frame, pole, or other structure placed directly in or upon the ground without other support or anchor.

Y. Maintenance. Normal care or servicing needed to keep a sign functional or perpetuate its use, such as cleaning, changing light bulbs, and replacing or repairing a part made unusable by ordinary wear.

~~**H.** Marquee. Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.~~

~~**I.Z.** Marquee Sign. Any sign attached to, in any manner, or made a part of a marquee.~~
A sign that is a permanent roof-like structure attached to and projecting from a building, that is used in part to display changeable sign copy.

AA. Menu Board Sign. A sign not designed to be viewed from any public right-of-way, and is placed near the public entrance to, or near the drive-up service lane of, a food service establishment. A menu board sign shall not exceed 12 feet in height.

BB. Monument Sign. A freestanding sign that is placed on a solid-appearing base that extends a minimum of 12 inches above the ground and extends at least 75 percent of the length and width of the sign. The above ground portion of the base is considered part of the total allowable height of a monument sign.

~~**J. Multi-Business Buildings.** A building in which more than one business is located.~~

CC. Name Plate. A wall sign less than 2 square feet in size, permanently affixed to the front façade of a residential structure.

DD. Neon Sign. A sign internally illuminated by a light source consisting of neon or other gas contained in a tube, except for fluorescent lights.

EE. Owner. The person owning title to real property on which a sign is located, or the contact purchaser of the real property. "Owner" also includes the owner of a sign who has a continuing lease of the real property on which the sign is located.

~~**KFF. Pennant.** Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.~~
A sign device made from a strip of flexible material intended to wave in the wind.

~~**M. Permanent Sign.** All signs carrying a message which are not temporary signs.~~

GG. Pole Sign. A sign that is a freestanding sign connected to the ground by one or more supports with the lower edge of the sign physically separated from the ground (in contrast to a monument sign).

~~**LHH. Portable Sign.** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to a- or t-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicles are used in the normal day-to-day operations of the business.~~
A sign which is not affixed to a building, other permanent structure, or to the ground in a permanent manner, and which is designed to be moved from place to place.

II. Principal Use. The purpose for which land or a structure is designed, arranged, or for which it is occupied or maintained. Multiple principal uses may be located on a lot, a site, or in a business complex.

JJ. Public Sign. A sign erected, constructed, or placed within the public right-of-way or on public property by or with the approval of the governmental agency having authority over, control of, or ownership of the right-of-way or public property.

KK. Repair. Mending or replacing broken or worn parts with comparable materials.

LL. Roof Line. The top edge of a roof or a building parapet, whichever is higher, excluding any cupolas, chimneys or other minor projections.

MM. Seasonal Holiday Decorations. Every type of decoration displayed during and around a federally recognized holiday or on a seasonal basis, whether illuminated or not, and whether attached to utility poles, buildings or any other structure.

NN. Sign. Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public. Any writing, video projection, illumination, pictorial representation, illustration, decoration, emblem, symbol, design, trademark, banner, flag, pennant, captive balloon, streamer, spinner, ribbon, sculpture, statue, or any other figure or character that:

1. Is a structure or any part thereof (including the roof or wall of a building); or
2. Is written, printed, projected, painted, constructed, or otherwise placed or displayed upon or designed into a structure or an outdoor screen or monitor, or a board, plate canopy, awning, marquee, or a vehicle, or upon any material object, device, or surface whatsoever; and
3. Communicates, or is designed to communicate on any subject whatsoever, points of a sign, but excluding essential sign structure, foundations, or supports.

OO. Sign Copy. The message or image conveyed by a sign.

PP. Sign Face. The sum of the surfaces of a sign face as seen from one plane or elevation included within the outer dimensions of the sign board, frame or cabinet.

QQ. Site. The area, parcel, or lot of land owned by or under the lawful control of an owner. Abutting lots shall be considered one site when they share appurtenant facilities, such as driveways, parking and pedestrian walkways.

RR. Street Frontage. The length or width of a site, measured along the lot line separating the site from a street.

SS. Supporting Structure. A structure specifically intended for supporting or containing a sign.

~~OTT.~~ Temporary Sign. Any sign that is used only temporarily and is not permanently mounted. A sign that is temporarily attached or tethered to a building, structure, or the ground. Temporary signs include, but are not limited to, A-frames, banners, flags, pennants, balloons, blimps, streamers, lawn signs and portable signs.

UU. Utility Sign. A sign constructed or placed by a public utility on or adjacent to a pole, pipe, or other type of utility facility within a public right-of-way or utility easement.

VV. Vehicle Sign. A sign placed in or attached to a motor vehicle, trailer, or rail car that is parked on public or private property in a publicly visible location for more than 72 consecutive hours, the principal purpose of which is to display signage rather than to use the vehicle for transportation purposes. This is not meant to include signs and logos attached to any vehicle that is regularly used in the normal course of business for transportation purposes.

WW. Video Sign. A sign providing information in both a horizontal and vertical format (as opposed to linear), through use of pixel and sub-pixel technology having the capacity to create continuously changing sign copy in a full spectrum of colors and light intensities.

~~PXX.~~ Wall Sign. Any sign attached parallel to, but within six inches of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface. A sign that is painted on the wall of a building, or a sign attached to the wall of a building and extending no more than twelve inches from a wall, or attached to or erected against a roof with a slope not more than 20 degrees from vertical, with the exposed face of the sign in a plane that is vertical or parallel to the plane of that roof, and which does not project more than 18 inches from the wall or roof.

YY. Window Sign. A sign attached to, or painted on a window, or displayed inside the building in a manner so that it is clearly viewable from outside the building. (Ord. 913 section 1[part], 1994; Ord. 955 sections 13-16, 1996)

16.42.020 Construction, maintenance Administration and permit requirements.

~~A.~~ Each sign shall be constructed to meet the requirements of applicable building, electrical and mechanical codes. Permit Required. All signs erected after the effective date of this chapter, other than signs exempt from permit requirements per 16.42.025, shall require a sign permit. Application shall be made on forms provided by the Planning Director.

B. Fee. A fee as established by resolution of the City Council shall be paid to the City of Canby upon the filing of an application. Such fees shall not be refundable.

BC. Construction and Maintenance. Each sign shall be constructed to meet the requirements of applicable building, electrical, and mechanical codes.

1. All signs and component parts shall be kept in good repair and maintained in a safe, neat, clean and attractive condition.

C2. No sign shall be erected or maintained in such a manner that any portion of its surface or its supports will interfere in any way with the free use of, or any access to, any fire escape, exit or standpipe. No signs shall be erected or maintained so as to obstruct any window so that light or ventilation is reduced below standards required by any applicable law or building code.

D3. It is unlawful to erect or maintain a sign which, by reason of its size, location or placement, creates an immediate danger to the health, safety and welfare of the citizens of the city by blocking vision for either pedestrians or motorists, at public and/or private roadways, intersections, driveways, or railroad crossings.

D. Appeal. Appeals are governed by the procedures set forth in Chapter 16.89.

~~**E.** Other than temporary signs, as defined in section 16.42.015(M) and section 16.42.028, all signs which are not permanently affixed to the ground or to a building shall require the issuance of a sign permit within sixty (60) days of the effective date of the ordinance codified in this chapter. In order to secure such a permit, such signs must meet all setback and vision clearance requirements, and they must meet the requirements of the Uniform Building Code and Uniform Sign Code for construction.~~

E. Permit Expiration. Every permit issued by the Building Official under the provisions of this chapter shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one-half of the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further, that such suspension or abandonment has not exceeded one year.

F. Permit Suspension or Revocation. The City Planner or duly authorized representative may, in writing, suspend or revoke a permit issued under provisions of this chapter whenever the permit is issued on the basis of incorrect information supplied, or in violation of applicable ordinance or regulation or any of the provisions of this chapter.

G. Variance. The procedures which allow variations from the strict application of the regulations of this Title, by reason of exceptional circumstances and other specified conditions, are set forth in Chapter 16.53.

H. Conditional Use Signs or Signs under Site and Design Review. Signs proposed at the time of a conditional use application or site and design review application shall

be reviewed by the Planning Commission regarding size, height, and location at the time of conditional use review or site and design review. If sign review was not part of the original conditional use review or original site and design review, the applicant may apply for a sign permit under the normal sign review procedures and policies, provided the application is made at least six (6) months after the original review. In conditional use signs or signs reviewed under design review, provisions of this chapter shall apply.

I. Nonconforming Signs. Provisions for nonconforming signs are set forth in Chapter 16.52.

(Ord. 1237, 2007; Ord. 955 section 19, 1996; Ord. 913 section 1[part], 1994; Ord. 830 section 13[part], 1989; Ord. 740 section 10.3.40 (B), 1984)

~~16.42.023 Administration and enforcement.~~

~~A. Permit Required. All signs erected after the effective date of this chapter, other than exempt signs as described in section 16.42.028, shall require a sign permit. All applications for sign permits shall be submitted to, and in such form as may be required by, the City Planner or duly authorized representative.~~

~~B. Permit, fee. A fee as established by resolution of the City Council shall be paid to the City of Canby upon the filing of an application. Such fees shall not be refundable.~~

~~C. Interpretation. This Chapter regarding signs is part of the City's Land Development and Planning Ordinance, which includes subdivision and zoning regulations. The City Planner will give advice as to which additional chapters may apply to a specific project.~~

~~D. Enforcement Authority. The City Planner or duly authorized representative shall have the power and duty to interpret and enforce the provisions of this chapter. An appeal from a ruling by the City Planner or duly authorized representative regarding a requirement of this chapter may be made only to the Planning Commission, who shall hold a public hearing per the provisions of Code 16.89, the Land Development and Planning Ordinance. Upon request of the owner, the City Planner will issue a certificate of inspection listing the signs of the business, and noting those signs which need repair or modification and those signs which do not conform to the provisions of this chapter.~~

~~E. Appeal. Any action or ruling of the Planning Commission pursuant to this chapter may be appealed to the City Council per the procedures in section 16.89 of the Land Development and Planning Ordinance. An appeal must be made in writing to the City Planner within fifteen (15) days after the Commission has rendered its decision.~~

~~F. Permit Expiration. Every permit issued by the Building Official under the provisions of this chapter shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before~~

~~such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall be one-half of the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further, that such suspension or abandonment has not exceeded one year.~~

~~**G. Permit, Suspension or Revocation.** The City Planner or duly authorized representative may, in writing, suspend or revoke a permit issued under provisions of this chapter whenever the permit is issued on the basis of incorrect information supplied, or in violation of applicable ordinance or regulation or any of the provisions of this chapter.~~

~~**H. Variances.** The procedures which allow variations from the strict application of the regulations of this Title, by reason of exceptional circumstances and other specified conditions, can be found in Code section 16.53.~~

~~**I. Conditional Use Signs or Signs under Site and Design Review.** Signs for uses requiring conditional use or site and design review shall be reviewed by the Planning Commission regarding size, height, and location at the time of conditional use review or site and design review. If sign review was not part of the original conditional use review or original site and design review, the applicant may apply for a sign permit under the normal sign review procedures and policies, provided the application is made at least six (6) months after the original review. In conditional use signs or signs reviewed under design review, provisions of this chapter shall apply. (Ord. 913 section 1[part], 1994; Ord. 955 section 19, 1996; Ord 1237, 2007)~~

16.42.025 Nonconforming signs. **General sign standards.**

~~**A.** Signs existing on the effective date of Ordinance 830 section 13 (Part) 1989, codified in this chapter which are permanently or can be permanently affixed to a foundation or a building, and which do not meet the requirements of the zoning district in which they are located, shall be deemed to be nonconforming structures or nonconforming uses, as defined in section 16.04.440 of this Title. Except, however, that signs shall not be considered to be nonconforming where the sign, by reason of its size, location, construction, or lack of maintenance creates a public hazard or nuisance. In the case of such public hazard or nuisance, the city may begin immediate abatement procedures, as provided in this chapter and other city ordinances.~~

~~**B.** Signs which are nonconforming structures or nonconforming uses are subject to the same limitations, regulations and requirements as other nonconforming structures or nonconforming uses as delineated in Chapter 16.52 of this Title. Except, however, that signs which are nonconforming structures may be replaced by other signs which are nonconforming structures, subject to the same procedures and requirements for the expansion of nonconforming structures as listed in section 16.52.040 of this Title. Except however, that with a change of ownership, nonconforming signs must be~~

~~brought into conformance within sixty (60) days after the date of the change of ownership.~~

~~C. Signs for nonconforming structures or uses shall be permitted without the necessity of receiving a permit to expand a nonconforming structure, provided that such signs meet all other requirements of local ordinances and provided that such signs are not less in conformance than the existing structure or use. The burden of establishing a vested interest in a nonconforming structure or use shall be upon the property owner.~~

A. Prohibited Signs. Except for legal nonconforming signs, the following signs are unlawful and are nuisances:

1. Abandoned sign.
2. Vehicle sign.
3. Video sign.
4. Sign that may be confused as a traffic control device.
5. Signs that impede movement or create a physical hazard.
6. Signs with rotating or other moving parts, except barber shop poles and clocks.
7. Signs illuminated by flashing lights.
8. Searchlights or beacons, except for temporary events such as grand openings, in which case a permit is required.
9. Signs affixed to power, utility, or traffic control poles, or other public utility structures, other than city-approved traffic control signs, utility signs, and pole identification placards.

B. Exempt Signs. The following signs are exempt from the provisions of this Chapter, except as specified below, and shall not be counted towards the amount or type of signage otherwise allowed by this Chapter. Such signs shall conform to all other applicable provisions of this title.

1. All signs which are placed inside a structure or building, and which are either not visible through windows or building openings, or are not intended to be visible from outside the structure or building, as determined by the City Planner.
2. Bench signs as defined in 16.42.015, provided that the bench sign copy does not exceed 15 square feet and the bench sign is approved by the bench owner.

3. Signs attached to mass transit shelters which are approved by the mass transit agency and the transit shelter owner.

4. Directory signs as defined in 16.42.015.

5. Menu board signs as defined in 16.42.015.

6. Nameplate signs as defined in 16.42.015.

7. Utility signs as defined in 16.42.015.

8. Flags as defined in 16.42.015.

C. No Sign Permit Required for Temporary Signs. The following temporary signs do not require a sign permit, shall not be counted towards the amount or type of signage otherwise allowed by this Chapter, and may be displayed only in compliance with the following standards. Such signs shall conform to all other applicable provisions of this title.

1. Except as approved in a Community Event Sign Plan, as set forth in 16.42.030, no temporary sign shall be internally illuminated or be illuminated by an external light source primarily intended for the illumination of the temporary sign.

2. A temporary sign shall be attached to a site or constructed in a manner that both prevents the sign from being easily removed by unauthorized persons or being blown from its location, and allows for the easy removal of the sign by authorized persons. Except as approved in a Community Event Sign Plan, as set forth in 16.42.030, temporary signs shall not be attached to trees, shrubbery, utility poles or traffic control signs or devices.

3. No temporary sign shall be erected or maintained that, by reason of its size, location or construction, constitutes a hazard to the public.

4. Temporary Signs Allowed in Residential Zones and Agricultural Zone (R-1, R-1.5, R-2, A).

a. One or more temporary signs no taller than 4 feet in height, and not exceeding 6 square feet in area each, may be displayed on a lot during the period from 120 days before a public election or the time the election is called, whichever is earlier, to five days after the public election.

b. One temporary sign no taller than 4 feet in height, and not exceeding 6 square feet in area, may be displayed on a lot for a maximum of 8 days in any calendar month, provided it is removed by sunset on any day it is erected.

c. One temporary sign no taller than 5 feet in height, and not exceeding 6 square feet in area, may be displayed on a lot during the time the property, or

building or dwelling thereon, is for sale or lease, provided that the sign is removed within 14 days after the sale or lease is completed.

d. One temporary sign not exceeding 6 square feet in area may be displayed on a lot during the time that construction activities are occurring on site, provided that the sign is removed within 7 days of the completion of the construction activities. If the site has frontage on more than one street, one additional sign of the same size may be displayed facing the second street frontage, provided the signs are not visible simultaneously from either street. On lots of more than 2 acres, the sign area may be increased to no more than 32 square feet. In no case shall such sign be displayed for more than 12 months.

e. On property that has received tentative subdivision or partition approval from the City, from the time of that approval until issuance of a building permit for construction on the last lot, one temporary sign no taller than 8 feet in height, and not exceeding 32 square feet in area, may be displayed on a site less than 4 acres in size. If the site is greater than 4 acres in size, two temporary signs no taller than 8 feet in height, and not exceeding 64 square feet each, may be displayed.

f. Banner or Balloon Signs Allowed Twice Per Year for no Longer Than 30 Days Each Occurrence. On a lot used for a permitted or conditional use other than a single-family dwelling, one banner sign or balloon sign may be displayed up to 30 consecutive days only twice during a calendar year. A banner sign may not exceed 50 square feet in size. A balloon sign may not exceed 80 cubic feet in size.

5. Temporary Signs Allowed in Commercial and Industrial Zones (C-R, C-1, C-2, C-C, C-M, M-1, M-2).

a. One or more temporary signs no taller than 5 feet in height, and not exceeding 4 square feet in area each, may be displayed on a lot during the period from 120 days before a public election or the time the election is called, whichever is earlier, to five days after the public election.

b. One temporary sign no taller than 8 feet in height, and not exceeding 32 square feet in area, may be displayed on a lot during the time the property, or building or dwelling thereon, is for sale or lease, provided that the sign is removed within 14 days after the sale or lease is completed.

c. One temporary sign no taller than 8 feet in height, and not exceeding 32 square feet in area, may be displayed on a lot during the time that construction activities are occurring on site, provided that the sign is removed within 7 days of the completion of the construction activities. If the site has frontage on more than one street, one additional sign of the same size may be displayed facing the second street frontage, provided the signs are not visible simultaneously

from either street. In no case shall such sign be displayed for more than 12 months.

d. One temporary sign not exceeding 32 square feet in area may be displayed on a lot during the period of a charitable fundraising event being conducted on the site where the sign is displayed. The sign shall not be displayed more than 7 days prior to the event, and must be removed within 2 days following the event.

e. Banner or Balloon Signs Allowed Twice Per Year for no Longer Than 30 Days Each Occurrence. One banner sign or balloon sign may be displayed on a lot by each business license holder who operates their business at that location per City business license records. A banner sign may not exceed 50 square feet in size. A balloon sign may not exceed 80 cubic feet in size. Each business license holder may display such signage up to 30 consecutive days only twice during a calendar year. A weatherproof label which displays the sign-owner's Canby business license number shall be affixed to the backside of the banner or balloon sign in a manner that is readable by City personnel upon inspection at all times.

6. Temporary Signs Allowed in Right-of-Way in All Zones.

a. No temporary sign in the right-of-way shall interrupt the normal flow of vehicle, pedestrian or bicycle traffic, and shall provide for a minimum of 5 feet of clear passage for pedestrians on a sidewalk where a sidewalk exists. No temporary sign shall encroach into a vision clearance area.

b. As referenced in 16.42.010.C, signs installed by the city, county, or state for public purposes are allowed in the public right-of-way.

c. Temporary safety and directional signs installed by non-governmental persons, such as those displayed at or in close proximity to a road crew or construction project, shall get specific written approval from the Public Works Director prior to erecting the signs. Such signs shall be removed after the construction activity is complete.

d. A-frame signs and lawn signs no taller than 3 feet in height, and not exceeding 6 square feet in area, may be displayed by real estate brokers only on weekends and holidays in the right-of-way in relative close proximity to a property where an open house is being held for the sale or lease of the property.

7. Temporary Signs Allowed in Right-of-Way Only in Commercial and Industrial Zones (C-R, C-1, C-2, C-C, C-M, M-1, M-2). A-frame signs may be displayed on public sidewalks provided they comply with the following standards:

a. A-frame sign dimensions shall not exceed a maximum width of 3 feet, nor a maximum above-ground height of 4 feet. Each sign face shall not exceed 12 square feet.

b. One A-frame sign per business license holder may be displayed on a public sidewalk in the right-of-way abutting the physical address that is on file with the City as the location where that business license holder operates the business. A weatherproof label which displays the sign-owner's Canby business license number shall be affixed to the backside of the A-frame sign. The business license must be current, and City personnel must be able to read the business license number upon inspection at all times.

c. A-frame signs shall be displayed only during the business hours of the responsible enterprise.

d. A-frame signs shall be placed so as to allow at least 5 feet of unimpeded pedestrian sidewalk maneuvering space. A-frame signs shall not encroach into any required vision clearance area. A-frame signs shall be set back from the curb so as not to interfere with on-street parking, or shall be set back a minimum of 10 feet from the edge of the street travel lane where no curb exists.

e. The owner of the property abutting the right-of-way on which an A-frame sign is placed assumes all liability for incidents involving the sign.

(Ord. 1237, 2007; Ord. 1111 section 7, 2003; Ord. 1076, 2001; Ord. 955 section 17, 1996; Ord. 913 section 1[part], 1994; Ord. 830 section 13[part], 1989, Ord. 802 4, 1987; Ord. 740 section 10.3.40(C), 1984)

16.42.028 — Exempted Signs.

~~Signs in this section are exempted from certain requirements of this sign ordinance, as detailed below.~~

~~A. No sign permit required. The following signs do not require a sign permit and shall be permitted in all zones, except as otherwise noted. Such signs shall conform to all other applicable provisions of this chapter including area of sign limits from section 16.42.100 (unless specifically exempted)~~

~~1. Temporary Signs:~~

~~a. Political campaign signs, real estate or land development signs and temporary signs advertising such things as social events, garage sales, rental vacancies, or farm products are all permitted, provided that they do not exceed the total square footage of allowed sign area per lot by more than fifty (50) percent and provided that they meet all other ordinance requirements, including vision clearance. Such temporary signs in residentially zoned areas shall not exceed eight (8) square feet per dwelling unit. This section is not intended to authorize the use of temporary signs for commercial retail business advertising, except as allowed by section 16.42.028.~~

~~b. Real estate or land development signs are not permitted off of the site which they are intended to advertise except for the placement of temporary open house directional signs, which may be used between the hours of 8:00 a.m. and 8:00 p.m. daily. Such open house signs may be placed within city rights-of-way, but off of the street, on Saturdays and Sundays. However, such open house signs may not be placed, even temporarily, within county or state rights-of-way. Land development signs are limited to sixty (60) square feet per development.~~

~~c. All temporary signs shall be removed within forty-eight (48) hours after the culmination of the event they were intended to advertise.~~

~~2. Nameplates – Residential Areas. Nameplates or address signs of less than two (2) square feet are permitted; provided that such small signs are unlighted and provided that not more than one such nameplate or address sign shall be used for each dwelling unit or occupant.~~

~~3. Painted wall decorations or embellishments, or decorated banners, which are not accompanied by a written message. These are exempt from the area limits of section 16.42.100.~~

~~4. Flags. These are exempt from area limits of section 16.42.100.~~

~~5. Pennants without written message or logo, not to exceed the lineal feet of the building exterior per site. These are exempt from area limits of section 16.42.100.~~

~~6. Public or Legal Notices. These are exempt from area limits of section 16.42.100.~~

~~7. Window Signs in Commercial and Manufacturing Zones which occupy a total display area of no more than fifty (50) percent of the window area are exempted from area limits of section 16.42.100. Window signs may not use materials subject to provisions of Prohibited Signs from the next section of this chapter.~~

~~8. Painted or printed displays in windows of a temporary nature.~~

~~9. Clocks, barber poles, public information signs, without advertising message.~~

~~10. Signs not designed to be viewed from any public right-of-way.~~

~~11. Directory signs not exceeding a total display area of one (1) square foot per business listed on the directory sign, and attached to the building. Such signs are exempt from the area limits of Sections 16.42.100.~~

~~B. Sign permit required. The following signs are exempted from certain requirements of this sign ordinance, but a sign permit is required. Such signs shall conform to all~~

~~other applicable provisions of this chapter including area of sign limits from section 16.42.100 (unless specifically exempted), and shall be permitted in all zones, except as otherwise noted.~~

~~1. For Commercial or Industrial Zoned Areas. On-premise signs not exceeding four (4) square feet in area, non-illuminated, and not exceeding three (3) feet in height if ground mounted. Such signs may be include property address or building numbers, names of occupants or premises, professional or home occupation nameplates, on-site directional, and similar signs.~~

~~2. Bench advertising signs which comply with all regulations of the Canby Municipal Code.~~

~~3. Banners or pennants with advertising message and not exceeding a total display area of forty (40) square feet per face and pennants not to exceed the lineal feet of the building exterior per site, used on premises in conjunction with temporary events and not in place longer than a period of thirty (30) days per three (3) month period. Such banners and pennants are exempt from the area limits of section 16.42.100.~~

~~4. Signs carved into a building or which are a part of materials which are an integral part of the building such as cornerstones, building names, and similar signs. These are exempt from area limits of section 16.42.100~~

~~5. Balloons, provided they are temporary and related to a special event and exceed 10,000 cubic feet in size. These are exempt from area limits of section 16.42.100. (Ord 1237, 2007)~~

16.42.029 Prohibited Signs.

~~It shall be unlawful for any person to erect, display or maintain, and no permit shall be issued for the erection, display, or maintenance of any sign or advertising structure falling within any of the following descriptions:~~

~~1. Rotating, moving, sequentially illuminated, flashing, changing, reflecting, or blinking signs are prohibited other than those with white lights indicating the date, time and temperature.~~

~~2. No sign or other advertising structure as regulated by this chapter shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape, or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device; or which makes use of the words stop, look, detour, danger, or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse motorists. Sign lighting shall be designed and constructed in such a manner as to not create or produce glare on nearby dwellings.~~

- ~~3. Internally illuminated "box-style" signs with slide-out fronts are prohibited in the C-1 zone.~~
- ~~4. Such advertising devices as strings of lights, banners, pennants, and balloons, except as permitted under section 16.42.028, Exempted Signs.~~
- ~~5. Temporary signs, except as permitted under section 16.42.028, Exempted Signs.~~
- ~~6. Freestanding signs in the C-1 zone shall be of the monument type only.~~
- ~~7. No sign or portion thereof shall be erected within future street rights-of-way approved by City Council unless and until an agreement is recorded stipulating that the sign will be removed or relocated upon street widening at no expense to the city.~~
- ~~8. Portable signs, except as permitted under sections 16.42.105 and 16.42.108.~~
- ~~9. Window signs, which are not temporary and which obscure more than fifty (50) percent of the window area.~~
- ~~10. Signs affixed to power, utility, or traffic control poles other than city-approved traffic control signs and pole identification placards.~~
- ~~11. Searchlights or beacons, except for temporary events such as grand openings, in which case a permit is required.~~
- ~~12. No street banners or other signs projecting over a public right-of-way shall be permitted without the prior consent of the City Council or their designee, except as may be permitted in the Uniform Sign Code.~~
- ~~13. Except for nameplates or logos indicating the owner's name and place of business, no signs, including temporary signs, shall be displayed from trailers or vehicles parked within any public right-of-way or the required setback area adjoining the right-of-way. (Ord. 913 section 1 [part], 1994; Ord. 955 section 17, 1996; Ord. 1076, 2001; Ord. 1111 section 7, 2003; Ord. 1237, 2007)~~

16.42.030 Setbacks. Community event sign plan.

Temporary banners or seasonal holiday decorations which extend over a street, over a private road providing vehicle access into a property, or are attached to utility or streetlight poles, shall be permitted only after the City Council has approved a Community Event Sign Plan.

- ~~A. Signs are required to meet the setback requirements of the applicable zone district; except, however, that the street yard setback for signs may be reduced to fifty (50) percent of that required for other structures in the zone.~~

~~B. Signs shall not be allowed to obstruct a vision clearance area as defined in this Title. (Ord. 913 section 1[part], 1994; Ord. 830 section 13[part] 1989; Ord. 802 4, 1987; Ord. 740 section 10.3.40(C), 1984; Ord. 1111 section 7, 2003)~~

A. Application for approval of a Community Event Sign Plan shall be made on forms provided by the Planning Director, and shall be accompanied by all required information and fees.

B. Applicant shall obtain all encroachment permits and other agency approvals required, prior to submitting an application for a Community Event Sign Plan. If signage is proposed within a right-of-way controlled by another agency, the applicant shall provide written consent from the appropriate agency regarding the signage prior to submitting an application for a Community Event Sign Plan. The consent shall identify any restrictions desired by the owner of the right-of-way.

C. The applicant shall assume all liability for incidents involving the sign by signing a document exempting the City from liability and providing liability insurance in the form required by the City Attorney and in an amount not less than the current tort liability limitations.

D. Applications for permanent geographic identification banners or signage which extend over a street, over a private road providing vehicle access into a property, or are attached to utility or streetlight poles, shall be submitted following the same application procedures as described for temporary signage, and shall be submitted by a neighborhood association that is officially recognized by the City, or shall be accompanied by a petition indicating the consent of at least 51 percent of the property owners in the geographic area delineated on the Sign Plan application.

E. Except for permanent banners or signage identifying a geographic area or district of the City, all banners and signage approved in a Community Event Sign Plan shall be removed within 2 days after the associated event or activity has ended, or no later than directed by City Council in the Sign Plan approval, whichever date is later.

16.42.040 Design standards for signs.

The following standards apply to signs in all zone districts.

A. Setbacks. Signs are required to meet the setback requirements of the applicable zone district, except however the street yard setback for signs may be reduced to fifty (50) percent of that required for other structures in the zone. Signs shall not obstruct a vision clearance area required in the applicable zone district.

B. Illumination.

1. External illumination is allowed. The external illumination may be either "direct" or "indirect", provided that the source of light (e.g., bulb) is shielded such that it is not directly seen by the public. External light sources shall be carefully located,

directed, and shielded in order to avoid direct illumination of any off-site object or property.

2. Internal illumination is allowed.

3. External or internal sign illumination shall not result in glare onto neighboring properties or onto public right-of-way, such that due to level of brightness, lack of shielding, or high contrast with surrounding light levels, the sign illumination results in discomfort or visual disability for persons.

4. Sign illumination shall not appear to flash, undulate, pulse, or portray explosions, fireworks, flashes of light, or blinking or chasing lights.

C. Monument signs.

1. Monument signs shall have a distinct base, middle, and top. These elements of the sign shall vary from one another in terms of their thickness, materials, or color.

2. Monument signs shall incorporate the following materials, unless otherwise approved pursuant to subsection 4 of this section.

a. The base and top shall be constructed of stone, brick, or wood.

b. The middle shall be constructed of stone, brick, wood, metal with a matte/non-reflective finish, vinyl, or other materials as noted in subsection c.

c. Other materials may be used for bulletin board or electronic message board components in the middle portion of a monument sign, as needed to allow the bulletin board or electronic message board to function.

3. Monument signs shall provide street addresses when street addresses are not visible from the street.

4. A monument sign which does not meet one or more of the standards detailed above in subsections 1 through 3, may be approved by the Planning Director pursuant to the Type II land use application procedures set forth in Chapter 16.89. A discretionary monument sign application may be approved if the applicant demonstrates compliance with all of the following criteria:

a. The overall design of the sign exhibits a sense of structure; and

b. Timeless materials, similar to stone, brick, or wood are used; and

c. The proposed sign is in conformance with all other applicable city ordinances concerning it's location, construction, and design.

D. A-Frame signs.

1. A-frame signs shall be constructed of wood, plastic, or metal with a matte/non-reflective finish.

2. A-frame signs shall not include any parts or attachments that extend beyond the edge of the sign dimensions established in Section 16.42.025.C.

3. A-frame signs shall not incorporate reflective materials.

4. A-frame sign structure shall not incorporate any neon colors.

5. An A-frame sign which does not meet one or more of the standards detailed above in subsections 1 through 4, may be approved by the Planning Director pursuant to the Type II land use application procedures set forth in Chapter 16.89. A discretionary A-frame sign application may be approved if the applicant demonstrates compliance with all of the following criteria:

a. The proposed materials, colors, and dimensions of the A-frame sign do not pose a hazard or nuisance to persons; and

b. The proposed sign is in conformance with all other applicable city ordinances concerning it's location, construction, and design.

E. Blade/Overhang signs.

1. Blade/overhang sign shall not extend more than 8 feet from the building face.

2. The outer edge of a blade/overhang sign shall be set back a minimum of 2 feet from a curb.

3. A minimum 8 1/2 foot clearance shall be provided between grade and the bottom of a blade/overhang sign.

F. Wall signs. A wall sign shall not project more than 18 inches from the wall to which it is attached (or 12 inches from a wall directly abutting an alley). An encroachment permit is required prior to encroachment into any public right-of-way.

G. Bulletin boards and electronic message boards are only allowed as part of a blade/overhang sign, marquee sign, monument sign, pole sign, or wall sign.

1. The rate of change for sign copy on a bulletin or electronic message board from one message to another message shall be no more frequent than every 8 seconds. Once changed, copy shall remain static until the next change.

2. Displays may travel horizontally or scroll vertically onto electronic message boards, but must hold in a static position after completing the travel or scroll.

3. Sign copy shall not appear to flash, undulate, pulse, or portray explosions, fireworks, flashes of light, or blinking or chasing lights. Copy shall not appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist, or otherwise portray graphics or animation as it moves onto, is displayed on, or leaves the electronic message board.

4. No electronic message board may be illuminated to a degree of brightness that is greater than necessary for adequate visibility.

(Ord. 1111 section 7, 2003; Ord. 913 section 1[part], 1994; Ord. 830 section 13[part] 1989; Ord. 802 4, 1987; Ord. 740 section 10.3.40(C), 1984)

16.42.050 Size, type, and location of signs permitted by zoning district and use.

Table 16.42.050 sets forth standards for type, size, and location of permanent signs that are allowed in specific zoning districts. The table is arranged by section as follows:

1. Residential Zones and Agricultural Zone (R-1, R-1.5, R-2, A, C-R)
2. Industrial Zones and Heavy Commercial Manufacturing Zone (M-1, M-2, C-M)
3. Highway Commercial Zone (C-2) and Outer Highway Commercial Area in the Downtown Canby Overlay Zone (DCO-ohc)
4. Downtown Commercial Zone (C-1) and Core Commercial Area in the Downtown Canby Overlay Zone (DCO-cc)
5. Core Highway Frontage Sign Overlay Zone (CHFS)
6. Residential/Commercial Zone and Convenience Commercial Zone (C-R, C-C), and Transitional Commercial Area in the Downtown Canby Overlay Zone (DCO-tc)
7. Canby Industrial Area Overlay Zone (I-O)



A. Where the standards in a base zoning district conflict with the standards in an overlay district, the standards in the overlay district prevail.



B. Where the standards in the Canby Industrial Area Overlay (I-O) district conflict with the standards in another overlay district, the standards in the Canby Industrial Area Overlay (I-O) district prevail.

C. Where the standards in the Core Highway Frontage Sign Overlay (CHFS) district conflict with the standards in another overlay district, the standards in the Core Highway Frontage Sign Overlay (CHFS) district prevail.

D. Where an automobile service station is located on a lot, regardless of zoning district, the sign standards set forth in 16.42.060 apply.

TABLE 16.42.050

<u>1. Residential Zones and Agricultural Zone (R-1, R-1.5, R-2, A, C-R)</u>		
<u>Monument Sign</u>		
		
<u>A. Use on site: Property has been subdivided into more than 20 lots.</u>		
<u>Size: maximum 16 square feet per sign face.</u>	<u>Maximum Height: 7 feet.</u>	<u>Location/Number: Maximum two signs; One sign may be located on either side of a public street or private street entrance to the subdivided property.</u>
<u>B. Use on site: Multi-family development.</u>		
<u>Size: maximum 16 square feet per sign face.</u>	<u>Maximum Height: 7 feet.</u>	<u>Location/Number: One sign may be located adjacent to the primary street frontage, on either side of a vehicle accessway; AND one sign may be located adjacent to a collector or arterial street frontage if it is not the primary street frontage, on either side of a vehicle accessway.</u>
<u>C. Use on site: church, school, public/semi-public facility, or privately-owned community center.</u>		
<u>Size: maximum 40 square feet per sign face.</u>	<u>Maximum Height: 7 feet.</u>	<u>Location/Number: Maximum one sign; No specific location requirement.</u>
<u>D. Use on site: all other uses.</u>		
<u>Size: not allowed.</u>	<u>Maximum Height: n/a.</u>	<u>Location/Number: n/a.</u>
<u>Pole Sign</u>		
		
<u>A. Use on site: church, school, public/semi-public facility, or privately-owned community center.</u>		
<u>Size: maximum 40 square feet per sign face.</u>	<u>Maximum Height: 8 feet.</u>	<u>Location/Number: One sign may be located adjacent each street frontage.</u>
<u>B. Use on site: all other uses.</u>		
<u>Size: not allowed.</u>	<u>Maximum Height: n/a.</u>	<u>Location/Number: n/a.</u>

<u>Wall Sign</u>			
<u>A. Use on site: church, school, or public/semi-public facility.</u>			
<u>Size:</u> maximum 8 percent of building elevation area, with a maximum sign face of 60 square feet on a primary frontage or 30 square feet on a secondary frontage.	<u>Maximum Height:</u> shall not project above the roof line or top of the parapet wall, whichever is higher.	<u>Location/Number:</u> One sign per building frontage.	
<u>B. Use on site: home occupation or permitted commercial use other than those listed above in subsection A.</u>			
<u>Size:</u> maximum sign face of 2 square feet.	<u>Maximum Height:</u> shall not project above the roof line or top of the parapet wall, whichever is higher.	<u>Location/Number:</u> Maximum one sign; No specific location requirement.	
<u>C. Use on site: all other uses.</u>			
<u>Size:</u> not allowed.	<u>Maximum Height:</u> n/a.	<u>Location/Number:</u> n/a.	
<u>Blade/Overhang Sign</u>			
<u>A. Use on site: home occupation or permitted commercial use.</u>			
<u>Size:</u> maximum 2 square feet per sign face.	<u>Maximum Height:</u> shall not project above the roof line or top of the parapet wall, whichever is higher.	<u>Location/Number:</u> One sign per building frontage.	
<u>B. Use on site: all other uses.</u>			
<u>Size:</u> not allowed.	<u>Maximum Height:</u> n/a.	<u>Location/Number:</u> n/a.	

Bulletin Board



A. Use on site: church, school, or public/semi-public facility.

Size: bulletin board may encompass up to 75 percent of sign face area.

Maximum Height: determined by height of sign.

Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2.

B. Use on site: all other uses.

Size: bulletin board may encompass up to 50 percent of sign face area.

Maximum Height: determined by height of sign.

Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2.

Electronic Message Board



A. Use on site: all uses.

Size: electronic message board may encompass up to 25 percent of sign face area.

Maximum Height: determined by height of sign.

Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2.

Awning Sign or Canopy Sign



A. Use on site: not permitted for any use.

Marquee Sign



A. Use on site: not permitted for any use.

Window Sign



A. Use on site: all uses.

Size: maximum 15 percent of total window area.

Maximum Height: determined by height of window.

Location/Number: Only allowed in ground floor or 2nd floor windows.

2. Industrial Zones and Heavy Commercial Manufacturing Zone (M-1, M-2, C-M)

Monument Sign



A. Use on site: Church, school, or public facility.

Size: maximum 48 square feet per sign face (up to two faces).

Maximum Height: 9 feet.

Location/Number: One sign may be located adjacent each street frontage.

B. Use on site: Minor business complex.

Size: maximum 100 square feet per sign face (up to two faces).

Maximum Height: 9 feet.

Location/Number: One sign; except on a site abutting a collector or arterial street one sign may be located adjacent each collector/arterial street frontage; except on a site larger than 10 acres a total of two signs are allowed.

C. Use on site: Major business complex.

Size: maximum 150 square feet per sign face (up to two faces).

Maximum Height: 9 feet.

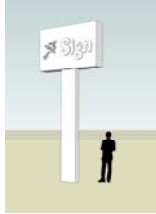

Location/Number: One sign; except on a site abutting a collector or arterial street one sign may be located adjacent each collector/arterial street frontage; except on a site larger than 10 acres a total of two signs are allowed.



D. Use on site: all other uses on a site that is less than or equal to 5 acres in size.

Size: maximum 48 square feet per sign face (up to two faces).


Maximum Height: 9 feet.


Location/Number: One sign; except on a site abutting a collector or arterial street one sign may be located adjacent each collector/arterial street frontage.



<u>E. Use on site: all uses on a site greater than 5 acres.</u>		
<u>Size: maximum 150 square feet per sign face (up to two faces).</u>	<u>Maximum Height: 9 feet.</u>	<u>Location/Number: One sign; except on a site abutting a collector or arterial street one sign may be located adjacent each collector/arterial street frontage; except on a site larger than 10 acres a total of two signs are allowed.</u>
<u>Pole Sign</u>		
<u>A. Use on site: church, school, or public facility.</u>		
<u>Size: maximum 48 square feet per sign face (up to two faces).</u>	<u>Maximum Height: 18 feet.</u>	<u>Location/Number: One sign may be located adjacent each street frontage.</u>
<u>B. Use on site: Minor business complex.</u>		
<u>Size: maximum 100 square feet per sign face (up to two faces).</u>	<u>Maximum Height: 20 feet.</u>	<u>Location/Number: One sign; except on a site with more than one street frontage one sign may be located adjacent each collector or arterial street frontage that is at least 500 feet in length. Where more than one sign is permitted on a site, the signs must be separated by at least 300 feet.</u>
<u>C. Use on site: Major business complex.</u>		
<u>Size: maximum 130 square feet per sign face (up to two faces).</u>	<u>Maximum Height: 26 feet.</u>	<u>Location/Number: One sign; except on a site with more than one street frontage one sign may be located adjacent each collector or arterial street frontage that is at least 500 feet in length. Where more than one sign is permitted on a site, the signs must be separated by at least 300 feet.</u>
<u>D. Use on site: All other uses on a site that is less than or equal to 5 acres in size.</u>		
<u>Size: maximum 48 square feet per sign face (up to two faces).</u>	<u>Maximum Height: 18 feet.</u>	<u>Location/Number: One sign; except one sign may be located adjacent each collector or arterial street frontage.</u>
<u>E. Use on site: All uses on a site greater than 5 acres.</u>		
<u>Size: maximum 130 square feet per sign face (up to two faces).</u>	<u>Maximum Height: 18 feet.</u>	<u>Location/Number: One sign; except one sign may be located adjacent each collector or arterial street frontage; except if the use is a church, school, or public facility one sign may be located adjacent each street frontage.</u>
<u>Wall Sign</u>		



<u>A. Use on site: All uses.</u>		
<p><u>Size:</u> The maximum sign face area of all signage allowed on a primary building frontage is 8 percent of the building elevation area of the primary building frontage, up to a maximum of 120 square feet.</p> <p>The maximum sign face area of all signage allowed on a secondary building frontage is 6 percent of the building elevation area of the secondary building frontage, up to a maximum of 60 square feet.</p> <p>If the building elevation area of a primary or secondary building frontage exceeds 5,000 square feet, the total sign face area allowed on that frontage is 190 square feet.</p>	<p><u>Maximum Height:</u> shall not project above the roof line or top of the parapet wall, whichever is higher.</p>	<p><u>Location/Number:</u> One sign per building frontage for each business license on file with the City at that location.</p>
<p><u>Blade/Overhang Sign</u></p>		
<u>A. Use on site: All uses.</u>		
<p><u>Size:</u> Each sign shall have a maximum sign face area of 48 square feet.</p> <p>The total sign face area of all signs placed on a primary building frontage shall not exceed 12 percent of the building elevation area of the primary building frontage.</p>	<p><u>Maximum Height:</u> shall not project above the roof line or top of the parapet wall, whichever is higher.</p>	<p><u>Location/Number:</u> One sign per building frontage for each business license on file with the City at that location.</p>
<p><u>Bulletin Board</u></p>		




<u>A. Use on site: church, school, or public/semi-public facility.</u>		
<u>Size: bulletin board may encompass up to 75 percent of sign face area.</u>	<u>Maximum Height: determined by height of sign.</u>	<u>Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2.</u>
<u>B. Use on site: all other uses.</u>		
<u>Size: bulletin board may encompass up to 50 percent of sign face area.</u>	<u>Maximum Height: determined by height of sign.</u>	<u>Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2.</u>
<u>Electronic Message Board</u>		
<u>A. Use on site: all uses.</u>		
<u>Size: electronic message board may encompass up to 25 percent of sign face area.</u>	<u>Maximum Height: determined by height of sign.</u>	<u>Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2.</u>
<u>Awning Sign or Canopy Sign</u>		
<u>A. Use on site: all uses.</u>		
<u>Size: The maximum sign face area of all signage allowed on a primary building frontage is 12 percent of the building elevation area of the primary building frontage, up to a maximum of 120 square feet.</u> <u>The maximum sign face area of all signage allowed on a secondary building frontage is 8 percent of the building elevation area of the secondary frontage, up to a maximum of 60 square feet.</u>	<u>Maximum Height: shall not project above the roof line.</u>	<u>Location/Number: One sign per building frontage for each business license on file with the City at that location. Sign shall not project above the roof line. Sign shall not extend more than 8 feet from the building face. Outer edge of sign shall be set back a minimum of 2 feet from a curb. A minimum 8 ½ foot clearance shall be provided between grade and bottom of sign.</u>
<u>Marquee Sign</u>		

<u>A. Use on site: not permitted for any use.</u>		
<u>Window Sign</u>		
<u>A. Use on site: all uses.</u>		
<u>Size: maximum 15 percent of total window area.</u>	<u>Maximum Height: determined by height of window.</u>	<u>Location/Number: Only allowed in ground floor or 2nd floor windows.</u>

<u>3. Highway Commercial Zone (C-2) and Outer Highway Commercial Area in the Downtown Canby Overlay Zone (DCO-ohc)</u>		
<u>Monument Sign</u>		
<u>A. Use on site: Church, school, or public facility.</u>		
<u>Size: maximum 48 square feet per sign face (up to two faces).</u>	<u>Maximum Height: 9 feet.</u>	<u>Location/Number: One sign may be located adjacent each street frontage.</u>
<u>B. Use on site: Minor business complex.</u>		
<u>Size: maximum 100 square feet per sign face (up to two faces).</u>	<u>Maximum Height: 12 feet.</u>	<u>Location/Number: One sign; except on a site abutting a collector or arterial street one sign may be located adjacent each collector/arterial street frontage.</u>
<u>C. Use on site: Major business complex.</u>		
<u>Size: maximum 150 square feet per sign face (up to two faces).</u>	<u>Maximum Height: 12 feet.</u>	<u>Location/Number: One sign; except on a site abutting a collector or arterial street one sign may be located adjacent each collector/arterial street frontage.</u>
<u>D. Use on site: all other uses.</u>		
<u>Size: maximum 48 square feet per sign face (up to two faces).</u>	<u>Maximum Height: 9 feet.</u>	<u>Location/Number: One sign; except on a site abutting a collector or arterial street one sign may be located adjacent each collector/arterial street frontage.</u>

<u>Pole Sign</u>		
<u>A. Use on site: church, school, or public facility.</u>		
<u>Size: maximum 48 square feet per sign face (up to two faces).</u>	<u>Maximum Height: 18 feet.</u>	<u>Location/Number: One sign may be located adjacent each street frontage.</u>
<u>B. Use on site: Minor business complex.</u>		
<u>Size: maximum 100 square feet per sign face (up to two faces).</u>	<u>Maximum Height: 20 feet.</u>	<u>Location/Number: One sign; except on a site with more than one street frontage one sign may be located adjacent each collector or arterial street frontage that is at least 500 feet in length. Where more than one sign is permitted on a site, the signs must be separated by at least 300 feet.</u>
<u>C. Use on site: Major business complex.</u>		
<u>Size: maximum 130 square feet per sign face (up to two faces).</u>	<u>Maximum Height: 26 feet.</u>	<u>Location/Number: One sign; except on a site with more than one street frontage one sign may be located adjacent each collector or arterial street frontage that is at least 500 feet in length. Where more than one sign is permitted on a site, the signs must be separated by at least 300 feet.</u>
<u>D. Use on site: All other uses.</u>		
<u>Size: maximum 48 square feet per sign face (up to two faces).</u>	<u>Maximum Height: 18 feet.</u>	<u>Location/Number: One sign; except one sign may be located adjacent each collector or arterial street frontage.</u>
<u>Wall Sign</u>		
<u>A. Use on site: All uses.</u>		
<u>Size: The maximum sign face area of all signage allowed on a primary building frontage is 8 percent of the building elevation area of the primary building frontage, up to a maximum of 120 square feet.</u> <u>The total combined area of marquee signs, awning or canopy signs, and wall signs on a primary frontage shall not exceed the</u>	<u>Maximum Height: shall not project above the roof line or top of the parapet wall, whichever is higher.</u>	<u>Location/Number: One sign per building frontage for each business license on file with the City at that location.</u>

<p><u>maximum percentage of building elevation area allowed.</u></p> <p><u>The maximum sign face area of all signage allowed on a secondary building frontage is 6 percent of the building elevation area of the secondary building frontage, up to a maximum of 60 square feet.</u></p> <p><u>If the building elevation area of a primary or secondary building frontage exceeds 5,000 square feet, the total sign face area allowed on that frontage is 190 square feet.</u></p>		
<p><u>Blade/Overhang Sign</u></p>		
<p><u>A. Use on site: All uses.</u></p>		
<p><u>Size: Each sign shall have a maximum sign face area of 48 square feet.</u></p> <p><u>The total sign face area of all signs placed on a primary building frontage shall not exceed 12 percent of the building elevation area of the primary building frontage.</u></p>	<p><u>Maximum Height: shall not project above the roof line or top of the parapet wall, whichever is higher.</u></p>	<p><u>Location/Number: One sign per building frontage for each business license on file with the City at that location.</u></p>
<p><u>Bulletin Board</u></p>		
<p><u>A. Use on site: church, school, or public/semi-public facility.</u></p>		
<p><u>Size: bulletin board may encompass up to 75 percent of sign face area.</u></p>	<p><u>Maximum Height: determined by height of sign.</u></p>	<p><u>Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2.</u></p>
<p><u>B. Use on site: all other uses.</u></p>		
<p><u>Size: bulletin board may encompass up to 50 percent of sign face area.</u></p>	<p><u>Maximum Height: determined by height of sign.</u></p>	<p><u>Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2.</u></p>

<u>Electronic Message Board</u>		
<u>A. Use on site: all uses.</u>		
<u>Size: electronic message board may encompass up to 25 percent of sign face area.</u>	<u>Maximum Height: determined by height of sign.</u>	<u>Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2.</u>
<u>Awning Sign or Canopy Sign</u>		
<u>A. Use on site: all uses.</u>		
<u>Size: The maximum sign face area of all signage allowed on a primary building frontage is 12 percent of the building elevation area of the primary building frontage, up to a maximum of 120 square feet.</u> <u>The total combined area of marquee signs, awning or canopy signs, and wall signs on a primary frontage shall not exceed the maximum percentage of building elevation area allowed.</u> <u>The maximum sign face area of all signage allowed on a secondary building frontage is 8 percent of the building elevation area of the secondary frontage, up to a maximum of 60 square feet.</u>	<u>Maximum Height: shall not project above the roof line.</u>	<u>Location/Number: One sign per building frontage for each business license on file with the City at that location. Sign shall not project above the roof line. Sign shall not extend more than 8 feet from the building face. Outer edge of sign shall be set back a minimum of 2 feet from a curb. A minimum 8 ½ foot clearance shall be provided between grade and bottom of sign.</u>
<u>Marquee Sign</u>		
<u>A. Use on site: all uses.</u>		
<u>Size: The maximum sign face area of all signage allowed on a</u>	<u>Maximum Height: shall not project</u>	<u>Location/Number: One sign per primary building frontage for each business license on file with the</u>

<u>primary building frontage is 12 percent of the building elevation area of the primary building frontage, up to a maximum of 120 square feet.</u> <u>The total combined area of marquee signs, awning or canopy signs, and wall signs on a primary frontage shall not exceed the maximum percentage of building elevation area allowed.</u>	<u>above the roof line or parapet wall, whichever is higher; however, the blade/overhanging portion of the sign may extend above the roof line or parapet wall.</u>	<u>City at that location. Outer edge of sign shall be set back a minimum of 2 feet from a curb. A minimum 8 ½ foot clearance shall be provided between grade and bottom of sign.</u>
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Window Sign



A. Use on site: all uses.

<u>Size: maximum 15 percent of total window area.</u>	<u>Maximum Height: determined by height of window.</u>	<u>Location/Number: Only allowed in ground floor or 2nd floor windows.</u>
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4. Downtown Commercial Zone (C-1) and Core Commercial Area in the Downtown Canby Overlay Zone (DCO-cc)

Monument Sign



A. Use on site: Church, school, or public facility.

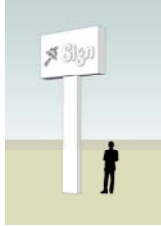

<u>Size: maximum 40 square feet per sign face (up to two faces).</u>	<u>Maximum Height: 9 feet.</u>	<u>Location/Number: One sign may be located adjacent each street frontage.</u>
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B. Use on site: Minor business complex.




<u>Size: maximum 50 square feet per sign face (up to two faces).</u>	<u>Maximum Height: 12 feet.</u>	<u>Location/Number: One sign; except on a site abutting a collector or arterial street one sign may be located adjacent each collector/arterial street frontage.</u>
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C. Use on site: Major business complex.

<u>Size: maximum 65 square feet per sign face (up to two faces).</u>	<u>Maximum Height: 12 feet.</u>	<u>Location/Number: One sign; except on a site abutting a collector or arterial street one sign may be located adjacent each collector/arterial street frontage.</u>
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<u>D. Use on site: all other uses.</u>		
<u>Size: maximum 40 square feet per sign face (up to two faces).</u>	<u>Maximum Height: 9 feet.</u>	<u>Location/Number: One sign; except on a site abutting a collector or arterial street one sign may be located adjacent each collector/arterial street frontage.</u>
<u>Pole Sign</u>		
<u>A. Use on site: church, school, or public facility.</u>		
<u>Size: maximum 40 square feet per sign face (up to two faces).</u>	<u>Maximum Height: 12 feet.</u>	<u>Location/Number: One sign may be located adjacent each street frontage.</u>
<u>B. Use on site: Minor business complex.</u>		
<u>Size: maximum 50 square feet per sign face (up to two faces).</u>	<u>Maximum Height: 18 feet.</u>	<u>Location/Number: One sign; except on a site with more than one street frontage one sign may be located adjacent each collector or arterial street frontage that is at least 500 feet in length. Where more than one sign is permitted on a site, the signs must be separated by at least 300 feet.</u>
<u>C. Use on site: Major business complex.</u>		
<u>Size: maximum 65 square feet per sign face (up to two faces).</u>	<u>Maximum Height: 18 feet.</u>	<u>Location/Number: One sign; except on a site with more than one street frontage one sign may be located adjacent each collector or arterial street frontage that is at least 500 feet in length. Where more than one sign is permitted on a site, the signs must be separated by at least 300 feet.</u>
<u>D. Use on site: All other uses.</u>		
<u>Size: maximum 40 square feet per sign face (up to two faces).</u>	<u>Maximum Height: 12 feet.</u>	<u>Location/Number: One sign; except one sign may be located adjacent each collector or arterial street frontage.</u>
<u>Wall Sign</u>		
<u>A. Use on site: All uses.</u>		
<u>Size: The maximum sign face area of all signage allowed on a primary building frontage is 8 percent of the building elevation area of the primary building frontage, up to a maximum of 60</u>	<u>Maximum Height: shall not project above the roof line or top of the parapet wall, whichever is higher.</u>	<u>Location/Number: One sign per building frontage for each business license on file with the City at that location.</u>

<p><u>square feet.</u></p> <p><u>The total combined area of marquee signs, awning or canopy signs, and wall signs on a primary frontage shall not exceed the maximum percentage of building elevation area allowed.</u></p> <p><u>The total combined area of wall and blade/overhang signs on a primary frontage shall not exceed 12 percent of the building elevation area.</u></p> <p><u>The maximum sign face area of all signage allowed on a secondary building frontage is 6 percent of the building elevation area of the secondary building frontage, up to a maximum of 30 square feet.</u></p>		
<p><u>Blade/Overhang Sign</u></p>		
<p><u>A. Use on site: All uses.</u></p>		
<p><u>Size: Each sign shall have a maximum sign face area of 20 square feet.</u></p> <p><u>The total combined area of wall and blade/overhang signs on a primary frontage shall not exceed 12 percent of the building elevation area.</u></p>	<p><u>Maximum Height: shall not project above the roof line or top of the parapet wall, whichever is higher.</u></p>	<p><u>Location/Number: One sign per building frontage for each business license on file with the City at that location.</u></p>
<p><u>Bulletin Board</u></p>		
<p><u>A. Use on site: church, school, or public/semi-public facility.</u></p>		
<p><u>Size: bulletin board may encompass up to 75 percent of sign face area.</u></p>	<p><u>Maximum Height: determined by height of sign.</u></p>	<p><u>Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2.</u></p>
<p><u>B. Use on site: all other uses.</u></p>		
<p><u>Size: bulletin board may</u></p>	<p><u>Maximum Height:</u></p>	<p><u>Location/Number: Only allowed as part of a</u></p>

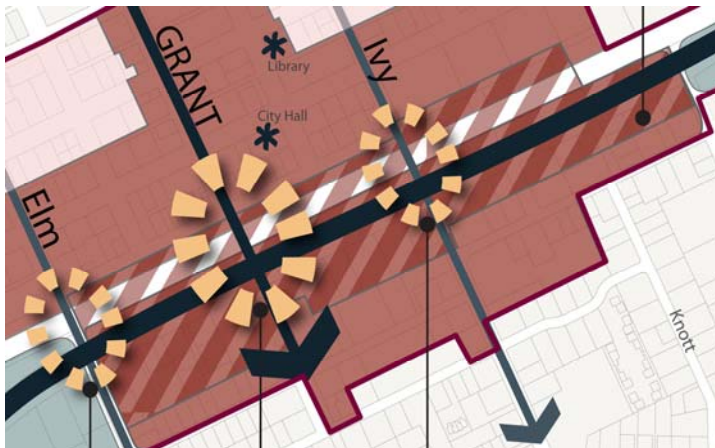
<u>encompass up to 50 percent of sign face area.</u>	<u>determined by height of sign.</u>	<u>permitted sign, as set forth in 16.42.040.C.2.</u>
<u>Electronic Message Board</u>		
A. Use on site: all uses.		
<u>Size: electronic message board may encompass up to 25 percent of sign face area.</u>	<u>Maximum Height: determined by height of sign.</u>	<u>Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2.</u>
<u>Awning Sign or Canopy Sign</u>		
A. Use on site: all uses.		
<u>Size: The maximum sign face area of all signage allowed on a primary building frontage is 12 percent of the building elevation area of the primary building frontage, up to a maximum of 60 square feet.</u> <u>The total combined area of marquee signs, awning or canopy signs, and wall signs on a primary frontage shall not exceed the maximum percentage of building elevation area allowed.</u> <u>The maximum sign face area of all signage allowed on a secondary building frontage is 8 percent of the building elevation area of the secondary frontage, up to a maximum of 30 square feet.</u>	<u>Maximum Height: shall not project above the roof line or parapet wall, whichever is higher.</u>	<u>Location/Number: One sign per building frontage for each business license on file with the City at that location. Sign shall not project above the roof line. Sign shall not extend more than 8 feet from the building face. Outer edge of sign shall be set back a minimum of 2 feet from a curb. A minimum 8 ½ foot clearance shall be provided between grade and bottom of sign.</u>
<u>Marquee Sign</u>		

<u>A. Use on site: all uses.</u>		
<u>Size: The maximum sign face area of all signage allowed on a primary building frontage is 12 percent of the building elevation area of the primary building frontage, up to a maximum of 120 square feet.</u> <u>The total combined area of marquee signs, awning or canopy signs, and wall signs on a primary frontage shall not exceed the maximum percentage of building elevation area allowed.</u>	<u>Maximum Height: shall not project more than 8 feet above the roof line or parapet wall, whichever is higher. The blade/overhang portion of the sign may extend above the roof line or parapet wall.</u>	<u>Location/Number: One sign per primary building frontage for each business license on file with the City at that location. Outer edge of sign shall be set back a minimum of 2 feet from a curb.</u>
<u>Window Sign</u>		
<u>A. Use on site: all uses.</u>		
<u>Size: maximum 15 percent of total window area.</u>	<u>Maximum Height: determined by height of window.</u>	<u>Location/Number: Only allowed in ground floor or 2nd floor windows.</u>

5. Core Highway Frontage Sign Overlay Zone (CHFS)

A. The purpose of the Core Highway Frontage Sign Overlay is to have sign standards that are particularly applicable to properties in the Core Commercial sub-area of the Downtown Canby Overlay Zone that are located in close proximity to Hwy 99 E.

B. A Core Highway Frontage Sign Overlay Zone is established as illustrated by the striped pattern on the following map, and encompasses the following area:



Land north of Hwy 99E that is south of N.W. 1st Avenue, west of N. Knott Street, and east of N. Elm Street.

Also, land south of Hwy 99E inside a boundary that begins at the southeast corner of the intersection of Hwy 99E and S. Elm Street, thence 264 feet south along the easterly right-of-way line of S. Elm Street, thence east to the centerline of S. Grant Street along a line that runs parallel to and 98 feet north of the northerly right-of-way line of S.W. 2nd Street, thence 164 feet north along the centerline of S. Grant Street, thence east approximately...

147.48 feet along a line approximately 100 feet south of and parallel to the southerly right-of-way line of Hwy 99E, thence south 86.56 feet along the westerly boundary of PP1990-5 to the southwesterly corner of PP1990-5, thence east approximately 524.58 feet along a line that is parallel to the southerly boundary of PP1990-5 to the centerline of S. Ivy Street, thence north approximately 100 feet along the centerline of S. Ivy Street, thence east along a line that is parallel to and approximately 100 feet south of the southerly right-of-way of Hwy 99E to the centerline of S. Locust Street, thence north 100 feet along the centerline of S. Locust Street to the intersection of S. Locust Street and Hwy 99E, thence southwest along the southerly right-of-way of Hwy 99E back to the point of beginning.

Monument Sign



A. Use on site: Church, school, or public facility.

Size: maximum 48 square feet per sign face (up to two faces).

Maximum Height: 9 feet.

Location/Number: One sign may be located adjacent each street frontage.

B. Use on site: Minor business complex.

Size: maximum 100 square feet per sign face (up to two faces).

Maximum Height: 12 feet.

Location/Number: One sign; except on a site abutting a collector or arterial street one sign may be located adjacent each collector/arterial street frontage.

C. Use on site: Major business complex.

Size: maximum 130 square feet per sign face (up to two faces).

Maximum Height: 12 feet.

Location/Number: One sign; except on a site abutting a collector or arterial street one sign may be located adjacent each collector/arterial street frontage.

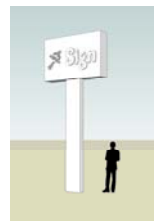
D. Use on site: all other uses.

Size: maximum 48 square feet per sign face (up to two faces).

Maximum Height: 9 feet.

Location/Number: One sign; except on a site abutting a collector or arterial street one sign may be located adjacent each collector/arterial street frontage.

Pole Sign



A. Use on site: church, school, or public facility.

Size: maximum 48 square feet per sign face (up to two faces).

Maximum Height: 18 feet.

Location/Number: One sign may be located adjacent each street frontage.

B. Use on site: Minor business complex.

<u>Size: maximum 100 square feet per sign face (up to two faces).</u>	<u>Maximum Height: 20 feet.</u>	<u>Location/Number: One sign; except on a site with more than one street frontage one sign may be located adjacent each collector or arterial street frontage that is at least 500 feet in length. Where more than one sign is permitted on a site, the signs must be separated by at least 300 feet.</u>
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C. Use on site: Major business complex.

<u>Size: maximum 130 square feet per sign face (up to two faces).</u>	<u>Maximum Height: 26 feet.</u>	<u>Location/Number: One sign; except on a site with more than one street frontage one sign may be located adjacent each collector or arterial street frontage that is at least 500 feet in length. Where more than one sign is permitted on a site, the signs must be separated by at least 300 feet.</u>
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D. Use on site: All other uses.

<u>Size: maximum 48 square feet per sign face (up to two faces).</u>	<u>Maximum Height: 18 feet.</u>	<u>Location/Number: One sign; except one sign may be located adjacent each collector or arterial street frontage.</u>
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Wall Sign




A. Use on site: All uses.


<p><u>Size: The maximum sign face area of all signage allowed on a primary building frontage is 8 percent of the building elevation area of the primary building frontage, up to a maximum of 60 square feet.</u></p> <p><u>The total combined area of wall and blade/overhang signs on a primary frontage shall not exceed 12 percent of the building elevation area.</u></p> <p><u>The total combined area of marquee signs, awning or canopy signs, and wall signs on a primary frontage shall not exceed the maximum percentage of building elevation area allowed.</u></p> <p><u>The maximum sign face area of all signage allowed on a secondary building frontage is 6 percent of the building elevation area of the secondary building frontage, up to a maximum of 30 square feet.</u></p>	<p><u>Maximum Height: shall not project above the roof line or top of the parapet wall, whichever is higher.</u></p>	<p><u>Location/Number: One sign per building frontage for each business license on file with the City at that location.</u></p>
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<u>Blade/Overhang Sign</u>		
<u>A. Use on site: All uses.</u>		
Size: Each sign shall have a maximum sign face area of 20 square feet. The total combined area of wall and blade/overhang signs on a primary frontage shall not exceed 12 percent of the building elevation area.	Maximum Height: shall not project above the roof line or top of the parapet wall, whichever is higher.	Location/Number: One sign per building frontage for each business license on file with the City at that location.
<u>Bulletin Board</u>		
<u>A. Use on site: church, school, or public/semi-public facility.</u>		
Size: bulletin board may encompass up to 75 percent of sign face area.	Maximum Height: determined by height of sign.	Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2.
<u>B. Use on site: all other uses.</u>		
Size: bulletin board may encompass up to 50 percent of sign face area.	Maximum Height: determined by height of sign.	Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2.
<u>Electronic Message Board</u>		
<u>A. Use on site: all uses.</u>		
Size: electronic message board may encompass up to 25 percent of sign face area.	Maximum Height: determined by height of sign.	Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2.


<h2><u>Awning Sign or Canopy Sign</u></h2>			
<p><u>A. Use on site: all uses.</u></p>			
<p><u>Size: The maximum sign face area of all signage allowed on a primary building frontage is 12 percent of the building elevation area of the primary building frontage, up to a maximum of 60 square feet.</u></p> <p><u>The total combined area of marquee signs, awning or canopy signs, and wall signs on a primary frontage shall not exceed the maximum percentage of building elevation area allowed.</u></p> <p><u>The maximum sign face area of all signage allowed on a secondary building frontage is 8 percent of the building elevation area of the secondary frontage, up to a maximum of 30 square feet.</u></p>	<p><u>Maximum Height: shall not project above the roof line or parapet wall, whichever is higher.</u></p>	<p><u>Location/Number: One sign per building frontage for each business license on file with the City at that location. Sign shall not project above the roof line. Sign shall not extend more than 8 feet from the building face. Outer edge of sign shall be set back a minimum of 2 feet from a curb. A minimum 8 ½ foot clearance shall be provided between grade and bottom of sign.</u></p>	
<h2><u>Marquee Sign</u></h2>			
<p><u>A. Use on site: all uses.</u></p>			
<p><u>Size: The maximum sign face area of all signage allowed on a primary building frontage is 12 percent of the building elevation area of the primary building frontage, up to a maximum of 120 square feet.</u></p> <p><u>The total combined area of marquee signs, awning or canopy signs, and wall signs on a primary frontage shall not exceed the maximum percentage of building elevation area allowed.</u></p>	<p><u>Maximum Height: shall not project above the roof line or parapet wall, whichever is higher. The blade/overhang portion of the sign may extend above the roof line or parapet wall.</u></p>	<p><u>Location/Number: One sign per primary building frontage for each business license on file with the City at that location. Outer edge of sign shall be set back a minimum of 2 feet from a curb. A minimum 8 ½ foot clearance shall be provided between grade and bottom of sign.</u></p>	

<u>Window Sign</u>		
<u>A. Use on site: all uses.</u>		
<u>Size: maximum 25 percent of total window area.</u>	<u>Maximum Height: determined by height of window.</u>	<u>Location/Number: Only allowed in ground floor or 2nd floor windows.</u>



6. Residential/Commercial Zone and Convenience Commercial Zone (C-R, C-C), and Transitional Commercial Area in the Downtown Canby Overlay Zone (DCO-tc)

<u>Monument Sign</u>		
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<u>A. Use on site: Church, school, or public facility.</u>		
<u>Size: maximum 32 square feet per sign face (up to two faces).</u>	<u>Maximum Height: 7 feet.</u>	<u>Location/Number: One sign may be located adjacent each street frontage.</u>
<u>B. Use on site: all other uses.</u>		
<u>Size: maximum 32 square feet per sign face (up to two faces).</u>	<u>Maximum Height: 7 feet.</u>	<u>Location/Number: One sign; except on a site abutting a collector or arterial street one sign may be located adjacent each collector/arterial street frontage.</u>


<u>Pole Sign</u>		
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<u>A. Use on site: church, school, or public/semi-public facility.</u>		
<u>Size: maximum 32 square feet per sign face (up to two faces).</u>	<u>Maximum Height: 8 feet.</u>	<u>Location/Number: One sign may be located adjacent each street frontage.</u>
<u>B. Use on site: all other uses.</u>		
<u>Size: maximum 32 square feet per sign face (up to two faces).</u>	<u>Maximum Height: 8 feet.</u>	<u>Location/Number: One sign; except on a site with more than one street frontage one sign may be located adjacent each collector or arterial street</u>

		<u>frontage.</u>
<u>Wall Sign</u>		
<u>A. Use on site: church, school, or public/semi-public facility.</u>		
<u>Size: The maximum sign face area for each sign is 60 square feet on a primary building frontage.</u> <u>The maximum sign face area of all signage allowed on a secondary building frontage is 6 percent of the building elevation area of the secondary building frontage, up to a maximum of 30 square feet.</u>	<u>Maximum Height: shall not project above the roof line or top of the parapet wall, whichever is higher.</u>	<u>Location/Number: One sign per building frontage.</u>
<u>B. Use on site: All other uses.</u>		
<u>Size: The maximum sign face area of all signage allowed on a primary building frontage is 6 percent of the building elevation area of the primary building frontage, up to a maximum of 16 square feet.</u> <u>The maximum sign face area of all signage allowed on a secondary building frontage is 4 percent of the building elevation area of the secondary building frontage, up to a maximum of 8 square feet.</u>	<u>Maximum Height: shall not project above the roof line or top of the parapet wall, whichever is higher.</u>	<u>Location/Number: One sign per building frontage for each business license on file with the City at that location. A wall sign shall not project more than 18 inches from the wall to which it is attached (or 12 inches from the wall on a building frontage abutting an alley).</u>
<u>Blade/Overhang Sign</u>		
<u>A. Use on site: All uses.</u>		
<u>Size: Each sign shall have a maximum sign face area of 6 square feet.</u>	<u>Maximum Height: shall not project above the roof line or top of the parapet wall, whichever is higher.</u>	<u>Location/Number: One sign per building frontage for each business license on file with the City at that location.</u>

<u>Bulletin Board</u>		
<u>A. Use on site: church, school, or public/semi-public facility.</u>		
<u>Size: bulletin board may encompass up to 75 percent of sign face area.</u>	<u>Maximum Height: determined by height of sign.</u>	<u>Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2.</u>
<u>B. Use on site: all other uses.</u>		
<u>Size: bulletin board may encompass up to 50 percent of sign face area.</u>	<u>Maximum Height: determined by height of sign.</u>	<u>Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2.</u>
<u>Electronic Message Board</u>		
<u>A. Use on site: all uses.</u>		
<u>Size: electronic message board may encompass up to 25 percent of sign face area.</u>	<u>Maximum Height: determined by height of sign.</u>	<u>Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2.</u>
<u>Awning Sign or Canopy Sign</u>		
<u>A. Use on site: commercial use, church, school, or public/semi-public facility.</u>		
<u>Size: The maximum sign face area of all signage allowed on a primary building frontage is 12 percent of the building elevation area of the primary building frontage, up to a maximum of 50 square feet.</u> <u>The maximum sign face area of all signage allowed on a secondary building frontage is 8 percent of the building elevation area of the secondary frontage, up to a maximum of 25 square feet.</u>	<u>Maximum Height: shall not project above the roof line or parapet wall, whichever is higher.</u>	<u>Location/Number: One sign per building frontage for each business license on file with the City at that location. Sign shall not extend more than 8 feet from the building face. Outer edge of sign shall be set back a minimum of 2 feet from a curb. A minimum 8 ½ foot clearance shall be provided between grade and bottom of sign.</u>

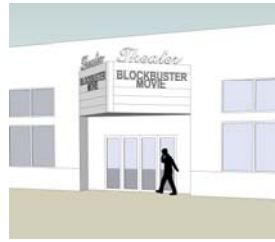
<u>B. Use on site: all other uses.</u>		
<u>Size: not allowed.</u>	<u>Maximum Height: n/a.</u>	<u>Location/Number: n/a.</u>
<u>Marquee Sign</u>		
<u>A. Use on site: all uses.</u>		
<u>Size: not allowed.</u>	<u>Maximum Height: n/a.</u>	<u>Location/Number: n/a.</u>
<u>Window Sign</u>		
<u>A. Use on site: all uses.</u>		
<u>Size: maximum 15 percent of total window area.</u>	<u>Maximum Height: determined by height of window.</u>	<u>Location/Number: Only allowed in ground floor or 2nd floor windows.</u>

<u>7. Canby Industrial Area Overlay Zone (I-O)</u>		
<u>Monument Sign</u>		
<u>A. Use on site: all uses in the M-1 zone or M-2 zone.</u>		
<u>Size: may not exceed 32 square feet per sign face, or 64 square feet total.</u>	<u>Maximum Height: 6 feet.</u>	<u>Location/Number: One sign.</u>
<u>B. Use on site: all uses in the C-M zone.</u>		
<u>Size: may not exceed 150 square feet per sign face, or 300 square feet total.</u>	<u>Maximum Height: 30 feet.</u>	<u>Location/Number: One monument sign is allowed for a site up to 10 acres in size. Sites over 10 acres in size may be permitted a maximum of 2 signs, provided that only one sign per street frontage is allowed.</u>

<u>Pole Sign</u>			
<u>A. Use on site: all uses.</u>			
<u>Size: not allowed.</u>	<u>Maximum Height: n/a.</u>	<u>Location/Number: n/a.</u>	
<u>Wall Sign</u>			
<u>A. Use on site: all uses.</u>			
<u>Size: The maximum sign face area of all signage allowed on a primary building frontage is 8 percent of the building elevation area of the primary building frontage, up to a maximum of 300 square feet.</u> <u>The maximum sign face area of all signage allowed on a secondary building frontage is 6 percent of the building elevation area of the secondary building frontage, up to a maximum of 190 square feet.</u>	<u>Maximum Height: shall not project above the roof line or top of the parapet wall, whichever is higher.</u>	<u>Location/Number: Painted wall signs are prohibited. Internally illuminated box-style signs, also called can signs, are prohibited.</u> <u>For other types of wall signs, one sign is permitted per building frontage for each business license on file with the City at that location.</u>	
<u>Blade/Overhang Sign</u>			
<u>A. Use on site: All uses.</u>			
<u>Size: Each sign shall have a maximum sign face area of 48 square feet.</u> <u>The total sign face area of all signs placed on a primary building frontage shall not exceed 12 percent of the building elevation area of the primary building frontage.</u>	<u>Maximum Height: shall not project above the roof line or top of the parapet wall, whichever is higher.</u>	<u>Location/Number: One sign per building frontage for each business license on file with the City at that location.</u>	

<u>Bulletin Board</u>			
<u>A. Use on site: All uses.</u>			
<u>Size:</u> bulletin board may encompass up to 50 percent of sign face area.	<u>Maximum Height:</u> determined by height of sign.	<u>Location/Number:</u> Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2.	
<u>Electronic Message Board</u>			
<u>A. Use on site: all uses.</u>			
<u>Size:</u> electronic message board may encompass up to 25 percent of sign face area.	<u>Maximum Height:</u> determined by height of sign.	<u>Location/Number:</u> Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2.	
<u>Awning Sign or Canopy Sign</u>			
<u>A. Use on site: all uses.</u>			
<u>Size:</u> The maximum sign face area of all signage allowed on a primary building frontage is 12 percent of the building elevation area of the primary building frontage, up to a maximum of 120 square feet. <u>The maximum sign face area of all signage allowed on a secondary building frontage is 8 percent of the building elevation area of the secondary frontage, up to a maximum of 60 square feet.</u>	<u>Maximum Height:</u> shall not project above the roof line or parapet wall, whichever is higher.	<u>Location/Number:</u> One sign per building frontage for each business license on file with the City at that location. Sign shall not extend more than 8 feet from the building face. Outer edge of sign shall be set back a minimum of 2 feet from a curb. A minimum 8 ½ foot clearance shall be provided between grade and bottom of sign.	

Marquee Sign



A. Use on site: all uses.

Size: not allowed.

Maximum Height: n/a.

Location/Number: n/a.

Window Sign



A. Use on site: all uses.

Size: maximum 15 percent of total window area.

Maximum Height: determined by height of window.

Location/Number: Only allowed in ground floor or 2nd floor windows.

16.42.060 Automobile service station sign standards.

The purpose of service station sign requirements is to control sign clutter for service stations so the traveling public can clearly identify the service station and the services and goods it offers.

A. No sign other than detailed in this Section shall be displayed on a lot on which an automobile service station is located. In the event that a conflict exists between this Section and the sign standards set forth in other sections of this Chapter, the standards in this section shall prevail.

1. Permitted signage includes one of the following options:

a. One pole sign, and one wall sign, and window signs, and temporary signs; or

b. Two wall signs, and window signs, and temporary signs.

2. Pole sign standards:

a. Maximum area: 48 square feet total for a single-faced sign; 96 square feet total for a double-faced sign.

b. Maximum height: 18 feet.

c. A bulletin board or electronic message board may encompass up to 75 percent of the sign face area of a pole sign.

3. Wall sign standards:

a. Maximum area: 120 square feet per sign.

b. Maximum height: Sign shall not project above the roof line or parapet wall, whichever is higher.

c. A bulletin board or electronic message board may encompass up to 25 percent of the sign face area of a wall sign.

4. Window sign standards: Maximum of 25 percent of total window area.

5. Temporary sign standards: Except during a service station grand opening, which may occur only once during a single ownership, and for a period of time not to exceed 30 consecutive days, pennants, streamers, or lawn signs shall not be permitted. Other types of temporary signs are permitted as set forth in Section 16.42.025.C.

16.42.070 Measurements.

The requirements described in the following subsections are illustrated further in Figures 1 through 8.

A. Area.

1. Sign area shall be measured within lines drawn between the outermost dimensions of the frame or cabinet surrounding the display area containing the sign copy.

2. When signs are not framed or on a base material, and are inscribed, painted, printed, or otherwise placed upon, or attached to a structure, the sign area is the smallest possible space enclosing the sign copy that can be constructed with straight lines.

3. Where a sign is of a three-dimensional, round, or irregular solid shape, the largest cross-section shall be used in a flat projection for the purpose of determining sign area.

4. Where signs are constructed in multiple separate pieces containing sign copy, sign face area for each piece is determined by a perimeter drawn in straight lines, as small as possible, around all pieces. The sum of the area of the separate pieces shall constitute the sign area.

B. Height. The height of a sign above grade is measured from the average level of the grade below the sign to the topmost point of the sign, including support structure.

C. Clearance. Clearance is measured from the average grade below the sign to the lowermost point of the sign.

D. Spacing. For the purposed of applying spacing requirements, distances shall be measured parallel to the centerline of the adjacent street or highway.

Figure 1

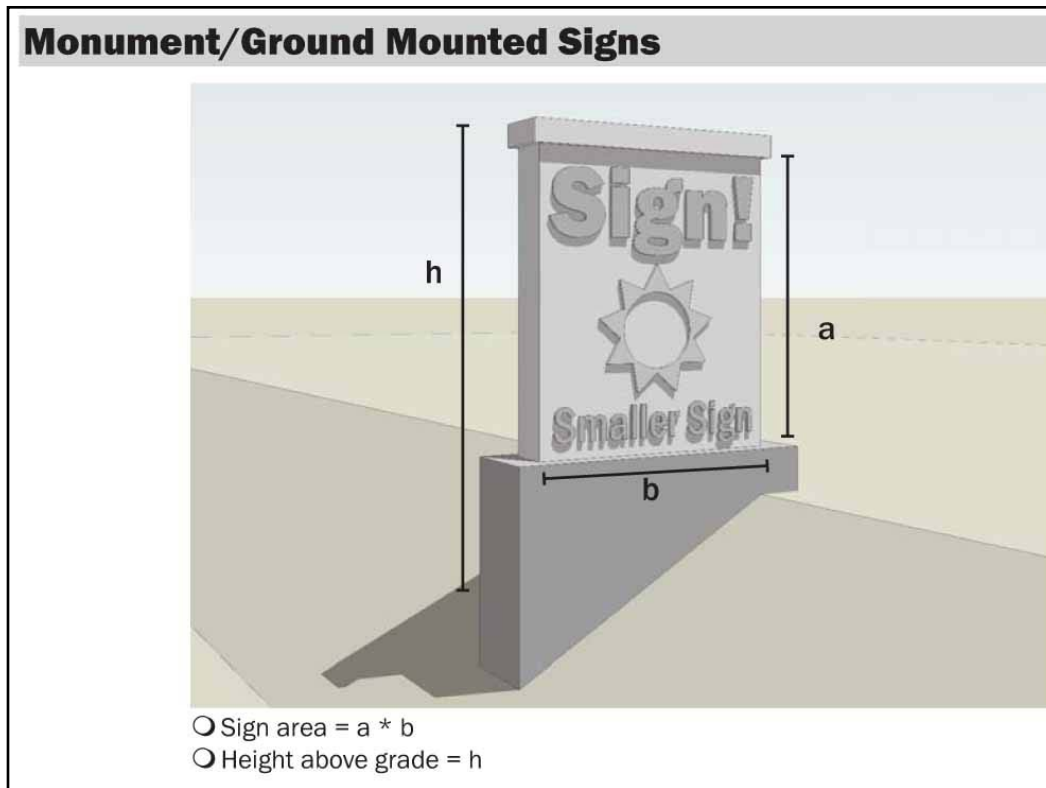


Figure 2

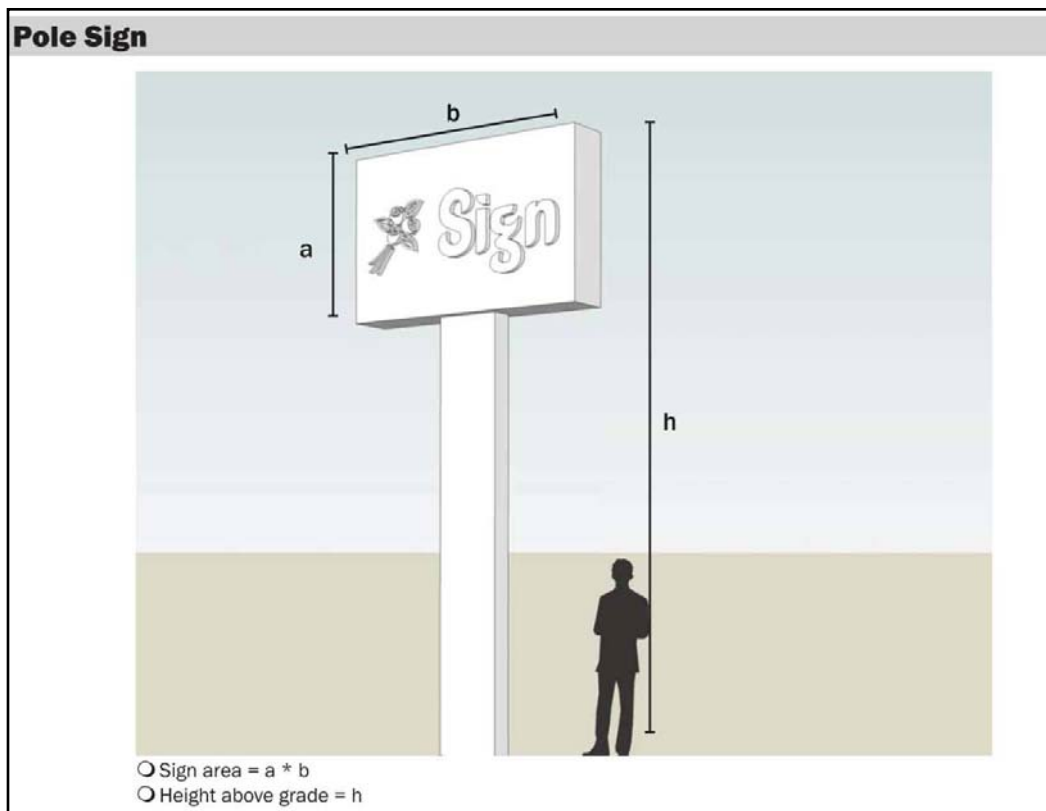


Figure 3

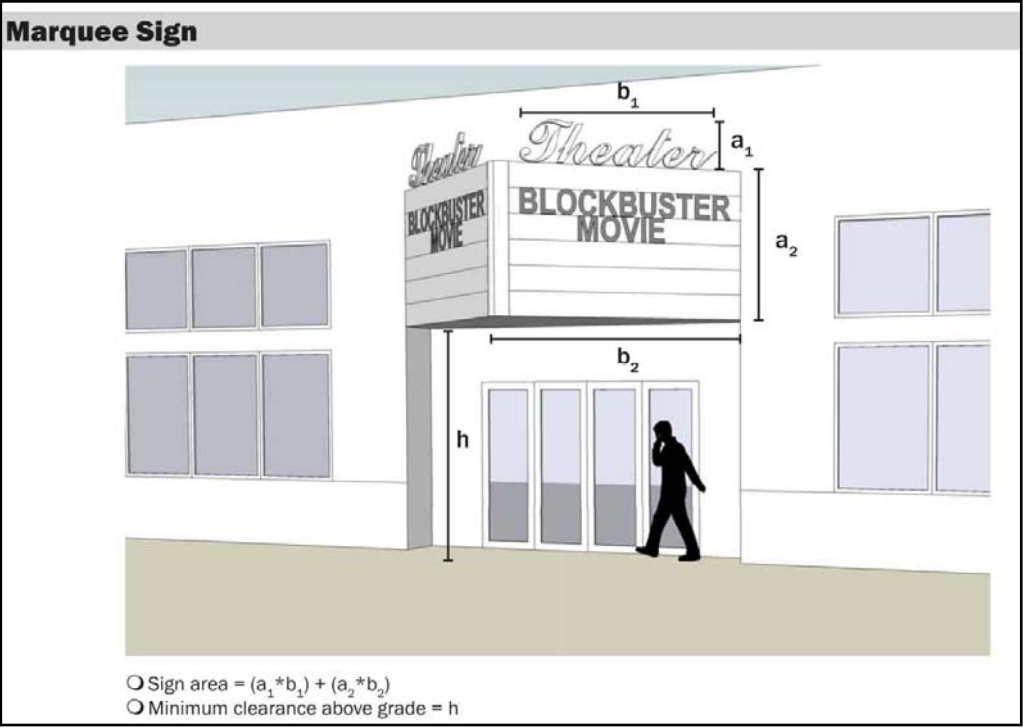


Figure 4

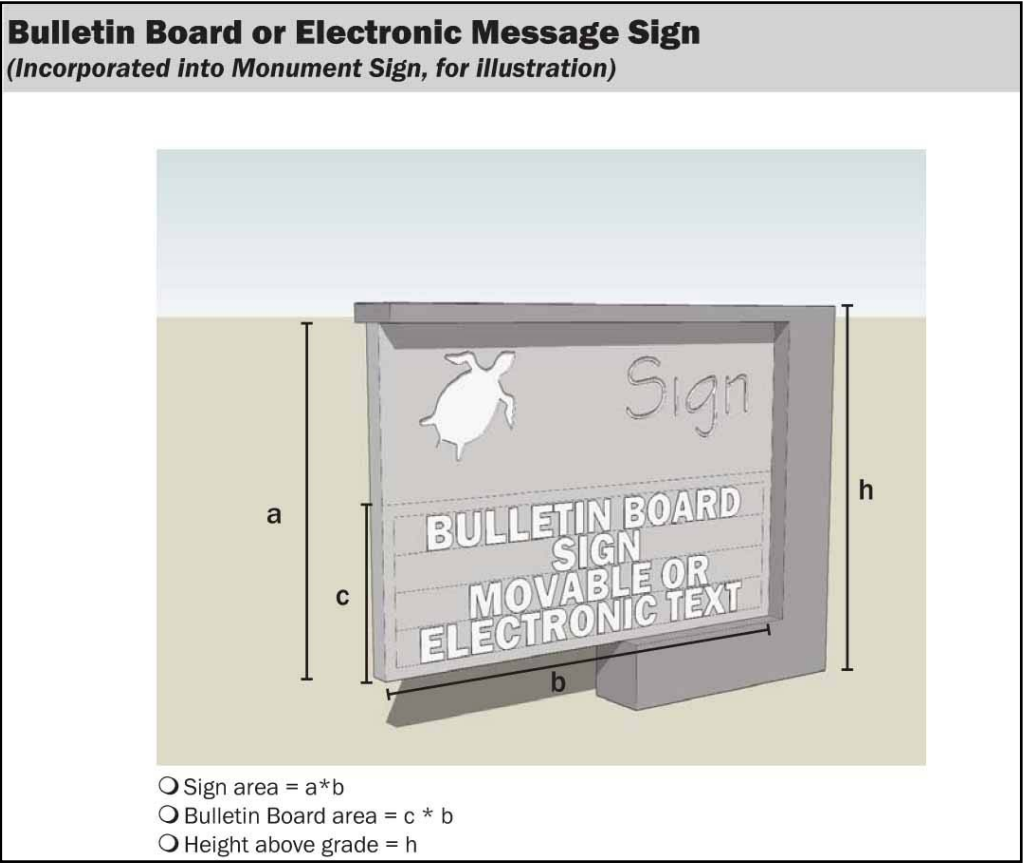


Figure 5

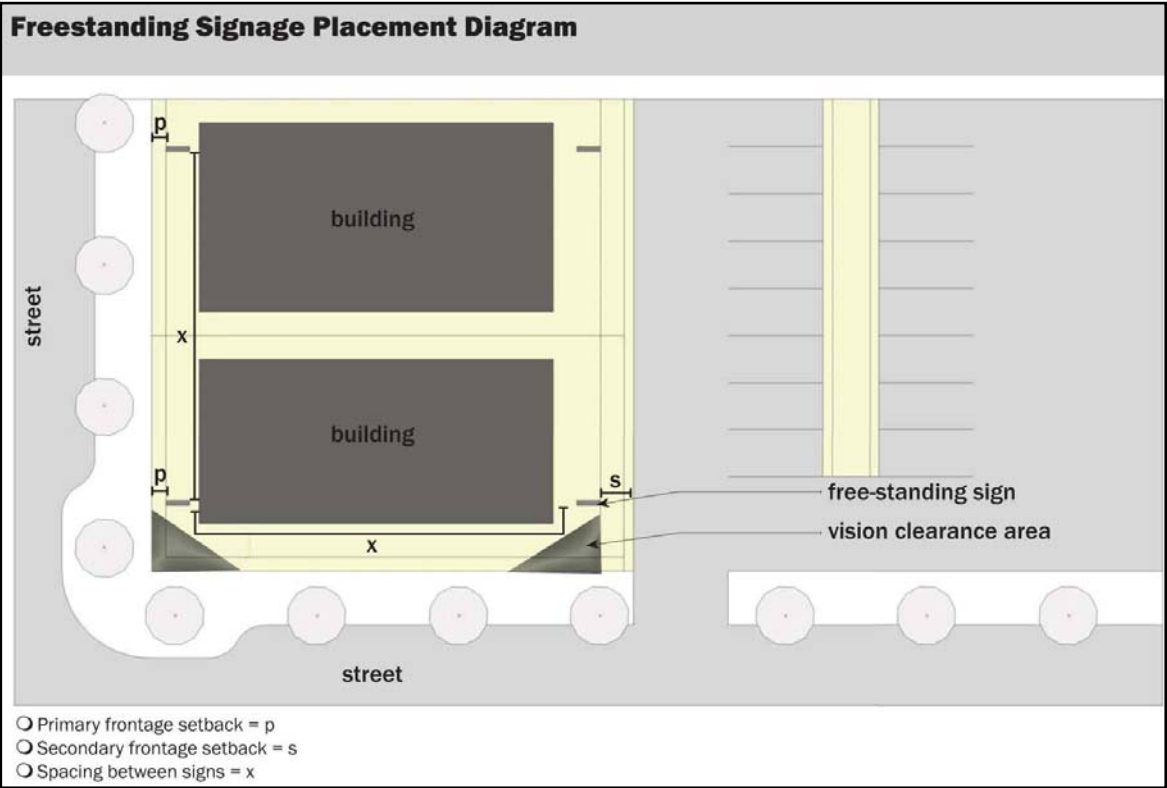


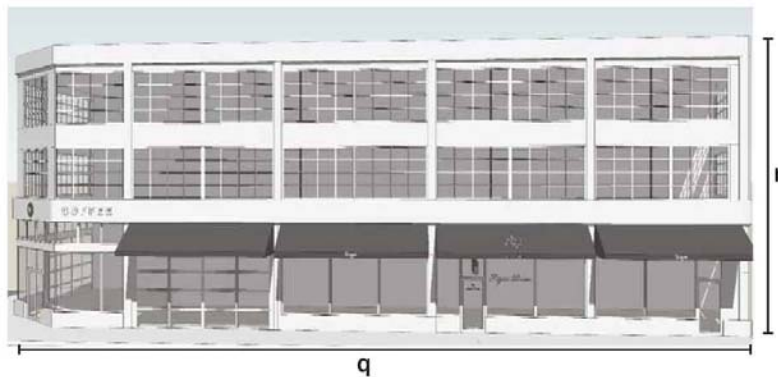
Figure 6



Figure 7

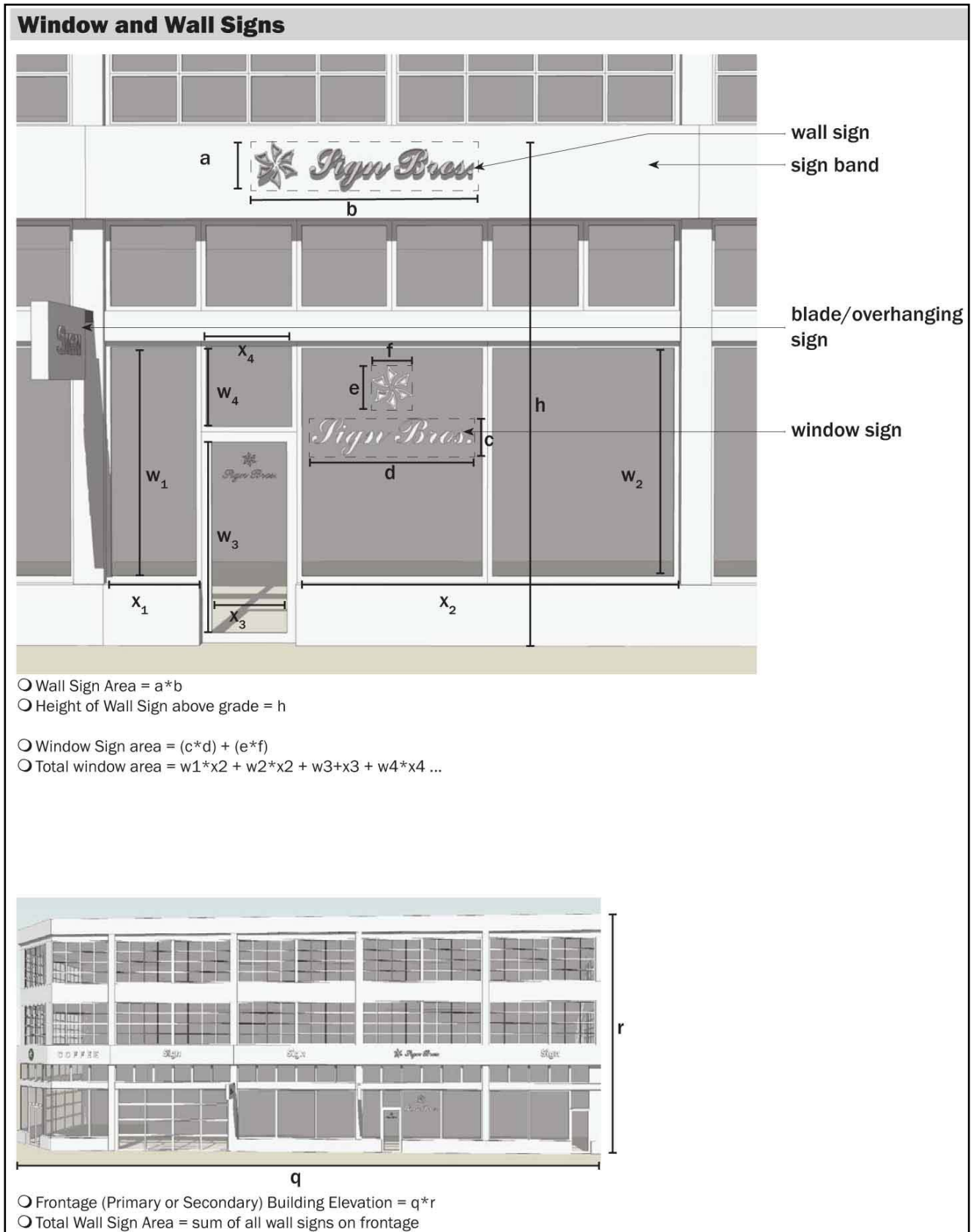


- Awning Sign Area = $(c*d) + (e*f)$
- Minimum awning height above grade = h
- Minimum height of Overhanging/Blade Sign = p



- Frontage (Primary or Secondary) Building Elevation = $q*r$
- Total Awning Sign Area = sum of all awning signs on frontage

Figure 8



16.42.100 — Area of signs permitted by zoning district.

Sign area shall be limited to comply with Table 16.42.100.

Sign Area. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets the Land Development and Planning Ordinance regulations and is clearly incidental to the display itself. (Ord. 913 section 1[part], 1994; Ord. 830 section 13[part], 1989; Ord. 802 section 5, 1987; Ord. 840 section 10.3.40(J), 1984)

TABLE 16.42.100

TOTAL SIGN AREA ALLOWED
(square feet)

BUSINESSES IN INDIVIDUAL BUILDINGS								
Zone	Total Square Footage of Use*							
	0 to 500	500 to 1,000	1,000 to 2,500	2,500 to 4,000	4,000 to 6,000	6,000 to 8,000	8,000 to 10,000	Greater than 10,000
C-C, C-R, R-1, R1.5, R-2	20	40	60	60	60	60	60	60
C-1	40	60	80	100	150	200	250	+25 sq. ft. of sign for each additional 1000 sq. ft. of area in commercial use, to a maximum of 500 sq. ft.
C-2, C-M M-1, M-2	50	75	100	150	200	250	300	+30 sq. ft. of sign for each additional 1000 sq. ft. of area in commercial industrial use, to a max. of 600 sq. ft.

BUSINESSES IN MULTI-BUSINESS BUILDINGS

Zone	Total Square Footage of Use*					
	0 to 2,000	2,000 to 4,000	4,000 to 6,000	6,000 to 8,000	8,000 to 10,000	Greater than 10,000
C-1	40	60	80	100	120	+12 sq. ft. of sign for each additional 1,000 sq. ft. of area in commercial use, to a maximum of 240 sq. ft.
C-2, C-M M-1, M-2	50	80	100	120	150	+15 sq. ft. of sign for each additional 1,000 sq. ft. of area in commercial/ industrial use, to a max. of 300 sq. ft.

* "Total square footage of use" is intended to apply only to building areas and other portions of the property where business is actually conducted, exclusive of parking areas, open space, or undeveloped portions of the property. Square footage of use is intended to include outdoor storage and other outside areas where work is regularly performed.

NOTES:

1. Sign area may be increased by as much as sixty (60%) percent for businesses having frontage on more than one street, other than an alley.
2. Sign area in residential zones is intended to apply to schools, churches, and nonconforming uses. It does not apply to home occupations.
3. Billboards having a surface not greater than fifty (50) square feet per side are permitted in the C-2 and C-M zones regardless of the square footage of use.

16.42.105 Signs in public rights-of-way (including daily display signs)

~~A. Signs Prohibited.~~ Signs are prohibited within public rights-of-way, except as allowed by this section.

~~Signs Located Within City, County, or State Right-of-Way.~~ Except for directional open house real estate signs referred to in 16.42.028, any sign located completely or partially within a public right-of-way, or real estate or land development signs located off of the site in which they are intended to advertise, is prohibited.

~~B. Exempted Signs.~~ As referenced in section 16.42.010(C) signs for purposes of public direction and safety may be allowed within the public right-of-way. For placement of signs for purposes of public direction and safety by non-government agencies and/or persons, the following regulations shall apply:

1. Sign sizes and configurations shall be subject to the general standards of the Oregon Department of Transportation sign policy and guidelines and the Federal manual on uniform traffic control devices. Such standards may be deviated from, by the city Public Works Director or his designee, upon determination that such deviation is necessary for the purposes of message visibility, clear vision maintenance, or other similar factors.

~~2. Direction signs shall be generic in nature so as not to unduly distract traffic. Such signs may include, but are not limited to signs for emergency services (such as hospitals, police and fire stations), traffic control signs, legal notices, railroad crossing signs, signs for nonspecific locations (such as downtown, business area, industrial area, food services, etc.), danger signals, and similar signs.~~

~~3. Non-city owned direction and safety signs shall get specific written approval of the Public Works Director. Maintenance and upkeep of such non-city owned direction and safety signs shall be the responsibility of the sign owner. Failure to maintain such signs may be cause for permit revocation and/or sign removal.~~

~~**C. Daily Display Signs Within Right-of-way (Downtown Commercial District, C-1, only):**~~

~~1. In the Downtown Commercial District (C-1), daily display signs are permitted as specified below. A daily display sign may be allowed within the public right-of-way in front of the premises with which it is associated, provided all of the following conditions are met:~~

~~a. A city Right-of-way Permit is obtained from the City Planner. This permit shall be revocable in case of condition noncompliance. Such permit shall not be approved for county or state rights-of-way.~~

~~b. The sign is to be set back behind the curb so as not to interfere with on-street parking, or a minimum of ten feet from the edge of the nearest street travel lane where curbs are not in place.~~

~~c. The sign is to be placed so as to allow at least five feet of unimpeded pedestrian sidewalk maneuvering space.~~

~~d. The sign is to meet clear vision requirements as defined in section 16.04.670 and the specific zoning district involved in the subject site.~~

~~e. The sign is properly maintained.~~

~~f. The applicant shall assume all liability for incidents involving the sign by signing a document exempting the city from liability and providing liability insurance in the form required by the City Attorney and in an amount not less than the current tort liability limitations.~~

~~g. Sign dimension shall not exceed a maximum width of three feet, nor a maximum above-ground level height of 4.0 feet and a maximum of 12 square feet of sign area per side.~~

~~h. One sign per business is allowed.~~

~~i. All particular provisions of the zoning district involved are complied with regarding daily display signs, including area limits of section 16.42.100.~~

~~j. Wind load requirements of the uniform sign code shall be met. (Ord. 913 section 1[part], 1994; Ord. 955 sections 20 & 21, 1996; Ord. 1080, 2001)~~

~~16.42.108 Daily display signs in the Down-town District (C-1), Highway Commercial District (C-2), and Heavy Commercial/Manufacturing District (CM).~~

~~A. A daily display sign is permitted directly on the property with which it is associated, provided that the following conditions are met:~~

~~1. The maximum permitted area of any individual daily display sign shall be twelve (12) square feet per display surface and twenty four (24) square feet overall, with a maximum height limit of four (4) feet above ground level.~~

~~2. One daily display sign is permitted per business.~~

~~3. A daily display sign must not be within the required landscaped areas.~~

~~4. Wind load requirements of the Uniform Sign Code shall be met by all daily display signs.~~

~~5. Area limits of section 16.42.100 shall apply to the total sign area per lot, including daily display signs. (Ord. 913 section 1[part], 1994)~~

~~16.42.120 Minor modification of sign standards.~~

~~A. Authorization to Grant or Deny a Minor Modification of Standards. The City Planner may authorize minor modification of sign standards from the requirements of this chapter where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of the Chapter would cause an undue or unnecessary hardship. In granting a minor modification of standards, the City Planner may attach conditions which he/she finds necessary to protect the welfare of the city and otherwise achieve the purposes of this chapter.~~

~~B. Procedure for Minor Modification of Standards. The following procedures shall be followed in applying for and acting on a request for minor modification of sign standards:~~

~~1. A property owner may initiate a request for a minor modification of standard as it may apply to a particular parcel by filing an application with the City Planner or duly authorized agent. The application shall be accompanied by a site plan drawn to approximate scale, showing the standard to be modified and the dimensions and arrangement of the proposed sign, support structure, buildings, and real property. The City Planner may request other drawings or material essential to an understanding of the modification requested.~~

~~2. Minor modification requests are defined as less than ten (10) percent from the numeric standard required and shall be reviewed by the City Planner per provisions regarding administrative type review. Within five days after a decision has been rendered with reference to a request for a modification, the City Planner, or duly authorized representative, shall provide the applicant and lot owners within 100 feet with notice of the decision. A decision of the City Planner under administrative type review may be appealed to the Planning commission under section 16.88.240(E).~~

~~C. Circumstances for Granting a Minor Modification of Standard. The City Planner shall consider and make positive findings with respect to all of the following:~~

~~1. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the Sign Ordinance. Such hardship or difficulty shall not be self-imposed or caused by the applicant's employees or relatives.~~

~~2. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties classified in the same zoning district.~~

~~3. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.~~

~~4. That the granting of the minor modification of standard will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.~~

~~5. That the granting of the minor modification of standards will not be detrimental to the public health, safety, or welfare or be materially injurious to properties or improvements in the vicinity and will be consistent with the purposes of this chapter.~~

~~D. Time Limit.~~

~~1. Authorization of a minor modification of standards shall be void if the building or work approved by such modification is not commenced within six (6) months of the date of approval.~~

~~2. The City Planner may, upon receiving a written request from the applicant prior to the minor modification of standards expiration date, extend the minor modification of standards time limit for a period not to exceed one year.~~

~~Note: Major modification of sign standards must be processed under the variance standards, Chapter 16.53 (Ord. 913 section 1 [part], 1994)~~

16.42.140 Severability

Invalidity of a section of this ordinance shall not affect the validity of the remaining sections or parts of sections. (Ord. 913 section 1[part], 1994; Ord 1237, 2007)

CMC CHAPTER 16.52: EXPLANATION OF PROPOSED CODE CHANGES

16.52.025 – Nonconforming sign. This code amendment amends and moves the provisions for nonconforming signs from Chapter 16.42 into Chapter 16.52, so that they may be found with the provisions for other types of nonconforming structures and uses.

Chapter 16.52

NONCONFORMING USES AND STRUCTURES

Sections:

- 16.52.010 Continuation of nonconforming use or structure.
- 16.52.020 Nonconforming structure.
- 16.52.025 Nonconforming sign.
- 16.52.030 Discontinuance of a non conforming use.
- 16.52.035 Alteration or expansion of dwelling units in C-1 zone.
- 16.52.040 Expansion of nonconforming structure or change of use - application required.
- 16.52.050 Authorization to grant or deny expansion of nonconforming structure or change of nonconforming use.
- 16.52.060 Destruction of a nonconforming use or structure.
- 16.52.070 Completion of building.

16.52.010 Continuation of nonconforming use or structure.

Subject to the provisions of this section, a nonconforming structure or use may be continued but shall not be altered, changed, or extended except as provided herein. Other than those expansions specifically permitted by section 16.52.035, the expansion of nonconforming uses shall not be permitted. (Ord. 805 section 3 [part], 1987; Ord. 740 section 10.3.80 (A), 1984 Ord. 1019 section 10, 1999)

16.52.020 Nonconforming structure.

A structure conforming as to use but nonconforming as to height, setback, or coverage may be altered or extended as follows:

- A.** If the new or reconstructed area meets all development standards and code requirements, a nonconforming structure application is not required.
- B.** The Planning Commission may allow existing nonconforming structures to be reconstructed over existing legally approved building footprints. Approval of a nonconforming structure application under this Chapter is required.
- C.** The Planning Commission may allow additions to structures that are nonconforming as to height or setbacks if the new building area is no more out of conformance than the existing structure. For example, an addition to a home with a reduced side yard setback may be allowed if the addition has the same reduced side year setback or is less out of conformance. Approval of a nonconforming structure application under this Chapter is required. This Chapter may not be used to allow additions further out of conformance as to building height or setbacks than existing structures.

D. The Planning Commission may allow additions to structures that are nonconforming as to coverage requirements. Approval of a nonconforming structure application under this Chapter is required. (Ord. 805 section 3 [part], 1987; Ord. 740 section 10.3.80(B), 1984; Ord 1237, 2007)

16.52.025 Nonconforming sign.

A. A nonconforming sign lawfully existed prior to the adoption of applicable zoning requirements with which it does not comply. Except, however, signs shall not be considered to be nonconforming where the sign, by reason of its size, location, construction, or lack of maintenance creates a public hazard or nuisance. In the case of such public hazard or nuisance, the city may begin immediate abatement procedures, as provided in this chapter and other city ordinances.

B. Relocation, replacement, structural alteration or expansion of a nonconforming sign is subject to the same limitations, application procedures, and requirements set forth in this Chapter for other nonconforming structures. Except approval of a nonconforming structure application is not required for the following:

1. Normal repair and maintenance, where the cost to repair the sign does not exceed 60 percent of the replacement cost of the sign using new materials, as determined by the Building Official.
2. Change of sign copy.
3. Structural alteration when the alteration is necessary for structural safety, as determined by the Building Official.
4. A nonconforming sign may be reconstructed if it is required to be temporarily removed to accommodate construction or repair of public utilities or public works, and the sign reconstruction is completed within 90 days after the completion of the public utilities or public works construction activity. (Ord. 913 section 1[part], 1994; Ord. 830 section 13[part], 1989)

16.52.030 Discontinuance of a nonconforming use.

A. If a nonconforming use involving a structure is discontinued from use for a period of one year, further use of the property shall be as a conforming use.

B. If a nonconforming use not involving a structure is discontinued for a period of six months, further use of the property shall be for a conforming use. (Ord. 805 section 3 [part], 1987; Ord. 740 section 10.3.80(C), 1984)

16.52.035 Alteration or expansion of dwelling units in C-1 zone.

The alteration or expansion of dwelling units in the C-1 zone shall be permitted, subject to the specific requirements of that zone. A nonconforming use application is not required. (Ord. 805 section 3 [part], 1987; Ord 1237, 2007)

16.52.040 Expansion of nonconforming structure or change of use - application required.

Application procedures shall be as described in Chapter 16.89. (Ord. 805 section 3 [part], 1987; Ord. 740 section 10.3.80(D), 1984; Ord. 981 section 6, 1997; Ord. 1080, 2001)

16.52.050 Authorization to grant or deny expansion of nonconforming structure or change of nonconforming use.

An expansion of a nonconforming structure or a change from one nonconforming use to another shall be approved, conditionally approved or denied in accordance with the standards and procedures of this section. In judging whether or not such applications shall be approved or denied, staff and the Planning Commission shall weigh the proposal's positive and negative features and the public convenience or necessity to be served against any adverse condition that would result from authorizing the particular development at the location proposed and, to approve such expansion or change shall find that the following criteria are either met, can be met by observation of conditions, or are not applicable:

A. The proposal will be consistent with the policies of the Comprehensive Plan and the requirements of the Land Development and Planning Ordinance, other than those specific zoning standards to which the use or structure is nonconforming.

B. The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features.

C. All required public facilities and services exist to adequately meet the needs of the proposed development.

D. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, or precludes the use of surrounding properties for the uses listed as permitted in the zone.

E. In considering whether to approve a change in use, the city shall compare the following characteristics of the historical use of the property with that proposed by the applicant in order to assure that the change will not constitute an expansion or intensification of the nonconforming use:

1. Traffic, including both volume and type (car, truck, foot, etc.);
2. Noise;
3. Days and hours of operation;
4. Physical appearance;
5. Other environmental considerations (dust, vibration, glare, etc.);
6. Type and size of equipment used.

(Ord. 805 section 3 [part], 1987; Ord. 740 section 10.3.80 (E), 1984; Ord. 1080, 2001; Ord. 1237, 2007)

16.52.060 Destruction of a nonconforming use or structure.

If a nonconforming structure or a structure containing a nonconforming use is destroyed by any cause to an extent exceeding eighty percent of the cost of replacement of the structure using new materials, as determined by the Building Official, the property owner may apply to the Planning Commission to restore the nonconforming use or structure. In judging whether or not the restoration of a nonconforming use shall be approved or denied, the Planning Commission shall weigh the proposal's positive and negative features and the public convenience or necessity to be served against adverse conditions that would result from authorizing the particular restoration at the location proposed. In order to approve such restorations, the Planning Commission shall find that the criteria as set forth in section 16.52.050 are met, can be met by observance of conditions, or are not applicable. (Ord. 805 section 3 [part], 1987; Ord. 740 section 10.3.80(F), 1984)

16.52.070 Completion of building.

Nothing contained in this title shall require any change in the plans, alteration, construction or designated use of a building upon which construction work has lawfully commenced prior to the adoption of the ordinance codified in this chapter, except that if the designated use will be nonconforming it shall, for the purpose of section 16.52.030, be a discontinued use if not in operation within one year of the date of issuance of the building permit. (Ord. 805 section 3 [part], 1987; Ord. 740 section 10.3.80(G), 1984)

CMC CHAPTER 16.53: EXPLANATION OF PROPOSED CODE CHANGES

16.53.015 – Minor Sign Variance. This amendment amends and moves the provisions for minor modification of sign standards from Chapter 16.42 to the variances chapter, so that the provisions are located together with the City's other minor variance provisions. This amendment also modifies the approval criteria so that they are in line with the approval criteria already in place for other types of minor variances.

16.53.030 – Revocation of variances. This amendment corrects several scrivener's errors and adds a permit extension provision for minor variances, including minor sign variances.

Chapter 16.53

VARIANCES

Sections:

16.53.010 Minor Variances.

16.53.015 Minor Sign Variance.

16.53.020 Major Variances.

16.53.030 Revocation of major ~~v~~Variances.

16.53.010 Minor Variances.

A. The following variances shall be reviewed using a Type II procedure (see Chapter 16.89), using the approval criteria in subsection B, below. Applications shall be made on forms provided by the Planning Department.

1. Setbacks: up to a ten percent (10%) reduction to the setbacks required in the zone.

B. A minor variance may be granted if the applicant demonstrates compliance with all of the following criteria, if applicable:

1. The variance is required due to the lot configuration or other physical conditions of the site;

2. The variance is proposed in order to preserve trees or will not result in the removal of significant natural resources, including trees;

3. The variance will not reduce allowable lot size, violate landscaping requirements, or result in a violation of other chapters or sections of this ordinance; and

4. The variance will not be materially detrimental to other property within the same vicinity.(Ord. 1080, 2000)

16.53.015 Minor Sign Variance.

A. Authorization. The City Planner may authorize a Minor Variance from the requirements of this title for signage where variation from the strict application of the regulations of this title is warranted by reason of exceptional circumstances and specified conditions. In granting a Minor Sign Variance, the City Planner may attach conditions which he finds necessary to protect the welfare of the City and otherwise achieve the purposes of this title.

B. Procedure. The following Minor Sign Variance requests shall be reviewed using a Type II procedure as set forth for minor variances in Chapter 16.89. Application shall be made on forms provided by the Planning Department. Following review, a Minor Sign Variance request shall be approved, approved with conditions, or denied, based upon findings of conformance with the criteria set forth in subsection C.

1. Up to a 10 percent variance from a single numeric standard regulating the location, height, or size of a sign.

2. Variance from more than one numeric standard regulating the location, height, or size of a sign, where the sum of all the variance percentages does not exceed ten.

C. Standards and Criteria. A Minor Sign Variance may be granted if the applicant demonstrates all of the following criteria are met:

1. The variance is required due to the lot configuration or other physical conditions of the site;

2. The variance is proposed in order to preserve trees, or will not result in the removal of significant natural resources, including trees;

3. The variance will not reduce allowable lot size, violate landscaping requirements, or result in a violation of other chapters or sections of this ordinance; and

4. The variance will not be materially detrimental to other property within the same vicinity.

D. Major Variance. A request for a variance in excess of the limitations set forth in 16.53.015.B shall be reviewed using a Type III procedure as set forth for major variances in this Chapter and in Chapter 16.89.

E. Variances allowing the use of prohibited signs, or allowing signage other than that specifically allowed by this title, are not permitted.

16.53.020 Major Variances.

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

A. Authorization. The commission may authorize variances from the requirements of this title, other than Division VII, where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of the regulations would cause an undue or unnecessary hardship, except that no variance shall be granted to allow the use of property for purposes not authorized

within the district in which the proposed use would be located. In granting a variance, the commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and to otherwise achieve the purpose of this title.

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

1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the city and within the same zone. These exceptional or extraordinary circumstances result from tract size or shape, topography or other circumstances over which the owners of the property have no control. Actions of previous owners do not constitute other exceptional or extraordinary circumstances; and
2. The variance is necessary to assure that the applicant maintains substantially the same property rights as are possessed by the owners of other property in the city and within the same zone; and
3. Granting of this variance will not be materially detrimental to the intent or purposes of the city's Comprehensive Plan or the Land Development and Planning Ordinance; and
4. Granting of this variance will not be materially detrimental to other property within the same vicinity; and
5. The variance requested is the minimum variance which will alleviate the hardship; and
6. The exceptional or unique conditions of the property which necessitate the issuance of a variance were not caused by the applicant, or the applicant's employees or relatives.

C. Variance to Requirements of Hazard Overlay (H) Zone. Variances may be issued for non-residential buildings in very limited circumstances to allow a lesser degree of flood proofing than water-tight or dry-flood proofing, where it can be determined that such action will have a low damage potential, complies with all other variance criteria, and otherwise meets the requirements of the Hazard Overlay Zone. (Ord.805 section 4, 1987; Ord. 804 section 4(A), 1987; Ord. 740 section 10.8.50, 1984; Ord. 981 section 14, 1997; Renum. and mod. by Ord. 1080, 2001)

16.53.030 Revocation of ~~major~~ variances.

A. Automatic Revocation. All ~~major~~ variances shall be automatically revoked if not exercised within one year from the date of approval, or such additional time as is specified by the granting body at the time of approval. ~~Major~~ Variances shall not be deemed exercised until the use of the property permitted by the variance has actually

commenced or, in the event that such use involves ~~the construction of a building~~, that all required permits for said building construction have been obtained.

B. Revocation for Noncompliance. Any ~~major~~ variance may be revoked by the City Council for noncompliance with conditions set forth in the original approval, after first holding a public hearing and giving written notice of such hearing to the grantee.

C. Extension of approval. A one-time extension will be allowed if applied for no later than ninety (90) days prior to the expiration of the original approval. A request for extension must:

1. Not change the original application.

2. Explain specifically why an extension is needed.

3. A minor variance or minor sign variance extension shall be approved by the City Planner. A major variance extension shall ~~Be~~ approved by the Planning Commission as a new business item.

4. If approved, those with standing on the original application shall be notified of the extension by mail. Those so noticed may obtain a public hearing on the extension by filing a request in writing within ten (10) days of the notice date. The public hearing shall follow the notice requirements and procedure for major variances. The cost of notification and any required public hearing must be borne by the applicant.

5. An extension shall not be granted for more than one (1) year. (Ord. 740 section 10.8.20(C), 1984; Ord. 955 section 31, 1996; Ord 1237, 2007)

CMC CHAPTER 16.89: EXPLANATION OF PROPOSED CODE CHANGES

16.89.020 – Description and Summary of Processes. This code amendment adds the new discretionary monument sign permit and discretionary A-frame sign permit process to the application procedures table, and corrects a scrivener's error concerning Site and Design Review Type II and Type III application review procedures.

Chapter 16.89

APPLICATION AND REVIEW PROCEDURES

Sections:

- 16.89.010 Purpose.**
- 16.89.020 Description and summary of processes.**
- 16.89.030 Type I procedure.**
- 16.89.040 Type II procedure.**
- 16.89.050 Type III procedure.**
- 16.89.060 Type IV procedure.**
- 16.89.070 Neighborhood meetings.**
- 16.89.080 Application requirements and completeness.**
- 16.89.090 Modifications.**

16.89.010 Purpose.

The purpose of this chapter is to establish standard decision-making procedures that will enable the City, the applicant, and the public to review applications and participate in the decision-making process in a timely and effective way. (Ord. 1080, 2001)

16.89.020 Description and Summary of Processes.

All land use and development applications shall be decided by using the procedures contained in this Chapter. Specific procedures for each type of permit are contained in Sections 16.89.030 through 16.89.060. The procedure type assigned to each permit governs the decision-making process for that permit. Additional requirements may be found in the individual chapters governing each permit type. The four types of procedure are described below. Table 16.89.020 lists the City's land use and development applications and their required procedures.

A. Type I Procedure (Ministerial). Type I decisions are made by the Planning Director without public notice and without a public hearing. The Type I procedure is used when there are clear and objective approval criteria and applying those criteria requires no use of discretion.

B. Type II Procedure (Administrative). Type II decisions are made by the Planning Director with public notice and an opportunity for a public hearing. The appeal of a Type II decision is heard by the Planning Commission.

C. Type III Procedure (Quasi-Judicial/Legislative). Type III decisions are made by the Planning Commission after a public hearing, with appeals reviewed by the City Council. Type III procedures generally use discretionary approval criteria.

D. Type IV procedure (Council Decision). Type IV decisions generally apply to legislative matters, but include certain other applications as well. Legislative matters

involve the creation, revision, or large-scale implementation of public policy (e.g., adoption of land use regulations, zone changes, and comprehensive plan amendments that apply to entire districts). Type IV matters are considered initially by the Planning Commission with final decisions made by the City Council. Annexations and certain quasi-judicial applications are also processed under the Type IV process. (Ord. 1080, 2001; Ord 1237, 2007)

TABLE 16.89.020
Land Use and Development Application Procedures

Application Type	Process Type	Notice Radius (Feet)	Neighborhood Meeting Required
Access permit to public street	I	n/a	No
Amendments to Zoning Map	IV	500	Yes
Annexation, Minor and Major	IV	500	Yes
Appeals	III	200	No
Building Permit	I	n/a	No
Comprehensive Plan Amendment	IV	500	Yes
Conditional Use Permit	III	500	No
Condominium Construct. (less than 6 units)*	I	n/a	No
Interpretation	See Section 16.05.020		
Lot Line Adjustment**	II	100	No
Modification	See Section 16.89.090		
Non-Conforming Structure/Use	II	100	No
Parking Lot/Paving projects	I	n/a	No
Partition, Minor and Major	III	200	No
Planned Unit Development	III	200	Yes
Sign Permit (non-SDR)	I	n/a	No
<u>Sign Permit – Discretionary Monument Sign or A-Frame Sign Permit (16.42.040)</u>	<u>II</u>	<u>100</u>	<u>No</u>
<u>Site and Design Review – Type II</u>	<u>II</u>	<u>100</u>	<u>No</u>
Site and Design Review – <u>Type III</u>	III	500	Yes
Site Plan Review	I	n/a	No
Temporary Permit (16.44.090)	See Chapter 16.44		
Temp. Hardship Permit (16.44.100)	II	100	No
Subdivision	III	500	Yes

TABLE 16.89.020
(continued)

Application Type	Process Type	Notice Radius (Feet)	Neighborhood Meeting Required
Text Amendment	IV	500	Yes
Variance, Minor	II	200	No
Variance, Major	III	200	No

NOTES: * See also Chapter 16.78 .** See also Chapter 16.58.

16.89.030 Type I procedure.

A. Application requirements. Type I applications shall be made on forms provided by the Planning Director. The application shall be accompanied by all required information and fees.

B. Decision requirements. The Planning Director's decision shall address all of the approval criteria. Based on the criteria and the facts contained within the record, the Planning Director shall approve, approve with conditions, or deny the requested permit or action. A written record of the decision shall be provided to the applicant and kept on file at the City.

C. Final decision. The decision shall be final on the date it is mailed or otherwise provided to the applicant, whichever occurs first. (Ord. 1080, 2001)

16.89.040 Type II procedure.

A. Preapplication conference. A preapplication conference may be required by the Planning Director for Type II applications.

B. Application requirements. Type II applications shall be made on forms provided by the Planning Director. The application shall be accompanied by all required information and fees.

C. Public notice.

1. Before making a Type II decision, the Planning Director shall mail notice meeting the requirements of state law to:

a. All owners of real property and, if the owner's address is different from the site address, all residents of property, within the distance prescribed in Table 16.89.020.

b. Any person who submits a written request to receive notice; and

c. Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the City. The City may notify other affected agencies, as appropriate, for review of the application.

2. The public notice shall allow a 10-day period for submitting written comments before a decision is made on the permit.

3. The City shall prepare an affidavit of mailing for the public notice and make the affidavit part of the application file.

D. The Planning Director shall make Type II decisions in writing addressing all of the relevant approval criteria and standards. Based upon the criteria and standards, and the facts contained within the record, the Planning Director shall approve, approve with conditions, or deny the requested permit or action.

E. Notice of Decision.

1. Within five days of making a final decision on a Type II application, a notice of decision shall be sent to:

a. All owners of real property and, if the owner's address is different from the site address, all residents of property, within the distance prescribed in Table 16.89.020;

b. Any person who submits a written request to receive notice; and

c. Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the City.

2. The notice of decision shall include information on the application, the City's decision, and a statement explaining how an appeal of the decision may be filed.

F. Effective Date. A Type II decision is final for purposes of appeal when it is mailed by the City.

G. Appeal. A Type II decision may be appealed to the Planning Commission as follows:

1. The following persons have legal standing to appeal a Type II decision:

a. The applicant;

b. Any person who was mailed notice of the decision; and

c. Any other person who participated in the proceeding by submitting written comments.

2. Procedure.

a. A Notice of Appeal shall be filed in writing, on forms provided for the purpose by the Planning Director, within 10 days of the date the Notice of Decision was mailed.

b. The Notice of Appeal shall be accompanied by all required information and fees.

c. An appeal of a Type II decision shall be made following the Type III public notice procedures, as described in Section 16.89.050.D.

d. The appeal shall be limited to the specific issues raised during the written comment period unless the hearings body allows additional evidence or testimony concerning any other relevant issue. The hearings body may allow additional evidence if it determines that such evidence is necessary to resolve the case. The purpose of this requirement is to limit the scope of Type II appeals by encouraging persons to submit specific concerns in writing during the comment period. Only in extraordinary circumstances should new issues be considered by the hearings body on appeal of a Type II decision.

3. The decision of the Planning Commission regarding an appeal of a Type II decision is the final decision of the City unless appealed to the City Council. An appeal to the City Council shall follow the same notification and hearing procedures as for the appeal of the staff decision.

H. Any decision or interpretation of this title made by staff that is not a Type II decision may be appealed to the Planning Commission without fee, provided that such appeal is filed in writing within ten days of the staff decision. Such appeals shall be heard as a new business item. The Planning Commission's decision on such appeals may be appealed to the City Council following the Type III public notice procedures, as described in Section 16.89.050.D. (Ord. 1080, 2001; Ord 1237, 2007)

16.89.050 Type III Decision.

A. Pre-application conference. A pre-application conference may be required by the Planning Director for Type III applications.

B. Neighborhood meetings. As directed in Table 16.89.020, the applicant may be required to present their development proposal at a neighborhood meeting before the City accepts the application as complete. See Section 16.89.070.

C. Application requirements. Type III applications shall be made on forms provided by the Planning Director. The application shall be accompanied by all required information and fees.

D. Public notice.

1. At least 20 days prior to a public hearing on a Type III decision or a Type II appeal decision, the Planning Director shall mail notice meeting the requirements of state law to:

- a. All owners of real property and, if the owner's address is different from the site address, all residents of property, within the distance prescribed in Table 16.89.020;
- b. The appointed chair of any neighborhood association whose boundaries include the subject property;
- c. Any person who submits a written request to receive notice; and
- d. Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the City.
- e. For appeals, the appellant and all persons who provided testimony.

2. The City shall prepare an affidavit of mailing for the public notice and make the affidavit part of the application file. Failure of any individual to receive notice as prescribed in this section does not invalidate the proceedings.

3. Written notice shall be published in a newspaper of general circulation in Canby once in either of the two consecutive weeks prior to the hearing.

4. At least ten (10) days before the hearing, written notice shall be posted at City Hall and such other conspicuous locations as the Council may determine to be appropriate.

5. At least ten (10) days before the hearing, the applicant shall post notice of the hearing on the property as directed by the Planning Director.

6. The Planning Director may expand the notice area or take other steps to assure that affected property owners or residents are made aware of the pending public hearing.

7. Any application that involves access to the state highway system shall be provided to the Oregon Department of Transportation for their review and comment regarding conformance with state access management standards and requirements.

E. Conduct of public hearing.

1. In all evidentiary hearings required by this title the following procedures shall be followed:

- a. All interested persons in attendance shall be heard on the matter of hearing, and this fact shall be communicated to those in attendance;

- b.** A summary of the application or other matter for hearing shall be given by the presiding officer or their designee;
 - c.** The staff report shall be made followed by questions, if any, of the staff by the hearings body;
 - d.** The public hearing shall be opened and testimony shall be received in the following order:
 - i.** Applicant;
 - ii.** Proponents;
 - iii.** Opponents; and
 - iv.** Rebuttal by proponents or applicant;
 - e.** Close public hearing;
 - f.** Questions and discussion by hearing body;
 - g.** Decision by the hearing body except that further discussions, decision, or reopening of the public hearing may be postponed to another meeting, the time, date, and place of which shall be announced before adjournment.
- 2.** All persons who speak at the hearing shall identify themselves by name, address, and interest in the matter. Attorneys or other agents shall be allowed to speak on behalf of all participants.
- 3.** Physical evidence in the form of written documents, photographs, or other exhibits may be accepted by the hearing body if deemed to be pertinent.
- 4.** A record made at any prior evidentiary hearing may be accepted, considered, and used by the hearing body at any subsequent hearing, and said body, by majority vote of a quorum present, may deny to accept or hear any repetitious matter.
- 5.** The hearing body may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested. Upon recessing for these purposes, the hearing body shall announce the time and date when the hearing will be resumed.
- 6.** Before the conclusion of the initial evidentiary hearing, any participant may ask the hearings body for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing. The hearings body shall grant the request by scheduling a date to finish the hearing as follows:

a. If the hearings body grants a continuance, the completion of the hearing shall be continued to a date, time, and place at least seven days after the date of the first evidentiary hearing. An opportunity shall be provided at the second hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the second hearing, any person may request, before the conclusion of the second hearing, that the record be left open for at least seven days, so that they can submit additional written evidence or testimony in response to the new written evidence; or

b. If the hearings body leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven days after the hearing. Any participant may ask the City in writing for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the hearings body shall reopen the record as follows:

i. When the hearings body re-opens the record to admit new evidence or testimony, any person may raise new issues which relate to that new evidence or testimony.

ii. An extension of the hearing or record granted pursuant to this subsection is subject to the limitations of ORS 227.178 (120-day rule), unless the continuance or extension is requested or agreed to by the applicant.

iii. If requested by the applicant, the City shall allow the applicant at least seven days after the record is closed to all other persons to submit final written arguments in support of the application, unless the applicant expressly waives this right. The applicant's final submittal shall be part of the record but shall not include any new evidence.

F. Decision process.

1. Approval or denial of a Type III decision or appeal of a Type II decision shall be based on standards and criteria located in the code.

2. The hearings body shall issue a final written order containing findings and conclusions that approve, approve with conditions, or deny the application.

3. The written decision shall explain the relevant criteria and standards, state the facts relied upon in rendering the decision, and justify the decision according to the criteria, standards, and facts.

4. In cases involving attorneys, the prevailing attorney shall prepare the findings, conclusions, and final order. Staff shall review and, if necessary, revise, these materials prior to submittal to the hearings body.

G. Notice of Decision.

1. The written findings shall be sent to:

- a.** Any person who submits a written request to receive notice, provides written comments during the application review period, or provides written or oral testimony in the public hearing;
- b.** The applicant and owner of the subject property;
- c.** Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the City.

2. The written findings shall include information on the application, the City's decision, and a statement explaining how an appeal of the decision may be filed.

H. Effective Date. A Type III decision is final for purposes of appeal when it is mailed by the City.

I. Appeal. The Planning Commission's decision on a Type III decision or Type II appeal may be appealed to the City Council as follows:

1. The following have legal standing to appeal:

- a.** The applicant;
- b.** Any person who was mailed notice of the decision;
- c.** Any other person who participated in the proceeding by testifying or submitting written comments; and
- d.** The City Council, on its own motion.

2. Procedure.

- a.** A Notice of Appeal shall be filed in writing, on forms provided for the purpose by the Planning Director, within 10 days of the date the Notice of Decision was mailed.
- b.** The Notice of Appeal shall be accompanied by all required information and fees.
- c.** The appeal shall be limited to the specific issues raised during the comment period and public hearing process unless the hearings body allows additional evidence or testimony concerning any other relevant issue. The hearings body may allow additional evidence if it determines that such evidence is necessary to resolve the case. The purpose of this requirement is to limit the scope of appeals by encouraging persons to be involved in the public hearing. Only in

extraordinary circumstances should new issues be considered by the hearings body on an appeal.

3. The City Council shall overturn the decision of the Planning Commission only when one or more of the following findings is made:

a. That the Commission did not correctly interpret the requirements of this title, the Comprehensive Plan, or other requirements of law;

b. That the Commission did not observe the precepts of good planning as interpreted by the Council; or

c. That the Commission did not adequately consider all of the information which was pertinent to the case.

4. The Council's action on an appeal shall be governed by the same general regulations, standards, and criteria as apply to the Commission in the original consideration of the application.

J. Any decision of the Planning Commission may be appealed to the City Council unless otherwise specified in this Title. Such appeals will be processed using the Type III procedures unless otherwise specified in this Title.

K. The decision of the City Council regarding a Type IV decision, appeal of a Planning Commission decision, or any other process contained within this title, is the final decision of the City. (Ord. 1080, 2001; Ord. 1111 section 5, 2003; Ord 1237, 2007)

16.89.060 Type IV decision.

For certain applications, the City Council makes a final decision after a recommendation by the Planning Commission. These application types are referred to as Type IV decisions.

A. Pre-application conference. A pre-application conference may be required by the Planning Director for Type IV applications.

B. Neighborhood meetings. The applicant may be required to present their development proposal at a neighborhood meeting (see Section 16.89.070). Table 16.89.020 sets the minimum guidelines for neighborhood review but the Planning Director may require other applications to go through neighborhood review as well.

C. Application requirements. Type IV applications shall be made on forms provided by the Planning Director. The application shall be accompanied by all required information and fees.

D. Public notice and hearings. The public notice and hearings process for the Planning Commission's review of Type IV applications shall follow that for Type III applications, as provided in subsections 16.89.050.D and 16.89.050.E.

E. Decision process.

1. Approval or denial of a Type IV decision shall be based on the standards and criteria located in the code.
2. The hearings body shall issue a final written order containing findings and conclusions recommending that the City Council approve, approve with conditions, or deny the application.
3. The written decision shall explain the relevant criteria and standards, state the facts relied upon in rendering the decision, and justify the decision according to the criteria, standards, and facts.
4. In cases involving attorneys, the prevailing attorney shall prepare the findings, conclusions, and final order. Staff shall review and, if necessary, revise, these materials prior to submittal to the hearings body.

F. City Council proceedings:

1. Upon receipt of the record of the Planning Commission proceedings, and the recommendation of the Commission, the City Council shall conduct a review of that record and shall vote to approve, approve with conditions, or deny the recommendation of the Planning Commission.
2. The City Council may question those individuals who were a party to the public hearing conducted by the Planning Commission if the Commission's record appears to be lacking sufficient information to allow for a decision by the Council. The Council shall hear arguments based solely on the record of the Commission.
3. The City Council may choose to conduct public hearings on Comprehensive Plan amendments, amendments to the text of this title, zone map amendments, and annexations. 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. (Ord. 1080, 2001)

16.89.070 Neighborhood Meetings.

- A.** Applicants are encouraged to meet with adjacent property owners and neighborhood representatives prior to submitting their application in order to solicit input, identify issues, and exchange information about the proposed meeting.
- B.** The Planning Commission or Planning Director may require an applicant to hold a meeting in the neighborhood prior to accepting an application as complete. A neighborhood meeting is required for some application types, as shown in Table 16.89.020, unless this requirement is waived by the Planning Director.
- C.** At least two weeks prior to the neighborhood meeting, the applicant shall mail notice of the meeting to:

1. The appointed chair and all active members of any neighborhood association in whose boundaries the application lies; and

2. All of those who would receive notice of the application's public hearing before the Planning Commission.

D. The meeting shall be held in a fully accessible location approved by the City.

E. Following a required neighborhood meeting, applicants shall prepare a written summary of pertinent issues raised and shall prepare a detailed response to each issue. This material shall be submitted to the Planning Department in electronic format at least two weeks before the initial public hearing.

F. Applicants or attendees may make audio or video recordings of the neighborhood meeting if desired. (Ord. 1080, 2001; Ord. 1111 section 5, 2003; Ord 1237, 2007)

16.89.080 Application Requirements and Completeness.

A. Submittal. Applications for land use and development permits shall be filed on forms provided by the purpose by the Planning Director. The application shall be made with all required information and fees.

B. Fees. Fees shall be set out by resolution adopted by the City Council. Fees shall differentiate between various processes and applications and no part of the fee shall be refunded unless approved by the Planning Director.

C. Amendments to forms. Application forms may be amended by the Planning Director. The Planning Commission shall first review and approve all proposed amendments as New Business Items.

D. Completeness. In reviewing an application for completeness, the following procedure shall be used:

1. When an application is received by the City, the Planning Director shall immediately determine whether the following essential items are present. If they are not, the Planning Director may choose not to accept the application, in which case the application shall be immediately returned to the applicant:

a. The required form;

b. The required fee; and

c. The signature of the applicant on the form, and signed written authorization of the property owner of record if the applicant is not the owner.

2. Completeness.

a. After the application is accepted, the Planning Director shall review the application for completeness. If the application is incomplete, the Planning Director shall notify the applicant in writing exactly what information is missing within thirty (30) days of the application and allow the applicant 180 days to submit the missing information;

b. In accordance with the application submittal requirements, the application shall be deemed complete upon the receipt by the Planning Director of all required information. The applicant shall have the option of withdrawing the application or refusing to submit information requested under (a), above. For the refusal to be valid, it shall be made in writing and received by the Planning Director no later than fourteen (14) days after the date on the letter of incompleteness. If the applicant refuses in writing to submit the missing information, the application shall be deemed complete for the purposes of processing on the 31st day after first acceptance of the application.

E. The City shall take final action on permit applications which are subject to this chapter, including resolution of all appeals, within 120 days from the date the application is deemed complete. Any exceptions to this rule shall conform to the provisions of ORS 227.178. This 120-day rule does not apply to legislative comprehensive plan and text amendment applications as defined under ORS 227.178.

F. Standards and criteria. Approval or denial of a complete application shall be based upon the standards and criteria that were applicable at the time the application was first accepted. (Ord. 1080, 2001)

16.89.090 Modifications.

Any proposed modification to previously approved land use applications, including site plans, elevations, or conditions of approval, shall be reviewed by the Planning Director to determine if they are minor, intermediate, or major. Factors to be considered in this determination include the date of the original application, the impact on neighboring properties, and the impact on public service provision. Modifications shall be processed as indicated in subsections A through D below. Modification applications shall be made on forms provided for the purpose by the Planning Director.

A. Minor Modification. Minor modifications have a negligible impact on an approved site plan, land use decision, or condition of approval. The Planning Director will review all minor modifications under the Type I process.

B. Intermediate Modification. Intermediate modifications are those that do not fit the definitions in 16.89.090(A) or (C). The Planning Commission will review intermediate modifications as new business items. If the Commission approves a modification, notice of the decision will be distributed to individuals with standing and the owners and residents of the properties noticed during the original application review process. The Planning Director may waive the requirement to notice those with standing in cases when the final decision date on the original application was more than five years prior to the modification application date. The individuals noticed may obtain a public hearing on the issue by filing a request in writing within ten days of the notice mailing

date. Any additional costs of such hearings shall be paid by the modification applicant. Hearing notice shall follow the requirements of the procedure type of the original application. The Planning Commission may require any Intermediate Modification to be processed as a Major Modification, using the decision criteria in section 16.89.090.

C. Major Modification. Any modification that would result in a substantial impact to an approved site plan, land use decision, or condition of approval is a major modification. Major modifications shall be processed using the procedure type of the original application.

D. Modification criteria. Modification applications shall be evaluated based on the criteria pertaining to the original application being modified. (Ord. 1111, 2003; Ord 1237, 2007)

RESOLUTION NO. 1013

A RESOLUTION ACCEPTING THE RESULTS OF NOVEMBER 4, 2008 ELECTION, PROCLAIMING ANNEXATION INTO THE CITY OF 4.85 ACRES DESCRIBED AS TAX LOT 2190 OF TAX MAP 3-1E-28DD LOCATED SOUTH OF NE TERRITORIAL ROAD, WEST OF N. PINE STREET AND NORTH OF NE 16TH AVENUE, AND SETTING THE BOUNDARIES OF THE PROPERTY TO BE INCLUDED WITHIN THE CITY LIMITS.

WHEREAS, on November 4, 2008, at a general election, the voters of the City of Canby approved by a vote of 3,846 to 2,949, Measure No. 3-312 which called for the annexation of 4.85 acres into the City of Canby. Clackamas County Elections Department certified the above election results as accurate on November 21, 2008. Applicant for the property was Thomas L. Holmes. The property is more particularly described as Tax Lot 2190 of Tax Map 3-1E-28DD. A complete legal description of the tax lot is attached hereto as Exhibit "A", and a map showing the location of the tax lot is attached hereto as Exhibit "B" and by this reference all are incorporated herein; and

WHEREAS, pursuant to CMC 16.84.080, the City of Canby must proclaim by resolution, the annexation of said property into the City and set the boundaries of the new property by legal description;

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Canby that the Election Results as set forth in the abstract dated November 21, 2008, are official and accepted by the Council of Canby; and it is hereby

PROCLAIMED by the Council of Canby that 4.85 acres of property described in Exhibit "A" and shown on Exhibit "B" is annexed into the corporate limits of the City of Canby, Oregon. Said boundaries of the property are set by the legal descriptions set forth in Exhibit "A".

This resolution shall take effect on December 3, 2008.

ADOPTED this 3rd day of December, 2008, by the Canby City Council.

Melody Thompson - Mayor

ATTEST:

Kimberly Scheafer, CMC
City Recorder, Pro-Tem

IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON

Tract 61, CANBY GARDENS,

AND ALSO part of Tract 59, CANBY GARDENS, described as:

Beginning at the southeast corner of said Tract 59; thence West along the south line of said Tract 59, a distance of 238 feet to the east line of a tract conveyed from William Siefert and wife to George Lingel and wife by deed recorded December 16, 1946, in Book 382, page 79, Deed Records; thence North along the east line of said Lingel tract 330 feet; thence East 238 feet to the east line of said Tract 59; thence South along said east line 330 feet to the place of beginning. *****

RESOLUTION NO. 1014

A RESOLUTION ACCEPTING THE RESULTS OF NOVEMBER 4, 2008 ELECTION, PROCLAIMING ANNEXATION INTO THE CITY OF 2 ACRES DESCRIBED AS TAX LOT 01600 OF TAX MAP 3-1E-27CB LOCATED AT 1335 NE TERRITORIAL ROAD, JUST EAST OF THE MOLALLA FOREST ROAD, AND SETTING THE BOUNDARIES OF THE PROPERTY TO BE INCLUDED WITHIN THE CITY LIMITS.

WHEREAS, on November 4, 2008, at a general election, the voters of the City of Canby approved by a vote of 3,621 to 3,159, Measure No. 3-313 which called for the annexation of 2 acres into the City of Canby. Clackamas County Elections Department certified the above election results as accurate on November 21, 2008. Applicant for the property was Gary Spanovich. The owner of the property is Henry E. Jarboe. The property is more particularly described as Tax Lot 01600 of Tax Map 3-1E-27CB. A complete legal description of the tax lots is attached hereto as Exhibit “A”, and a map showing the location of the tax lots is attached hereto as Exhibit “B” and by this reference all are incorporated herein; and

WHEREAS, pursuant to CMC 16.84.080, the City of Canby must proclaim by resolution, the annexation of said property into the City and set the boundaries of the new property by legal description;

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Canby that the Election Results as set forth in the abstract dated November 21, 2008, are official and accepted by the Council of Canby; and it is hereby

PROCLAIMED by the Council of Canby that 2 acres of property described in Exhibit “A” and shown on Exhibit “B” is annexed into the corporate limits of the City of Canby, Oregon. Said boundaries of the property are set by the legal descriptions set forth in Exhibit “A”.

This resolution shall take effect on December 3, 2008.

ADOPTED this 3rd day of December, 2008, by the Canby City Council.

Melody Thompson - Mayor

ATTEST:

Kimberly Scheafer, CMC
City Recorder, Pro-Tem

**ENGINEERING PLANNING
FORESTRY**

13910 S.W. Galbreath Dr., Suite 100
Sherwood, Oregon 97140
Phone: (503) 925-8799
Fax: (503) 925-8969



**LANDSCAPE ARCHITECTURE
SURVEYING**

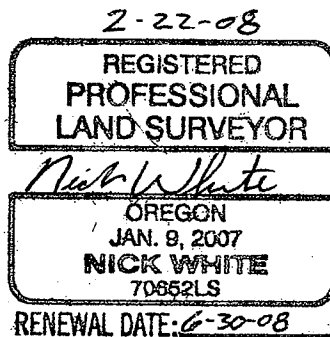
Offices Located In:
SHERWOOD, OREGON
REDMOND, OREGON
VANCOUVER, WASHINGTON
www.aks-eng.com

EXHIBIT A
Legal Description

A tract of land located in the Southwest One-Quarter of Section 27, Township 3 South, Range 1 East, Willamette Meridian, Clackamas County, Oregon and more particularly described as follows:

Beginning at a 5/8 inch iron rod at the northwest corner of Lot 3 "Alice Acres", thence along the easterly right-of-way of N Molalla Forest Road (25 feet from centerline) North 00°00'21" East 110.46 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR." on the southerly right-of-way line of NE Territorial Road (30 feet from centerline); thence along said right-of-way line North 69°03'47" East 477.29 feet to 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR."; thence along the west line of the plat "Redwood Corner" South 00°00'23" West 281.01 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR." at the southwest corner of Lot 4, "Redwood Corner"; thence along the north line of the plat "Alice Acres" South 89°59'58" West 445.75 feet to the Point of Beginning.

The above described tract of land contains 2.00 acres, more or less. The basis of bearing is per the plat of "Conner's Corner", Clackamas County Plat Records.



This map was prepared for assessment purpose only.

SEE MAP 3 IE 28

0006

CANCELLED

22500

9250

SEE MAP 3 IE 27

2016

SEE MAP
3 IE 28

SEE	MAP
3	27C

SUPPL. I

SEE MAP 3 IE 27CA

88-42 UPR-

F.H.D.
3. 1E 27-CB
BOOK 28

RESOLUTION NO. 1015

A RESOLUTION ACCEPTING THE RESULTS OF NOVEMBER 4, 2008 ELECTION, PROCLAIMING ANNEXATION INTO THE CITY OF 14.88 ACRES DESCRIBED AS TAX LOTS 04700, 04900, 05000 AND 05100 OF TAX MAP 4-1E-04DA LOCATED SOUTH OF SE 13TH AVENUE AND EAST OF S. IVY STREET, AND SETTING THE BOUNDARIES OF THE PROPERTY TO BE INCLUDED WITHIN THE CITY LIMITS.

WHEREAS, on November 4, 2008, at a general election, the voters of the City of Canby approved by a vote of 3,487 to 3,290, Measure No. 3-314 which called for the annexation of 14.88 acres into the City of Canby. Clackamas County Elections Department certified the above election results as accurate on November 21, 2008. Applicant for the property was Willow Creek Estates, Inc. The owners of the property are Wayne Scott, Jeffrey and Kristina Scott, Scott and Teresa Sasse and Travis and Katie McRobbie. The property is more particularly described as Tax Lots 04700, 04900, 05000, 05100 of Tax Map 4-1E-04DA. A complete legal description of the tax lot is attached hereto as Exhibit "A", and a map showing the location of the tax lot is attached hereto as Exhibit "B" and by this reference all are incorporated herein; and

WHEREAS, pursuant to CMC 16.84.080, the City of Canby must proclaim by resolution, the annexation of said property into the City and set the boundaries of the new property by legal description;

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Canby that the Election Results as set forth in the abstract dated November 21, 2008, are official and accepted by the Council of Canby; and it is hereby

PROCLAIMED by the Council of Canby that 14.88 acres of property described in Exhibit "A" and shown on Exhibit "B" is annexed into the corporate limits of the City of Canby, Oregon. Said boundaries of the property are set by the legal descriptions set forth in Exhibit "A".

This resolution shall take effect on December 3, 2008.

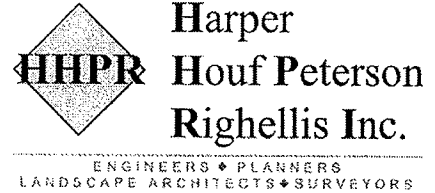
ADOPTED this 3rd day of December, 2008, by the Canby City Council.

Melody Thompson - Mayor

ATTEST:

Kimberly Scheafer, CMC
City Recorder, Pro-Tem

Exhibit "A"

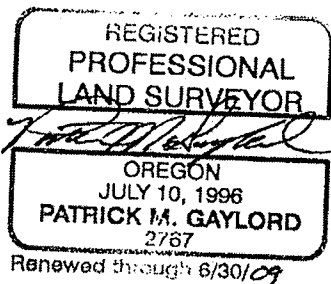


February 26, 2008

ANNEXATION BOUNDARY LEGAL DESCRIPTION

LEGAL DESCRIPTION FOR A PROPOSED ANNEXATION TO THE CITY OF CANBY IN THE SOUTHEAST ONE QUARTER OF SECTION 4, T4S, R1E, W.M., CITY OF CANBY, CLACKAMAS COUNTY, OREGON, THE BOUNDARY OF WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE CENTERLINE OF COUNTY ROAD NO. 562 (SE 13TH AVENUE) WHICH BEARS NORTH 89°15'55" WEST 500.04 FEET FROM THE EAST ONE QUARTER CORNER OF SECTION 4; THENCE SOUTH 00°36'00" WEST ALONG THE WEST LINE OF TOFTE FARMS NO. 3, A DULY RECORDED PLAT, 991.31 FEET TO AN IRON ROD AT THE SOUTHWEST CORNER THEREOF; THENCE NORTH 88°55'09" WEST 428.13 FEET TO AN IRON PIPE AT THE SOUTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED BY DEED RECORDED AS FEE NO. 2006-106730, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG THE SOUTH LINE OF THAT TRACT OF LAND DESCRIBED BY DEED RECORDED AS FEE NO. 2004-085439, NORTH 89°10'57" WEST 150.22 FEET TO AN ANGLE POINT THEREOF; THENCE CONTINUING ALONG THE SAID LINE NORTH 00°49'03" WEST 18.11 FEET TO A POINT; THENCE NORTH 89°32'55" WEST 211.60 FEET TO THE INTERSECTION OF THE SAID SOUTH LINE WITH THE WEST LINE OF THE NORTHEAST ONE QUARTER OF THE SOUTHEAST ONE QUARTER; THENCE ALONG THE SAID WEST LINE, NORTH 00°27'51" EAST 610.31 FEET TO THE INTERSECTION OF THE SAID WEST LINE OF THE NORTHEAST ONE QUARTER OF THE SOUTHEAST ONE QUARTER WITH THE WESTERLY EXTENSION OF THE NORTH LINE OF THAT TRACT OF LAND DESCRIBED BY DEED RECORDED AS FEE NO. 2001-017115, CLACKAMAS COUNTY DEED RECORDS; THENCE SOUTH 89°11'42" EAST 361.61 FEET ALONG THE SAID WESTERLY EXTENSION AND NORTH LINE OF THE SAID DEED TO THE NORTHEAST CORNER THEREOF AND A POINT IN THE AFOREMENTIONED DEED RECORDED AS FEE NO. 2006-106730; THENCE NORTH 00°27'16" EAST 361.58 FEET TO A POINT IN THE CENTERLINE OF SAID COUNTY ROAD NO. 562; THENCE ALONG THE CENTERLINE OF THE COUNTY ROAD SOUTH 89°15'55" EAST 430.63 FEET TO THE POINT OF BEGINNING. CONTAINING 14.88 ACRES MORE OR LESS.



DDS 1/04/01

This map was prepared for assessment purpose only

NE 1/4 SE 1/4 SEC. 4 T. 4S. R. 1E. W. 1M.
CLACKAMAS COUNTY

 $1001 = 1001$

SEE MAP 4 IE 4A

8800

9000

4 IE 4DA

24500

CANCELLED
4701

86-02

SEE MAP 4 IE 3

24700

SEE MAP 4 IE 4D

4 IE 4 DA
BOOK 35

Council Packet Page 157 of 174

M E M O R A N D U M



TO: *Honorable Mayor Thompson and City Council*
FROM: *Sue Engels, Finance Director*
DATE: *November 24, 2008*
THROUGH: *Mark C. Adcock, City Administrator*

Issue: Resolution transfer of appropriations in the Swim Center Levy Fund from Contingency to Capital.

Synopsis: The Swim Center needs to make major repairs to the air conditioning system. These repairs are estimated to cost \$5,000. The need for these repairs was not anticipated at the time the current year budget was adopted. Major repairs are charged to Capital. Payment for these repairs will cause the budget category to be overspent. There are sufficient funds in Contingency to transfer by resolution to the Capital category of the Swim Center Budget.

Recommendation: Approval of Resolution 1016

Attached: Resolution 1016

RESOLUTION NO. 1016

A RESOLUTION AUTHORIZING TRANSFER OF APPROPRIATIONS FROM AN EXISTING CATEGORY TO ANOTHER EXISTING CATEGORY WITHIN THE SWIM CENTER LEVY FUND.

WHEREAS, the Swim Center equipment needs major repairs; and

WHEREAS, the need for these repairs was unanticipated at the time the current year budget was adopted and an insufficient amount was appropriated in the Capital category of the budget where major repairs are charged; and

WHEREAS, funds are available in Contingency, and the City wishes to keep expenditures within authorized appropriations for all funds,

NOW THEREFORE, BE IT RESOLVED THAT:

Section 1. The City Administrator shall transfer or caused to be transferred the following appropriation.

<u>FROM</u>		<u>TO</u>	
SWIM CENTER LEVY FUND		SWIM CENTER LEVY FUND	
Contingency	5,000	Capital	5,000

This resolution shall take effect on December 3, 2008.

ADOPTED by the Canby City Council at a regular meeting thereof on December 3, 2008.

Melody Thompson, Mayor

ATTEST:

Kimberly Scheafer, CMC
City Recorder Pro-Tem

M E M O R A N D U M



TO: *Honorable Mayor Thompson and City Council*
FROM: *Sue Engels, Finance Director*
DATE: *November 24, 2008*
THROUGH: *Mark C. Adcock, City Administrator*

Issue: Resolution transfer of appropriations in the General Fund from Contingency to Materials & Services.

Synopsis: The City Council wishes to support the efforts of the Canby Historical Society by purchasing \$500 worth of calendars. This purchase was not anticipated at the time the current year budget was adopted. Funds are available in General Fund Contingency to be transferred by resolution to the Materials & Services category of the Administration Department. The expenditure will be charged to the Mayor & City Council line item.

Recommendation: Approval of Resolution 1017

Attached: Resolution 1017

RESOLUTION NO. 1017

A RESOLUTION AUTHORIZING TRANSFER OF APPROPRIATIONS FROM AN EXISTING CATEGORY TO ANOTHER EXISTING CATEGORY WITHIN THE GENERAL FUND

WHEREAS, the City Council wishes to purchase historic calendars from the Canby Historical Society; and

WHEREAS, this purchase was unanticipated at the time the current year budget was adopted; and

WHEREAS, funds are available in General Fund Contingency, and the City wishes to keep expenditures within authorized appropriations for all funds,

NOW THEREFORE, BE IT RESOLVED THAT:

Section 1. The City Administrator shall transfer or caused to be transferred the following appropriation.

<u>FROM</u>		<u>TO</u>	
GENERAL FUND		GENERAL FUND	
Contingency	500	Materials & Services	500

This resolution shall take effect on December 3, 2008.

ADOPTED by the Canby City Council at a regular meeting thereof on December 3, 2008.

Melody Thompson, Mayor

ATTEST:

Kimberly Scheafer, CMC
City Recorder Pro-Tem

M E M O R A N D U M



TO: *Honorable Mayor Thompson and City Council*
FROM: *Sue Engels, Finance Director*
DATE: *November 24, 2008*
THROUGH: *Mark C. Adcock, City Administrator*

Issue: The City needs to set up a separate checking account at U.S. Bank to receive payments for sewer charges and street maintenance fees.

Synopsis: The stream of payments for sewer charges and street maintenance fees will add approximately 5,000 transactions per month to the existing general checking account. This would make the monthly reconciliation of that account unnecessarily complicated and time consuming. A separate checking account just for the purpose of receiving utility payments will allow the finance department to track those payments more efficiently.

Recommendation: Approval of Resolution 1018

Attached: Resolution 1018

RESOLUTION NO. 1018

A RESOLUTION AUTHORIZING THE CITY OF CANBY TO ENTER INTO A DEPOSITORY SERVICES RESOLUTION FOR GOVERNMENTAL ENTITIES WITH U.S. BANK NATIONAL ASSOCIATION.

WHEREAS, the City wishes to open a checking account with U.S. Bank National Association that is separate from its general checking account for the purpose of receiving utility billing payments,

WHEREAS, in order to open this bank account, the City needs to approve a depository services resolution for government entities with U.S. Bank National Association, a copy of which is attached hereto as Exhibit “A” and incorporated in this resolution by reference,

NOW THEREFORE, BE IT RESOLVED THAT:

Section 1. The City Council accepts the terms of the depository services resolution for government entities, which is attached hereto as Exhibit “A”, and directs the City Administrator and other City officers to execute Exhibit “A” where appropriate.

This resolution shall take effect on December 3, 2008.

ADOPTED by the Canby City Council at a regular meeting thereof on December 3, 2008.

Melody Thompson, Mayor

ATTEST:

Kimberly Scheafer, CMC
City Recorder Pro-Tem

DEPOSITORY SERVICES RESOLUTION FOR GOVERNMENTAL ENTITIES

DEPOSITOR NAME: City of Canby

CONTACT: Sue Engels

ADDRESS: PO BOX 930
CANBY OR 97013-0930

TAX IDENTIFICATION NUMBER: 936002130

I, Sue Engels (name of certifying officer) do hereby certify that I am the Finance Director (title of certifying officer) of the above-named governmental entity (therein called the "Depositor") a City existing under the laws of the State of Oregon and that the following is a true, complete and correct copy of resolutions adopted at a meeting of the Depositor duly and properly called and held on the 3rd day of December, 2008; that a quorum was present at said meeting; and that said resolutions are now in full force and effect.

RESOLVED, that U.S. Bank National Association is hereby designated as a depository of the Depositor with authority to accept or receive at any time for the credit of the Depositor deposits by whomsoever made of funds and other property in whatever form or manner transferred to endorsed; and that any officer of the Depositor is hereby authorized to open or cause to be opened one or more accounts with the Bank on such terms, conditions and agreements as the Bank may now or hereafter require and to make any other agreements deemed advisable in regard to any of the foregoing. Depositor acknowledges and agrees that the services contemplated by this resolution shall be governed by the U.S. Bank Customer Agreement for commercial deposit accounts, as amended from time to time.

RESOLVED, that checks, drafts or other orders for the payment, transfer or withdrawal of any of the funds or other property of the Depositor on deposit with the Bank shall be binding on the Depositor when signed, manually or by use of a facsimile or mechanical signature or otherwise authorized, by any one of the individuals listed in the section entitled "Authorized Signers", and the Bank is hereby authorized to pay and charge to the account of the Depositor any such checks, drafts or other orders so signed or otherwise authorized, including those payable to the individual order of the same person or persons signing or otherwise authorizing the same and including also those payable to the Bank or to any other person for application, or which are actually applied to the payment of any such indebtedness owing the Bank from the person or persons who signed such checks, drafts or other withdrawal orders or otherwise authorized such withdrawals. In particular, and not in limitation of foregoing, such persons may authorize payment, transfer or withdrawal by oral or telephonic directions to the Bank complying with such rules and regulations relating to such authorization as the Bank may communicate to the Depositor from time to time.

RESOLVED, that the Finance Director (identify certifying officer by title) hereby certifies to the Bank the names and signatures (either actual or any form or forms of facsimile or mechanical signatures adopted by the person authorized to sign) of the Authorized Signers listed below and shall from time to time hereafter, upon a change in the facts so certified, immediately certify to the Bank the names and signatures (actual or facsimile) of the persons then authorized to sign or to act. The Bank shall be fully protected in relying on such certificates and on the obligation of the certifying officer (set forth above) to immediately certify to the Bank any change in any facts so certified, and the Bank shall be indemnified and saved harmless by the Depositor from any claims, demands, expenses, loss or damage resulting from or growing out of honoring or relying on the signature of other authority (whether or not properly used and, in the case of any facsimile signature, regardless of when or by whom or by what means such signature may have been made or affixed) of any officer or person whose name and signature was so certified, or refusing to honor any signature or authority not so certified.

RESOLVED, That these resolutions shall continue in force until express written notice of their rescission or modification has been furnished to and received by the Bank; and

RESOLVED, That any and all transactions by or on behalf of the Depositor with the Bank prior to the adoption of this resolution be, and the same hereby are, in all respects ratified, approved and confirmed.

I further certify that the officers of the Depositor signing the resolution, have, and at the time of adoption of said resolutions had, full power and lawful authority to adopt the foregoing resolutions and to confer the powers therein granted to the persons named, and that such persons have full power and authority to exercise the same.

I further certify that the names, titles (if any) and signatures (actual or facsimile) of the persons authorized to sign or act on behalf of the Depositor by its governing board identified above are as set forth below in the section of this Resolution entitled "Authorized Signers".

I further certify, under penalties of perjury, that the tax identification number shown above is correct and that the Depositor is not subject to backup withholding because (a) it is exempt, (b) has not been notified by the Internal Revenue Service (IRS) that it is subject to backup withholding as a result of a failure to report all interest or dividends or (c) the IRS has notified the Depositor that it is no longer subject to backup withholding, and I am a U.S. citizen or other U.S. person

Account Number: 153695185212

Authorized Signers

<u>Name</u>	<u>Title</u>	<u>Signature</u>
<u>Melody Thompson</u>	<u>Mayor</u>	<u></u>
<u>Mark C. Adcock</u>	<u>City Administrator</u>	<u></u>
<u>Sue Engels</u>	<u>Finance Director</u>	<u></u>
<u></u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of the Depositor this

3rd day of December, 20 08

<u></u> (Certifying Officer)	<u>City Recorder Pro-Tem</u> (Title)
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<u></u> (Attest by one other officer)	<u>Deputy City Recorder</u> (Title)
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Branch Number: 3242 Cost Center: 2020765 Call Tracking Number: Service Banker: Christy Mickels

Service Banker Review:_____ Validated by:_____ Team Leader Review:_____ FileNet Indexed by:_____

(04/2008)

ORDINANCE NO. 1298

AN ORDINANCE AUTHORIZING THE MAYOR AND/OR CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH EAGLE MAILING SERVICES OF SALEM OREGON TO PROVIDE SEWER AND STREET MAINTENANCE FEE PRINTING AND MAILING SERVICES; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Canby wishes to start monthly sewer and street maintenance fee billing at the end of December 2008, and

WHEREAS, the cost of the serves will be paid by the Canby Finance Department with funds budgeted and approved for this purpose in the 2008-2009 fiscal year budget; and

WHEREAS, in accordance with ORS Chapter 279 and Canby Public Purchasing Rules as set forth in Ordinance No. 1170 and Resolution No. 897, three quotes were obtained for the printing and mailing services:

- | | |
|---|------------------|
| 1. Eagle Mailing Service Salem, Oregon | \$2,894.96/Month |
| 2. Metro Presort Portland, Oregon | \$3,234.00/Month |
| 3. Mid-Valley Presort & Mailing Salem, Oregon | \$3,420.00/Month |

WHEREAS, Eagle Mailing Services of Salem, OR submitted the lowest quote not to exceed \$3,154.16 per month; and

WHEREAS, the City Council meeting and acting as the Contract Review Board for the City of Canby has reviewed this bid, reviewed the staff report and believes it to be in the best interest of the City to contract with Eagle Mailing Services, to provide sewer and street maintenance fee printing and mailing services; therefore

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. The Mayor and/or City Administrator are hereby authorized and directed to make, execute and declare in the name of the City of Canby and on its behalf, an appropriate contract with Eagle Mailing Services to provide sewer and street maintenance fee printing and mailing services for the Canby Finance Department for a total not to exceed \$2,894.96 per month.

2nd Reading

Section 2. In so much as it is in the best interest of the citizens of the City of Canby, Oregon to provide the Finance Department with the afore mentioned services without further delay, and to better serve the citizens of Canby, an emergency is hereby declared to exist and this ordinance shall therefore 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 19, 2008, 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, December 3, 2008, commencing at the hour of 7:30 PM in the Council Meeting Chambers at Canby City Hall located at 155 SW 2nd Avenue in Canby, Oregon.

Kimberly Scheafer, CMC
City Recorder Pro-tem

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on the 3rd day of December 2008, by the following vote:

YEAS_____

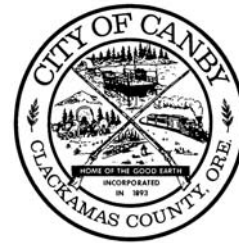
NAYS_____

Melody Thompson, Mayor

ATTEST:

Kimberly Scheafer, CMC
City Recorder Pro-tem

2nd Reading



MEMORANDUM

TO: *Honorable Mayor Thompson and City Council*
FROM: *Melissa Hardy, Associate Planner*
THROUGH: *Mark C. Adcock, City Administrator*
DATE: *December 03, 2008*
RE: *Ordinance No. 1299 - AN ORDINANCE AMENDING TITLE 16 OF THE CANBY MUNICIPAL CODE FOR THE PURPOSE OF AMENDING SIGN STANDARDS; AMENDING CMC CHAPTERS 16.04, 16.35, 16.42, 16.52, 16.53, and 16.89. (TA 08-04)*

Summary

Attached is Ordinance No. 1299, which amends Title 16 of the Canby Municipal Code (CMC); Specifically amending CMC Chapters 16.04, 16.35, 16.42, 16.52, 16.53, and 16.89, for the purpose of enacting Text Amendment No. TA 08-04.

Recommendation

Staff recommends that the City Council pass Ordinance No. 1299, attached hereto as Attachment 1.

Recommended Motion: *"I move that the City Council approve Ordinance No. 1299 on first reading, and pass the ordinance to second reading."*

Background

Text Amendment No. TA 08-04 originated out of recommendations from an ad-hoc task force that was formed in 2007 to create recommendations for new development standards for downtown Canby. One of the recommendations that came out of the task force was to update the city's sign standards as a project separate from drafting the new development standards for downtown Canby.

The Canby Urban Renewal Agency provided funding to hire a consulting team of Cogan Owens Cogan and SERA Architects, led by Matt Hastie, to work with a citizen committee and create a recommendation for new Canby sign codes. The citizen committee met with the consultant and with City Staff over the course of approximately six months. The consultant also held a workshop for the Planning Commission on October 27, 2008. These meetings resulted in the text amendment application.

Planning Commission held a public hearing concerning the text amendment application on November 24, 2008. Notice of the public hearing was published in the November 19, 2008, Canby Herald. Matt Hastie presented the proposal to Planning Commission. Rennie Baskett, manager of the local Walgreens store, spoke in favor of the text amendment. Gordon Root, a member of the citizen committee that worked on the amendment proposal, spoke in favor of the text amendment. The Planning Commission closed the public hearing on November 24, 2008, and voted 5-0 to forward a recommendation of approval to City Council. City Council then received the application for consideration at their regularly scheduled meeting on December 03,

2008. The City Council approved Text Amendment TA 08-04 as presented, and directed staff to present Council with an ordinance for adoption.

Alternatives

1. The City Council may vote not to pass Ordinance No. 1299, in which case CMC Chapters 16.04, 16.35, 16.42, 16.52, 16.53, and 16.89 will remain unchanged. If City Council chooses this alternative, Council should also revisit the Text Amendment application and vote on whether to rescind their decision to approve TA 08-04.

Attachments

1. Ordinance No. 1299 including exhibit A

ORDINANCE NO. 1299

AN ORDINANCE AMENDING CANBY MUNICIPAL CODE CHAPTERS 16.04, 16.35, 16.42, 16.52, 16.53, AND 16.89 FOR THE PURPOSE OF AMENDING SIGN REGULATIONS.

WHEREAS, the City of Canby initiated an application (application no. TA-08-04) for an amendment to the text of Title 16 for the purpose of amending Canby's sign codes; and

WHEREAS, City's Economic Development Manager formed and worked with a citizen committee to create a recommendation for amending Canby's sign codes; and

WHEREAS, the Planning Commission held a public hearing concerning the text amendment application on November 24, 2008, and based on their determination that the proposed amendment met all required approval criteria, voted 5-0 to forward a recommendation of approval to City Council; and

WHEREAS, the City Council received the text amendment application and Planning Commission recommendation for their consideration on December 03, 2008, and voted to approve Text Amendment No. TA 08-04 as presented, based on the findings in the Council staff report, and directed staff to present Council with an ordinance for adoption; and

WHEREAS, this ordinance is for the purpose of codifying Text Amendment No. TA 08-04 into law, a copy of which is attached hereto as Exhibit A and by this reference incorporated herein; now therefore,

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Title 16 of the Canby Municipal Code, otherwise known as the "Land Development and Planning Ordinance of the City of Canby", is amended as set forth in the attached Exhibit A.

SUBMITTED to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, December 03, 2008, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on Wednesday, January 07, 2009, commencing at the hour of 7:30 pm at the Council Meeting Chambers located at 155 N.W. 2nd Avenue, Canby, Oregon.

Kimberly Scheafer, CMC
City Recorder Pro-Tem

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on the 7th of January, 2009, by the following vote:

YEAS _____

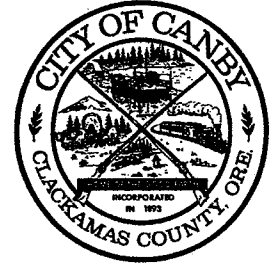
NAYS _____

Melody Thompson, Mayor

ATTEST:

Kimberly Scheafer, CMC
City Recorder Pro-Tem

THIS HAS BEEN REVIEWED
BY THE FINANCE DIRECTOR
Joe Engle



MEMORANDUM

TO: *Honorable Mayor Thompson and City Council*
FROM: *Dwayne Barnes, Director of Public Works*
DATE: *November 19, 2008*
THROUGH: *Mark C. Adcock, City Administrator*

Issue: Ordinance 1300, Purchase Replacement Bleachers for Maple Street Park.

Synopsis: The existing bleachers at Maple Street Park need to be replaced to meet safety and current Americans with Disabilities Act (ADA) Standards.

Recommendation: Staff recommends the Council adopt Ordinance 1300.

Rationale: The bleachers at Maple Street Park have been deteriorating steadily over the years and do not meet current safety and Americans with Disabilities Act (ADA) Standards. Staff included the replacement of the bleachers in the FY 08 Budget in line item 100-106-452-7614.

Three vendors provided quotes for the bleachers of which Sightlines Park and Playground Products of Portland, Oregon was the lowest bidder.

1.	Sightlines Park and Playground Products	\$25,966.00
2.	Recreation Resources	\$26,216.00
3.	Ross Recreation Equipment	\$52,460.00

Options:

1. Reject the Ordinance and not replace bleachers at this time.
2. Direct Staff to re-bid project.

Attached: Ordinance 1300

ORDINANCE NO. 1300

AN ORDINANCE AUTHORIZING THE MAYOR AND/OR CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH SIGHTLINES PARK AND PLAYGROUND PRODUCTS TO PURCHASE REPLACEMENT BLEACHERS FOR MAPLE STREET PARK AND DECLARING AN EMERGENCY.

WHEREAS, the City of Canby wishes to replace the bleachers at Maple Street Park, and

WHEREAS, the cost of the replacement bleachers will be paid by the Parks Department with funds budgeted and approved for this purpose in the 2008-2009 fiscal year budget; and

WHEREAS, in accordance with ORS Chapter 279 and Canby Public Purchasing Rules as set forth in Ordinance No. 1170 and Resolution No. 897, three written quotes were obtained for the bleachers:

- | | |
|--|-------------|
| 1. SightLines Park and Playground Products | \$25,966.00 |
| 2. Recreation Resources | \$26,216.00 |
| 3. Ross Recreation Equipment | \$52,460.00 |

WHEREAS, SightLines Park and Playground Products submitted the lowest quote of \$25,966.00 for the specified bleachers; and

WHEREAS, the City Council meeting and acting as the Contract Review Board for the City of Canby has reviewed this bid, reviewed the staff report and believes it to be in the best interest of the City to contract with SightLines Park and Playground Products for said bleachers.

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. The Mayor and/or City Administrator are hereby authorized and directed to make, execute and declare in the name of the City of Canby and on its behalf, an appropriate contract with SightLines Park and Playground Products to purchase replacement bleachers for the Parks Department for a total of \$25,966.00.

Section 2. In so much as it is in the best interest of the citizens of the City of Canby, Oregon to provide the Parks Department with the afore mentioned bleachers without further delay, and to better serve the citizens of Canby, an emergency is hereby declared to exist and this ordinance shall therefore 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 December 3, 2008, 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 January 7, 2009, commencing at the hour of 7:30 P.M. in the Council Meeting Chambers at 155 NW 2nd Avenue in Canby, Oregon.

Kimberly Scheafer, CMC
City Recorder - Pro Tem

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on the 7th day of January, 2009, by the following vote:

YEAS _____

NAYS _____

Melody Thompson, Mayor

ATTEST:

Kimberly Scheafer, CMC
City Recorder - Pro Tem