

AGENDA

CANBY CITY COUNCIL MEETING

October 1, 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. Presentation By Clackamas County on Community Disaster Exercise

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 September 17, 2008 City Council Regular Meeting

7. PUBLIC HEARINGS

A. Remonstrance Hearing for South Walnut Street LID

Pg. 1

B. Building Department Fee Increases

Pg. 35

8. RESOLUTIONS & ORDINANCES

A. Res. 1004 Adopting Fees for the City of Canby Building Department

Pg. 37

B. Res. 1007, Authorizing a Rate Increase and Establishing a New Rate Schedule for Garbage Collection by Canby Disposal within the City of Canby

Pg. 41

C. Ord. 1296, Adopting Findings of Fact, Conclusions and Final Order in Land Use Application TA 08-01; Amending Titles 12 and 16 of the Canby Municipal Code (CMC) Regarding Design Standards for Downtown and Highway 99E Commercial Development in Canby, Oregon by Amending CMC Chapters 12.12, 16.04, 16.10

9. NEW BUSINESS

10. CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS

A. Report on Public Art on SE 13th Avenue

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.



MEMORANDUM

TO: *Honorable Mayor Thompson and City Council*
FROM: *Catherine Comer, Economic Development Manager*
THROUGH: *Mark C. Adcock, City Administrator*
DATE: *September 23, 2008 for Council Meeting October 1, 2008*

Issue: **PUBLIC HEARING FOR FORMATION OF A LOCAL IMPROVEMENT DISTRICT TO FUND SOUTH WALNUT STREET IMPROVEMENTS**

Synopsis:

The City Council is holding a public hearing for the purpose of forming a Local Improvement District (LID) in accordance with the requirements of Canby Municipal Code Chapter 4.04. The LID formation is for the purpose of funding construction for all public and private utilities (water, sanitary sewer, storm infiltration trenches, telephone, cable, electricity and gas) and roadway improvements for South Walnut Street (curbs and 32 foot traveled surface) and SE 4th Avenue (one curb and 25 foot wide half-street).

Recommendation:

Pending results of the public hearing and assuming there is not remonstrance of two thirds of the property owners within the LID boundaries, staff recommends that Council move forward with the proposed improvements of South Walnut Street and formation of a Local Improvement District.

Recommended Motion: *"I move that the City Council move forward with the formation of a Local Improvement District (LID) for South Walnut Street, located in the Canby Pioneer Industrial Park, and authorize the Canby Urban Renewal Agency to apply for necessary funding for engineering and construction consistent with Option 2 of the City Engineer's Revised Report dated September 4, 2008."*

Rationale

The improvement of S. Walnut Street is necessary to continued development of the Canby Pioneer Industrial Park. Development on Walnut without full-length street improvements would be difficult if not impossible due to the City's standards for traffic flow. The Agency has previously stated that Urban Renewal funding will not be applied to the majority of S. Walnut Street project, and this proposal complies with that direction

Background:

Staff has met with property owners since last fall in an attempt to help draft an MOU with the property owners and City/Agency. On July 10th, at a meeting with property owners and their representatives, there was a consensus for the City to initiate formation of the LID.

On August 6, 2008 the Council adopted Resolution 999, “a resolution declaring the City of Canby’s intention to initiate improvements to Walnut Street located in the Canby Pioneer Industrial Park and directing the City Engineer to make a survey and a written report of the proposed project and file the same with the city recorder”

On September 3, 2008 the Council accepted “the South Walnut Street Local Improvement District Preliminary Engineer’s Report” and approved moving “forward in forming the LID by providing the required notice, conducting remonstrance hearing and direct staff to continue discussions with property owners to obtain continued support in forming the District and adding \$30,000 to Option 2” (This addition is updated on the attached Revised Engineer’s Report.

A Public Notice for the Hearing was sent out to the property owners and published in the *Canby Herald* newspaper on September 10 & 17, 2008

Fiscal Impact:

This project will be largely funded by the property owners because the LID will be established to cover the costs of engineering, construction, and the costs of obtaining a loan. The Urban Renewal Agency agreed to pay for the cost of Zoar Cemetery which is estimated at approximately \$41,000, The City and Agency would also be contributing a significant amount of staff time to carry out this project.

If the project is constructed, both the Agency and City will gain tax revenues earlier than they would otherwise if development happened in an uncoordinated fashion.

Attachments:

Exhibit A: Canby Municipal Code, Chapter 4.04.050, Chapter 4.04.010

Exhibit B: Notice of Public Hearing

Exhibit C: Revised Engineer’s Report dated September 4, 2008

Exhibit A to Staff Report regarding formation of South Walnut Street LID

Canby Municipal Code

§ 4.04.050 Hearing procedure.

At the aforesaid hearing the Council shall hear oral objections to the proposed improvement and shall consider any written remonstrances thereto. If either oral or written remonstrances of the owners of 2/3 of the land to be specially assessed as a result of the proposed public improvement are received by the Council at the public hearing, then the remonstrances shall have the effect of defeating the proposed improvement, in which event no further action to effect the improvement shall be taken for 6 months. For the purposes of receiving and considering remonstrances, the owners of the property shall be those persons defined as owner in this chapter. If the Council, after hearing the oral and/or written remonstrances finds that there is not a sufficient remonstrance, it may proceed with the improvement.

§ 4.04.010 Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

City Engineer refers to the duly appointed and then acting City Engineer of the city and/or other engineer or firm of engineers appointed by the City Council in connection with any proposed improvement.

Owner, in relation to the ownership of real property, means the record holder of the legal title to the land in question; except that if there is a purchaser of the land whose interest therein is evidenced by a recorded contract for the sale thereof or by written verified statement of the record holder of the legal title, and which verified statement has been duly filed with the Recorder of the city, then the purchaser shall be deemed the Owner

**Exhibit B to Staff Report
regarding formation of
South Walnut Street LID**

**LEGAL NOTICE
South Walnut Street LID
Notice of Public Hearing**

Notice is hereby given that the City of Canby City Council will hold a public hearing after the hour of 7:30 p.m. on Wednesday, October 1, 2008 at the regular scheduled Council Meeting, for the purpose of forming a Local Improvement District (LID) in accordance with the requirements of Canby Municipal Code Chapter 4.04.

The LID formation is for the purpose of funding construction for all public and private utilities (water, sanitary sewer, storm infiltration trenches, telephone, cable, electricity and gas) and roadway improvements for South Walnut Street (curbs and 32 foot traveled surface) and SE 4th Avenue (one curb and 25 foot wide half-street). The City Engineer's report approved by the City Council is on file in the City Recorder's office for examination at 182 N Holly Street, Canby, Oregon.

Written remonstrances may be filed against the proposed improvements at the office of the City Recorder no later than the scheduled time for the council hearing of objections to the proposed public improvements. The improvements will be abandoned for at least six months if there is presented a valid remonstrance of the owners of two-thirds of the land to be specially assessed as a result of the project.

The total estimated cost of the improvements is \$1,078,860 which will be paid for by special assessment of the benefited properties. The following list shows the owner of record for each benefitted tax lot, and an estimate of the total improvement costs:

TAX LOT	OWNER	OPTION 2 LID NET ASSESSMENT (Estimate)
TOWNSHIP 3 SOUTH, RANGE 1 EAST, SECTION 34		
200	Zoar Lutheran Cemetery (<i>Paid by Canby Urban Renewal Agency</i>)	\$38,222
301	Larusso Concrete Co. Inc.	\$31,719
1900	Hildreth, Stanley and Pamela	\$41,670
2000	Palmer, Paula, Trustee	\$171,084
2100	Borg, Gilbert and Adelyn, Trustees	\$224,318
2101	Dewar, John David and Irene	\$47,012
1709	Burden, Ray, Estate	\$130,042
1710	Burden, Ray, Estate	\$37,304
2300	Sprague, Joint Venture	\$66,272
3300	Sprague, Joint Venture	\$8,336
1805	Parsons Family Trust	\$143,895
2400	Parsons Family Trust	\$138,986

Published in the Canby Herald September 10 & 17, 2008.

**CURRAN-McLEOD, INC.
CONSULTING ENGINEERS**

6655 S.W. HAMPTON STREET, SUITE 210
PORTLAND, OREGON 97223

City of Canby
182 N Holly Street
Canby, OR 97013

Canby Urban Renewal Agency
182 N Holly Street
Canby, OR 97013
Attn: Mr. Tony Helbling, Chairman

**RE: SOUTH WALNUT STREET LOCAL IMPROVEMENT DISTRICT
PRELIMINARY ENGINEER'S REPORT AS REVISED SEPTEMBER 2008**

Honorable Mayor & City Council; Honorable Chairman and Agency Board Members:

The Canby Urban Renewal Agency has been working with the property owners along South Walnut Street within the Canby Pioneer Industrial Park to determine a feasible means to accomplish infrastructure development. Improvement of the transportation and utility systems on South Walnut Street would provide an inventory of shovel-ready properties for industrial development.

A consensus of property owners has requested the Agency to initiate a Local Improvement District to determine the feasibility and, if feasible, complete this construction. The Canby Municipal Code, Chapter 4.04 PUBLIC IMPROVEMENT ASSESSMENT PROCEDURES, as well as Oregon Revised Statutes Chapter 223 LOCAL IMPROVEMENTS, provides the requirements for creation of a special assessment district for undertaking construction of public improvements. This letter report provides the information to identify project scope, estimated costs, benefitting area and preliminary assessments for approval of the Urban Renewal Agency and City of Canby, in accordance with Chapter 4.04.

Attached to this report are spreadsheets and a sketch showing the boundary of the proposed District, and an inventory of the benefitted property owners, addresses, and preliminary cost allocations and assessments.

PROJECT SCOPE AND SERVICE BOUNDARY

The scope of the infrastructure improvements includes all public and private utilities (water, sanitary sewer, storm infiltration trenches, telephone, cable, electricity & gas) and roadway improvements for South Walnut Street (curbs and 32 foot traveled surface) and SE 4th Avenue (one curb and 25 foot wide half-street). Sidewalks are not included in the scope of the work and are anticipated to be installed concurrently with development of each industrial property.

The project will serve all frontages between SE 1st Avenue and SE 4th Avenue, excepting the most northerly properties on each side of the roadway. These two northerly property owners have elected to be excluded from the LID with the intent of completing their frontage improvements privately. Their properties would have accounted for approximately 2000 feet of roadway frontage, or approximately one-third of the entire reach of S Walnut Street.

The project has been evaluated in light of two alternative roadway alignments. Improvements completed within the existing right-of-way would begin at the intersection of Sequoia Parkway and SE 4th Avenue, and extend easterly along SE 4th Avenue (half street improvement) to Walnut Street and then along the northerly alignment of Walnut Street (32' full street construction) to a termination point approximately 1,000 south of SE 1st Avenue. This alignment requires construction of approximately 1,750 feet of full street and 220 feet of half street, with all associated utilities.

In the absence of an acceptable alternative, redevelopment of this existing alignment becomes the selected option by default. Cost estimates and allocations related to this option are identified as OPTION 1: EXISTING ALIGNMENT in the attachments.

An alternative alignment promoted by the City of Canby and favorably received by the property owners is shown as OPTION 2: ALTERNATIVE ALIGNMENT on the attached information. This alignment proposes to realign S. Walnut Street directly to a new intersection with Sequoia Parkway and vacate approximately 800 feet of the existing South Walnut Street right-of-way, south of the point of diversion. This alternative has many benefits including a net reduction of construction cost, reconfiguring the street grid to increase intersection separation distance, and the major benefit of providing a more direct route for industrial traffic to access Sequoia Parkway from Walnut street, with minimal out-of-direction travel.

The scope of construction work for this Option 2 will include the impacts with the existing Sequoia Parkway, such as any utility connections and potential relocations, area lighting relocation, curb reconstruction and a new roadway connection with large radius curb returns for truck access.

This alternative will also require the vacated portion of the existing Walnut Street to be salvaged for industrial use. This will include removal of all roadway surfaces, existing utilities and any identified contamination that would prevent the site from being used for industrial activity. This is anticipated to be accomplished by the removal of the top 18" of the surface and replacement with acceptable native material.

With the elimination of Tax Lot 2400 frontage onto Walnut Street under Option 2, a new access is proposed to be created by modifying the property line alignments. The goal promoted by the City staff is to provide an access wide enough to allow for a landscaped entrance to a future industrial site on Tax Lot 2400 from the realigned Walnut Street. This access is envisioned to be a private driveway that would have minimal impact on the adjoining properties yet allow industrial traffic direct access.

At the request of the property owner of Tax Lot 1709, the development of a half street along SE 4th Avenue is also included with this Option 2 in order to complete all of the infrastructure requirements associated with this specific property. All of the costs of this half street are allocated to the one adjoining property, and the extent of the construction will extend easterly to the east boundary of Tax Lot 1709, including any lot line adjustments that may be negotiated with the adjoining lot 2400.

The OPTION 2: ALTERNATIVE ALIGNMENT includes approximately 1,400 lineal feet of roadway improvements on Walnut Street and 220 feet of half street improvements on SE 4th Avenue.

The benefitted properties are the same in either option, are shown on the attached sketch and are described by Tax Lot as Section 34, T3S, R1E, WM, Tax Lots 200, 301, 1709, 1710, 1805, 1900, 2000, 2100, 2101, 2300, 2400 and 3300.

ESTIMATED PROJECT COSTS

Project costs are estimated on the attached spreadsheets and summarized below:

OPTION 1 COST SUMMARY: EXISTING ALIGNMENT

Construction Cost (excepting CU power)	\$804,500
SDC Funding Reimbursements	
25' Half Street @\$30/FL	-7,700
17' excess ROW Dedication @ \$5/SF	-18,700
Land Dedications (est 19,368 SF @ \$5)	96,840
LID Report & Remonstrance Hearing	3,500
Engineering Design Phase (7%)	60,100
Engineering Construction Management (8%)	68,700
ROW Dedication documents, 9@ \$800	7,200
Canby Utility Electric Infrastructure	<u>100,000</u>
Subtotal Cost	\$1,114,440
 Preliminary Legal/Engr Expenses	 24,140
Bond Counsel & Sale (Est 3%)	40,000
Contingencies (10%)	<u>\$106,420</u>
 TOTAL OPTION 1 COST ESTIMATE	 <u>\$1,285,000</u>

OPTION 2 COST SUMMARY: ALTERNATIVE ALIGNMENT

A. Walnut Street Component

Construction Cost	\$660,100
SDC Funding Estimate	
Sanitary Sewer Oversizing @\$16/LF	-22,400
Land Dedication (est 2,628 SF @ \$5)	13,140
LID Report & Remonstrance Hearing	3,200
Engineering Design Phase (7%)	46,000
Engineering Construction Management (8%)	52,800
LLA, Dedications, Vacations, est 20 @ \$1,200	24,000
Canby Utility Electric	<u>90,000</u>
Subtotal Cost	\$866,840
Preliminary Legal/Engr Expenses	24,140
Bond Counsel & Sale (Est 3%)	30,000
Contingencies (10%)	<u>89,020</u>

Walnut Street Construction Cost Estimate \$1,010,000

B. SE 4th Avenue Component

Construction Cost (excepting CU power)	\$59,810
SDC Funding Estimate	
Right-of-way Dedication 2,731 @ \$5/SF	-13,655
12" Sanitary Sewer Oversizing \$25/lf	-5,000
Land Dedication, 2,731 @ \$5/SF	13,655
LID Report & Remonstrance Hearing	300
Engineering Design Phase (7%)	4,450
Engineering Construction Management (8%)	5,100
Dedications, Vacations, est 2 @ \$1,200	2,400
Canby Utility Electric	8,000
Contingencies (10%)	<u>6,940</u>

SE 4th Ave Construction Cost Estimate \$82,000

TOTAL OPTION 2 COST ESTIMATE \$1,092,000

The costs include preliminary expenses of \$21,000 in legal work and \$3,140 for engineering services incurred in the organization and formation of the many property owners. These services were provided over the past several months and established much of the basis for formation of the Local Improvement District. These charges will need to be paid as a component of the roadway improvements to Jordan, Schrader & Ramis (\$21,000) for legal services and to AAI Engineering (\$3,140) for engineering services.

Option 2 provides the most desirable roadway alignment and is the least cost. Accordingly, this report recommends that Option 2 be implemented.

The estimates for Option 2 are broken into two components, S Walnut Street and SE 4th Avenue. The costs associated with each cost component are allocated independently, as discussed in a later section of this text.

The estimates include the cost of right-of-way dedications and value of right-of-way vacations needed to create the 40-foot ROW at a proposed \$5 per square foot. The value of the dedications and vacations are included in the total project cost estimates. The previous dedications for Tax Lots 1709 and 1805 are proposed to be vacated without cost to the property owners as they were recent engineering requirements that were imposed prior to determining the regional need for the lands.

In addition to dedications, there are a substantial number of property transfers recommended to provide access improvements and re-associate stranded parcels. The primary land transfers are between the Parsons and Burden properties as needed to provide the alternative alignment to Sequoia Parkway and to provide Walnut Street frontage for Tax Lot 2400.

There were many issues to address, and many iterations of roadway alignments that were explored to select the least intrusive alignment. The primary criteria used to align the roadway were to assure a minimum of a 200-foot separation between the common driveway to Tax Lots 1709 and 1710, provide a point of access for Tax Lot 2400 to Walnut Street, and to attempt to balance all land transfers. The roadway alignment was also shifted easterly to avoid impacting the existing large fir trees located on the cemetery site, Tax Lot 200.

As a result of an election to utilize the alternative roadway alignment, a substantial amount of the South Walnut Street right-of-way may be vacated. The value of this land created by the realignment will be assessed to the adjoining property that benefits from the vacation. All property adjustments, including dedications for right-of-way, vacation of existing right-of-way or property transfers were ultimately accounted for by applying a value of \$5 per square foot, as can be seen in the spreadsheets.

The impacts of right-of-way dedications or vacations are applied to each specific property after assessment of their proportionate share of the total project costs identified above. The right-of-way costs reduce the net assessment where additional dedication is required, and where land is vacated, the value of the right-of-way is added to their share of the project costs.

In addition to the right-of-way dedications, 16 foot wide utility easements will be required on all Walnut Street roadway frontages to account for the installation of utilities (stormwater, electricity, telephone, cable and gas), and a 12-foot easement will be required along SE 4th Avenue. No costs are included for the easement dedications as these areas can be included in total developable area of the private properties with minimal inconvenience.

The cost estimates do not include payment of System Development Charges for any private connections to the utilities. Line extension charges and SDC charges will be imposed when individual properties are developed.

COST ALLOCATION

The goal to selecting a cost allocation method is to identify an assessment that is equitable and in proportion to the benefit to each property. Due to the irregular shape of many of the benefitted properties, and the disproportionate lengths of a frontage to area, the project costs for S Walnut Street are proposed to be allocated at 50% each for frontage and area.

The area component is proposed to include that component of each lot that falls within 500 feet of the centerline of the right-of-way. This spacing is approximately half of the distance from Walnut Street to Mulino Road, and approximates the area that will be served directly by this roadway improvement, without the construction of additional local streets.

Although Tax Lot 1709 has no direct access to Walnut Street, it is recommended this lot be included in this area assessment as a result of being in common ownership as the adjoining lot 1710, and as a result of the redistribution of assessments resulting from realigning the roadway away from this lot-1709. Although this has some overlapping area with the allocations of SE 4th Avenue, as a result of being a corner lot, this is a reasonable and equitable cost allocation.

The Zoar Lutheran Cemetery on Tax Lot 200 presents a unique situation of very limited benefit from the proposed improvements. Although allowed by state statute to assess costs to the cemetery property, the Canby Urban Renewal Agency has indicated they will be responsible for the cost of the Cemetery assessments to avoid impacting this historic site.

The allocation of cost for the SE 4th Avenue half street is also unique in that it is not an essential component of the S Walnut Street improvements and benefits a single adjoining property owner. The allocation of the SE 4th Avenue half-street costs are proposed to be assessed solely to the adjoining Tax Lot Number 1709.

For OPTION 2, the above described methodology results in the following unit costs assessments:

WALNUT STREET UNIT COST ALLOCATIONS

Area Assessment	=	\$16,370 per acre
Frontage Assessment	=	\$175 per front foot
Real Estate Value	=	\$5 per square foot

SE 4th AVENUE UNIT COST ALLOCATIONS

Area Assessment	=	\$21,244 per acre
Frontage Assessment	=	\$220 per front foot
Real Estate Value	=	\$5 per square foot

The attached tables list the benefitted property owners, addresses, Clackamas County tax appraised value and real market value, length of frontage assessed, area within 500 feet of the roadway centerline assessed, and preliminary allocation of cost for each of the two considered options.

The allocation of costs exceeds many of the assessed values of the properties causing some concern regarding security for the debt service. On average, the project costs are approximately 80% of the tax appraised values of the benefitted properties. This measure is misleading in many cases due to the divergence between real market value and tax appraised value. Relative to market value, the LID assessments represent an average of less than 15% of the real market value from the Clackamas County tax records.

Many of the benefitted properties are currently in farm deferral, which results in nearly an order of magnitude reduction of the assessed value and resulting property tax. Removing these properties from deferral will require property owners to pay additional property tax equal to the difference between the deferred and full assessed value, for the equivalent of the five previous years. Other than the deferral program, there are no outstanding taxes due for any of the benefitted properties.

City of Canby
Canby Urban Renewal Agency
September 4, 2008
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PROJECT SUMMARY AND CONCLUSION

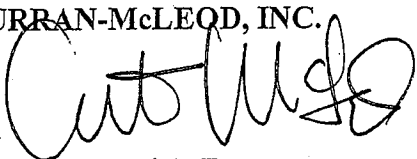
The costs to accomplish this project are very reasonable by comparison to the market value of the properties. The work scope is feasible to accomplish over the next year pending approval of the District and securing funding for the work, and these improvements provide a material contribution to the infrastructure for the industrial park.

Accordingly, our recommendation is that the Canby Urban Renewal Agency and the Canby City Council provide the required notice, conduct remonstrance hearings and, contingent upon property owner's support, approve formation of the District. At the Agency's direction, this project can be designed and ready to solicit bids by the spring of 2009, with the construction completed in the summer of 2009.

We can be available at your convenience to discuss any questions or concerns you may have.

Very Truly Yours,

CURRAN-McLEOD, INC.

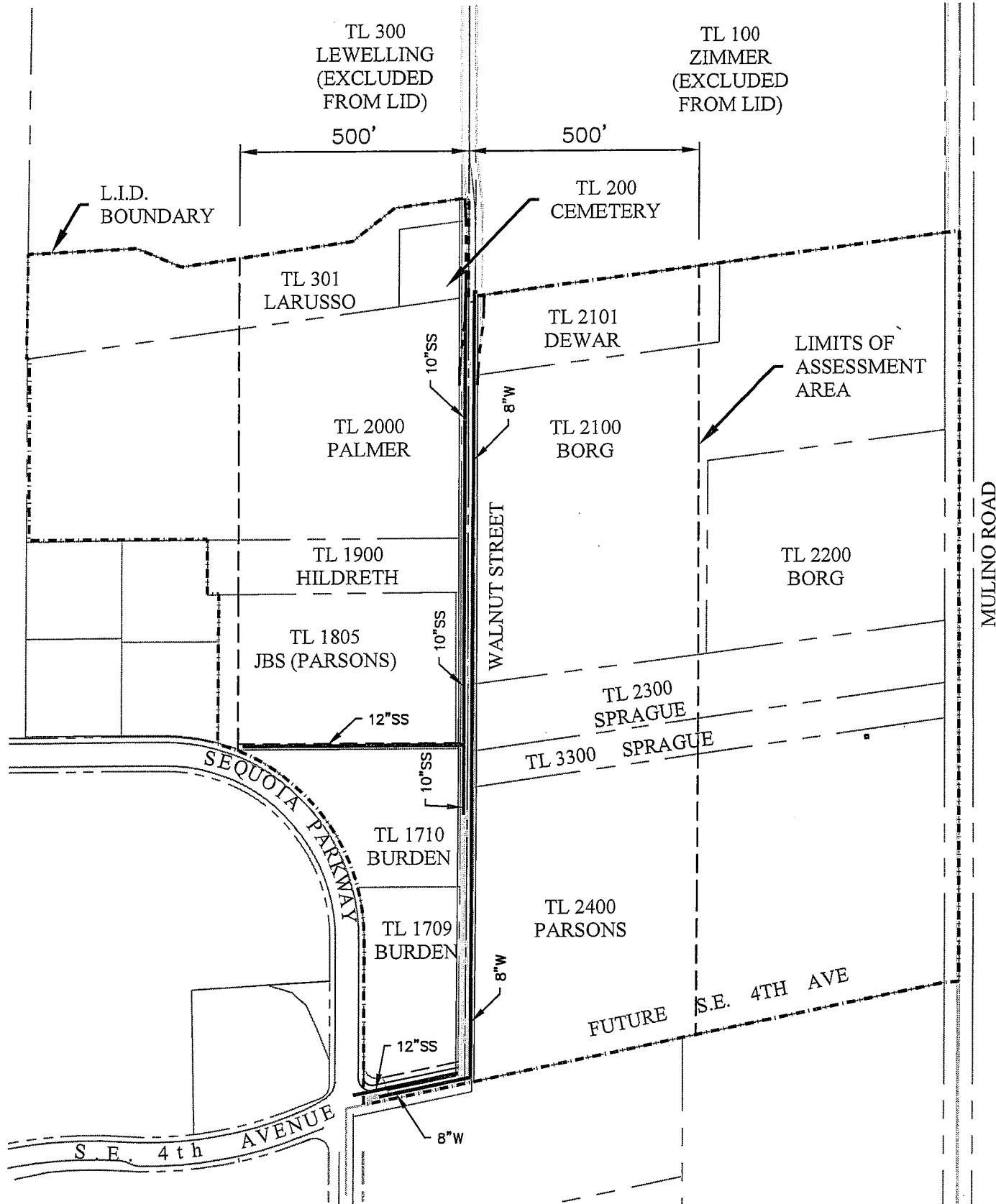
A handwritten signature in black ink, appearing to read "Curt J. McLeod", written over the printed name.

Curt J. McLeod, P.E.

enclosures

**OPTION 1:
EXISTING ALIGNMENT**

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Canby Pioneer Industrial Park
S. WALNUT STREET - OPTION 1: EXISTING ALIGNMENT
LOCAL IMPROVEMENT DISTRICT (L.I.D.)
BENEFITED PROPERTIES AND UTILITY PLAN
SECTION 34, T3S, R1E, W.M.
AUGUST 2008



SCALE: 1" = 300'

Council Packet 14 of 162
CURRAN-McLEOD, INC.
CONSULTING ENGINEERS

**CANBY PIONEER INDUSTRIAL PARK
SOUTH WALNUT STREET LID BENEFITTED PROPERTIES**

**OPTION 1 and 2
BENEFITTED PROPERTIES**

Local Improvement District OPTION 1 and 2 - Assessed Values/ Real Market Values

TAX LOT	OWNER	MAILING ADDRESS	MARKET VALUE	2007-2008 YEAR TAX ASSESSED VALUE
Township 3 South, Range 1 East, Section 34				
200	Zoar Lutheran Cemetery			
301	Larusso Concrete Co Inc.	15930 SW 74th Ave, Tigard OR 97224	\$ 727,977	\$ 313,537
1709	Burden, Ray, Estate	P.O. Box 729, Canby OR 97013	\$ 354,614	\$ 1,692
1710	Burden, Ray, Estate	P.O. Box 729, Canby OR 97013	\$ 372,038	\$ 1,786
1805	Parsons Family Trust	2865 Rosecliffe Villa #14, Lake Oswego 97034	\$800,000*	\$535,000*
1900	Hildreth, Stanley and Paniela	267 S Walnut St, Canby OR 97013	\$ 269,260	\$ 129,871
2000	Palmer, Paula, Trustee	211 S Walnut St., Canby OR 97013	\$ 1,934,147	\$ 197,916
2100	Borg Gilbert and Adelyn, Trustees	23397 S. Mulino Rd., Canby OR 97013	\$ 2,268,839	\$ 203,474
2101	Dewar, John David and Irene I.	220 S. Walnut St, Canby OR 97013	\$ 588,354	\$ 176,307
2300	Sprague, Joint Venture	P.O. Box 848, Canby OR 97013	\$ 584,577	\$ 119,115
2400	Parsons, Clifford, Trustee	23625 S. Mulino Rd, Canby OR 97013	\$ 143,684	\$ 143,684
3300	Sprague, Joint Venture	P.O. Box 848, Canby OR 97013	\$ 251,972	\$ 21,649
			\$7,495,462	\$1,309,031

*No value yet established by the County. Amount shown is estimated based on proportion of pre-platted values.

8/27/08

Canby Pioneer Industrial Park - S Walnut Street Improvements
OPTION 1: PRELIMINARY COST ESTIMATE

August 2008

Walnut Street to Sequoia Parkway via SE 4th Avenue Improvements

Walnut Street 1,775 LF 32 foot AC, 40' ROW; SE 4th Avenue 220 LF Half St. 25' AC, 37' ROW

Item No.	Description	Quantity	Unit	Unit Price	Total
A. Site Preparation					
A.1	Mobilization	All	Lump Sum	\$40,000.00	\$40,000.00
A.2	Temporary Protection & Direction of Traffic	All	LS	3,200.00	3,200.00
A.3	Erosion Control	All	LS	3,200.00	3,200.00
A.4	Clearing & Grubbing	All	LS	16,000.00	16,000.00
A.5	Common Excavation	3,600	CY	12.00	43,200.00
A.6	Subgrade/ Trench Stabilization	50	CY	40.00	2,000.00
A.7	Sawcut Asphalt/ Concrete Pavement	200	LF	2.00	400.00
A.8	Sign & mailbox Relocations	All	LS	2,000.00	2,000.00
Subtotal					\$110,000.00
B. Paving and Surfacing					
B.1	1"-0" Crushed Rock (12" deep)	7,000	SY	11.00	\$77,000.00
B.2	Type "C" Concrete Curb	3,800	LF	14.00	53,200.00
B.3	4" Concrete Sidewalk w/ Leveling Rock	80	SY	55.00	4,400.00
B.4	½" Dense Mix Asphalt Pavement (4" thick)	1,600	Tons	80.00	128,000.00
B.5	Site Restoration, fence relocations	All	LS	10,000.00	10,000.00
B.6	Pavement Striping	All	LS	3,000.00	3,000.00
Subtotal					\$275,600.00
C. Storm Drainage					
C.1	Infiltration Trenches	3,600	LF	38.00	136,800.00
Subtotal					\$136,800.00
D. Sanitary Sewer					
D.1	12" PVC 3034 Sanitary Sewer Pipe including Trench Excavation & Rock Backfill	720	LF	65.00	46,800.00
D.2	10" PVC 3034 Sanitary Sewer Pipe including Trench Excavation & Rock Backfill	1,000	LF	60.00	60,000.00
D.3	8" PVC 3034 Pipe including Trench Excavation & Rock Backfill	300	LF	55.00	16,500.00
D.4	48" Diameter Standard Manhole, All Depths	5	Each	3,500.00	17,500.00
D.5	Rock Excavation and Haul-off	350	CY	150.00	52,500.00
Subtotal					\$86,500.00

E. Waterlines					
E.1	8" D.I. CL52 Pipe including Trench Excavation & Crushed Rock Backfill	2,300	LF	60.00	138,000.00
E.2	8" MJ Butterfly Valve	2	Each	800.00	1,600.00
E.3	8" Fittings	All	LS	4,000.00	4,000.00
E.4	6" Fire Hydrant Assembly	4	Each	5,000.00	20,000.00
Subtotal					\$163,600.00
F. Utilities					
F.1	Excavate and Backfill for Street Light Poles	12	Each	600.00	\$7,200.00
F.2	Excavate, Set and Backfill Utility Vaults	6	Each	800.00	4,800.00
F.3	Utility Trenching including Shading and Native Backfill (Common Trench)	2,500	LF	8.00	20,000.00
Subtotal					\$32,000.00
Total Construction Cost					\$804,500.00

OPTION 1 COST SUMMARY: EXISTING ALIGNMENT

Construction Cost	\$804,500
SDC Funding Reimbursements	
25' Half Street @\$30/FL	-7,700
17' excess ROW Dedication @ \$5/SF	-18,700
Land Dedications (est 19,368 SF @ \$5)	96,840
LID Report & Remonstrance Hearing	3,500
Engineering Design Phase (7%)	60,100
Engineering Construction Management (8%)	68,700
ROW Dedications, 9@ \$800	7,200
Canby Utility Electric Infrastructure	100,000
Subtotal Cost	\$1,114,440
Preliminary Legal/Engr Expenses	24,140
Bond Counsel & Sale (Est 3%)	40,000
Contingencies (10%)	<u>\$106,420</u>
TOTAL OPTION 1 COST ESTIMATE	<u>\$1,285,000</u>

CANBY PIONEER INDUSTRIAL PARK
SOUTH WALNUT STREET LID PRELIMINARY GROSS COST ASSESSMENTS **GROSS ASSESSMENTS** **OPTION 1**

Local Improvement District OPTION 1 - Preliminary Project Cost Assessment

TAX LOT	OWNER	MAILING ADDRESS	BENEFITTED AREA WITHIN 500'		BENEFITTED FRONTAGE (LINEAL FEET)		GROSS ASSESSMENT (Without Land Inventory)
			ACRES	AREA COST ALLOCATION	LINEAL FEET	FRONTAGE ALLOCATION	
Township 3 South, Range 1 East, Section 34							
200	Zoar Lutheran Cemetery		0.50	\$ 9,323	165	\$ 28,315	\$ 37,639
301	Larusso Concrete Co Inc.	15930 SW 74th Ave, Tigard OR 97224	1.45	\$ 27,166	48	\$ 8,237	\$ 35,403
1709	Burden, Ray, Estate	P.O. Box 729, Canby OR 97013	1.93	\$ 36,338	576	\$ 98,846	\$ 135,184
1710	Burden, Ray, Estate	P.O. Box 729, Canby OR 97013	2.06	\$ 38,690	295	\$ 50,624	\$ 89,315
1805	Parsons Family Trust	2865 Rosecliffe Villa #14, Lake Oswego 97034	3.71	\$ 69,709	338	\$ 58,003	\$ 127,712
1900	Hildreth, Stanley and Pamela	267 S Walnut St, Canby OR 97013	1.30	\$ 24,423	118	\$ 20,250	\$ 44,673
2000	Palmer, Paula, Trustee	211 S Walnut St., Canby OR 97013	5.31	\$ 99,726	514	\$ 88,206	\$ 187,933
2100	Borg Gilbert and Adelyn, Trustees	23397 S. Mulino Rd., Canby OR 97013	7.32	\$ 137,485	664	\$ 113,948	\$ 251,432
2101	Dewar, John David and Irene I.	220 S. Walnut St, Canby OR 97013	1.41	\$ 26,563	170	\$ 29,173	\$ 55,736
2300	Sprague, Joint Venture	P.O. Box 848, Canby OR 97013	1.55	\$ 29,087	144	\$ 24,712	\$ 53,798
2400	Parsons, Clifford, Trustee	23625 S. Mulino Rd, Canby OR 97013	6.82	\$ 128,029	634	\$ 108,799	\$ 236,829
3300	Sprague, Joint Venture	P.O. Box 848, Canby OR 97013	0.85	\$ 15,961	78	\$ 13,385	\$ 29,346
TOTAL			34.20	\$ 642,500	3744	\$ 642,500	\$ 1,285,000

CANBY PIONEER INDUSTRIAL PARK
SOUTH WALNUT STREET LID PRELIMINARY NET COST ASSESSMENTS
Local Improvement District OPTION 1 -Adjustment for Land Requirements

OPTION 1
NET ASSESSMENTS

TAX LOT	OWNER	dedication	vacation	net land gain / loss	Land @\$5/SF	L.I.D. GROSS ASSESSMENT	L.I.D. NET ASSESSMENT
Township 3 South, Range 1 East, Section 34							
Square Feet							
							(with land impact)
200	Zoar Lutheran Cemetery	0	0	0	\$ -	\$ 37,639	\$ 37,639
301	Larusso Concrete Co	0	0	0	\$ -	\$ 35,403	\$ 35,403
1709	Burden, Ray, Estate	4700	0*	-4700	\$ (23,500)	\$ 135,184	\$ 111,684
1710	Burden, Ray, Estate	1475	0	-1475	\$ (7,375)	\$ 89,315	\$ 81,940
1805	Parsons Family Trust	0	0	0	\$ -	\$ 127,712	\$ 127,712
1900	Hildreth, Stanley and Pamela	590	0	-590	\$ (2,950)	\$ 44,673	\$ 41,723
2000	Palmer, Paula, Trustee	1902	0	-1902	\$ (9,510)	\$ 187,933	\$ 178,423
2100	Borg Gilbert and Adelyn, Trustees	3317	0	-3317	\$ (16,585)	\$ 251,432	\$ 234,847
2101	Dewar, John David and Irene I.	3098	0	-3098	\$ (15,490)	\$ 55,736	\$ 40,246
2300	Sprague, Joint Venture	720	0	-720	\$ (3,600)	\$ 53,798	\$ 50,198
2400	Parsons, Clifford, Trustee	3176	0	-3176	\$ (15,880)	\$ 236,829	\$ 220,949
3300	Sprague, Joint Venture	390	0	-390	\$ (1,950)	\$ 29,346	\$ 27,396
		19,368	0	-19,368	\$ (96,840)	\$ 1,285,000	\$ 1,188,160

*Portions of previous dedications vacated without cost due to planning change
NOTE: Assessment to the Zoar Lutheran Cemetery to be paid by the Canby URA

**OPTION 2:
ALTERNATIVE ALIGNMENT**

TL 300
LEWELLING
(EXCLUDED
FROM LID)

TL 100
ZIMMER
(EXCLUDED
FROM LID)

L.I.D.
BOUNDARY

500'

500'

TL 200
CEMETERY

TL 301
LARUSSO

TL 2101
DEWAR

LIMITS OF
ASSESSMENT
AREA

TL 2000
PALMER

TL 2100
BORG

TL 2200
BORG

TL 1900
HILDRETH

TL 1805
JBS (PARSONS)

TL 2300
SPRAGUE
TL 3300
SPRAGUE

TL 1710
BURDEN

TL 2400
PARSONS

TL 1709
BURDEN

FUTURE S.E. 4TH AVE

MULINO ROAD

Canby Pioneer Industrial Park

S. WALNUT STREET - OPTION 2: ALTERNATIVE ALIGNMENT

LOCAL IMPROVEMENT DISTRICT (L.I.D.)

BENEFITED PROPERTIES AND UTILITY PLAN

SECTION 34, T3S, R1E, W.M.

AUGUST 2008

Council Packet 2150102
CONSULTING ENGINEERS

J:\Canby\1510_WALNUT ST LID\Planning\dwg\1510_DESIGN_OPTION 2.dwg, 9/4/2008 1:28:54 PM, KSM

SCALE: 1" = 300'

CANBY PIONEER INDUSTRIAL PARK
SOUTH WALNUT STREET LID BENEFITTED PROPERTIES **OPTION 1 and 2**
BENEFITTED PROPERTIES

Local Improvement District OPTION 1 and 2 - Assessed Values/ Real Market Values

TAX LOT	OWNER	MAILING ADDRESS	MARKET VALUE	2007-2008 YEAR TAX ASSESSED VALUE
Township 3 South, Range 1 East, Section 34				
200	Zoar Lutheran Cemetery			
301	Larusso Concrete Co Inc.	15930 SW 74th Ave, Tigard OR 97224	\$ 727,977	\$ 313,537
1709	Burden, Ray, Estate	P.O. Box 729, Canby OR 97013	\$ 354,614	\$ 1,692
1710	Burden, Ray, Estate	P.O. Box 729, Canby OR 97013	\$ 372,038	\$ 1,786
1805	Parsons Family Trust	2865 Rosecliffe Villa #14, Lake Oswego 97034	\$800,000*	\$535,000*
1900	Hildreth, Stanley and Pamela	267 S Walnut St, Canby OR 97013	\$ 269,260	\$ 129,871
2000	Palmer, Paula, Trustee	211 S Walnut St., Canby OR 97013	\$ 1,934,147	\$ 197,916
2100	Borg Gilbert and Adelyn, Trustees	23397 S. Mulino Rd., Canby OR 97013	\$ 2,268,839	\$ 203,474
2101	Dewar, John David and Irene I.	220 S. Walnut St, Canby OR 97013	\$ 588,354	\$ 176,307
2300	Sprague, Joint Venture	P.O. Box 848, Canby OR 97013	\$ 584,577	\$ 119,115
2400	Parsons, Clifford, Trustee	23625 S. Mulino Rd, Canby OR 97013	\$ 143,684	\$ 143,684
3300	Sprague, Joint Venture	P.O. Box 848, Canby OR 97013	\$ 251,972	\$ 21,649
			\$7,495,462	\$1,309,031

*No value yet established by the County. Amount shown is estimated based on proportion of pre-platted values.

8/27/08

Canby Pioneer Industrial Park - S Walnut Street Improvements
OPTION 2: PRELIMINARY COST ESTIMATE

August 2008

Walnut Street to Sequoia Parkway Alternative Alignment
Walnut Street 1,400 LF 32 foot AC, 40' ROW (Excluding SE 4th Ave)

Item No.	Description	Quantity	Unit	Unit Price	Total
A. Site Preparation					
A.1	Mobilization	All	Lump Sum	\$30,000.00	\$30,000.00
A.2	Temporary Protection & Direction of Traffic	All	LS	3,000.00	3,000.00
A.3	Erosion Control	All	LS	3,000.00	3,000.00
A.4	Clearing & Grubbing	All	LS	14,000.00	14,000.00
A.5	Common Excavation	4,000	CY	12.00	48,000.00
A.6	Subgrade/ Trench Stabilization	50	CY	40.00	2,000.00
A.7	Sawcut Asphalt/ Concrete Pavement	200	LF	2.00	400.00
A.8	Sign & mailbox Relocations	All	LS	2,000.00	2,000.00
Subtotal					\$102,400.00
B. Paving and Surfacing					
B.1	1"-0" Crushed Rock (12" deep)	5,000	SY	11.00	\$55,000.00
B.2	Type "C" Concrete Curb	3,800	LF	14.00	53,200.00
B.3	4" Concrete Sidewalk w/ Leveling Rock	80	SY	55.00	4,400.00
B.4	½" Dense Mix Asphalt Pavement (4" thick)	1,200	Tons	80.00	96,000.00
B.5	Site Restoration, fence relocations	All	LS	10,000.00	10,000.00
B.6	Pavement Striping	All	LS	3,000.00	3,000.00
Subtotal					\$221,600.00
C. Storm Drainage					
C.1	Infiltration Trenches	2,500	LF	38.00	95,000.00
Subtotal					\$95,000.00
D. Sanitary Sewer					
D.1	10" PVC 3034 Sanitary Sewer Pipe including Trench Excavation & Rock Backfill	1,400	LF	60.00	84,000.00
D.2	8" PVC 3034 Pipe including Trench Excavation & Rock Backfill	300	LF	55.00	16,500.00
D.3	48" Diameter Standard Manhole, All Depths	7	Each	3,500.00	24,500.00
D.4	Rock Excavation and Haul-off	350	CY	150.00	52,500.00
Subtotal					\$93,500.00
E. Waterlines					

E.1	8" D.I. CL52 Pipe including Trench Excavation & Crushed Rock Backfill	1,700	LF	60.00	102,000.00
E.2	8" MJ Butterfly Valve	2	Each	800.00	1,600.00
E.3	8" Fittings	All	LS	3,000.00	3,000.00
E.4	6" Fire Hydrant Assembly	3	Each	5,000.00	15,000.00
Subtotal					\$121,600.00
F. Utilities					
F.1	Excavate and Backfill for Street Light Poles	10	Each	600.00	\$6,000.00
F.2	Excavate, Set and Backfill Utility Vaults	5	Each	800.00	4,000.00
F.3	Utility Trenching including Shading and Native Backfill (Common Trench)	2,000	LF	8.00	16,000.00
Subtotal					\$26,000.00
Total Construction Cost					\$660,100.00

OPTION 2 COST SUMMARY: ALTERNATIVE ALIGNMENT

A. Walnut Street Component

Construction Cost	\$660,100
SDC Funding Estimate	
Sanitary Sewer Oversizing @\$16/LF	-22,400
Land Dedication (est 2,628 SF @ \$5)	13,140
LID Report & Remonstrance Hearing	3,200
Engineering Design Phase (7%)	46,000
Engineering Construction Management (8%)	52,800
LLA, Dedications, Vacations, est 20 @ \$1,200	24,000
Canby Utility Electric	<u>90,000</u>
Subtotal Cost	\$866,840
 Preliminary Legal/Engr Expenses	 24,140
Bond Counsel & Sale (Est 3%)	30,000
Contingencies (10%)	<u>89,020</u>
 Walnut Street Construction Cost Estimate	 <u>\$1,010,000</u>

Canby Pioneer Industrial Park - S Walnut Street Improvements
OPTION 2: PRELIMINARY COST ESTIMATE

August 2008

Walnut Street to Sequoia Parkway Alternative Alignment
 SE 4th Avenue, 220 LF 25 foot half Street with 37 ' ROW (Excluding Walnut Street)

Item No.	Description	Quantity	Unit	Unit Price	Total
A. Site Preparation					
A.1	Mobilization	All	Lump Sum	\$2,000.00	\$2,000.00
A.2	Temporary Protection & Direction of Traffic	All	LS	200.00	200.00
A.3	Erosion Control	All	LS	200.00	200.00
A.4	Clearing & Grubbing	All	LS	2,000.00	2,000.00
A.5	Common Excavation	400	CY	12.00	4,800.00
A.6	Subgrade/ Trench Stabilization	5	CY	40.00	200.00
A.7	Sawcut Asphalt/ Concrete Pavement	100	LF	2.00	200.00
A.8	Sign & mailbox Relocations	All	LS	200.00	200.00
Subtotal					\$9,800.00
B. Paving and Surfacing					
B.1	1"-0" Crushed Rock (12" deep)	550	SY	11.00	\$6,050.00
B.2	Type "C" Concrete Curb	250	LF	14.00	3,500.00
B.3	½" Dense Mix Asphalt Pavement (4" thick)	125	Tons	80.00	10,000.00
B.4	Site Restoration, fence relocations	All	LS	1,000.00	1,000.00
B.5	Pavement Striping	All	LS	100.00	100.00
Subtotal					\$20,650.00
C. Storm Drainage					
C.1	Infiltration Trenches	170	LF	38.00	6,460.00
Subtotal					\$6,460.00
D. Sanitary Sewer					
D.1	12" PVC 3034 Sanitary Sewer Pipe including Trench Excavation & Rock Backfill	200	LF	65.00	13,000.00
D.2	8" PVC 3034 Pipe including Trench Excavation & Rock Backfill	20	LF	55.00	1,100.00
D.3	Rock Excavation and Haul-off	20	CY	150.00	3,000.00
Subtotal					\$4,100.00
E. Waterlines					
E.1	8" D.I. CL52 Pipe including Trench Excavation & Crushed Rock Backfill	240	LF	60.00	14,400.00
E.2	14" Fittings	All	LS	1,000.00	1,000.00

					Subtotal	\$15,400.00
F. Utilities						
F.1	Excavate and Backfill for Street Light Poles	1	Each	600.00	\$600.00	
F.2	Excavate, Set and Backfill Utility Vaults	1	Each	800.00	800.00	
F.3	Utility Trenching including Shading and Native Backfill (Common Trench)	250	LF	8.00	2,000.00	
					Subtotal	\$3,400.00
					Total Construction Cost	\$59,810.00

OPTION 2 COST SUMMARY: ALTERNATIVE ALIGNMENT

B. SE 4th Avenue Component

Construction Cost	\$59,810
SDC Funding Estimate	
Right-of-way Dedication 2,731 @ \$5/SF	-13,655
12" Sanitary Sewer Oversizing \$25/lf	-5,000
Land Dedication, 2,731 @ \$5/SF	13,655
LID Report & Remonstrance Hearing	300
Engineering Design Phase (7%)	4,450
Engineering Construction Management (8%)	5,100
Dedications, Vacations, est 2 @ \$1,200	2,400
Canby Utility Electric	8,000
Contingencies (10%)	<u>6,940</u>
SE 4th Ave Construction Cost Estimate	<u>\$82,000</u>

CANBY PIONEER INDUSTRIAL PARK
SOUTH WALNUT STREET LID PRELIMINARY GROSS COST ASSESSMENTS

OPTION 2

GROSS ASSESSMENTS

Local Improvement District OPTION 2 - Preliminary Project Cost Assessments

TAX LOT	OWNER	MAILING ADDRESS	BENEFITTED AREA WITHIN 500'		BENEFITTED FRONTAGE (LINEAL FEET)		GROSS ASSESSMENT (Without Land Inventory)
Township 3 South, Range 1 East, Section 34							
PORTION 1: SOUTH WALNUT STREET							
			ACRES	AREA COST ALLOCATION	LINEAR FEET	FRONTAGE ALLOCATION	
200	Zoar Lutheran Cemetery		0.57	\$ 9,365	165	\$ 28,857	\$ 38,222
301	Larusso Concrete Co Inc.	15930 SW 74th Ave, Tigard OR 97224	1.42	\$ 23,324	48	\$ 8,395	\$ 31,719
1709	Burden, Ray, Estate	P.O. Box 729, Canby OR 97013	1.16	\$ 18,987	0	\$ -	\$ 18,987
1710	Burden, Ray, Estate	P.O. Box 729, Canby OR 97013	1.97	\$ 32,303	385.5	\$ 67,421	\$ 99,724
1805	Parsons Family Trust	2865 Rosecliffe Villa #14, Lake Oswego 97034	3.74	\$ 61,217	664	\$ 116,128	\$ 177,345
1900	Hildreth, Stanley and Pamela	267 S Walnut St, Canby OR 97013	1.47	\$ 23,983	118	\$ 20,637	\$ 44,620
2000	Palmer, Paula, Trustee	211 S Walnut St., Canby OR 97013	5.54	\$ 90,700	514	\$ 89,894	\$ 180,594
2100	Borg Gilbert and Adelyn, Trustees	23397 S. Mulino Rd., Canby OR 97013	7.63	\$ 124,949	663	\$ 115,953	\$ 240,903
2101	Dewar, John David and Irene I.	220 S. Walnut St, Canby OR 97013	2.00	\$ 32,770	170	\$ 29,732	\$ 62,502
2300	Sprague, Joint Venture	P.O. Box 848, Canby OR 97013	1.60	\$ 26,204	110	\$ 19,238	\$ 45,442
2400	Parsons, Clifford, Trustee	23625 S. Mulino Rd, Canby OR 97013	2.89	\$ 47,366	50	\$ 8,745	\$ 56,111
3300	Sprague, Joint Venture	P.O. Box 848, Canby OR 97013	0.85	\$ 13,831	0	\$ -	\$ 13,831
		SUBTOTAL	30.85	\$ 505,000	2888	\$ 505,000	\$ 1,010,000

OPTION 2 GROSS ASSESSMENTS

Local Improvement District OPTION 2 - Preliminary Project Cost Assessments

PORTION 2: 4TH AVE

1709	Burden, Ray, Estate	P.O. Box 729, Canby OR 97013	1.93	\$	41,000	186	\$	41,000	\$	82,000
		SUBTOTAL	\$ 1.93	\$	41,000	\$	186	\$	41,000	\$ 82,000
		GRAND TOTAL								\$ 1,092,000

CANBY PIONEER INDUSTRIAL PARK
SOUTH WALNUT STREET LID PRELIMINARY NET COST ASSESSMENTS

OPTION 2
NET ASSESSMENTS

Local Improvement District OPTION 2 - Adjustment for Land Requirements

TAX LOT	OWNER	dedication	vacation	net land gain / loss	LAND @ \$5/SF	L.I.D. GROSS ASSESSMENT	L.I.D. NET ASSESSMENT
Township 3 South, Range 1 East, Section 34							
			Square Feet				
200	Zoar Lutheran Cemetery	0	0	0	\$ -	\$ 38,222	\$ 38,222
301	Larusso Concrete Co Inc.	0.00	0.00	0.00	\$ -	\$ 31,719	\$ 31,719
1900	Hildreth, Stanley and Pamela	590.00	0.00	-590.00	\$ (2,950)	\$ 44,620	\$ 41,670
2000	Palmer, Paula, Trustee	1,902.00	0.00	-1,902.00	\$ (9,510)	\$ 180,594	\$ 171,084
2100	Borg Gilbert and Adelyn, Trustees	3,317.00	0.00	-3,317.00	\$ (16,585)	\$ 240,903	\$ 224,318
2101	Dewar, John David and Irene I.	3,098.00	0.00	-3,098.00	\$ (15,490)	\$ 62,502	\$ 47,012
1709	Burden, Ray, Estate	0.00	5,811.00	5,811.00	\$ 29,055	\$ 100,987	\$ 130,042
1710	Burden, Ray, Estate	7,687.00	4,425.00				
		6,657.00	286.00				
		2,841.00	0.00				
		10.00	0.00				
	Total	17,195.00	4,711.00	-12,484.00	\$ (62,420)	\$ 99,724	\$ 37,304
2300	Sprague, Joint Venture	0.00	1,925.00				
			10.00				
		0.00	2,231.00				
	Total	0.00	4,166.00	4,166.00	\$ 20,830	\$ 45,442	\$ 66,272
3300	Sprague, Joint Venture	2,264.00	1,165.00	-1,099.00	\$ (5,495)	\$ 13,831	\$ 8,336

CANBY PIONEER INDUSTRIAL PARK
SOUTH WALNUT STREET LID PRELIMINARY NET COST ASSESSMENTS

OPTION 2
NET ASSESSMENTS

Local Improvement District OPTION 2 - Adjustment for Land Requirements

1805	Parsons Family Trust	10,254.00	1,407.00						
		286.00	6,657.00						
		1,943.00	*						
		2,271.00	0.00						
	Total	14,754.00	8,064.00	-6,690.00	\$ (33,450)	\$ 177,345	\$ 143,895		
2400	Parsons Family Trust	0.00	9,527.00						
		0.00	2,264.00						
		0.00	2,841.00						
		0.00	1,943.00						
	Total	0.00	16,575.00	16,575.00	\$ 82,875	\$ 56,111	\$ 138,986		
	TOTAL	43,120.00	40,492.00	-2,628.00	\$ (13,140)	\$ 1,092,000	\$ 1,078,860		
	* recent 11 foot dedication vacated without cost to be consistent with adjoining properties								

**Attached is a letter received
from Jean Rover. Ms.
Rover does not own
property in the proposed
LID.**

September 11, 2008

RECEIVED

SEP 11 2008

CITY OF CANBY

Canby Urban Renewal Agency
182 N. Holly Street
Canby, Oregon 97013
Attn: Mr. Tony Helbling, Chairman

Re: LID SE 4th Avenue (half-street improvement)

I have no objection to Mr. Burden's desire to build his portion of SE 4th Avenue in the Canby Pioneer Industrial Park. However, since I was told this project does not involve me and was not included in any of the planning discussions, I wish to offer this input:

In the interest of **basic fairness**, Mr. Burden's half-street should be based on the center line of the existing Walnut Street for the following reasons:

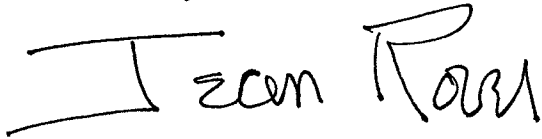
- The Rover family has continuously used the land the City of Canby claims is in the right away for 67 years. That is long before the City ever owned the streets and before the Burden children were born.
- The City of Canby has vacated approximately 800 lineal feet of the north-south portion of Walnut Street and allocated a portion of this public property to Mr. Burden, a private party.
- SE 4th Avenue as it passes the Fitzpatrick property curves into the cemetery and is not centered on property lines. Again, public property was vacated to benefit a private party.
- Page 15 (attached) of the *Taking & Damages Appraisal Report* prepared for the construction of Sequoia Parkway suggests that the future construction of 4th Avenue be centered on a 30-foot right-of-way. I consider this narrative to be part of the legal description. (Has this changed?)
- The City, as a public entity, is responsible for applying consistent and fair standards.

Obviously, when one party builds a half-street it etches the street alignment in stone for the other party involved. Quite frankly, I am puzzled as to why the future impact on my property is not part of the discussion.

City of Canby
Canby Urban Renewal Agency
Page 2

I appreciate the opportunity to provide this input and request that it be part of the official record. I look forward to your response.

Sincerely,

A handwritten signature in black ink that reads "Jean Rover". The signature is stylized, with a large, sweeping "J" and "R".

Jean Rover
Tax Lot 2500
(388 SE Walnut St.)

Cc: Mayor Melody Thompson
Catherine Comer, Economic Development Manager
Gordon Hanna

Streets and Access:

The west side of the subject property abuts Walnut Street, and a portion of its north side fronts SE 4th Avenue. There is approximately 278 feet of frontage on Walnut Street and 235 feet of frontage on 4th Avenue. Both currently are 30-foot wide right-of-ways containing 2-lane, paved roadways with gravel shoulders along both sides.

There does not appear to be any restrictions on access for the property. Now, there are two developed access points: the main access is the driveway located on 4th Avenue, in front of the dwelling; the second access point is a gated field access located at the northwest corner of the property, where Walnut turns into Sequoia Parkway.

A conversion of the subject property to an industrial use would require development approval from the City. Because both abutting streets are substandard, the City would likely require half-street improvements for both streets, as a condition of development approval (to adhere to the "project influence rule", this ignores the current Sequoia Parkway road project).

Probable street dedications for the subject property would be for both Walnut Street and 4th Avenue, both of which are now approximately 30-foot wide right-of-ways. The plan is to extend 4th Avenue through to Mulino Road, which will require dedication across the entire north side of the subject property (approximately 775 feet). The likely requirement will be for making these two right-of-ways 50-foot wide, which indicates a dedication equaling 10-feet from each side of existing right-of-ways ($30' + 10' + 10' = 50'$), and 25 feet for the east 2/3rds of the property where the new alignment of 4th Avenue will occur.

Given these figures, the future requirement for the subject (without the current project) would have been approximately 503 feet for existing right-of-way, plus approximately 540 feet of new road. Thus, the "normal" street dedication for the subject property without the project would have been 5,200 square feet ($[503 \text{ feet} \times 10 \text{ feet}] + [540 \text{ feet} \times 25 \text{ feet}] = 18,530 \text{ square feet}$, or 0.43 acres). This reduces the net usable area of the subject parcel to 4.47 acres ($4.90 \text{ acres} - 0.43 \text{ acres} = 4.47 \text{ acres}$).

Assessor's Data:

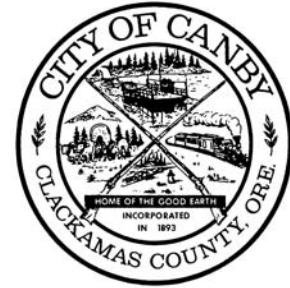
The Columbia County Assessor's market value estimates for the 2005 tax year, and the current taxes being levied are as follows:

REF. PARCEL NO.	MARKET VALUE LAND	MARKET VALUE IMPROVEMENTS	TOTAL MARKET	TAXES
31E34-02500 (4.90 acres)	\$735,107	\$1,160	\$736,267	\$2,547.68

Taxes are computed using a mill rate of approximately \$16.8765 per one thousand dollars of Taxable Value (taxable value for the property totals \$156,293). Ballot Measure 50 passed by Oregon voters in 1996 limited tax and taxable value increases to 3% per year for subsequent years.

According to the Assessor's Office, their estimate of Market Value is not supported by specific comparable market data, but rather it is typically arrived at by trending prior values.

M E M O R A N D U M



TO: *Honorable Mayor Thompson and City Council*
FROM: *Robert L. Godon CBO, Building Official*
DATE: *September 22, 2008*
THROUGH: *Mark C. Adcock, City Administrator*

Issue: Adoption of Resolution No. 1004, adopting fees for the building department.

Synopsis: Due to inflation increasing the cost of services and materials since 2002, and the shortfall in revenues due to the recent decrease in construction activity, the building department has used over \$162,000 (35%) from its reserve fund in the 2007/8 fiscal year to make up for lost revenue. The forecast for the coming year is no change and for more of the same decreased level of activity. Canby has not increased the structural building permit fee since 1976.

Recommendation: Staff recommends that the City Council Adopt Resolution No. 1004 adopting fees for the city of Canby Building Department.

Rationale: The fee increase is necessary and reasonable to provide for the administration and enforcement of the specialty codes for which the City of Canby has assumed responsibility and approximates the amount of the fees charged by other municipalities of a similar size and geographic location for the same level of service. In addition to already reducing staff from 3 total in the building department to two employees, the building department is proposing a fee increase. The fee increase is to bring Canby's fees in line with the average fees of the surrounding jurisdictions. It is not expected to bring the department into the "black" but to allow the reserve funds to last, hopefully, through this downturn in building activity.

Background: [ORS 455.210](#) requires local programs to adopt permit and inspection fees by ordinance or resolution. Once the local jurisdiction drafts a proposed fee change or increase ordinance, it notifies the Building Codes Division (BCD) at least 45 calendar days before the adoptive date of the increase, which may be different than the effective date. BCD was notified on and posted Canby's fee change Resolution No. 1004 on BCD's website on August 13, 2008 for comment from the Oregon building community stakeholders. There have been no comments received to date.

[ORS 294.160](#) requires the City Council to provide an opportunity for any interested persons to comment on the proposed fee increase. Therefore public testimony should be solicited and an opportunity given for anyone to comment on the proposed increase.

Options: Adopt, reject or edit the contents. This resolution goes into effect November 1, 2008. Staff recommends adoption of the resolution as written.

Attached: Resolution No. 1004

RESOLUTION NO. 1004

A RESOLUTION ADOPTING FEES FOR THE CITY OF CANBY BUILDING DEPARTMENT

WHEREAS, The City is obligated to recover all costs for the operation of its Building department, and

WHEREAS, as a result of the cost of living increases and a decline in revenues a fee increase is necessary,

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Canby, as follows:

To adopt the following fee schedule for the Canby Building Department Program:

CITY OF CANBY BUILDING DEPARTMENT FEE SCHEDULES

BUILDING PERMIT FEE TABLE (See below for determining valuation)

\$0.00 to \$3,000.00 valuation	\$80.00
\$3,001.00 to \$25,000.00 valuation	\$80.00 for the first \$3,000.00 and \$12.00 for each additional \$1,000.00 or fraction thereof.
\$25,001.00 to \$50,000.00 valuation	\$344.00 for the first \$25,000.00 and \$9.00 for each additional \$1,000.00 or fraction thereof.
\$50,001.00 to \$100,000.00 valuation	\$569.00 for the first \$50,000.00 and \$6.00 for each additional \$1,000.00 or fraction thereof.
\$100,001.00 and up	\$869.00 for the first \$100,000.00 and \$5.00 for each additional \$1,000.00 or fraction thereof.

Plan Review Fee equals 100 percent of Building Permit fee.

Temporary Certificate of Occupancy: \$250.00

Phased or Partial Building Permit plan review fee: \$300.00 plus 10% of the project building permit fee not to exceed \$2,000.00 for each phase in addition to above fees.

Deferred Submittal processing and reviewing fee: shall be equal to the building permit fee for the valuation of the particular deferred portion or portions of the project, with a set minimum fee of \$300.00.

Other Inspections and Fees:

1. Inspections outside of normal business hours: \$160.00 per hour (minimum charge – two hours)
2. Reinspection Fees: \$80.00
3. Inspections for which no fee is specifically indicated: \$160.00 per hour (minimum charge – one-half hour)
4. Additional plan review required by changes, additions or revisions to proposed or approved plans: \$160.00 per hour (minimum charge – one-half hour)
5. Residential Fire Suppression Systems combined Permit and Plan Check Fees:

0 sq. ft. to 2,000 sq. ft.	\$160.00
2001 sq. ft. to 3600 sq. ft.	\$210.00
3601 sq. ft. to 7200 sq. ft.	\$269.00
7201 sq. ft and greater	\$377.00

Valuation: the structural permit fee for new construction and additions shall be calculated using the ICC Building Valuation Data Table current as of April 1 of each year, multiplied by the square footage of the structure to determine the valuation. The valuation shall then be applied to the municipality's fee schedule to determine the permit fee. Permit fees for an addition, alteration, or repair shall be calculated based on the fair market value as determined by the building official, and then applying the valuation to the jurisdiction's fee table. See OAR 918-050-0100 for additional details.

MECHANICAL FEE SCHEDULE FOR NEW AND ADDITIONS OR ALTERATIONS TO ONE AND TWO FAMILY DWELLINGS

Install/Replace Furnace: Up to 100,000 btu	\$24.75 per appliance
Over 100,000 btu	\$31.50 per appliance
Install/Replace/Relocate Heaters Suspended, Wall or Floor Mounted.	\$24.75 per appliance
Appliance Vent	\$12.50 per appliance
Alteration Of Existing HVAC System	\$24.75
Air Handling Units	\$18.75 per appliance
Air Conditioning under 100,000 btu	\$24.75 per appliance
Air Conditioning over 100,000 btu	\$46.50 per appliance
Dryer Exhaust	\$18.75 per appliance
Hood	\$18.75 per appliance
Exhaust Fan Connected To A Single Duct	\$12.50 per appliance
Gas Piping: 1 To 4 Outlets	\$8.25
Gas Piping: Each Additional Outlet	\$2.25 per outlet
Fireplace	\$18.75 per appliance
Wood Stove	\$18.75 per appliance
Other	\$18.75 per appliance
Minimum Permit Fee	\$80.00

Plan review fee equals 37 percent of the total mechanical permit fee.

Other Inspections and Fees:

1. Inspections outside of normal business hours: \$160.00 per hour (minimum charge – two hours)
2. Reinspection Fees: \$80.00
3. Inspections for which no fee is specifically indicated: \$160.00 per hour (minimum charge – one-half hour)
4. Additional plan review required by changes, additions or revisions to proposed or approved plans: \$160.00 per hour (minimum charge – one-half hour)

MECHANICAL FEE SCHEDULE FOR NEW AND ADDITIONS OR ALTERATIONS TO COMMERCIAL, MULTI-FAMILY AND INDUSTRIAL PROJECTS

\$0.00 to \$5000.00 valuation	\$80.00
\$5001.00 to \$10,000.00 valuation	\$80.00 for the first \$5000.00 and \$3.00 for each additional \$100.00 or fraction thereof.
\$10,001.00 to \$100,000 valuation	\$230.00 for the first \$10,000.00 and \$12.00 for each additional \$1,000.00 or fraction thereof.
\$100,001.00 and up	\$1,310 for the first \$100,000.00 and \$10.00 for each additional \$1000.00 or fraction thereof.

Plan review fee equals 37 percent of the mechanical permit fee.

Other Inspections and Fees:

1. Inspections outside of normal business hours: \$160.00 per hour (minimum charge – two hours)
2. Reinspection Fees: \$80.00
3. Inspections for which no fee is specifically indicated: \$160.00 per hour (minimum charge – one-half hour)
4. Additional plan review required by changes, additions or revisions to proposed or approved plans: \$160.00 per hour (minimum charge – one-half hour)

GRADING PERMIT FEE SCHEDULE

50 cubic yards or less	\$80.00
51 to 100 cubic yards	\$117.00
101 to 1,000 cubic yards	\$117.00 for the first 100 cubic yards, plus \$55.00 for each additional 100 cubic yards or fraction thereof.
1,001 to 10,000 cubic yards	\$612.00 for the first 1,000 cubic yards, plus \$46.00 for each additional 1,000 cubic yards or fraction thereof.
10,001 to 100,000 cubic yards	\$1026.00 for the first 10,000 cubic yards, plus \$210.00 for each additional 10,000 cubic yards or fraction thereof.

100,001 cubic yards and up

\$2916.00 for the first 100,000 cubic yards, plus
\$115.00 for each additional 10,000 cubic yards or
fraction thereof.

Plan review fee equals 65 percent of the grading permit fee.

Other Inspections and Fees:

1. Inspections outside of normal business hours: \$160.00 per hour (minimum charge – two hours)
2. Reinspection Fees: \$80.00
3. Inspections for which no fee is specifically indicated: \$160.00 per hour (minimum charge – one-half hour)
4. Additional plan review required by changes, additions or revisions to proposed or approved plans: \$160.00 per hour (minimum charge – one-half hour)

MANUFACTURED DWELLING INSTALLATION

Installation and set up	\$350.00
Earthquake bracing when not part of original installation	\$280.00

MANUFACTURED DWELLING PARK

Use the Building Permit Fee Table using the valuation of the project as the basis for the fees.

RECREATIONAL PARK

Use the Building Permit Fee Table using the valuation of the project as the basis for the fees.

This resolution shall take effect on November 1, 2008.

ADOPTED this 1st day of October, 2008 by the Canby City Council.

Melody Thompson - Mayor

ATTEST:

Kimberly Scheafer, CMC
City Recorder Pro-tem

REIF, REIF & THALHOFER
ATTORNEYS AT LAW

RAYMOND R. REIF (1924-2006)
R. ROGER REIF
PAUL T. THALHOFER

273 N. GRANT STREET
P. O. BOX 729
CANBY, OREGON 97013

PHONE: (503) 266-3456
FAX: (503) 266-8555
www.canbylaw.com

September 23, 2008

Honorable Melody Thompson
City Council Members
City of Canby
182 N. Holly St.
P O Box 930
Canby OR 97013

RE: Canby Disposal Proposed Rate Adjustment

Dear Mayor and Members of the City Council:

I am assisting Canby Disposal. Canby Disposal is seeking a rate increase. The last rate increase was in August 1997.

Canby Disposal has requested the assistance of Joseph Cook Consulting to assist in the proposed solid waste rate adjustment.

Mr. Cook prepared the enclosed response to Section 14 of the Canby Solid Waste Franchise Agreement and prepared a schedule of Proposed Rate Adjustments. Both the response and the adjustment are enclosed.

We are also enclosing a list of free services Canby Disposal provided to the City during 2008.

For your information, Mr. Cook is a certified public accountant and has been practicing since 1981. In 1983 Mr. Cook became employed by a garbage company in McMinnville, Oregon. Since that time his professional life has been devoted to solid waste issues, in particular rate structures. He is actively involved in local and national garbage companies through consulting on various rate topics. Currently he represents all the garbage and recycling companies in Clackamas County, and the cities of Gresham, Milwaukie, Estacada and Portland residential companies. Mr. Cook also represents companies in Lincoln County. Mr. Cook provides consulting services for Western Oregon Waste and consequently represents the company (Western Oregon Waste) in an additional twenty cities and counties including Yamhill County, Polk County, Clatsop County, Tillamook County, McMinnville, Astoria, Seaside and others. We believe Mr. Cook's background makes him uniquely qualified to assist in this rate adjustment.

Sincerely Yours,


R. Roger Reif

ROG/dw
Enclosures

Section 14. Rate Determination

1. Rates for service shall be set by resolution of the Council. In determining the appropriate rate to be charged by the franchisee, the Council shall consider:
 - a. The cost of performing the service provided by the franchisee.
 - i. *The franchisee keeps accounting records on a basis that allows for a determination of costs by franchise area. Costs for the City of Canby are summarized and subtracted from the revenues from the City to determine the Rate of Return.*
 - b. The anticipated increases in the cost of providing the service.
 - i. *The franchisee has not increased rates since August 1997. Through efficient operations, application of new technologies and equipment, increased costs have been largely offset by these efficiencies. At this time costs for labor, fuel, insurance as well as disposal have increased to the level that the franchisee is unable to absorb these increases in any way.*
 - c. The need for equipment replacement and the need for additional equipment to meet service needs; compliance with federal, state and local law ordinances and regulations; or technological change.
 - i. *The franchisee currently utilizes five vehicles in the City of Canby. On average it would anticipate replacement of 1 vehicle every 1.3 years. The number of vehicles is required in order to provide services for Residential Trash, Residential Recycling and Yard Debris, Commercial Trash, Commercial Recycling, and Industrial Trash and Recycling. In addition the company utilizes several smaller utility vehicles to provide other services such as glass pickup and container and cart deliveries.*
 - ii. *The franchisee makes every effort to comply with all federal, state and local laws, ordinances and regulations. The cost of compliance is included in the costs attributable to providing the services under the franchise agreement. An example of one such investment would be the utilization of on board scale systems on the trucks to assure that the vehicle will not run overweight on the streets in violation of the law.*
 - iii. *The franchisee is also quite aware of technological improvements and is running a pilot project with vehicles that*

run on biodiesel fuels to reduce the emissions from these vehicles which will improve the environment for all.

- d. The investment of the franchisee, the value of its business, and the necessity that the franchise have a reasonable rate of return.
 - i. *The franchisee clearly has a significant investment in the company since its inception and becoming the City's service provider in 1974.*
 - ii. *The franchisee must have a reasonable rate of return in order to stay in business and run a safe, effective and efficient business for the residents of the city of Canby.*
- e. The rates in other cities for similar service.
 - i. *The rates for similar service in nearby cities for 32 gallon cart service are:*
 - 1. City of Portland \$26.50
 - 2. Oregon City \$22.95
 - 3. Gladstone \$23.75
 - 4. West Linn \$21.28
 - 5. Gresham \$27.95
 - 6. Lake Oswego \$20.46
 - 7. Clackamas County \$25.25
 - 8. Damascus \$25.25
 - 9. Happy Valley \$25.25
 - ii. *It is important to note that rates may or may not be comparable to the City of Canby for these purposes. In order to actually compare rates all service levels would have to be examined, such as recycling container sizes, recycling and yard debris container size and frequency of pickup, glass pick up, and other factors including any subsidy between different classes of service, for example between residential and commercial services.*
- f. The public interest by assuring reasonable rates to enable the franchise to provide efficient and beneficial service to the residents and other users of the service.
 - i. *The franchisee has a history of providing efficient, and effective service to the city of Canby since 1974. There has not been an increase in rates for many years and the proposed rates are in fact well within the range of rates in neighboring cities. In*

addition, the city benefits from the company providing a no additional cost clean up day for the city.

g. ORS 459.200

- i. ORS 459 as it relates to the franchisee in this agreement has to do with the opportunity to recycle. The franchisee is in full compliance with ORS 459 through the services that it provides in the city of Canby. These include weekly curbside comingled recycling provided the same day as garbage service, commercial recycling programs, weekly yard debris pickup, oil and glass collection and others. The franchisee is committed to the goals as outlined in ORS 459.*

h. Current and projected revenues and expenses.

- i. Current revenues and expenses for the services provided in the city of Canby show a net pre tax return of 4.75% for the year ended December 31, 2007. Labor costs equal 27.44% of revenues, while disposal costs account for 32%. Other costs such as fuel, recycling costs, repair and maintenance and administrative costs account for the balance.*
- ii. Projected revenues and expenses for the services provided in the city of Canby, including a projected revenue increase of 15.75%, would show a net pre tax return of 10%, which is the industry standard rate of return. Cost increases would include a 60% increase in the cost of fuel, a 3.6% increase in the cost of labor, a 7.4% increase in the cost of health insurance, a 7% increase in the cost of disposal, and an overall inflationary adjustment of 3.9% from the calendar year 2007.*

i. The cost of acquiring and replacement of equipment.

- i. As mentioned above, the company expects to replace 1 vehicle every 1.3 years. The cost of these trucks has risen dramatically with the increase in technology as well as the increased cost of steel. Each truck today costs between \$225,000 and \$250,000 when purchased. The cost of equipment replacement is included in the projected costs in the form of depreciation expense.*

j. The services of management.

- i. The franchisee is a family business which is managed by Fred Kahut. There are several family members employed by the*

company in various roles, including management, operational and administrative roles. The family expects to continue the company in this fashion for the foreseeable future.

- k. A reasonable return to the franchisee for doing business based on a percentage of gross receipts.
 - i. *Most franchises in the northwest region of Oregon utilize a rate of return on revenues concept in their rate regulation. Many studies have been undertaken to determine the appropriate range of returns over the years. The conclusion that most have reached is that a rate of return of 10% pre tax profit is the target return. Some use a range of returns such as 8% to 12% with the goal being a 10% rate of return. The projections utilized by the franchisee use a target return of 10% pre tax.*
- l. The net cost of reuse and recycling together with the cost of notice, promotion and education of and for recycling and reuse.
 - i. *These costs are included in the historical as well as the projected accounting.*
- m. Research and development.
 - i. *These costs are included in the historical as well as the projected accounting.*
- n. Such other factors as the Council deems relevant.
 - i. *The franchisee will have representatives available either prior to the hearing, as well as at the hearing to answer any additional questions.*

Canby Disposal
PO Box 550
Canby, OR 97013
(503) 266-3900

The following services are donated to the City of Canby by Canby Disposal.

- ❖ Page 1 lists City of Canby drop boxes hauled to date
- ❖ Page 2 lists City of Canby weekly services

DATE	SITE	TONS	QTY	AMOUNT
10-Jan	BERG PARKWAY	2.09	1	\$ 96.90
19-Jan	BERG PARKWAY	2.66	1	\$ 72.50
19-Jan	BERG PARKWAY	2.92	1	\$ 72.50
8-Jul	BERG PARKWAY	0.17	1	\$ 96.90
22-Jan	CITY SHOPS	4.72	1	\$ 72.50
11-Mar	CITY SHOPS	5.1	1	\$ 72.50
1-Apr	CITY SHOPS	5.98	1	\$ 72.50
7-Apr	CITY SHOPS	4.87	1	\$ 72.50
21-Apr	CITY SHOPS	3.75	1	\$ 72.50
25-Apr	CITY SHOPS	1.48	1	\$ 72.50
5-Jun	CITY SHOPS	4.06	1	\$ 72.50
9-Jul	CITY SHOPS	5	1	\$ 72.50
30-Jul	CITY SHOPS	6.21	1	\$ 72.50
29-Aug	CITY SHOPS	4.62	1	\$ 72.50
16-Sep	CITY SHOPS	4.15	1	\$ 72.50
28-May	MAPLE N-HOUSE DEMO	4.4	1	\$ 130.35
28-May	MAPLE N-HOUSE DEMO	6.78	1	\$ 105.95
28-May	MAPLE N-HOUSE DEMO	3.64	1	\$ 105.95
29-May	MAPLE N-HOUSE DEMO	10.74	1	\$ 105.95
29-May	MAPLE N-HOUSE DEMO	9.04	1	\$ 105.95
29-May	MAPLE N-HOUSE DEMO	7.55	1	\$ 105.95
8-Jan	NW ASH & BAKER DR	3.14	1	\$ 96.90
9-Jan	NW ASH & BAKER DR	3.55	1	\$ 72.50
10-Jan	NW ASH & BAKER DR	2.46	1	\$ 72.50
10-Jan	NW ASH & BAKER DR	2.5	1	\$ 72.50
7-Jul	WAIT PARK	2.48	1	\$ 96.90
7-Jul	WAIT PARK	0.67	1	\$ 96.90
7-Aug	ZION CEMETARY	0	2	\$ 236.30
	HAUL FEES THRU 9/19/2008		29	\$ 2,540.90
	DISPOSAL FEE TOTAL THRU 9/19/2008	114.73		\$ 6,998.53
	TOTAL BOXES THRU 9/19/2008			\$ 9,539.43
2-Jan	SEWER TREATMENT PLANT	19.92	2	\$ 323.68
2-Jan	SEWER TREATMENT PLANT	20.12	2	\$ 323.68
3-Jan	SEWER TREATMENT PLANT	19.93	2	\$ 323.68
8-Jan	SEWER TREATMENT PLANT	16.74	2	\$ 323.68
8-Jan	SEWER TREATMENT PLANT	14.27	2	\$ 323.68
9-Jan	SEWER TREATMENT PLANT	17.31	2	\$ 323.68
10-Jan	SEWER TREATMENT PLANT	15.71	2	\$ 323.68
14-Jan	SEWER TREATMENT PLANT	13.88	2	\$ 323.68
14-Jan	SEWER TREATMENT PLANT	16.95	2	\$ 323.68
14-Jan	SEWER TREATMENT PLANT	17.4	2	\$ 323.68
17-Jan	SEWER TREATMENT PLANT	18.28	2	\$ 323.68
18-Jan	SEWER TREATMENT PLANT	9.37	1	\$ 161.84
29-Aug	SEWER TREATMENT PLANT	18.1	2	\$ 323.68
5-Sep	SEWER TREATMENT PLANT	16.01	2	\$ 323.68
5-Sep	SEWER TREATMENT PLANT	16.28	2	\$ 323.68
5-Sep	SEWER TREATMENT PLANT	19.9	2	\$ 323.68
12-Sep	SEWER TREATMENT PLANT	23.02	2	\$ 323.68
12-Sep	SEWER TREATMENT PLANT	19.19	2	\$ 323.68
12-Sep	SEWER TREATMENT PLANT	16.44	2	\$ 323.68
19-Sep	SEWER TREATMENT PLANT	19.48	2	\$ 323.68
19-Sep	SEWER TREATMENT PLANT	17.96	2	\$ 323.68
19-Sep	SEWER TREATMENT PLANT	18.02	2	\$ 323.68
	SEWER TREATMENT PLAN HAULS THRU 9/19/08		43	\$ 6,959.12
	SEWER TREATMENT PLANT LINERS 9/19/08		43	\$ 751.21
	SEWER TREATMENT DISPOSAL THRU 9/19/08	384.28		\$ 11,528.40
	TOTAL SEWER TREATMENT THRU 9/19/08			\$ 19,238.73
	TOTAL ALL DROP BOXES THRU 9/19/08			\$ 28,778.16

	SITE	SERVICE	QTY	AMOUNT
	CANBY FIRE STATION	1.5 YD 2X/WEEK	1	\$ 209.35
	CITY SHOPS	3 YD 1X/WEEK	1	\$ 199.55
	CITY SHOPS	4 YD 1X/WEEK	1	\$ 254.20
	PUBLIC WORKS	2 YD 1X/WEEK	1	\$ 145.00
	SEWER TREATMENT PLANT	2 YD 2X/WEEK	2	\$ 290.00
	BERG PARKWAY	4 YD 3X/WEEK	2	\$ 1,492.00
	MAPLE STREET PARK	4 YD 2X/WEEK	2	\$ 1,000.20
	SKATE PARK	1.5 YD 1X/WEEK	1	\$ 108.80
	CANBY SWIMMING POOL	4 YD 1X/WEEK	1	\$ 254.20
	ZION CEMETARY	3 YD 1X/WEEK	1	\$ 199.55
	CANBY CITY HALL	3 YD 2X/WEEK	1	\$ 390.90
	SLICE OF SUMMER	4 YD CLEAN UP	4	\$ 311.20
	ARENSON GARDEN	4 YD CLEAN UP	6	\$ 466.80
	ADULT CENTER (TRANSIT STOP)	City cans	3	\$ 35.85
	CITY HALL	65gal 1x/week	1	\$ 25.70
	ECO PARK (TERRITORIAL)	65gal 1x/week	1	\$ 25.70
	CITY CANS AROUND TOWN	CITY CANS 3X/WEEK	34	\$ 1,000.00
	LEGACY PARK	65gal 1x/week	2	\$ 51.40
	CANBY LIBRARY	95gal 1x/week	1	\$ 28.65
	CANBY TRANSIT	65gal 1x/week	1	\$ 25.70
	CANBY FIRE DEPT	65gal 1x/week yard debris	1	\$ 5.00
	ANNUAL CART & CONTAINER TOTAL			\$ 69,679.00
	<u>Canby Clean Up Week</u>			
	Annual disposal city clean up			\$ 13,237.00
	Annual labor costs city clean up			\$ 7,100.00
	Annual truck costs provided by Kahut Waste Services			\$0.00
	Canby city clean up total cost			\$ 20,337.00

RESOLUTION NO. 1007

A RESOLUTION AUTHORIZING A RATE INCREASE AND ESTABLISHING A NEW RATE SCHEDULE FOR GARBAGE COLLECTION BY CANBY DISPOSAL WITHIN THE CITY OF CANBY.

WHEREAS, CANBY DISPOSAL COMPANY has applied to the Canby City Council for approval of an over-all rate increase in accordance with Section 14 of the Solid Waste and Recycling Franchise Agreement between the two parties memorialized in Canby Ordinance No. 793, dated June 18, 1986, and has furnished satisfactory evidence to the Council of its increased business costs related to the increase in disposal fees and recycling costs; and

WHEREAS, the City Council has considered the evidence and information furnished by the Franchisee, and the Council is satisfied that the request is reasonable and justified.

NOW THEREFORE, IT IS HEREBY RESOLVED by the City of Canby Council that the request of CANBY DISPOSAL COMPANY for an over-all garbage collection rate increase as set forth in the attached EXHIBIT "A" is hereby approved, and said rates shall apply to the services performed under the Solid Waste Management and Recycling Agreement effective the first day of November 1, 2008.

This Resolution shall take effect on October 1, 2008.

ADOPTED this 1st day of October, 2008, by the Canby City Council.

Melody Thompson, Mayor

ATTEST:

Kimberly Scheafer, CMC
City Recorder Pro-Tem

EXHIBIT "A"

Canby Disposal Company
City Rates (Includes Weekly Yard Debris Collection)
Proposed as of November 1, 2008

Residential Service:

QTY	SERVICE TYPE	CURRENT RATE	INCREASE	PROPOSED RATES	PERCENT INCREASE
1	20 Gallon Cart Weekly Curbside	\$ 15.50	\$ 2.44	\$ 17.94	15.74%
1	20 Gallon Cart Weekly W/I 50 ft of Street	\$ 16.45	\$ 4.49	\$ 20.94	27.29%
1	32 Gallon Cart Weekly Curbside	\$ 18.45	\$ 2.91	\$ 21.36	15.77%
1	32 Gallon Cart Weekly W/I 50 Ft of Street	\$ 19.40	\$ 4.96	\$ 24.36	25.57%
1	32 Gallon Cart Monthly Curbside	\$ 10.35	\$ 0.33	\$ 10.68	3.19%
1	32 Gallon Cart Monthly W/I 50 Ft of Street	\$ 11.05	\$ 1.13	\$ 12.18	10.23%
1	68 Gallon Cart Weekly Curbside	\$ 29.55	\$ 4.65	\$ 34.20	15.74%
1	68 Gallon Cart Weekly W/I 50 ft of Street	\$ 30.45	\$ 6.75	\$ 37.20	22.17%
1	95 Gallon Cart Weekly Curbside	\$ 32.75	\$ 5.16	\$ 37.91	15.76%
1	95 Gallon Cart Weekly W/I 50 ft of Street	\$ 33.65	\$ 7.26	\$ 40.91	21.58%

Commercial Service:

1	32 Gallon Cart Weekly Curbside	\$ 14.90	\$ 5.10	\$ 20.00	34.23%
1	32 Gallon Cart W/I 50 ft of Street	\$ 14.90	\$ 8.10	\$ 23.00	54.36%
1	68 Gallon Cart Weekly Curbside	\$ 25.70	\$ 4.30	\$ 30.00	16.73%
1	68 Gallon Cart Weekly W/I 50 ft of Street	\$ 25.70	\$ 7.30	\$ 33.00	28.40%
1	95 Gallon Cart Weekly Curbside	\$ 28.65	\$ 4.35	\$ 33.00	15.18%
1	95 Gallon Cart Weekly W/I 50 ft of Street	\$ 28.65	\$ 7.35	\$ 36.00	25.65%

Extra Hauling:

1	Per 32 Gallon Cart	\$ 3.15	\$ 1.85	\$ 5.00	58.73%
1	Per 65 Gallon Cart			\$ 7.50	New Rate
1	Per 95 Gallon Cart			\$ 8.00	New Rate

Mobile Home Courts and Apartments:

(Four or more units, where owner accepts and pays billing)

1	32 Gallon Cart Weekly Curbside	\$ 12.30	\$ 2.70	\$ 15.00	21.95%
1	32 Gallon Cart Weekly W/I 50 Ft of Street	\$ 13.00	\$ 4.00	\$ 17.00	30.77%

NOTE: (1) - If billed separately, regular residential rates apply.

Extra Charge for Stairs:

One flight of stairs	25% add'l
Two flights of stairs	50% add'l

Hourly Hauling Rates:

Truck and one employee (per hour)	\$ 52.45	\$ 8.26	\$ 60.71	15.75%
Truck and two employees (per hour)	\$ 70.85	\$ 11.16	\$ 82.01	15.75%

(Does not include disposal charges)

QTY SERVICE TYPE

CURRENT RATE	INCREASE	PROPOSED RATES	PERCENT INCREASE
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Major Appliances:

Small	\$ 3.60	\$ 0.57	\$ 4.17	15.83%
Large	\$ 17.60	\$ 17.40	\$ 35.00	98.86%

Tires:

(Less than 10 only)				
Up to size 750 x 16	\$ 1.75	\$ 0.28	\$ 2.03	16.00%
Larger	\$ 2.75	\$ 0.43	\$ 3.18	15.64%
up to Extra Large size (plus current disposal fee)	\$ 27.40	\$ 7.60	\$ 35.00	27.74%

Container Service - Loose:

1.5 Yard Weekly	\$ 108.80	\$ 13.05	\$ 121.85	11.99%
2 Yard Weekly	\$ 145.00	\$ 17.40	\$ 162.40	12.00%
3 Yard Weekly	\$ 199.55	\$ 19.95	\$ 219.50	10.00%
4 Yard Weekly	\$ 254.20	\$ 25.22	\$ 279.42	9.92%
6 Yard Weekly			\$ 392.06	New Rate
1.5 Yard Each Add'l time per Week	\$ 100.55	\$ 12.30	\$ 112.85	12.23%
2 Yard Each Add'l time per Week	\$ 136.80	\$ 16.20	\$ 153.00	11.84%
3 Yard each Add'l time per Week	\$ 191.35	\$ 19.15	\$ 210.50	10.01%
4 Yard Each Add'l time per Week	\$ 245.90	\$ 24.52	\$ 270.42	9.97%
6 Yard each Add'l time per Week			\$ 383.00	New Rate

Note: Compacted Container rates shall be 2.5 times the loose rate.

Clean Up Containers:

3 yard container - per dump	\$ 60.80	\$ 6.08	\$ 66.88	10.00%
4 yard container - per dump	\$ 77.80	\$ 7.78	\$ 85.58	10.00%

Note: Plus \$1.40 per day after 48 hours

Drop Box Services (Loose):

(Rates for hauling, disposal charges extra)

Permanent Accounts

10 Yard			\$ 80.55	New Rate
20 Yard	\$ 72.50	\$ 8.05	\$ 80.55	11.10%
30 Yard	\$ 95.55	\$ 9.45	\$ 105.00	9.89%
40 Yard	\$ 105.95	\$ 9.05	\$ 115.00	8.54%

Occasional Accounts

10 Yard			\$ 106.59	New Rate
20 Yard	\$ 96.90	\$ 9.69	\$ 106.59	10.00%
30 Yard	\$ 119.95	\$ 11.99	\$ 131.94	10.00%
40 Yard	\$ 130.35	\$ 13.03	\$ 143.38	10.00%

Drop Box Services (Compacted):

(Rates for hauling, per yard, disposal charges extra)

Under 18 Yards			\$ 91.95	New Rate
20 - 29 Yards	\$ 5.45	\$ 0.20	\$ 5.65	3.67%
30 - 39 Yards	\$ 4.85	\$ 0.20	\$ 5.05	4.12%
40 Yards and over	\$ 4.25	\$ 0.20	\$ 4.45	4.71%

Demurrage Charge:

Permanent Accounts (per month)	\$ 53.55	\$ 8.43	\$ 61.98	15.74%
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QTY	SERVICE TYPE	CURRENT RATE	INCREASE	PROPOSED RATES	PERCENT INCREASE
	Occasional Accounts (per day after 48 hrs)	\$ 5.35	\$ 0.84	\$ 6.19	15.70%

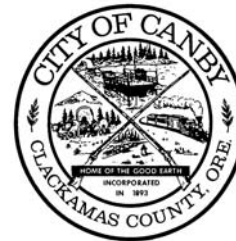
Transaction Fee:

Transaction fee \$ 3.00 New Rate

Franchise fee paid on drop box haul fee only.

Mileage Fee:

\$2.30 per mile for over 18 miles roundtrip from where the truck is stationed.



MEMORANDUM

TO: *Honorable Mayor Thompson and City Council*
FROM: *Catherine Comer, Economic Development Manager*
THROUGH: *Mark C. Adcock, City Administrator*
DATE: *September 23, 2008 for Council Meeting October 1, 2008*

Issue: **ORDINANCE 1296**
DOWNTOWN CANBY / HIGHWAY 99E DESIGN STANDARDS

Synopsis:

At the City Council Meeting on September 17, 2008, the Council directed staff to prepare appropriate findings to approve Text Amendment TA 08-01, a City-initiated application to amend code text in Title 12 and Title 16 of the Canby Municipal Code (CMC), and to amend the Zoning Map of the City of Canby, for the purpose of implementing new downtown design standards; specifically amending CMC Chapters 12.12, 16.04, 16.10, and 16.49, adding CMC Chapter 16.41, and amending the Zoning Map to apply a new overlay zone to specific properties in Canby. The Attached Ordinance 1296 responds to this directive.

Recommendation:

Staff recommends that the City Council adopt Ordinance 1296.

Recommended Motion: *“I move that the City Council adopt Ordinance 1296, an ordinance adopting findings of fact, conclusions and final order in land use application TA 08-01; Amending Titles 12 and 16 of the Canby Municipal Code (CMC) regarding design standards for Downtown and Highway 99E Commercial Development in Canby, Oregon by amending CMC Chapters 12.12, 16.04, 16.10 and 16.49, adding Chapter 16.41 to the CM; and amending the Zoning Map to apply a new overlay zone to specific properties in Canby.*

Background:

The Design Standards Project originated as a grant from the Canby Urban Renewal Agency (URA) to Canby Business Development (CBD) in December 2006, to hire consultants and form a task force to create new development and design standards for lands within the historic commercial core of Canby. The objective of the project was to encourage economic vitality and revitalize Canby's commercial center through consistent and compatible building design, landscaping, and signage, which will help keep businesses competitive in the commercial marketplace.

Catherine Comer, as CBD Executive Director at that time, acted as Project Manager and worked with Community Development Director John Williams, CBD Board of Directors, representatives from community leadership and organizations i.e. City/URD, Planning Commission, Chamber, Canby Livability Coalition and Property Owners who made up a task force of 22 members. Consultants, Matt Hastie, Cogan Owens Cogan and David Berniker, SERA Architects, were hired. The consultants, working together with the task force, held monthly meetings from March

–August 2007, a public meeting on October 11, 2007, followed by three workshops with the Planning Commission.

In developing new design and development standards, the project team focused on the following elements:

- **New development standards** that guide how new sites can be developed, including the overall size and location of buildings and other site elements and their relationship to each other;
- **New design standards** that describe how buildings will look, function and feel, with an emphasis on the exterior of the building or building “façade”;
- **Targeted revisions to requirements related to the types of uses** allowed in the C-1 and C-2 zones.
- **Modest revisions to the City’s landscaping standards** which should apply to commercial and other types of development in and outside the planning area for this project.
- **New provisions that allow for an expanded design review board** to review applications that opt to take a second track to comply with the overall intent of the new design standards, rather than their specific provisions.
- **General recommendations for new sign regulations**, with a more detailed follow-up process recommended overhauling the city’s sign code.

The project has resulted in a proposal for a new overlay zone with specific site design, architectural design, and landscaping design requirements that are intended to follow the recommendations that were set forth in the Canby Downtown Plan. The commercial core area is defined in the Canby Downtown Plan and includes both sides of Highway 99E.

A Title 12 text amendment is a legislative amendment, but is not amending part of Title 16 of the Land Use and Planning provisions, and therefore, there are no land use approval criteria to consider in amending Title 12.

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.

An amendment to the Zoning Map of the City of Canby is also a legislative land use amendment. In judging whether or not the Zoning Map should be amended, the Planning Commission and City Council must consider the following approval criteria:

1. The Comprehensive Plan of the city, giving special attention to Policy 6 of the land use element and implementation measures therefore, 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. Whether all required public facilities and services exist or will be provided concurrent with development to adequately meet the needs of any use or development which would be permitted by the new zoning designation.

The Planning Commission held a public hearing concerning the proposed amendments on April 28, 2008. Matt Hastie, of Cogan Owens Cogan, presented the proposal. Ken Diener, of KJD Architecture PC, presented oral testimony. The Commission continued the public hearing to May 27, 2008, in order to allow submission of additional public testimony. Ken Diener, of KJD Architecture PC, submitted additional written testimony, as did Matt Hastie, of Cogan Owens Cogan. Then on May 27, 2008, the Planning Commission closed the public hearing and, following deliberations, voted 4-0 to forward a recommendation of approval to City Council, which includes several amendments to the proposal based upon testimony received and Commission deliberation. The transportation analysis was then completed for the proposed text amendments. Therefore, the Planning Commission re-opened the public hearing on the issue of transportation impacts on August 25, 2008, and received testimony concerning impacts to transportation. The Planning Commission then re-closed the public hearing, and rescinded their original May 27, 2008, decision, and replaced that decision with a recommendation approved by a 4-0 vote that City Council approve TA 08-01 as presented in the May 27, 2008, memorandum, based on the findings in the April 08, 2008, staff report, the May 27, 2008, memorandum, the August 25, 2008, memorandum, and all additional findings from the public hearings that support approval.

The City Council determined at its meeting on September 3, 2008 that it would hold a public hearing on September 17, 2008 to review and discuss the material and proposed recommendation of approval from the Planning Commission. Since public testimony was solicited and taken at prior Planning Commission meetings, the City Council did not allow additional public testimony at its hearing on September 17, 2008.

On September 17, 2008, Matt Hastie presented a PowerPoint presentation of an overview of the proposed design standards. Following his presentation and discussion by the Council, the Council directed staff to prepare appropriate findings to approve TA 08-01 and return with them for final adoption at its next meeting on October 1, 2008.

Attachments to Ordinance 1296:

Exhibit A: Findings of Fact, Conclusions and Final Order

Exhibit B: Proposed Amendments

Exhibit C: Map of Overlay Zone referred to as Downtown Canby Framework Diagram

ORDINANCE 1296

AN ORDINANCE ADOPTING FINDINGS OF FACT, CONCLUSIONS AND FINAL ORDER IN LAND USE APPLICATION TA 08-01; AMENDING TITLES 12 AND 16 OF THE CANBY MUNICIPAL CODE (CMC) REGARDING DESIGN STANDARDS FOR DOWNTOWN AND HIGHWAY 99E COMMERCIAL DEVELOPMENT IN CANBY, OREGON BY AMENDING CMC CHAPTERS 12.12, 16.04, 16.10 AND 16.49; ADDING CHAPTER 16.41 TO THE CMC; AND AMENDING THE ZONING MAP TO APPLY A NEW OVERLAY ZONE TO SPECIFIC PROPERTIES IN CANBY.

WHEREAS, the City of Canby encourages economic vitality and revitalization of Canby's commercial center through consistent and compatible building design, landscaping, and signage, which will help keep businesses competitive in the commercial marketplace; and

WHEREAS, the City of Canby, the Chamber of Commerce, Canby Livability Coalition and property owners worked together to develop new development standards that guide how new sites can be developed, including the overall size and location of buildings and other site elements and their relationship to each other and new design standards that describe how buildings will look, function and feel, with an emphasis on the exterior of the building or building "façade"; and

WHEREAS, the Planning Commission, after providing appropriate public notice, conducted a public hearing on a set of amendments, Application TA 08-01, during which the citizens of Canby were given the opportunity to present testimony on these proposed changes; and

WHEREAS, the Planning Commission found that the standards and criteria of section 16.88.160 of the Land Development and Planning Ordinance, concerning Text Amendments, were met, and unanimously recommended approval to the City Council after making certain modifications; and

WHEREAS, the City Council, on September 17, 2008, after reviewing the Planning Commission's recommendations and holding a public hearing to discuss the adoption of the Planning Commission's recommendation, ordered that the staff return with proposed Findings, Conclusions and Final Order and an appropriate implementing Ordinance; and

WHEREAS, the City Council at its meeting on October 1, 2008, has reviewed the proposed Findings, Conclusions and Final Order staff has prepared for Application No. TA 08-01, now therefore

THE CITY OF CANBY ORDAINS AS FOLLOWS:

- 1) The City Council hereby adopts the staff's proposed Findings, Conclusions and Final Order as detailed in this Ordinance as Exhibit "A", and further approves Text Amendment 08-01; and
- 2) Titles 12 and 16 of the Canby Municipal Code of the City of Canby are modified as detailed in Exhibit "B".

- 3) Amending the Zoning Map of the City of Canby to apply a new overlay Zone affecting certain properties in the Downtown Core Commercial (CC), Transitional Commercial (TC) and Outer Highway Commercial (OHC) and more specifically depicted in the *Downtown Canby Overlay Zone* as detailed in Exhibit "C".

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, October 1, 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, October 15, 2008, commencing at the hour of 7:30 P.M. in the Council Meeting Chambers located at 155 NW 2nd Avenue in Canby, Oregon.

Kimberly Scheafer, CMC
City Recorder Pro-Tem

PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on October 15, 2008 by the following vote:

YEAS _____ NAYS _____

Melody Thompson, Mayor

ATTEST:

Kimberly Scheafer, CMC
City Recorder Pro Tem



**BEFORE THE CITY COUNCIL
OF THE
CITY OF CANBY**

**A REQUEST FOR APPROVAL OF THE)
DOWNTOWN CANBY / HIGHWAY 99E)
DESIGN STANDARDS TEXT AMEND-)
MENT AND ZONING MAP AMENDMENT)**

**FINDINGS, CONCLUSION & ORDER
TA 08-01
(City of Canby)**

NATURE OF APPLICATION

Application TA-08-01 is a City-initiated Municipal Code text amendment and Zoning Map amendment, for the purpose of amending Title 12 concerning sidewalk displays; and amending Title 16 and the Zoning Map of the City of Canby to create a new overlay zone with specific site design, architectural design, and landscaping requirements; to modify parking standards; to create a Type II design review application process; and to create an expanded design review board and a new design review advisory board.

HEARINGS

The Planning Commission held a public hearing to consider this application at its meetings of April 28, 2008, May 27, 2008 and August 25, 2008. The City Council held a public hearing to consider this application at its meeting of September 17, 2008. At that hearing the Council recommended approval of the proposed action and directed staff to prepare findings of consistency with approval criteria.

CRITERIA AND STANDARDS

- A Title 12 Municipal Code text amendment is a legislative amendment, but is not a land use amendment. Therefore, there are no land use approval criteria to consider in amending Title 12.
- A Title 16 Municipal Code text amendment is a legislative land use amendment. Therefore, in judging whether or not Title 16 should be amended, the Planning Commission and City Council shall consider:
 1. The Comprehensive Plan of the city, and the plans and policies of the county, state, and local districts, in order to preserve functions and local aspects of land conservation and development;

**Findings, Conclusions & Order
TA 08-01
Page 1 of 13**

2. A public need for the change;
 3. Whether the proposed change will serve the public need better than any other change which might be expected to be made;
 4. Whether the change will preserve and protect the health, safety and general welfare of the residents in the community;
 5. Statewide planning goals.
- An amendment to the Zoning Map of the City of Canby is a legislative land use amendment. In judging whether or not the Zoning Map should be amended, the Planning Commission and City Council shall consider:
 1. The Comprehensive Plan of the city, giving special attention to Policy 6 of the land use element and implementation measures therefore, and the plans and policies of the county, state and local districts in order to preserve functions and local aspects of land conservation and development;
 2. Whether all required public facilities and services exist or will be provided concurrent with development to adequately meet the needs of any use or development which would be permitted by the new zoning designation.

FINDINGS AND REASONS

The Planning Commission, after holding a public hearing on April 28, 2008, May 27, 2008, and August 25, 2008; and after considering the April 08, 2008, staff report, the May 27, 2008, memorandum, and the August 25, 2008, memorandum, including all addendums and attachments thereto; and after considering all public testimony received during the public hearing; deliberated and reached a decision to recommend approval of the TA 08-01 amendments as presented in the May 27, 2008, memorandum, based on the findings in the April 08, 2008, staff report, the May 27, 2008, memorandum, the August 25, 2008, memorandum, and all additional findings from the public hearing that support approval.

Findings in Support of Comprehensive Plan Text Amendment

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*

Comprehensive Plan policies

The City Council finds that the following Comprehensive Plan policies are applicable to the proposed action.

Policy no. 2: Canby shall encourage a general increase in the intensity and density of permitted development as a means of minimizing urban sprawl.

The proposed amendments are consistent with this policy in the following ways:

Reductions in parking ratios for commercial establishments will help result in less land used for parking and an increase overall densities of development. Most uses would only require 3 spaces per 1,000 square feet of floor area, as opposed to 5 spaces. This is a 40% reduction in the amount of land needed for parking which typically represents a significant portion of the land need. Allowing adjacent on-street spaces to count towards these ratios will represent a further reduction.

Establishing new minimum floor area ratios (FARs) in each commercial area will encourage denser commercial development, particularly in the commercial core area. Floor area ratios are intended to work with building height and setback standards to control the overall bulk of the building. The proposed FAR in conjunction with the maximum lot coverage ensures that new development will generally be a minimum of two floors along the street in the C-1 portion of the Core Commercial area.

Policy no. 6-r: Canby shall preserve and, where possible, encourage restoration of historic sites and buildings.

Proposed design standards are intended in part to help encourage development that is consistent with Canby's historic character. They do so in the following ways:

Standards for building materials encourage use of materials that evoke a sense of timelessness, permanence, quality, strength and creativity. These standards will help reflect and enhance the community's values and quality of life.

Standards that require use of cohesive and repeating design elements, clear distinctions between the base, middle and top of a building, and a certain degree of ornamentation, promote the use of historic design features and character in new buildings.

Policy no. 7-r: Canby shall seek to improve the overall scenic and aesthetic qualities of the city.

Improving the overall sense of aesthetic quality of Canby's commercial areas is a primary objective of adopting the new commercial design standards. The proposed new standards will improve aesthetic qualities in the following ways.

Providing clear distinctions between different portions of a building is important for the building's appearance, consistency of design within a larger area, and the ability of people to read or understand how the building functions.

Well-designed, repetitive building elements tend to create a strong sense of place and leave a lasting physical memory. Cohesive and repetitive architectural "bays" along the street-facing ground floor of a building create a pleasing sense of rhythm for the pedestrian, and help to scale and order the built environment as it is experienced from the sidewalk and street.

Incorporating strong architectural elements where streets intersect not only results in a more visually interesting built environment, but enhances the way pedestrians "read" and understand city blocks by creating recognizable and memorable design elements at the corner of each block.

Most buildings have areas devoted to services and equipment. These uses can be noisy, noxious and unsightly. Screening requirements reduce the impact of these structures and activities. Limitations on exterior storage and display will help reduce visual clutter while allowing flexibility for retail merchants and eating and drinking establishments.

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

The proposed design and development standards, as well as proposed amendments to parking standards meet this goal in the following ways.

Parking standards for automobiles and bicycles are intended to allow for ready access to commercial uses by all modes.

Reductions in parking ratios will allow for more economic development of the parking system by reducing overall land and transportation facility needs. Allowing adjacent on-street spaces to count towards these ratios will represent a further reduction in land need. Devoting less land to parking will help reduce public costs associated with service provision for roads, sewer and water on a per capita or per square foot of development basis.

Standards that require parking to be located on the sides and rear of buildings will reduce pedestrian and vehicle conflicts and improve pedestrian safety. Similarly, increasing the size of landscaping areas between the parking area and sidewalk will enhance the buffer area between cars and pedestrians.

Policy no. 3: Canby shall coordinate the location of higher density housing with the ability of the city to provide utilities, public facilities, and a functional transportation network.

The new proposed standards allow for additional residential development in the transitional commercial area of the C-1 zone, consistent with the city's R2 requirements. This will promote location of denser residential development along the fringe of the core commercial area which will in turn support the market for commercial businesses downtown. This part of the city has an existing high quality base of utilities, public facilities, and a functional transportation network to serve new development and residents in this area.

Policy no. 2: Canby shall encourage further commercial development and redevelopment at appropriate locations.

Implementation Measure A) The Canby Downtown Plan shall guide the revitalization and redevelopment of the Downtown Commercial zone, and includes standards and policies that address:

- Streetscape design*
- Building design*
- Marketing and promotion*
- Business retention and recruitment*
- Prioritized lists of public and private projects*
- Implementation and funding strategies*

The proposed standards will meet this policy objective and be consistent with this Implementation Measure in the following ways:

New requirements limit the size of the building footprints in each commercial area, consistent with the size and scale of development appropriate for those areas. For example, developments in the core commercial area are limited to buildings with a footprint of 40,000 square feet. This proposed maximum allows for the creation of a high end grocery store (e.g., New Seasons, Whole Foods or Zupans) but not for larger buildings which would be out of scale with surrounding businesses and uses. The proposed maximum footprint in this area differentiates developments from those in the Outer Highway Commercial area. Maximum building footprints are much larger in the Outer Highway Commercial area.

As stated previously, standards for building design also are intended to improve the overall aesthetics of Canby's commercial area through principles related to cohesive design, unified building design, pedestrian-oriented design and use of materials that support the city's character and values.

The proposed standards also are also consistent with the following objectives and opportunities identified in the City's Downtown Plan:

There is a need to create a stronger connection to downtown from Highway 99E.

The proposed standards meet this objective in the following ways:

- They create similar design standards for new and renovated buildings on both sides of Highway 99E in the downtown area, creating a stronger future visual connection between the two areas.
- Corners of buildings, including those located at intersections along Highway 99E in the downtown, are required to have distinguishing design features. These requirements will help these area better serve as gateways into the downtown.
- They identify connecting Highway 99E and the downtown as key gateway areas where new development should be designed and oriented to draw people towards the downtown.

The quality of the streetscape is mixed, with some attractive areas of historic buildings mixed with buildings in poor condition and lacking street level appeal.

The proposed design standards will address this condition by improving the appearance and overall consistency of future developments within the downtown area through standards related to pedestrian-oriented design, unified building design, accentuating corners and using specific materials as described under previous approval criteria. These changes will support existing historic buildings and improve the overall street level appeal of the downtown and other commercial areas.

Opportunities to change land use patterns to improve the downtown focus on infill and redevelopment of vacant or underdeveloped lots with buildings constructed to the front property line and parking provided on the street or behind the building.

The proposed design and development standards include minimum setback and frontage requirements to construct buildings at the front property line in the downtown. They also include requirements to place parking on the street, next to or behind the building consistent with this objective.

County plans and policies: The City Council finds that county plans and policies are generally not applicable to the proposed action because the proposed standards only affect land within the city limits and specifically within the city's commercial areas.

Local districts: The City Council finds that plans and policies of local districts are generally not applicable to the proposed action.

State policies: These policies are addressed under Criteria #5, Statewide Planning Goals.

2. A public need for the change.

The City has previously determined a public need for development of commercial design and development standards through adoption of the City's Downtown Plan, and in previous planning studies and city resolutions.

The adopted Canby Downtown Plan includes the following two recommended actions:

- Create a standard awning treatment
- Develop design standards for redevelopment and new buildings

In approving funding to complete the new commercial design standards, the Canby Urban Renewal Agency reaffirmed this public need. In addition, this need was articulated by members of the City's Planning Commission, City Council and Commercial Design Standards Task Force members throughout the planning process.

3. *Whether the proposed change will serve the public need better than any other change which might be expected to be made.*

Creating design standards is one way to address objectives related to establishing an attractive downtown and enhancing the viability of the city's commercial areas. Other alternatives can include working directly with property and business owners to achieve the same objectives, providing financial support for façade or other building improvements, or simply letting market forces guide the appearance of new buildings. However, these approaches are not mutually exclusive and in fact the City actively pursues several of them. For example, the City administers a façade improvement grant program through its urban renewal district and regularly works directly with business owners to encourage them to locate in the city and provide them with information about the city's regulatory procedures. Creating a clear set of design standards will provide more clarification for prospective business and property owners and complement these efforts.

Developing and administering design guidelines or standards will help reinforce other economic development activities and will provide a level of certainty which other strategies cannot provide by themselves. Providing an alternative, administrative procedure for design review along with the option of going through a more flexible design review process also was deemed a more effective alternative than the current design review process.

4. *Whether the change will preserve and protect the health, safety and general welfare of the residents in the community.*

The proposed standards and amendments will help protect the health and safety of community residents in the following ways.

- Standards that require parking to be located on the sides and rear of buildings will reduce pedestrian and vehicle conflicts and improve pedestrian safety. Similarly, increasing the size of landscaping areas between the parking area and sidewalk will improve the buffer between cars and pedestrians.
- Standards for modest increases in landscaping areas required in parking areas will contribute to the physical health of residents by increasing the amount of oxygen generated by plants in the downtown area.

The proposed standards will promote and protect the general welfare of residents by enhancing the attractiveness, economic viability and livability of the downtown. The physical appearance and design of buildings in the city's primary commercial areas has a strong impact on the community's economic well-being, quality of life and sense of character and identity. High-quality design of these buildings, with special attention to the relationship between buildings, people and the surrounding physical space will help spur investment in the city; enhance use and value of land and improvements; improve the stability and value of property; and generally improve the experience of residents and visitors who use these commercial areas.

5. *Statewide planning goals.*

Goal 1. Citizen Involvement

The process used to develop the design standards and other proposed zoning ordinance amendments was consistent with statewide goals of providing adequate opportunities for citizen involvement in the planning process. The process included the following activities:

- Meetings of a citizens Task Force to review and guide every aspect of the design standards and amendments. The Task Force included members of the City Council and Planning Commission, local business and property owners and other interested citizens. The Task Force met five times and all meetings were open to the general public.
- Property owners meeting. The city conducted a meeting for affected business and property owners and notified all property owners in areas directly affected by the proposed standards. This meeting, which also was open to the general public, provided an additional opportunity for public comment on the proposed standards.
- Planning Commission work sessions and hearings. City staff and members of the consulting team conducted multiple work sessions and hearings with the Planning Commission to review and discuss the proposed standards and amendments. All meetings were open to the public and provided opportunities for public comment.

Goal 2. Land Use

The proposed standards and other ordinance amendments are consistent with statewide planning Goal 2 and related requirements in the following ways:

- They are consistent with and support the city's current land use designations and planning framework. The standards recognize differences in development conditions and characteristics in different commercial areas (e.g., core commercial, transitional commercial and outer highway commercial areas) and provide varying standards for these different areas accordingly. As described previously, the standards support the goals of previous planning processes and other city and statewide planning goals.
- The proposed new development standards support more efficient patterns of development by establishing new floor area ratio requirements in affected commercial areas, reducing minimum parking requirements and allowing for both mixed use and more intensive residential development in the transitional commercial area.
- Requirements for massing and form in the transitional commercial area will help ensure compatibility as uses in this area increase and intensify over time, while allowing for a broader range of building sizes than currently exists and supporting the commercial land use designation in this area.

- As noted previously and below, reduced parking ratio requirements will reduce overall land needs. Allowing adjacent on-street spaces to count towards these ratios will represent a further reduction in land need.
- New landscaping requirements will not increase land consumption overall. The overall increase from 5% to 10% landscaping for interior parking areas only affects the parking area design, not the overall landscaping requirement and only applies to the Commercial Core area. It will not necessarily impact the total amount of land devoted to landscaping but might shift the location of landscaping within a given site.

Goals 3 and 4. Farm and Forest Lands Not applicable

The City Council finds that these goals are not applicable to the proposed actions.

Goal 5. Natural Resource Protection

The proposed actions will promote protection and preservation of natural resources by reducing overall land needs and impacts through new floor area ratio and parking requirements as described previously.

Goal 6. Air Land and Water

Increased landscaping requirements for parking areas will help create opportunities for natural stormwater drainage techniques. Use of these techniques will reduce impacts of stormwater runoff and drainage to natural water bodies. Increased vegetation in parking areas will have a positive impact on air quality. In addition, larger setbacks in the Outer Highway Commercial area also allow for more landscaping between buildings and the street which also will have positive impacts on air quality.

Goal 7. Natural Hazards

The City Council finds that this goal is not applicable to the proposed actions.

Goal 8. Parks and Recreation Opportunities

The City Council finds that this goal is not applicable to the proposed actions.

Goal 9. Economic development

The primary objective of implementing the new commercial design and development standards is to support the city's economic development goals. As noted previously, the physical appearance and design of buildings in the city's primary commercial areas has a strong impact on the community's economic well-being, quality of life and sense of character and identity. High-quality design of these buildings, with special attention to the relationship between buildings, people and the surrounding physical space will help spur investment in the city; enhance use and value of land and improvements; improve the stability and value of property; and generally improve the experience of residents and visitors who use these commercial areas

Improving the pedestrian environment in the city's commercial areas will make them more attractive to residents and visitors and promote economic activity. Fostering interaction between activities within buildings and activities within the public realm (the sidewalk and street) is crucial to creating a vibrant and interesting built environment. A high degree of transparency between the two realms creates visual interest for the pedestrian on the sidewalk, and promotes a more active, engaging

Findings, Conclusions & Order

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pedestrian experience. Design of ground floor windows and building entries is important to achieving this goal. In addition, courtyards, arcades and special paving enhance the pedestrian environment by providing pleasing, semi-public transitions between the public and private realms, effectively creating a “threshold” between the sidewalk and the building.

Standards will foster well-designed, repetitive building elements that tend to create a strong sense of place and leave a lasting physical memory. Cohesive and repetitive architectural “bays” along the street-facing ground floor of a building create a pleasing sense of rhythm for the pedestrian, and help to scale and order the built environment as it is experienced from the sidewalk and street. These elements will help encourage people to return to the downtown to meet their shopping needs.

Reducing required minimum parking ratios will reduce land and development costs for developers, businesses and property owners in Canby. This will enhance their ability to develop land and start businesses in Canby and may allow for some businesses to locate there that otherwise could not have done so. For example, the reduced ratios have been beneficial in attracting a new movie theater to locate in the downtown area.

Adoption of the proposed standards also will provide both clarity and flexibility for future developers and business owners. Administration of design standards should be efficient and effective and provide a level of certainty for property and business owners, as well as other community members. It is important to provide a set of clear and objective standards that may be administered relatively quickly and easily for most applicants. At the same time, it is important to provide an alternative path that provides flexibility for applicants that may want to take a more innovative approach which meeting the intent of the clear and objective standards. This two-track approach will also promote economic activity in the affected commercial areas.

Goal 10. Housing

The proposed standards support local and statewide housing goals in the following ways:

- New standards will create additional opportunities for housing in the transitional commercial area. They allow for a certain amount of purely residential use in this area which is on the fringe of the existing commercial area. This will create opportunities for denser housing in this area in close proximity to shopping, recreation and other community activities.
- New standards in the commercial core area also will promote development of upper story housing in this area. Proposed standards for the design of upper floor windows and other features reflect this potential use.

Goal 11. Public facilities and Services

Amendments to parking requirements will help reduce overall land needs and increase potential cost-effectiveness of providing public facilities. Historically, cities have based parking requirements on the amount of parking needed on the very busiest days of the year. As a result, on the vast majority of days and times, a substantial number of parking spaces go unused. More recent planning practice has favored lower parking ratios which accommodate needs in most situations but don’t necessarily plan for the worst case. While this may lead to some crowded conditions on a few of the very busiest days of the year, these changes also will result in more efficient land use and development, lower development costs, less impervious surface and lower costs for stormwater management for the city. Devoting less land to parking also will generally reduce public costs associated with service provision for roads, sewer and water on a per capita or per square foot of development basis.

Proposed increases in landscaping within parking areas also will create opportunities to use natural systems to treat and manage stormwater runoff. This will further reduce the need for off-site stormwater management facilities.

Goal 12. Transportation

The proposed design, development and other standards support local and statewide transportation planning goals in the following ways:

- Improve pedestrian connectivity and safety. Standards that require parking to be located on the sides and rear of buildings will reduce pedestrian and vehicle conflicts and improve pedestrian safety. Similarly, increasing the size of landscaping areas between the parking area and sidewalk will improve the buffer between cars and pedestrians.
- Support statewide guidelines related to parking requirements. The proposed new parking ratio standards are primarily based on those found in the *Model Code for Small Cities* prepared by the Department of Land Conservation and Development. Many cities in Oregon have revised their parking standards to be consistent with those recommended in the *Model Code*.
- Improve visual cues for drivers entering Canby. Standards for the Outer Highway Commercial area that require a certain percentage of development to be closer to the road will help to provide a visual connection and signal that drivers are entering an urban area. At the same time, relatively larger setbacks in this area (compared to the core commercial area downtown) will enhance buffers between pedestrians and faster-moving traffic.
- Ensure adequate accessibility to and within sites by a variety of travel modes, along with attractively designed parking and loading areas. New parking standards for automobiles and bicycles will allow for ready access to commercial uses by all modes and create attractive areas that enhance human and environmental health. Screening requirements and updated landscaping requirements will improve the appearance of parking areas and reduce visual clutter.

Goal 13. Energy Conservation

The City Council finds that this goal is not applicable to the proposed actions.

Goal 14. Urbanization

This goal is addressed in findings related to goals 2, 9 and 10.

Findings in Support of Zoning Map Amendment

- 1. The Comprehensive Plan of the city, giving special attention to Policy 6 of the land use element and implementation measures therefore, 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;***

Policy 6 of the Land Use element of the Comprehensive Plan states “*Canby shall recognize the unique character of certain areas and will utilize the following special requirements, in conjunction with the requirements of the land development and planning ordinance, in guiding the use and development of these unique areas.*” Implementation measures listed

under this policy describe specific areas of concern within Canby and provide policy direction related to future zoning decisions within them.

None of the areas of special concern listed under Policy 6 and its implementation actions coincide with the area proposed for application of the commercial design standards overlay zone. Therefore the City Council finds that this policy is not applicable to the proposed adoption of the overlay zone. As a result, the proposed action is consistent with this approval criterion.

2. Whether all required public facilities and services exist or will be provided concurrent with development to adequately meet the needs of any use or development which would be permitted by the new zoning designation.

The proposed zoning change would apply a new design standards overlay zone to areas currently zoned as C1, C2 and M1 (one parcel). The new overlay zone would apply specific standards for the design of buildings and properties within the overlay zone area. These standards would guide the architectural design of buildings and development of sites (e.g., allowable setbacks, heights, parking ratios, landscaping requirements, etc.). However, no changes in use for the area are proposed, with the exception of allowing for a limited amount of residential use in a portion of the new zone. This change is not expected to impact the need for public facilities in this area. As a result no changes to current public facility needs in this area are proposed. Most of this area is substantially built out and currently served by roads, water, sewer and other public facilities. Any additional needed public facilities associated with uses in this area have generally been identified and considered in the City's transportation system plan and other facility master plans. Site specific facility needs will be met by developers or property owners as part of the City's development review process. As a result, the City Council finds that the proposed action is consistent with this approval criterion.

CONCLUSION

The City Council of the City of Canby concludes that:

1. The proposed amendment complies with the Comprehensive Plan of the city, and 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 proposed change will serve the public need better than any other change which might be expected to be made.
4. The proposed change will preserve and protect the health, safety, and general welfare of the residents in the community.

5. The proposed amendment complies with the Statewide Planning Goals.
6. The proposed amendment to the Zoning Map of the City of Canby complies with the Comprehensive Plan of the city, giving special attention to Policy 6 of the land use element and implementation measures therefore, and complies with the plans and policies of the county, state, and local districts, and preserves functions and local aspects of land conservation and development.
7. All required public facilities and services either exist or will be provided concurrent with development to adequately meet the needs of any use or development which would be permitted by the new Downtown Canby Overlay Zone.

ORDER

IT IS ORDERED BY THE City Council that **Application No. TA 08-01** is approved; that the text amendments shall be made to the Canby Planning Code as proposed in the enabling Ordinance No. 1296; that the Zoning Map for the City of Canby shall now include the Downtown Canby Overlay Zone.

DATED this 1st day of October, 2008.

Melody Thompson, Mayor

Melissa Hardy, Associate Planner

ATTEST:

ORAL DECISION – September 17, 2008

AYES: Carson, Daniels, Helbling, Oliver

NOES: None

ABSTAIN: None

ABSENT: Blackwell, Carlson

WRITTEN DECISION – October 1, 2008

AYES:

NOES:

ABSTAIN:

ABSENT:

EXHIBIT B
TO ORDINANCE 1296

EXPLANATION OF PROPOSED CODE CHANGES

Proposed Amendments

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

EXPLANATION OF PROPOSED CODE CHANGES

12.12.010 – Space for displays. This code amendment limits the height of a sidewalk display to no more than three feet when in front of a window.

Chapter 12.12

SIDEWALK DISPLAYS

- 12.12.010 Spaces for displays.**
- 12.12.020 Shelves to be removed during nighttime.**
- 12.12.030 Obstructions prohibited.**
- 12.12.035 Exemptions.**
- 12.12.040 Penalty.**

12.12.010 Space for displays.

It shall be unlawful for any person or persons in business or otherwise within the corporate limits of the city to cause or permit any display of groceries, vegetables or merchandise of any character whatsoever to occupy a space of more than 14 inches on the inside of the sidewalks, ~~and the same to be displayed on a shelf~~A display shall be not less than 2 feet in height, as measured from the sidewalk surface, so as not to create a tripping hazard above the level of the sidewalks. Where a display is placed in front of a window, such display shall be no greater than three feet in height, as measured from the sidewalk surface, to ensure that windows are not blocked above that height.

12.12.020 Shelves to be removed during nighttime.

It shall be unlawful for any person to allow display shelves to remain upon the sidewalks after the displays are removed within the places of business, during the night, unless the shelves are on hinges and can be dropped against the sides of the buildings when not used without extending or protruding so as to make them dangerous.

12.12.030 Obstructions prohibited.

It shall be unlawful for any person to wholly or partially obstruct the sidewalks with displays, boxes, tables and the like which interfere with pedestrians passing along the sidewalks, except in the case of temporary construction authorized pursuant to a building permit or as otherwise provided in this chapter.

12.12.035 Exemptions.

A. Businesses selling food and/or nonalcoholic beverages may place tables and chairs on the sidewalk in front of the buildings housing the business, provided there remains at least 4 feet of unobstructed passage available for pedestrian passage. Umbrellas used in connection with tables must be at least 7 feet in height so as not to create clearance problems.

B. Businesses wishing to utilize tables and chairs as provided in division A. above shall be required to apply to City Hall for a permit authorizing the use. No fee is required for the permit, but applicant must provide liability insurance coverage with the city named as additional insured. This coverage shall be Comprehensive Personal or General Liability with a coverage amount of not less than \$500,000 Combined Single Limit covering Bodily Injury and Property Damage. Permits must be renewed annually.

12.12.040 Penalty.

Any person or persons violating or failing to comply with any of the provisions of this chapter shall be deemed guilty of an infraction and upon conviction thereof may be fined up to \$100 per each day of the violation.

EXPLANATION OF PROPOSED CODE CHANGES

16.04.218 – Façade. This code amendment adds a new definition to the Definitions Chapter of Title 16 in order to explain what is meant by the term “façade”, which is a term used in the new design review standards for the new Downtown Canby Overlay zone.

16.04.222 – Floor area ratio. This code amendment adds a new definition to the Definitions Chapter of Title 16 in order to explain what is meant by the term “floor area ratio”, which is a new development standard in the new Downtown Canby Overlay zone.

16.04.228 – Grade plane. This code amendment adds a new definition to the Definitions Chapter of Title 16 in order to explain what is meant by the term “grade plane” in the definition of “floor area ratio”.

16.04.567 – Story above grade plane. This code amendment adds a new definition to the Definitions Chapter of Title 16 in order to explain what is meant by the term “story above grade plane” in the definition of “Floor area ratio”.

16.04.690 – Yard, interior. This code amendment corrects a previous scrivener's error in the definition for an interior yard.

Chapter 16.04

DEFINITIONS

Sections:

- 16.04.010 Grammatical interpretation.
- 16.04.020 Generally.
- 16.04.030 Abutting-adjoining-adjacent.
- 16.04.035 Acceptable site.
- 16.04.036 Access.
- 16.04.037 Access classification.
- 16.04.038 Access connection.
- 16.04.039 Access management.
- 16.04.040 Accessory structure or use.
- 16.04.045 Accessway.
- 16.04.050 Agriculture.
- 16.04.060 Alley.
- 16.04.061 Antenna.
- 16.04.063 Application.
- 16.04.064 Attached WTS facility.
- 16.04.065 Backhaul network.
- 16.04.066 Bed and Breakfast.
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- 16.04.080 Boarding, lodging or rooming house.
- 16.04.090 Building.
- 16.04.100 Building line.
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- 16.04.120 City.
- 16.04.125 City Planner.
- 16.04.127 Collocation.
- 16.04.128 Commercial Recreation Uses.
- 16.04.130 Commission.
- 16.04.135 Conditionally suitable site.
- 16.04.137 Corner clearance.
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- 16.04.385 Lowest floor.
- 16.04.387 Manufactured home manufactured housing unit

16.04.390 Mobile home.
 16.04.400 Mobile home park.
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 16.04.425 Monopole.
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16.04.562 Sign, monument.
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 16.04.565 Stealth design.
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 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.
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 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.

16.04.020 Generally.

Unless the context requires otherwise, the words and phrases set out in this chapter shall mean as follows.

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.

16.04.035 Acceptable site.

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

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.

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.

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.

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.

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.

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.

16.04.050 Agriculture.

Agriculture means the tilling of the soil, the raising of crops, silviculture and horticulture.

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.

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.

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.

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.

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.

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.

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.

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.

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.

16.04.090 Building.

Building means a structure built for the shelter or enclosure of persons, animals, chattels or property of any kind.

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.

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.

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.

16.04.120 City.

City means the City of Canby, Oregon.

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."

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.

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.

16.04.130 Commission.

Commission means the Planning Commission of the city.

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.

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.

16.04.140 Council.

Council means the City Council of Canby, Oregon.

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.

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.

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.

16.04.158 Detached WTS facility.

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

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.

16.04.170 Dwelling, duplex-dwelling, two-family.

Duplex dwelling or two-family dwelling means a building containing two dwelling units.

16.04.180 Dwelling, multi-family.

Multi-family dwelling means a building containing three or more dwelling units.

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.

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.

16.04.210 Easement.

Easement means a grant of the right to use an area of land for specific purposes.

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.

16.04.218 Façade.

Façade means an exterior face of a building.

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.

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.

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).

16.04.225 FCC.

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

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.

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.

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.

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.

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).

16.04.260 Intersection.

Intersection means the place where two streets meet or cross.

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.

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.

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.

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.

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.

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.

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.

16.04.315 Lot depth.

Lot depth means the average distance from the front lot line to the rear lot line.

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.

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.

16.04.321 Lot frontage.

Lot frontage means that portion of a lot extending along a street right-of-way line.

16.04.330 Lot, interior.

Interior lot means a lot other than a corner lot.

16.04.340 Lot line.

Lot line means the property line bounding a lot.

16.04.350 Lot line, interior.

Lot line, interior means all lot lines which separate one parcel from another, other than street lot lines.

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.

16.04.370 Lot, through.

Through lot means a lot having frontage on two parallel or approximately parallel streets other than alleys.

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.

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).

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

16.04.450 Parent parcel.

Parent parcel means a lot or parcel of land from which other parcels or lots are divided.

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.

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.

16.04.480 Pedestrian way.

Pedestrian way means a right-of-way for pedestrian traffic.

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.

16.04.500 Planning Commission.

Planning Commission means the Planning Commission of the City of Canby, Oregon.

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.

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.

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.

16.04.515 Preferred site.

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

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.

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.

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.

16.04.520 Recommendation.

Recommendation includes any staff report or report from the Planning Commission to the City Council.

16.04.530 Right-of-way.

Right-of-way means the area between the boundary lines of a street or other easement.

16.04.540 Roadway.

Roadway means the portion or portions of a street right-of-way developed for vehicular traffic.

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.

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.

16.04.560 Sidewalk.

Sidewalk means a pedestrian walkway with permanent surfacing to city standards.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

16.04.610 Subdivision.

Subdivision means either an act of subdividing land or tract of land subdivided as defined in this chapter.

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.

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.

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.

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.

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.

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.

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.

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.

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.

16.04.672 Walkway.

Walkway means a hard-surfaced area intended and suitable for pedestrians, including sidewalks and the surfaced portions of accessways.

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.

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.

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.

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~~an interior lot line.

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.

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.

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.

EXPLANATION OF PROPOSED CODE CHANGES

16.10.050 – Off-street parking provisions. This code amendment changes the minimum off-street parking space requirements for several commercial and amusement uses, based on the State's *Model Code for Small Cities*. This serves to reduce the amount of land dedicated to vehicle parking, while still assuring that adequate facilities for off-street parking are provided. The code amendment also clarifies that the requirements set forth in Table 16.10.050 are for vehicle parking spaces.

16.10.100 – Bicycle Parking. This code amendment eliminates the requirement that, where there are 10 or more bicycle parking spaces, at least 50 percent of the bicycle parking spaces must be covered.

Chapter 16.10

OFF-STREET PARKING AND LOADING

Sections

- 16.10.010 Off-street parking required – exceptions.
- 16.10.020 Definitions.
- 16.10.030 General requirements.
- 16.10.040 Prohibited near intersections.
- 16.10.050 Parking standards designated.
- 16.10.060 Off-street loading facilities.
- 16.10.070 Parking lots and access.
- 16.10.080 Streets.
- 16.10.090 Drive-up uses.
- 16.10.100 Bicycle parking.

16.10.010 Off-street parking required – exceptions.

A. At the time of establishment of a new structure or use, change in use, or change in use of an existing structure, within any planning district of the city, off-street parking spaces and off-street loading berths shall be as provided in this and following sections, unless greater requirements are otherwise established by the conditional use permit or the site and design review process, based upon clear and objective findings that a greater number of spaces are necessary at that location for protection of public health, safety and welfare. A lesser number of spaces may be permitted by the Planning Commission based on clear and objective findings that a lesser number of parking spaces will be sufficient to carry out the objective of this section.

B. No off-street parking shall be required for any use permitted outright within the C-1 zone in the rectangular area bounded by N. Ivy Street on the east, NW First Avenue on the south, N. Fir Street on the west, and NW Third Avenue on the north.

C. At the time of enlargement of an existing structure or use, the provisions of this section shall apply to the enlarged structure or use only.

16.10.020 Definitions.

A. Floor Area. Except where otherwise specified, the floor area measured shall be the gross floor area of the building primary to the function of the particular use of the property other than space devoted to off-street parking or loading.

B. Employees. Where employees are specified, the term shall apply to all persons, including proprietors, working on the premises during the peak shift.

16.10.030 General requirements.

A. Should the owner or occupant of a structure change the use to which the building is put, thereby increasing parking or loading requirements, the increased parking/loading area shall be provided prior to commencement of the new use.

B. Parking and loading requirements for structures not specifically listed herein shall be determined by the City Planner, based upon requirements of comparable uses listed.

C. In the event several uses occupy a single structure, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.

D. Off-street parking spaces for dwellings shall be located on the same lot, or adjacent lot, with the dwelling. Other required parking spaces may be located on a separate parcel, provided the parcel is not greater than five hundred (500) feet from the entrance to the building to be served, measured along the shortest pedestrian route to the building. The applicant must prove that the parking located on another parcel is functionally located and that there is safe vehicular and pedestrian access to and from the site.

E. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business.

F. Institution of on-street parking shall not be allowed for off-street parking, where none is previously provided, and shall not be done solely for the purpose of relieving crowded parking lots in commercial or industrial planning districts.

G. Parking facilities may be shared by users on adjacent parcels if all of the following standards are met, or the Planning Commission determines a lesser combination meets the intent of the ordinance:

1. One of the parcels has excess parking spaces, considering the present use of the property; and the other parcel lacks sufficient area for required parking spaces. Excess parking spaces can be determined by considering when the uses need the parking spaces, such as time of day or day of week.
2. The total number of parking spaces meets the standards for the sum of the number of spaces, which would be separately required for each use.
3. Legal documentation, to the satisfaction of the City Attorney, shall be submitted verifying permanent use of the excess parking area on one lot by patrons of the uses deficient in required parking areas.

4. Physical access between adjoining lots shall be such that functional and reasonable access is actually provided to uses on the parcel deficient in parking spaces.

5. Adequate directional signs shall be installed specifying the joint parking arrangement.

H. The number of vehicular spaces required in Table 16.10.050 may be reduced by up to 10% if one of the following is demonstrated to the satisfaction of the Planning Director or Planning Commission:

1. Residential densities greater than nine units per gross acre (limit parking to no less than one space per unit for multi-family structures); or

2. The proposed development is pedestrian-oriented by virtue of a location which is within convenient walking distance of existing or planned neighborhood activities (such as schools, parks, shopping, etc.) and the development provides additional pedestrian amenities not required by the code which, when taken together, significantly contribute to making walking convenient (e.g., wider sidewalks, pedestrian plazas, pedestrian scale lighting, benches, etc.).

16.10.040 Prohibited near intersections.

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

16.10.050 Parking standards designated.

The parking standards set out in Table 16.10.050 shall be observed.

TABLE 16.10.050

Off-street Parking Provisions - The following are the minimum standards for off-street vehicle parking in the City of Canby:

USE	PARKING REQUIREMENT
<i>Residential Uses:</i>	
a. Single-family dwellings	2.00 spaces per dwelling unit for new construction. (Existing single-family dwellings having only a single parking space shall not be considered to be nonconforming.)
b. Two-family dwellings	2.00 spaces per dwelling unit.
c. Multi-family dwellings in complexes with private internal driveways	2.00 spaces per unit. One additional guest parking space shall be provided for every five units for each development often or more units.
d. Retirement/assisted living housing	1.5 spaces per unit
e. Residential day care facility and home occupation	1.00 space per employee
<i>Institutions:</i>	
a. Convalescent home, nursing home or sanitarium	1.00 spaces per two beds for patients or residents, plus 1.00 space sanitarium per employee
b. Hospital	4.00 spaces per two beds
<i>Places of Public Assembly:</i>	
a. Library, reading room	1.00 space per 400 square feet of public area
b. Nursery, primary/elementary, or junior high school	2.00 spaces per employee
c. Senior high school	1.00 space per classroom, plus 1.00 space per six students
d. Other places of public assembly, including churches	1.00 space per four seats or eight feet of bench length
<i>Commercial Amusement:</i>	
a. Theater	1.00 per two six seats
b. Bowling alley	5.00 spaces per alley
c. Dance hall, skating rink	1.00 space per 100 square feet of floor area
d. Racquet courts, health clubs	2.00 spaces per court plus one space per 2 employees or exercise area
<i>Commercial</i>	
a. Retail shops (under 100,000 sq. ft. gross leasable area)	4 2.00 spaces per 1,000 square feet of floor area

b. Retail store handling exclusively bulky merchandise such as furniture, automobile and service repair shops	1.00 space per 400 <u>1,000</u> square feet of sales floor area plus 1.00 space per 2 employees
c. Shopping center (over 100,000 square feet of gross leasable area)	5.3 3.00 spaces per 1,000 square feet of gross leasable area
d. Banks/savings and loans	5.00 spaces per 1,000 gross square feet of floor area
e. Medical/dental offices	5.00 spaces per 1,000 gross square feet of floor area
f. General offices	3.50 <u>2.00</u> spaces per 1,000 gross square feet of floor area
g. Real estate offices	3.50 <u>2.00</u> spaces per 1,000 gross square feet of floor area
h. Government offices	3.50 spaces per 1,000 gross square feet of floor area
i. Restaurant	40 <u>8</u> .00 spaces per 1,000 gross square feet of floor area
j. Take-out restaurant	40 <u>8</u> .00 spaces per 1,000 gross square feet of floor area
k. Motel	4.50 <u>7.5</u> spaces per room
<u>l</u> . Residential hotel, rooming house, boarding house, or bed and breakfast	Spaces equal to 80 percent of the number of guest accommodations
m. Hotel	Spaces equal to 50 percent of the number of guest accommodations
n. Club or lodge	One space per 150 <u>200</u> square feet of floor area plus 1.00 space per manager
o. Day care facility, <u>adult or child care; does not include Family Daycare (12 or fewer children) under ORS 657A.250</u>	2.00 spaces per 6 children under care, plus 1.00 space per employee <u>1.00 space per 500 square feet of floor area</u>
p. All others	1.00 space per 550 square feet
q. Wireless telecommunication systems	1.00 space per site
Industrial:	
a. Manufacturing	3.50 spaces per 1,000 gross square feet of office space, plus 1.00 space per 1,000 gross square feet of non-office manufacturing space. Minimum of 5 parking spaces overall.
b. Warehousing	3.50 spaces per 1,000 gross square feet of office space, plus 1.00 space per 1,000 gross square feet of non-office warehousing space. Minimum of 5 parking spaces overall.
c. Wholesale establishments	3.50 spaces per 1,000 gross square feet of office space, plus 1.50 spaces per 1,000 gross square feet of non-office wholesale space. Minimum of 5 parking spaces overall.

16.10.060 Off-street loading facilities

A. The minimum number of off-street loading berths for commercial and industrial uses is as follows:

SQUARE FEET OF FLOOR AREA	NUMBER OF BERTHS
Less than 5,000	0
5000 – 25,000	1
25,000 – 60,000	2
60,000 and over	3

B. Loading berths shall conform to the following minimum size specifications:

1. Commercial uses – 13' x 35'
2. Industrial uses – 12' x 60'
3. Berths shall have an unobstructed minimum height of 14'.

C. Required loading areas shall be screened from public view, from public streets, and adjacent properties by means of sight-site obscuring landscaping, walls or other means, as approved through the site and design review process.

D. Required loading facilities shall be installed prior to final building inspection and shall be permanently maintained as a condition of use.

E. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of a school or day care center having a capacity greater than twenty-five (25) students.

F. The off-street loading facilities shall, in all cases, be on the same lot or parcel as the structure they are intended to serve. In no case shall the required off-street loading spaces be part of the area used to satisfy the off-street parking requirement.

G. The Planning Commission may exempt a building from the loading berth requirement, or delay the requirement, based on findings that loading berths are not needed for a particular building or business.

16.10.070 Parking lots and access.

A. Parking Lots. A parking lot, whether as accessory or principal use, intended for the parking of automobiles or trucks, shall comply with the following:

1. Parking lot design shall comply with the dimensional standards set forth in Figure 1 of this section.
2. Parking stalls of eight (8) feet in width and sixteen (16) feet in length for compact vehicles may comprise up to a maximum of thirty (30) percent of the total

number of parking stalls. Such parking stalls shall be marked "Compact Parking only" either on the parking surface or on a sign in front of the parking stalls.

3. Areas used for standing or maneuvering of vehicles shall have paved asphalt, concrete, solid concrete paver surfaces, or paved "tire track" strips maintained adequately for all weather use and so drained as to avoid the flow of water across sidewalks or into public streets, with the following exception:

a. The Planning Commission may approve the use of an engineered aggregate system for outdoor storage and/or non-required parking areas as part of a Conditional Use Permit provided that the applicant can demonstrate that City Standards related to:

i. minimizing dust generation,

ii. minimizing transportation of aggregate to city streets, and

iii. minimizing infiltration of environmental contaminants including, but not limited to, motor oils, fuels, volatile organic compounds (e.g. benzene, toluene, ethylbenzene, xylene), and ethylene glycol are met.

The Planning Commission may impose conditions as necessary to meet City Standards.

4. The full width of driveways to single family homes or their accessory structures must be paved:

a. For a minimum of 20 feet from the right-of-way line back into the private property to prevent debris from entering public streets, and

b. To within 150 feet of all portions of the exterior wall of the first story of any structure(s) served by the driveway to ensure fire and emergency service provision.

5. Except for parking to serve residential uses, parking areas adjacent to or within residential planning districts or adjacent to residential uses shall be designed to minimize disturbance of residents. Artificial lighting, which may be provided, shall be so deflected as not to shine or create glare in any residential planning district or on any adjacent dwelling, or any street right-of-way in such a manner as to impair the use of such way.

6. Groups of more than four (4) parking spaces shall be so located and served by driveways that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.

7. Off-street parking areas, and the accesses to them, shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and the maximum safety of pedestrian and vehicular traffic on the site

and in adjacent roadways. The Planning Director or Planning Commission may require engineering analysis and/or truck turning diagrams to ensure safe and efficient traffic flow based on the number and type of vehicles using the site, the classification of the public roadway, and the design of the parking lot and access drives.

8. Parking bumpers or wheel stops shall be provided to prevent cars from encroaching on the street right-of-way, adjacent landscaped areas, or adjacent pedestrian walkways.

9. Accessible parking shall be provided, constructed, striped, signed and maintained as required by ORS 447.233 and all Oregon Structural Specialty Code requirements.

B. Access.

1. The provision and maintenance of vehicular and pedestrian ingress and egress from private property to the public streets as stipulated in this ordinance are continuing requirements for the use of any structure or parcel of real property in the City of Canby. No building permit or other permits shall be issued until scale plans are presented that show how the ingress and egress requirement is to be fulfilled. Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing ingress and egress requirements, it shall be unlawful and a violation of this ordinance to begin or maintain such altered use until the required increase in ingress and egress is provided.

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

3. All ingress and egress shall connect directly with public streets.

4. Vehicular access for residential uses shall be brought to within fifty (50) feet of the ground floor entrances or the ground floor landing of a stairway, ramp or elevator leading to dwelling units.

5. Required sidewalks shall extend from the ground floor entrances or the ground floor landing of a stairs, ramps or elevators to the sidewalk or curb of the public street or streets that provide the required access and egress.

6. To afford safe pedestrian access and egress for properties within the city, a sidewalk shall be constructed along all street frontages, prior to use or occupancy of the building or structure proposed for said property. The sidewalks required by this section shall be constructed to city standards except in the case of streets with

inadequate right-of-way width or where the final street design and grade have not been established, in which case the sidewalks shall be constructed to a design, and in a manner approved by the Site and Design Review Board. Sidewalks approved by Board may include temporary sidewalks and sidewalks constructed on private property; provided, however, that such sidewalks shall provide continuity with sidewalks of adjoining commercial developments existing or proposed. When a sidewalk is to adjoin a future street improvement, the sidewalk construction shall include construction of the curb and gutter section to grade and alignment established by the Site and Design Review Board.

7. The standards set forth in this ordinance are minimum standards for access and egress, and may be increased through the site and design review process in any particular instance where the standards provided herein are deemed insufficient to protect the public health, safety and general welfare.

Minimum Access Requirements

16.10.070(B)(8): Minimum access requirements for residential uses - ingress and egress for residential uses shall not be less than the following (except that in the case of flag lots, section 16.64.0400) shall apply):

<i>Dwelling units</i>	<i>Minimum number of accesses required</i>	<i>Minimum access width</i>	<i>Sidewalks & Curbs (in addition to driveways)</i>
1 or 2	1	12 feet	none required
3-19	1	20 feet	Minimum of one sidewalk connection to residences and parking areas; curb required if sidewalk adjacent to driveway.
20-49	Option A: 1 access OR Option B: 2 accesses	20 feet 12 feet	Minimum of one sidewalk connection to residences and parking areas; curb required if sidewalk adjacent to driveway.
50-499	Option A: 1 access OR Option B: 2 accesses	30 feet 20 feet	Curbs required; Minimum of one sidewalk connection to residences and parking areas
Over 500	As required by Site and Design Review Board		As required by Public Works Director

16.10.070(B)(9): Minimum access requirements for commercial or institutional uses - ingress and egress for commercial uses shall not be less than the following:

<i>Parking spaces required</i>	<i>Minimum number of accesses required</i>	<i>Minimum access width</i>	<i>Sidewalks & curbs (in addition to driveways)</i>
1-4	1	12 feet	None required
5-99	1	20 feet	Curbs required; sidewalk on one side minimum
100-249	2	20 feet	Curbs required; sidewalk on one side minimum
Over 250	As required by Site and Design Review Board	As required by Public Works Director	

16.10.070(B)(10): Minimum access requirements for industrial uses - ingress and egress for industrial uses shall not be less than the following:

<i>Parking spaces required</i>	<i>Minimum number of accesses required</i>	<i>Minimum access width</i>	<i>Sidewalks & curbs (in addition to driveways)</i>
1-250	1	24 feet	Curbs required; sidewalks on one side minimum
Over 250	As required by Public Works Director		

11. One-Way Ingress or Egress – Way Ingress or Egress – When approved through the site and design review process, one-way ingress or egress may be used to satisfy the requirements of subsection (H), (I) and (J). However, the hard surfaced pavement of one-way drives shall not be less than twelve (12) feet for multi-family residential, commercial or industrial uses.

12. Maximum driveway widths and other requirements except for single-family dwellings [see subsection (d) below]:

a. Unless otherwise herein provided, maximum driveway widths shall not exceed forty (40) feet.

b. No driveways shall be constructed within five (5) feet of an adjacent property line, except when two (2) adjacent property owners elect to provide joint access to their respective properties as provided by subsection 2.

c. There shall be a minimum distance of forty (40) feet between any two (2) adjacent driveways on a single property.

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

13. Distance Between Driveways and Intersections- Except for single-family dwellings [see subsection (f) below] the minimum distance between driveways and intersections shall be as provided below. Distances listed shall be measured from the stop bar at the intersection:

a. At the intersection of any collector or arterial streets, driveways shall be located a minimum of fifty (50) feet from the intersection.

b. At the intersection of two (2) local streets, driveways shall be located a minimum of thirty (30) feet from the intersection as provided, the driveway shall be constructed as far from the intersection as possible, while still maintaining the five (5) foot setback between the driveway and property line.

c. If the subject property is not of sufficient width to allow for the separation between driveway and intersection as provided, the driveway shall be constructed as far from the intersection as possible, while still maintaining the five (5) foot setback between the driveway and property line.

d. In the case of existing flag lots, it shall be at the discretion of the Site and Design Review Board to determine the best location for driveways.

e. When considering a public facilities plan that has been submitted as part of site and design review plan in accordance with this ordinance, the city Public Works Supervisor may approve the location of a driveway closer than fifty (50)

feet from the intersection of collector or arterial streets, based on written findings of fact in support of the decision. Said written approval shall be incorporated into the recommended decision of the City Planner for the site and design review plan under the process set forth.

f. The minimum distance between driveways for single-family residential houses and an intersection shall be thirty (30) feet. The distance shall be measured from the curb intersection point [as measured for vision clearance area (16.04.670)].

TABLE 16.10.070
Minimum dimensional Standard for Parking

This table and Figure 16.10.070 provide the minimum dimensional standards for parking areas and spaces.

A = Parking angle in degrees

B = Minimum stall width

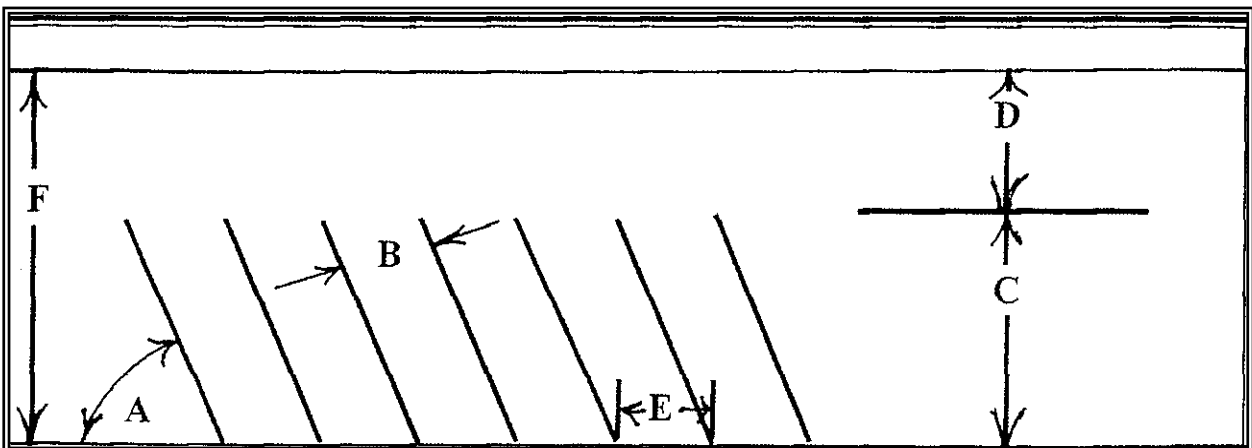
C = Minimum stall depth

D = Minimum clear aisle width

E = Minimum clear stall distance at bay side

F = Minimum clear bay width

A	B	C	D	E	F
0 (parallel)	8'0"	-	12'0"	22'0"	20'0"
30	8'6"	16'4"	12'0"	17'0"	28'4"
45	8'6"	18'9"	12'6"	12'0"	31'3"
60	8'6"	19'10"	18'0"	9'10"	37'10"
90	8'6"	18'0"	24'0"	8'6"	42'0"



16.10.080 Streets.

To be established. Street Tree Plan should be incorporated into this section.

16.10.090 Drive-up uses.

A. Drive-up uses shall provide a minimum stacking area clear of the public right-of-way or parking lot aisle from the window service to the vehicles as follows:

1. All drive-up uses. – Each lane shall provide a minimum capacity for two (2) to eight (8) automobiles, as determined by the Site and Design Review Board.
2. For purposes of this section, an automobile shall be considered no less than twenty (20) feet in length. The width and turning radius of drive-up aisles shall be approved by the City Public Works Director.

B. The stacking area shall not interfere with safe and efficient access to other parking areas on the property. Traffic aisles shall be wide enough to accommodate backing movements where adjacent to parking stalls. Parking maneuvers shall not occur in the stacking area.

16.10.100 Bicycle Parking.

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

A. Dimensions and characteristics: Bicycle parking spaces shall be a minimum of six (6) feet long and two (2) feet wide, and overhead clearance in covered spaces shall be a minimum of seven (7) feet. A minimum five (5) foot aisle for bicycle maneuvering shall be provided and maintained beside or between each row of bicycle parking. Bicycle racks located on a sidewalk shall provide a minimum of two (2) feet between the rack and a wall or other obstacle, and between the rack and curb face. Bicycle racks or lockers shall be securely anchored to the surface or a structure. Bicycle racks located in the Downtown Commercial Zone shall be of the inverted U style (a.k.a. staple racks). See Figure 20 of the Canby Downtown Plan for correct rack placement.

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

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

~~**D.**~~ **C.** Number of spaces: The bicycle parking standards set out in Table 16.10.100 shall be observed.

TABLE 16.10.100 BICYCLE PARKING STANDARD

LAND USE CATEGORY	MINIMUM REQUIRED BICYCLE PARKING SPACES
Residential Multi-family residential, general Multi-family residential, seniors or with physical disabilities	1 space per unit 4, or 1 space per 5 units, whichever is greater
Institutional Schools - Elementary Schools - Jr. High/Middle School Schools - St. High College Transit Centers/Park & Ride Lots Religious Institutions Hospitals Doctor, Dentist Offices Libraries, Museums, etc.	To be determined through design review To be determined through design review To be determined through design review To be determined through design review 5% of auto spaces (or 100% of demand, depending on accessibility to bicyclists) 1 space per 40 seat capacity 1 space per 5 beds 2, or 1 space per 1000 ft ² , whichever is greater 2, or 1 space per 1000 ft ² , whichever is greater
Commercial Retail Sales Auto-oriented Services Groceries/Supermarkets Offices Restaurants Drive-in Restaurants Shopping Centers Financial Institutions Theaters, Auditoriums, etc. Downtown Commercial Zone	0.33 space per 1000 ft ² , whichever is greater 2, or 0.33 space per 1000 ft ² , whichever is greater 0.33 space per 1000 ft ² 2, or 1 space per 1000 ft ² , whichever is greater 1 space per 1000 ft ² 1 space per 1000 ft ² 0.33 space per 1000 ft ² 2, or 0.33 space per 1000 ² , whichever is greater 1 space per 30 seats 4 spaces per block
Industrial Industrial Park Warehouse Manufacturing, etc.	2, or .1 space per 1000 ft ² , whichever is greater 2, or .1 space per 1000 ft ² , whichever is greater 2, or .15 space per 1000 ft ² , whichever is greater

NOTES:

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

EXPLANATION OF PROPOSED CODE CHANGES

16.41 – Downtown Canby Overlay Zone. This code amendment creates a new Overlay Zoning District, the boundaries of which are identified on the Downtown Canby Framework Diagram (Figure 11 in the code text). The overlay district modifies uses, development standards, and site and design review standards for affected lands within the boundaries of the overlay.

Chapter 16.41

DOWNTOWN CANBY OVERLAY (DCO) ZONE

Sections:

- 16.41.010 Purpose.
- 16.41.020 Applicability.
- 16.41.030 Uses permitted outright.
- 16.41.040 Conditional uses.
- 16.41.050 Development standards.
- 16.41.060 DCO site and design review guidelines.
- 16.41.070 DCO site and design review standards.

16.41.010 Purpose.

The purpose of the Downtown Canby Overlay (DCO) zone is to:



Figure 1
Commercial development example concept



Figure 2
Cohesive architectural elements create a human-scale environment

A. Encourage more intense development in the Core Commercial area and allow for more intensive development in the Transitional Commercial area over time. Intensity of development and the relationship between setbacks, lot coverage and floor area ratio address this objective. Floor area ratios (FAR) are intended to work with building height and setback standards to control the overall bulk of the building. The proposed FAR in conjunction with the maximum lot coverage ensures that the development will be a minimum of two floors along the street in the C-1 portion of the Core Commercial area.

B. Create a pedestrian friendly environment in the Core Commercial and Transitional Commercial areas while allowing for a more auto-oriented focus in the Outer Highway Commercial area. A comfortable pedestrian-oriented environment and limited setbacks are important in the Core Commercial and Transitional Commercial areas. In the Outer Highway Commercial area, a portion of development should be closer to the road to provide visual connection and signal that drivers are entering an urban area. Larger setbacks in the Outer Highway Commercial



Figure 3

A high degree of transparency (windows) helps create a sense of interaction between activities inside and outside the building



Figure 4

More auto-oriented uses in the Outer Highway Commercial area



Figure 5

Smaller-scale commercial use in the Transitional Commercial area

area also allows for more landscaping, access and other improvements between buildings and street.

C. Ensure that building sizes reflect desired uses in the Core Commercial and Transitional Commercial areas. Requirements limit the size of the building footprint to 40,000 square feet in these areas. For the purpose of understanding the scale of development, the proposed maximum allows for the creation of a high end grocery store (e.g., New Seasons, Whole Foods or Zupans). The proposed maximum differentiates developments in this area from those in the Outer Highway Commercial area. Maximum building footprints are much larger in the Outer Highway Commercial area.

D. Ensure compatibility among adjacent uses within the Transitional Commercial area as it changes over time. Requirements for massing and form will help ensure compatibility if uses in this area increase over time, while allowing for a broader range of building sizes than currently exists.

E. Maintain an attractive, visually pleasing environment that is relatively free of structures or activities that detract from it. Most buildings have areas devoted to services and equipment. These uses can be noisy, noxious and unsightly. Screening requirements reduce the impact of these structures and activities. Placement on an alley also may be an option. Furthermore, limitations on exterior storage and display will help reduce visual clutter while allowing flexibility for retail merchants and eating and drinking establishments.

F. Ensure adequate accessibility to and within sites by a variety of travel modes, along with attractively designed parking and loading areas. Parking standards for automobiles and bicycles are intended to allow for ready access to commercial uses by all modes and create attractive “green” sites that enhance human and environmental health.

16.41.020 Applicability.

A. It is the policy of the City of Canby to apply the DCO zone to all lands located within the boundaries illustrated on the Downtown Canby Framework Diagram; the boundaries of the overlay district, and boundaries of the three sub-areas, are as shown in this chapter, Figure 11. The three sub-areas are established as follows:



Figure 6
Example of high-quality screening design



Figure 7
Example of well-planned landscaping



Figure 8
These buildings in the commercial core illustrate desired design features in that area

1. Core Commercial Area. This area straddles Highway 99E and includes portions of both the C-1 and C-2 zones and forms the densest commercial area of the city, as well as the city's primary community facilities – city hall, police station, library, etc.

2. Transitional Commercial Area. This is the transitional area that lies between the more intense Downtown Core Commercial area and the established single-family neighborhoods to the north and northeast. The two Transitional Commercial nodes are tucked between 3rd and 4th and Fir and Douglas on the west side of Downtown, and 3rd and 4th and Holly and Knott on the east side.

3. Outer Highway Commercial Area. The Outer Highway Commercial area extends along Highway 99E both south of Elm Street and north of Locust Street. This area is quite different from the Core Commercial and Transitional Commercial areas, by nature of its highway access and orientation. The design focus in this area is less about creating a high-quality pedestrian experience, and more about ensuring that automobile-oriented design is built to the highest standard possible.

B. The DCO zone has the following effect with regard to other chapters of this ordinance:

1. Permits land uses which are permitted by the underlying zone districts, with some exceptions, as set forth in Sections 16.41.030 and 16.41.040.

2. Replaces selected development standards in the underlying zone districts, as set forth in Section 16.41.050.

3. Sets forth alternative design review standards and criteria tailored to implement the goals of the overlay zone, as set forth in Section 16.41.060.



Figure 9
Examples of less intensive development
in the Transitional Commercial area



Figure 10
Examples of development in the Outer
Highway Commercial area

16.41.030 Uses permitted outright.

Unless modified pursuant to the following Subsection, uses permitted outright in the underlying base zones are permitted outright in the DCO zone, subject to the respective zone district boundaries.

A. Uses permitted in the C-1 zone are permitted in the DCO zone, except in the Transitional Commercial (TC) sub-area, the following residential uses are also permitted, provided they meet all R-2 development standards in Chapter 16.20:

- 1. Single-family dwelling having common wall construction;**
- 2. Two-family dwelling;**
- 3. Multi-family dwelling;**
- 4. Accessory dwelling attached to a primary dwelling (sharing a common wall);**
- 5. Boarding, lodging or rooming house;**
- 6. Nursing home, convalescent home, home for the aged, board and care home, foster care home, etc;**
- 7. Zero-lot line development for uses otherwise allowed, provided that the minimum side yard setback shall be 7 feet when adjacent to housing with standard setbacks;**
- 8. Accessory uses.**

16.41.040 Conditional uses.

Unless modified pursuant to the following Subsection, conditional uses in the underlying base zones are conditionally permitted in the DCO zone, subject to the respective zone district boundaries.

A. Uses conditionally permitted in the C-1 zone are conditionally permitted in the DCO zone, except in the Transitional Commercial (TC) sub-area, any use listed above in 16.41.030 is permitted outright.

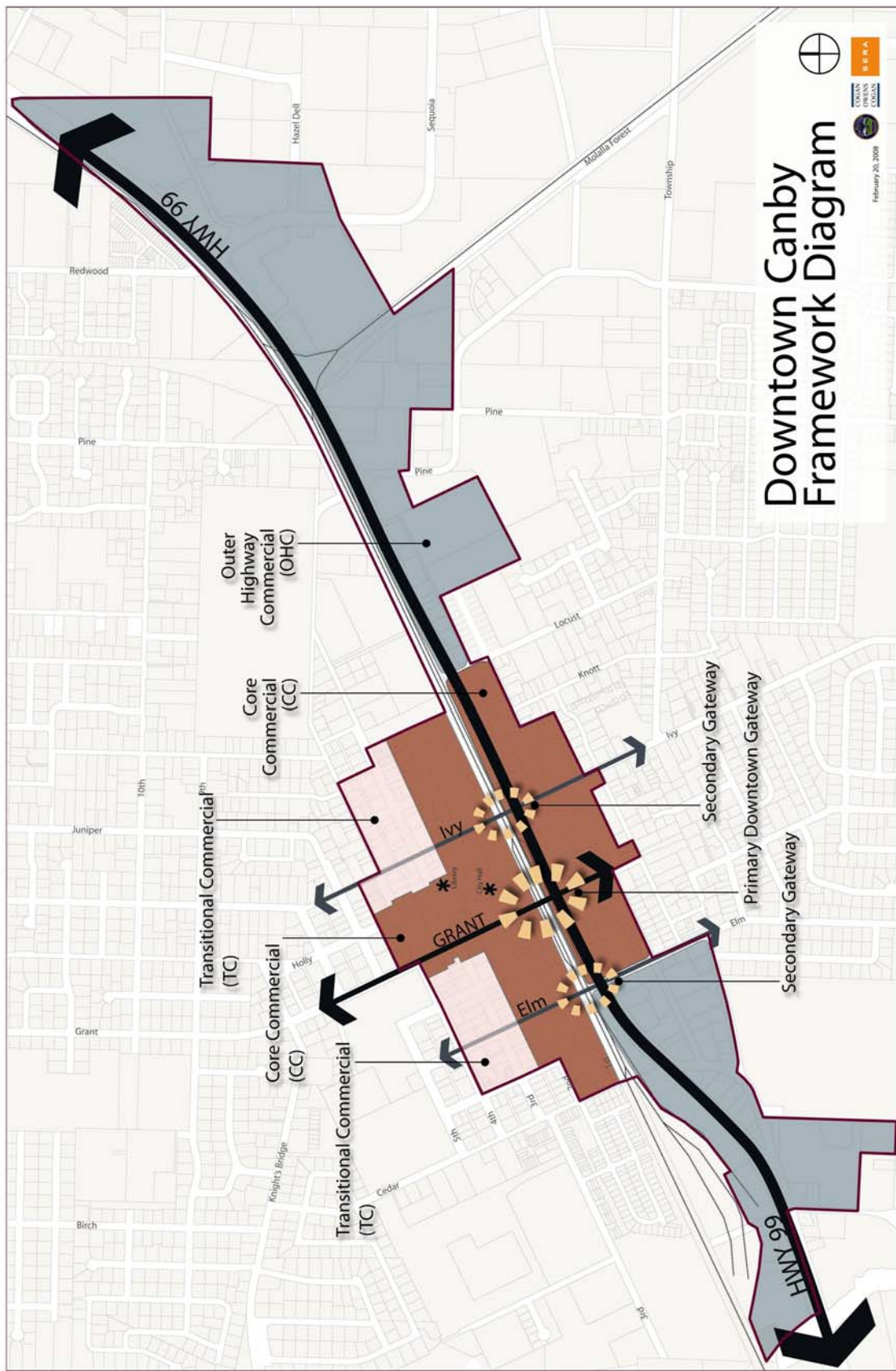


Figure 11 Downtown Canby Overlay Zone

16.41.050 Development standards.

The following subsections indicate development standards required in the DCO zone. These standards supplement, and in some cases replace, the development standards in the underlying base zones. Where the standards set forth in the following subsections conflict with standards in the underlying base zone, the DCO development standards set forth below supersede the base zone standards.

A. Setbacks, Floor Area Ratio, Building Footprint and Height Requirements.

1. Setbacks. Minimum and maximum setbacks for each DCO subarea are described in Table 1 and must meet the following requirements:

a. Mechanical units used for the heating/cooling of dwelling units are exempt from interior yard and rear yard setback requirements.

b. At least x% of the length of each lot frontage shall be developed with a building(s) built at the minimum setback from the street lot line (see Table 2 and Figure 12).

c. Where feasible, buildings should be located at one or both street-facing corners of a lot.

d. At the street intersections identified as gateways in Figure 11 (Downtown Canby Overlay Zone Map), any new building shall be located at the corner of the lot facing the intersection.

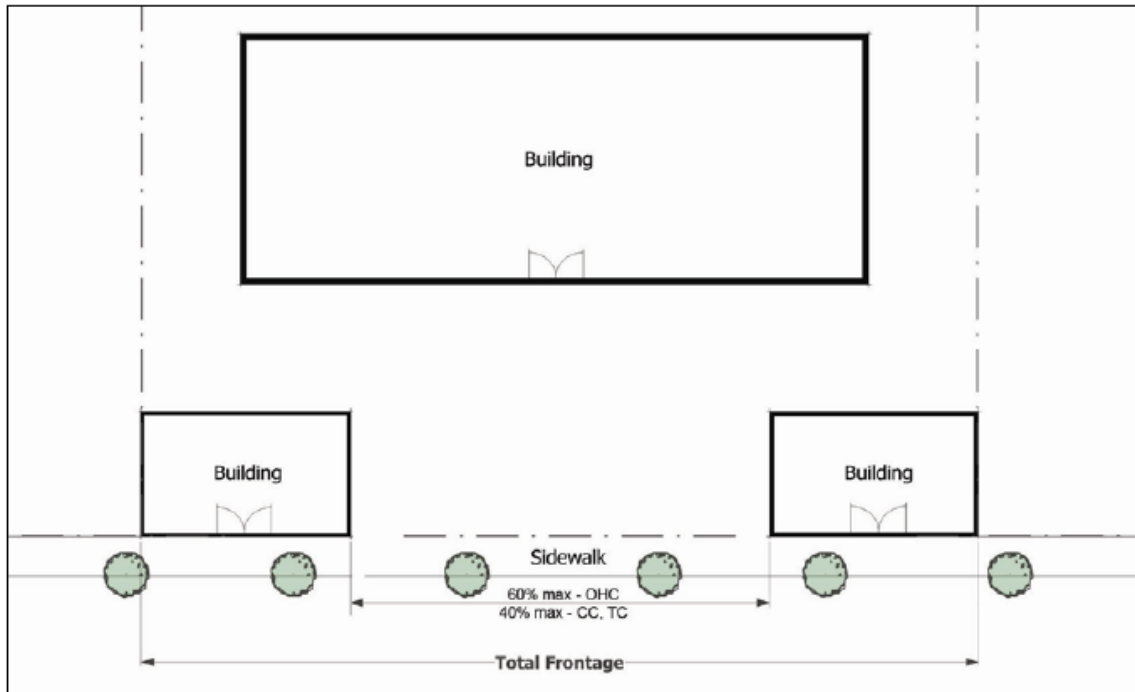
Table 1. Setback Requirements

<u>Standards</u>	<u>CC subarea</u>	<u>TC subarea</u>	<u>OHC subarea</u>
<u>Minimum setback</u>	<u>0 feet</u>	<u>0 feet</u>	<u>10 feet</u>
<u>Maximum setback from street lot lines</u>	<u>10 feet</u>	<u>15 feet</u>	<u>--</u>

Table 2. Street Lot Minimum Setback Requirements

<u>Standards</u>	<u>CC subarea</u>	<u>TC subarea</u>	<u>OHC subarea</u>
<u>Minimum percentage (x)</u>	<u>60%</u>	<u>60%</u>	<u>40%</u>

Figure 12 Illustration of Building Façade Requirements



2. Floor area ratio, building footprint, and building height. Minimum floor area ratio, maximum building footprint, and maximum building height requirements for each DCO subarea are described in Table 3 and illustrated in Figures 13, 14, and 15. Footprints are exclusive of exterior displays or merchandise (e.g., garden centers).

Table 3. Floor Area Ratio Requirements

<u>Standards</u>	<u>CC subarea</u>	<u>TC subarea</u>	<u>OHC subarea</u>
<u>Minimum floor area ratio</u>	<u>0.8, C-1 zone only</u>	<u>0.4</u>	<u>0.25</u>
<u>Maximum building footprint (square feet)</u>	<u>30,000 total</u>	<u>20,000 total</u>	<u>80,000 per use</u> <u>100,000 all uses within footprint if more than 1 use (see Figure 13)</u>
<u>Maximum building height (see Figure 14)</u>	<u>60 feet</u>	<u>45 feet</u>	<u>45 feet</u>

Figure 13 Building Footprint for Multi-Use Structure

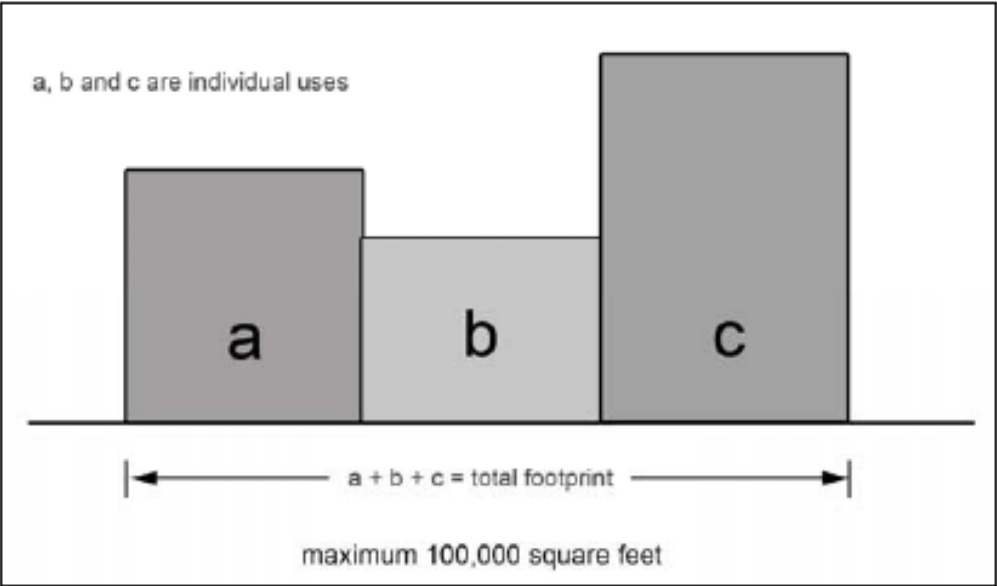


Figure 14 Building Height Limitations

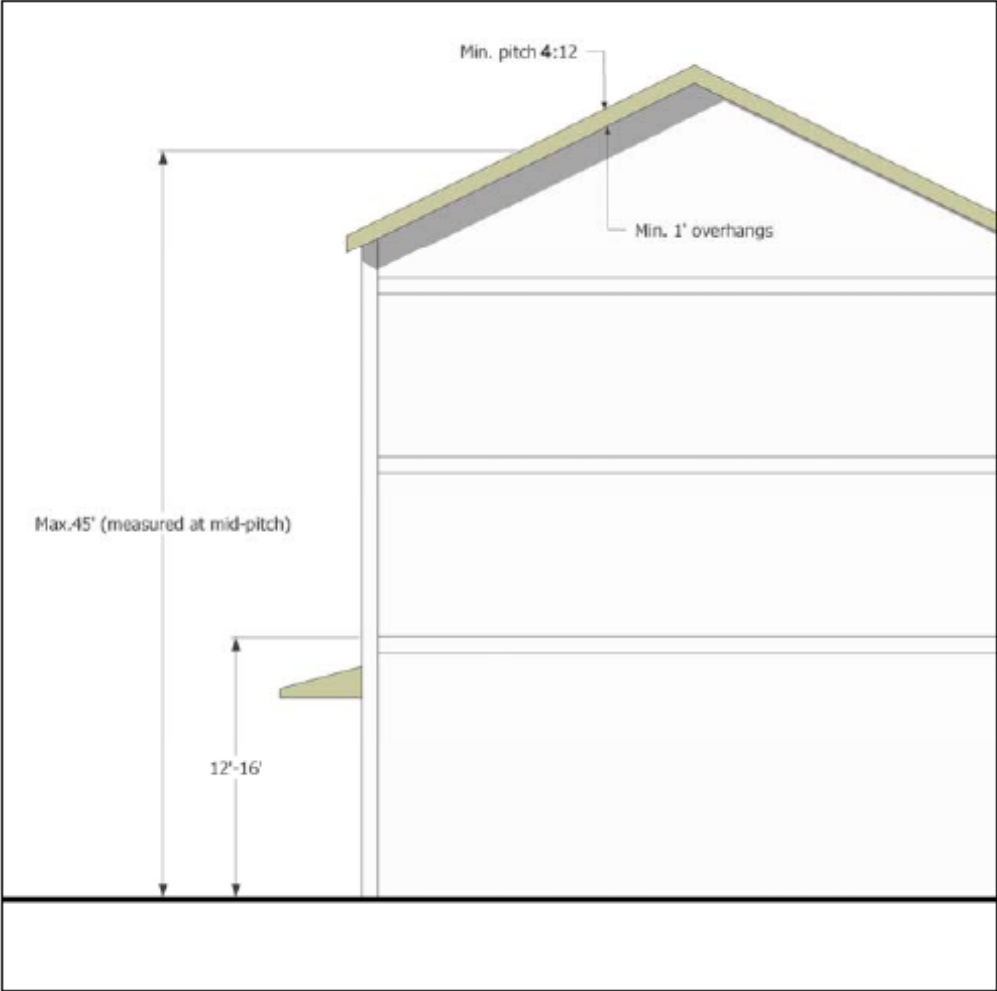
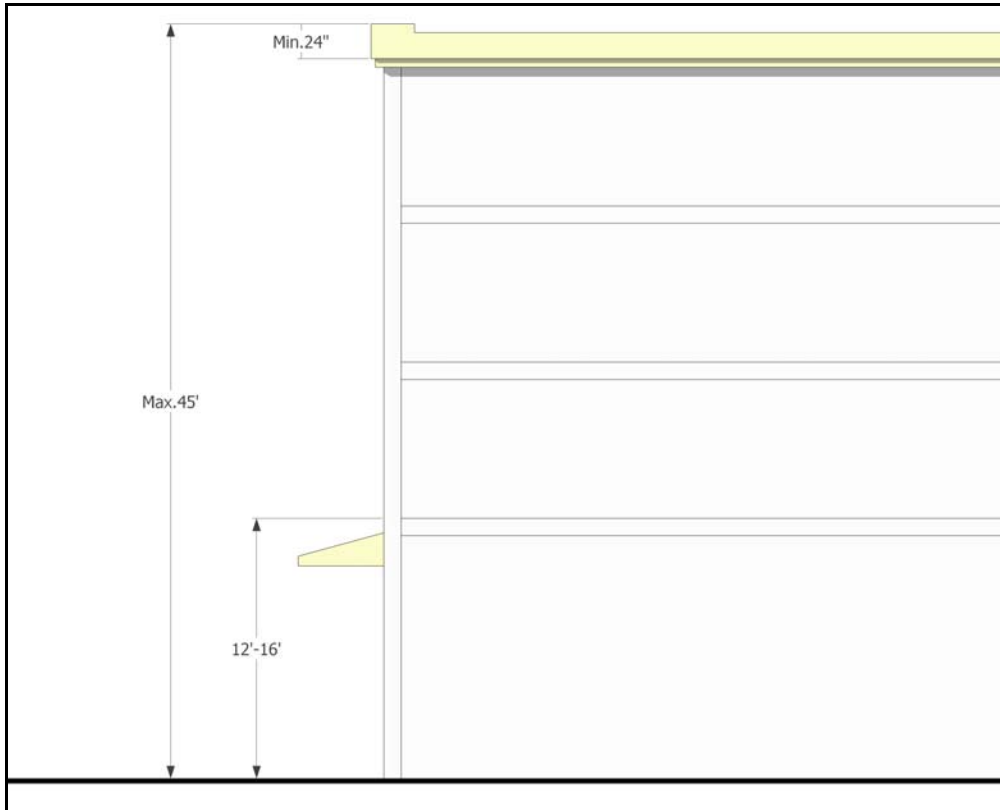


Figure 15 Building Height Limitations (continued)



3. Screening. All exterior garbage collection areas, recycling collection areas and mechanical equipment shall be screened with a site obscuring fence, landscaping on all sides, wall, other enclosure, or architectural element per the requirements below (see Figure 16 for examples of good screening design).

a. Location. Wherever possible, locate screened areas away from the street.

b. Materials. Materials used to construct screening structures shall be consistent and compatible with the exterior materials on adjacent buildings located on the same lot as the screened area or located on a contiguously-owned abutting lot, and shall be consistent with the material requirements of Section 16.41.070.E and 16.41.070.F.

c. Buffering. Screening structures shall be buffered from surrounding areas on all sides with landscaping or other buffering elements.

d. Rooftop structures. Rooftop mechanical structures shall be screened and not visible from any visible public right-of-way at the same elevation as, or lower than, the base of the building. Screening structures should be compatible with the overall building design and may include the following elements or approaches:

Figure 16
Screening examples



(1) By providing parapets as tall as the tallest part of the equipment with a minimum height of 3 feet and 6 inches;

(2) By incorporating an architectural screen around all sides of the equipment;

(3) By setting the equipment back from the building edge with a setback of at least 3 feet for every 1 foot of building height.

4. Parking. Parking areas shall meet the following standards in addition to all other applicable requirements.

a. Location. In the CC and TC subareas, parking and vehicle maneuvering areas shall not be located between a building and the street. This standard applies to primary street facing facades and secondary street facing facades, as defined in Sections 16.41.060.C.

b. Side of building parking areas. In the CC, TC, and OHC subareas, parking shall be permitted between a building and an interior lot line that is not a rear lot line, provided the following standards are met:

(1) Parking and maneuvering areas shall be set back a minimum of 15 feet from the front lot line;

(2) A minimum 5 foot wide landscaped strip shall surround and abut the perimeter of the parking and maneuvering area, except where vehicular driveways and pedestrian accessways are permitted to interrupt the landscaped strip, and except where the parking and maneuvering area is part of a larger parking area in which case a perimeter landscaping strip is not required between the side of building parking area and the remainder of the parking area;

(3) Parking and maneuvering areas, including accessways and driveways, must not exceed 40 percent of a lot frontage in the TC and CC subareas, or 60 percent of a lot frontage in the OHC subarea;

(4) On lots greater than 120,000 square feet, side parking areas shall be broken up into multiple smaller parking areas rather than concentrated in one portion of the lot. This may be done through the use of landscaping or the location of multiple buildings on a lot.

c. Off-street vehicle parking space reduction. The minimum number of off-street vehicle parking spaces required for all uses located on a lot, as set forth in Chapter 16.10, may be reduced by the total number of on-street vehicle parking spaces located within the width of the frontage of the lot on which the use or uses are located. Such reduction shall be calculated on a one-for-one basis, and shall include only parking spaces located on the same side of the street as the lot frontage. Where an on-street parking space is located adjacent the frontage of two abutting lots, only the lot adjacent the larger portion of the

parking space may count the entirety of the parking space towards its off-street parking requirement.

16.41.060 DCO site and design review guidelines.

A. Findings and objectives.

1. The City Council finds that physical appearance and design of buildings in the city's primary commercial areas has a strong impact on the community's economic well-being, quality of life and sense of character and identity. High-quality design of these buildings, with special attention to the relationship between buildings, people and the surrounding physical space will help spur investment in the city; enhance use and value of land and improvements; improve the stability and value of property; and generally improve the experience of residents and visitors who use these commercial areas.

2. Administration of design standards should be efficient and effective and provide a level of certainty for property and business owners, as well as other community members. It is important to provide a set of clear and objective standards that may be administered relatively quickly and easily for most applicants. At the same time, it is important to provide an alternative path that provides flexibility for applicants that may want to take a more innovative approach which meeting the intent of the clear and objective standards.

3. The objectives of the design standards in this section include the following:



Figure 17

A high degree of transparency (windows) helps create a sense of interaction between activities inside and outside the building

a. Create a pedestrian-oriented environment through design of ground floors. Fostering interaction between activities within buildings and activities within the public realm (the sidewalk and street) is crucial to creating a vibrant and interesting built environment. A high degree of transparency between the two realms creates visual interest for the pedestrian on the sidewalk, and promotes a more active, engaging pedestrian experience. Design of ground floor windows and building entries is important to achieving this goal. In addition, courtyards, arcades and special paving enhance the pedestrian environment by providing pleasing, semi-public transitions between the public and private realms, effectively creating a “threshold” between the sidewalk and the building (see Figure 17).

b. Establish cohesive architectural elements. Well-designed, repetitive building elements tend to create a strong sense of place and leave a lasting physical memory. Cohesive and repetitive architectural “bays” along the street-facing ground floor of a



Figure 18

Cohesive visual elements like columns and lighting improve the pedestrian experience



Figure 19

Design details such as a recessed entry, columns and decorative transom windows help articulate the ground floor and distinguish it from the upper floors



Figure 20

Upper stories on these uses allow for non-retail uses which are reflected in differing window treatments and other design

building create a pleasing sense of rhythm for the pedestrian, and help to scale and order the built environment as it is experienced from the sidewalk and street (see Figure 18).

c. Ensure that buildings have a unified design. Providing clear distinctions between different portions of a building is important for the building's appearance, consistency of design within a larger area and the ability of people to read or understand how the building functions. Building facades should have a clear and distinct base, middle, and top (Figure 19), utilizing horizontal bands and changes in color and / or material / or building massing and form to differentiate these breaks. The base of the building typically extends from the sidewalk to the bottom of the second story or the belt course / string course that separates the ground floor from the middle of the building (see Figure 19).

Given Canby's desire to create a thriving pedestrian and business district, it is important that uses above the ground floor encourage housing and allow for commercial uses. Upper floor windows should reflect this change in use (see Figure 20). The middle of the building often contains smaller, vertically-oriented windows to reflect changes in use on upper floors. Finally, the top of the building contains a "capping" element which visually terminates the façade and creates visual interest at the top of the building.

d. Reinforce the appearance and function of corners within core commercial area. Incorporating strong architectural elements where streets intersect not only results in a more visually interesting built environment, but enhances the way pedestrians "read" and understand city blocks by creating recognizable and memorable design elements at the corner of each block. For this reason, buildings on corner lots should be designed to not only address, but celebrate the corner (see Figure 21).

e. Use materials that reflect the character and values of Canby. Materials evoke emotions among visitors and residents and help define the character of the community. On the positive side, they can evoke a sense of timelessness, permanence,



Figure 21

The chamfered entry on this building reinforces the corner



Figure 22

Use of materials such as stone and stucco add to a feeling of permanence



Figure 23

These buildings in the commercial core illustrate desired design features in that area

quality, strength and creativity. On the negative side, they may connote feelings of transience, incongruity or inconsistency, weakness or tedium. Standards for materials are important to reflect and enhance the community's values and quality of life (see Figure 22).

B. Applicability.

1. General applicability.

a. Subsection 16.41.060.C and section 16.41.070 define how and where different types of standards apply.

b. Design standards apply only to the following: (1) new developments; (2) remodels which represent 60 percent tax assessed or more of the value of the existing building; (3) façade improvements that would alter the exterior structure of the building.

c. Design standards do not apply to the following:

- (1) Interior remodels not combined with exterior changes and valued at less than 60 percent of the total improvement value of the property;
- (2) Repair and maintenance of buildings, accessory structures, parking lots and pedestrian areas that present an immediate or potential risk of public safety;
- (3) Normal or routine maintenance and repair of existing structures;
- (4) Any type of construction that does not require a building permit;
- (5) Temporary structures and emergency structures permitted pursuant to applicable code standards.

2. Sub-Areas. Site and design review standards are applied differently within the three sub-areas described below (see Figure 11).

a. Core Commercial Sub-Area (CC). The "downtown" portion of this area extends primarily along 1st and 2nd Avenues between Cedar and Knott Streets, and extends northward, away from Highway 99E along Grant and Holly, past Wait Park to 4th Avenue. This area is the "heart" of Canby. Here one will find the City's more historic, traditional



Figure 24

The Canby Herald Building in the commercial core incorporates many good design elements including a recessed entry, sign frieze, engaged columns and decorative lighting



Figure 25

Example of "cottage commercial" design in the Transitional Commercial sub-area



Figure 26

Example of commercial development in the Transitional Commercial sub-area

commercial structures. The built environment is characterized by one to two story buildings with commercial storefronts, built up to the sidewalk, and containing a more or less solid "building wall." The result is a more active and vibrant street life than may be found elsewhere in the City. Future development in this area should continue this trend, designing commercial and mixed-use buildings that adequately address the sidewalk and create an engaging experience for pedestrians (see Figures 23 and 24).

The inner highway portion of the Core Commercial area spans the length of Highway 99E between Elm and Locust. In many ways, it serves as an extension of the Downtown Core, just across the highway. Because this area serves as a "gateway" from Highway 99E into the traditional downtown and serves many of the same purposes and types of uses, buildings here should be appropriately scaled, inviting to pedestrians, and demonstrate high-quality architectural design. As a result, architectural standards for this area and the downtown are identical, although some development standards differ as described in section 16.41.050.

b. Transitional Commercial Sub-Area (TC). This area is characterized by a mix of single-family homes and smaller-scaled commercial developments, which often take the form of conversions of existing single-family homes. Larger front setbacks and landscaping (including front yards) characterize the area. The future of this area will likely include commercial storefronts that address the sidewalk, albeit less intense than those in the Core, and residential developments. The overall result will be a truly mixed-use neighborhood, less intense than the Commercial Core, and with more greenscape and residential uses. Over time, commercial uses in portions of the Transitional Commercial district may transition to more intensive uses similar to the core downtown area and over time the relative boundaries between the two zones may shift somewhat. Requirements within the Transitional Commercial zone allow for this flexibility, while ensuring appropriate transitions between this area and the Core Commercial sub-area, as well as between buildings within the



Figure 27
Examples of development in the Outer Highway Commercial sub-area

Transitional Commercial sub-area (see Figures 25 and 26).

c. Outer Highway Commercial Sub-Area (OHC).

The design focus in this area is less about creating a high-quality pedestrian experience, and more about ensuring that automobile-oriented design is built to the highest standard possible. While this goal will be largely accomplished through the development standards (i.e., locating parking lots next to and behind building and the street, requiring high quality landscaping, particularly in front setbacks and around parking areas, and requiring that buildings orient to walkways), architectural design standards will also aid in this effort. The result will be automobile-oriented highway uses that demonstrate high-quality design and that evoke a sense of permanence (see Figure 27).

C. Definitions.

1. **Arcade** – An exterior covered passageway along a building façade that is open to the street frontage (see Figure 28).



Figure 28
Arcade example

2. **Awning** – An overhead cover extending above the sidewalk (usually above windows and doors) as a shelter and/or sunshade.

3. **Band** – Any horizontal flat member or molding or group of moldings projecting slightly from a wall plane and usually marking a division in the wall.

4. **Bay** – (a) Within a structure, a regularly repeated spatial element defined by beams or ribs and their supports (see Figure 29). (b) A protruded structure with a bay window.

5. **Belt Course** – A horizontal band or molding set in the face of a building as a design element (also called a string course).

6. **Bulkhead** – The section of a building between the sidewalk and first story window sill.



Figure 29
Repeating bays with a continuous awning



Figure 30
Chamfered corner entry



Figure 31
Cornice details near the top of building

7. Canopy – A covered area which extends from the wall of a building, protecting an entrance or loading dock.

8. Cap – Usually the topmost member of any vertical architectural element, often projecting with a drip as protection from the weather. The upper member of a column, pilaster, cornice, molding, or the like.

9. Chamfer – To cut off the edge or corner of (see Figure 30).

10. Clerestory – The upper level of a room that extends beyond the single-story height; often penetrated by windows.

11. Column – In structures, a relatively long, slender structural compression member such as a post, pillar, or strut; usually vertical, supporting a load which acts in (or near) the direction of its longitudinal axis.

12. Cornice – Decorative projection or crown along the top of a wall or roof (see Figure 31).

13. Eaves – The lower edge of a sloping roof; that part of a roof of a building which projects beyond the wall.

14. Entry – The space comprising a door and any flanking or transom windows associated with a building.

15. Frieze – A decorative horizontal band, as along the upper part of a wall in a room; often used for signage in modern buildings, but derived from classical architectural principles.

16. Marquee – A permanent roof-like shelter over an entrance to a building.

17. Medallion – A decorative element set into the upper portion of a building façade periodically, typically aligning with columns or pilaster.

18. Mullion – A vertical post or upright element dividing a window or other opening into two or more sections.



Figure 32
Top of building features a parapet



Figure 33
Building entry features a transom window above the door

19. Parapet – A low, solid, protective screening or decorative wall as an extension of exterior building walls beyond the roof or deck level (see Figure 32).

20. Primary Street Facing Façade – The façade of the building facing the primary (east-west) adjacent street. These streets include Highway 99E, and North and South 1st, 2nd, 3rd, and 4th Avenues.

21. Secondary Street Facing Façade – The façade of the building facing the secondary (north-south) adjacent street. These streets include Birch, Cedar, Douglas, Elm, Fir, Grant, Holly, Ivy, Juniper, Knott, and Locust Streets.

22. String Course – A horizontal band or molding set in the face of a building as a design element (also called a belt course).

23. Transom – A horizontal glass plane, typically encased in a wood or metal frame that separates the storefront from the upper façade (see Figure 33).

24. Turret – A very small and slender tower attached to a larger building.

25. Visible Transmittance – A measure of the amount of visible light transmitted through a material (typically glass). Information about visible transmittance typically is or can be provided by window manufacturers.

16.41.070 DCO site and design review standards.

The following design standards provide a framework for how a building should look, function, and feel. The standards are organized by topic and consist of the following elements:

- Intent Statement - the big idea or the goal to be accomplished (ex. “protect pedestrians from sun, wind, and rain”). In addition to providing context for specific standards, these statements are used to evaluate applications as part of an alternative review process administered by the City’s Design Review Board (see Section 16.49.035).
- Standards which provide clear, objective guidance related to specific design elements, in many cases providing options for how to meet a specific goal, and varying by sub-area.
- Illustrative graphics, including photos and diagrams, with an emphasis on examples of good design found in Canby and other communities.

A. Pedestrian oriented ground floor design standards.

1. Intent. Design standards in this section are intended to help create an active, inviting street and sidewalk-facing storefronts and entryways that are friendly and easily accessible to passersby. They also will help ensure that the ground floor promotes a sense of interaction between activities in the building and activities in the public realm.

2. Design standards and applicability.

<u>Standards</u>	<u>Applicability</u>
<u>1. Ground floor windows</u>	
<u>a. Visible transmittance. All commercial ground floor windows must have a Visible Transmittance (VT) of 0.6 or higher, with the exception of medical and dental offices which may have tinted windows.</u>	<u>CC, TC, OHC</u>
<u>b. Primary Street facing façade – primary façade coverage. Transparent windows shall be used along a minimum of x% of the length of the ground-level primary street-facing façade, and along x% ground-level primary street-facing wall area (See Figure 34). Ground level walls include all exterior wall areas up to 10 feet above the finished grade. Primary and secondary street facing facades are defined in section 16.41.060.</u>	<u>CC: x=60%</u> <u>TC: x=50%</u> <u>OHC: x=50% for buildings with less than 6,000 square feet of floor area and 25% for buildings with more than 6,000 square feet of floor area or located more than 75 feet from a lot line.</u>
<u>c. Secondary Street facing façade – secondary façade coverage. Transparent windows shall be used along a minimum of x% of the length of the ground-level secondary street-facing façade, and along x% of the overall secondary street-facing wall area (See Figure 35). Ground level walls include all exterior wall areas up to 10 feet above the finished grade.</u>	<u>CC: x=50%</u> <u>TC: x=45%</u> <u>OHC: x=40% for buildings with less than 6,000 square feet of floor area; 25% for buildings with more than 6,000 square feet of floor area or located more than 75 feet from a lot line.</u>
<u>d. Alley facing façade coverage. Facades facing alleys shall provide windows along x% of the length of the alley-facing façade and along y% of the overall wall area of the alley-facing façade. Wall area shall be measured to a height of 10'-0" above the finished grade.</u>	<u>CC, TC: x=50%; y=25%</u> <u>OHC: x=30%; y=20%</u>

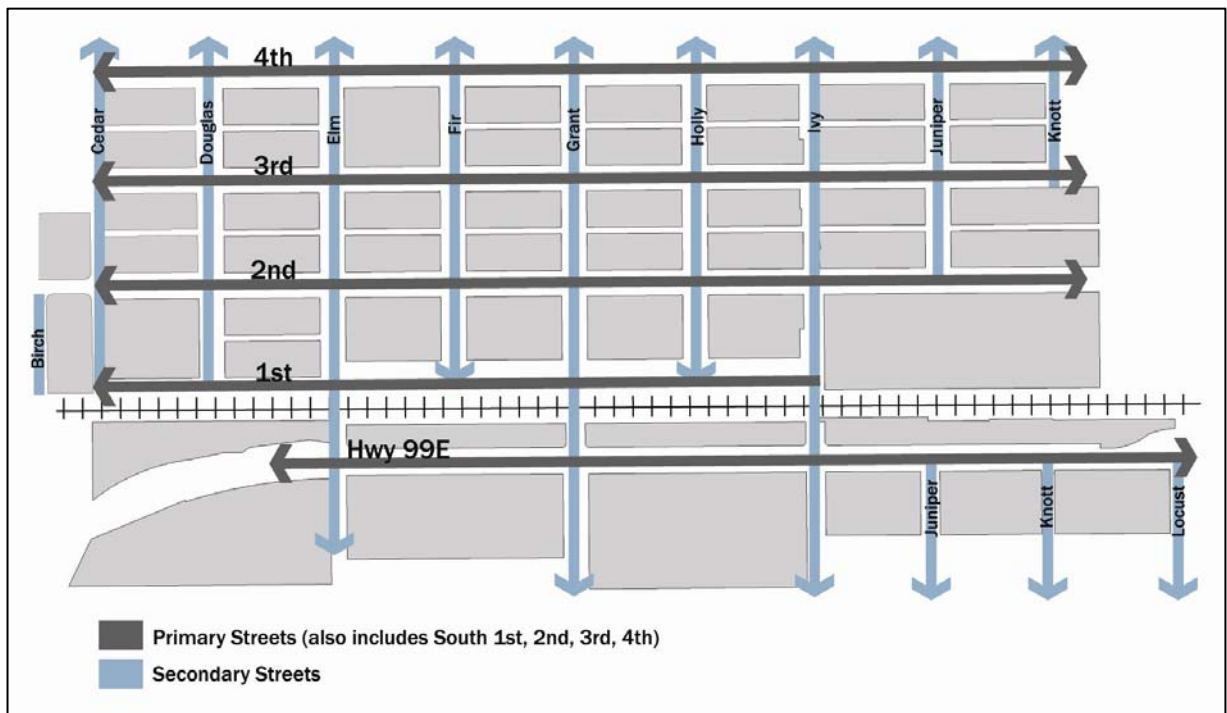


Figure 34 Primary and secondary street facade definition



Figure 35 Illustration of percent transparency requirement

Standards	Applicability
<u>2. Building entries and doors</u>	
<u>a. Orientation. All buildings shall have a prominent entry oriented to and directly connected to the sidewalk. When buildings are set back from the sidewalk, a direct, perpendicular connection between the building and the sidewalk is required. Additional entries may be provided and serve as principal entries (e.g., oriented to parking areas to the side or rear of buildings). (See Figure 36)</u>	<u>CC, TC</u>
<u>b. Transparency. The street-facing building entry door on all buildings should be comprised of at least 40% transparent glass. The entry door includes any flanking or transom windows. (See Figure 37)</u>	<u>CC, TC, OHC</u>
<u>c. Flanking or transom windows. Commercial and mixed-use building doors shall include flanking glass windows on either side of the principal door and/or clerestory/transom windows. (See Figure 38).</u>	<u>CC, TC, OHC</u>
<u>d. Design features. Commercial and mixed-use building entries must comply with at least x of the following:</u> <ul style="list-style-type: none"> <u>(1) Recessed entries. If recessed, principal entries shall be recessed a minimum of 3 feet into the building façade (see Figure 39).</u> <u>(2) Awnings or canopies. These may be used to provide weather protection and a visual element and meet standards (see Figure 40).</u> <u>(3) Architectural features. Principal entries may be reinforced with prominent architectural features such as towers, turrets, increased heights, articulated parapets, large storefront windows and doors, or entry awnings (see Figure 41).</u> <u>(4) Decorative features. Entries may be reinforced through the use of decorative exterior light fixtures (i.e., wall sconces) or decorative features (see Figure 42).</u> <u>(5) Engaged columns or piers may be used to reinforce and highlight entries (see Figure 43).</u> 	<u>CC: x=3;</u> <u>TC: x=2;</u> <u>OHC: x=2</u>

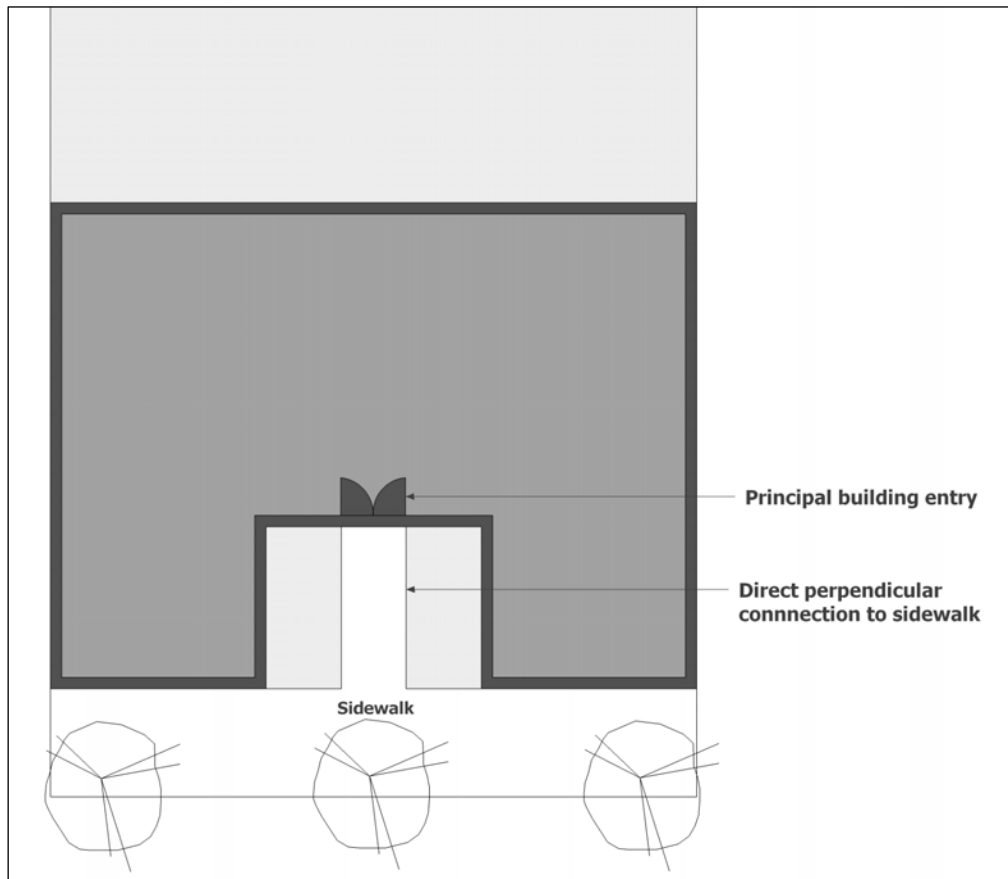


Figure 36 Example of principal entry with direct sidewalk connection



Figure 37 Example of entry that meets transparency standards



Figure 38 Example of entry with transom and flanking glass

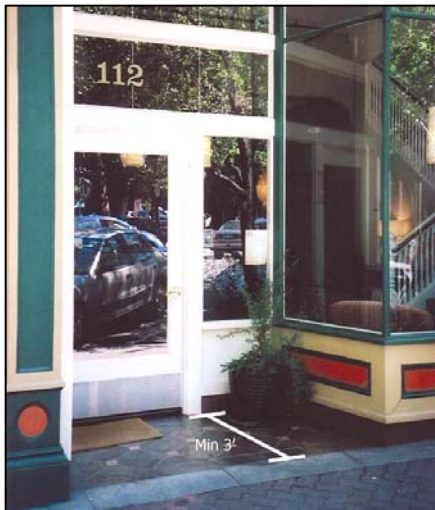


Figure 39 Recessed entry

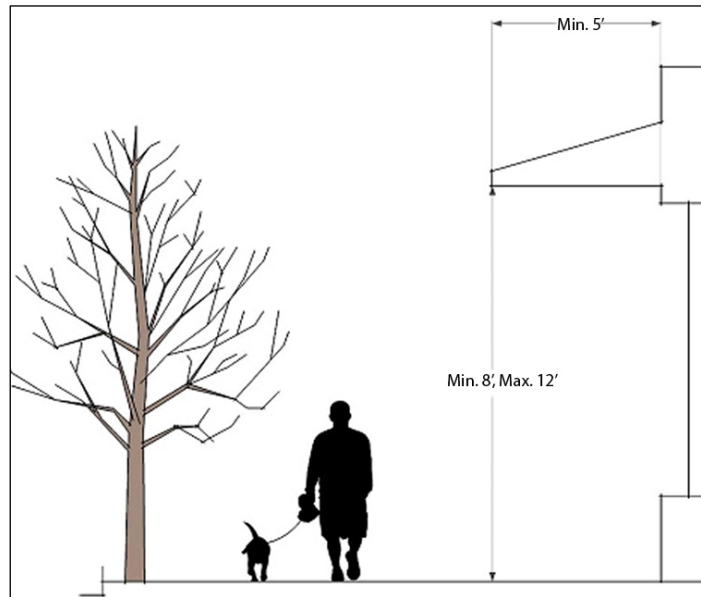


Figure 40 Awning or canopy



Figure 41 Entry with awning and increased mass/decorative features



Figure 42 Recessed entry with lighting and accent material



Figure 43 Entry flanked by engaged columns and lighting

Standards	Applicability
<p><u>3. Transition areas. One of the following design elements (a or b) is required for buildings that span more than 75% of a city block or 350 feet. The City encourages smaller property owners to work together to collaboratively provide similar features in other areas.</u></p>	<p><u>CC only;</u> <u>Encouraged but not required in the TC or OHC</u></p>
<p><u>a. Arcades as defined in section 16.41.060 and that meet all of the following standards:</u></p> <p><u>(1) Front entries must be set back a minimum of 6' (clear) behind an arcade that is located at the front property line or the adjusted property line.</u></p> <p><u>(2) Spacing between columns and/or posts along building be a minimum of 10' (clear) and a maximum of 25' (clear). (See Figure 44)</u></p>	
<p><u>b. Courtyards or plazas that meet all of the following standards (see Figure 45):</u></p> <p><u>(1) Courtyards or plazas shall be located along the sidewalk-facing façade of the building within the front setback. Internal courtyards may be provided but will not satisfy these requirements.</u></p> <p><u>(2) Courtyard-facing facades shall include windows along a minimum of 50% of the length of the ground level courtyard-facing façade, and along 25% of the overall courtyard-facing wall area.</u></p> <p><u>(3) Courtyards/ plazas shall incorporate special paving (see Figure 46) and/or landscaping.</u></p> <p><u>(4) Courtyards/plazas shall provide seating, including but not limited to benches, tables, planter boxes, and other design elements.</u></p>	

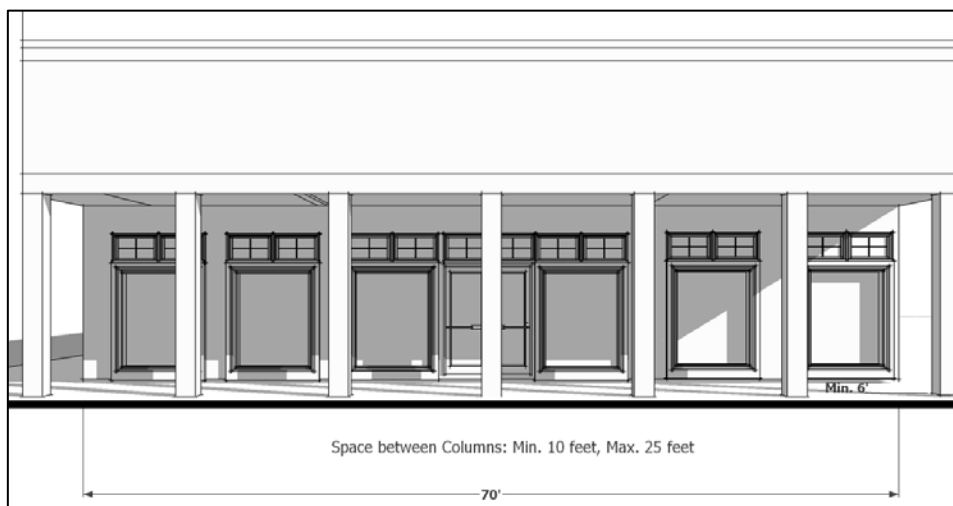


Figure 44 Arcades create a semi-public transition from the sidewalk to the building



Figure 45 Courtyards or plazas



Figure 46 Entry with special paving

Standards	Applicability
<p><u>4. Additional standards for residential-only buildings.</u></p> <p><u>a. Weather protected entries. Residential only buildings with ground floor units must provide covered, weather-protected front entries for individual units on the ground floor. Weather-protected entries may take the form of awnings, canopies, or building overhangs such as eaves extending over front doors, covered front porches, or inset front doors (see Figure 47). Awnings or canopies must be a minimum of 5 feet deep.</u></p>	<p><u>TC</u></p>

<u>b. Entries or porches. Ground floor units in residential buildings shall include individual entry or porches for each unit which are oriented to the sidewalk.</u>	
<u>c. Connection to sidewalk. Ground floor residential units must include a direct, perpendicular pedestrian connection to the sidewalk.</u>	
<u>d. Lobby entrances. All lobbies leading to residential units must orient the principal lobby entrance to the sidewalk, and maintain a direct perpendicular connection to the sidewalk.</u>	
<u>e. Window coverage. Transparent windows shall be used along a minimum of 50% of the length of the ground-level primary and secondary street-facing façades, and along 50% of the overall street-facing wall area. Ground level walls include all exterior wall areas up to 10 feet above the finished grade.</u>	

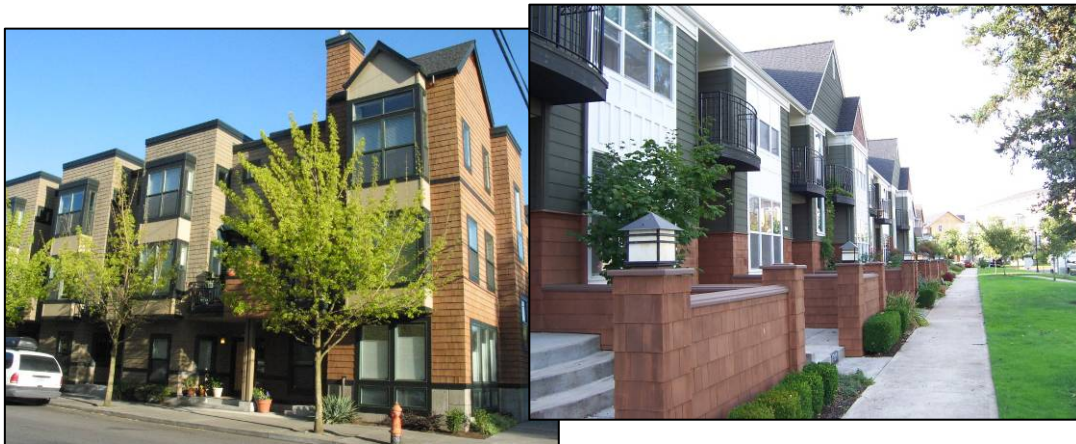


Figure 47 Residential development that conforms to design standards

B. Cohesive architectural elements standards.

1. Intent. Build upon downtown Canby's traditional architectural vernacular by incorporating cohesive and repetitive architectural elements into the ground floor of street facing facades.

2. Design standards and applicability.

<u>Standards</u>	<u>Applicability</u>
<u>1. Architectural bays</u>	
<u>a. Bay divisions. Ground floors of commercial and mixed-use buildings shall be divided into distinct street-facing architectural bays that are no more than x feet on center. (See Figure 48). For the purpose of this standard, an architectural bay is defined as the zone between the centerlines of two columns. Applicants are</u>	<u>CC, TC: x=30;</u> <u>OHC: x=50</u>

<u>encouraged (but not required) to divide the ground floor into an odd (rather than even) number of architectural bays.</u>	
<u>b. Height of bays. For large single-story buildings (greater than 6,000 square feet), taller than 16 feet, design and decorative elements required in sections 3, 4 and 5 will extend to the top of the ground floor (i.e., just below the roof, cornice or parapet).</u>	<u>OHC</u>
<u>c. Design elements. Each architectural bay within a commercial or mixed-use building shall incorporate at least x of the following elements (see Figure 49):</u> <u>(1) Engaged columns or piers.</u> <u>(2) Transom windows over doorways.</u> <u>(3) Storefront cornice or beltcourse</u> <u>(4) Canopies, awnings, or overhangs provided along a minimum of 50 percent of the overall street-facing building length.</u> <u>(5) Storefront frieze or sign band.</u> <u>(6) Bulkheads.</u>	<u>CC: x=3;</u> <u>TC: x=2;</u> <u>OHC: x=2</u>
<u>d. Decorative accents. Each architectural bay within a commercial or mixed-use building shall incorporate at least x of the following elements (See Figure 50):</u> <u>(1) Projecting window sills (12 to 24 feet above grade).</u> <u>(2) Horizontal and vertical window mullions.</u> <u>(3) Building lighting (minimum of 2 lights), including wall sconces, pendants, gooseneck fixtures, or lighting recessed into awnings. Wall-mounted fluorescent lights and internally lit awnings are not permitted.</u> <u>(4) Medallions (minimum of 2).</u> <u>(5) Projecting or blade signs (8 to 12 foot clearance from bottom of sidewalk).</u>	<u>CC: x=3;</u> <u>TC: x=2;</u> <u>OHC: x=2</u>



Figure 48 Illustration of replicating bays



Figure 49 Design elements for bays



Figure 50 Decorative accents in bays

C. Integrated building façade standards.

1. Intent. Build upon Canby's traditional downtown architecture by creating an attractive and unified building façade that celebrates ground floor activities, the top of the building (where the edifice meets the sky), and everything in between.

2. Design standards and applicability.

<u>Standards</u>	<u>Applicability</u>
<u>1. Distinct base, middle, and top of building</u> <u>a. All buildings (regardless of height or number of stories) shall have a clear and distinct base, middle and top to break up vertical mass. (See Figure 51). Buildings must utilize horizontal bands and/or changes in color, material, form and/or pattern to differentiate the base, middle, and top of the building subject to the following requirements. These elements are required on all street facing facades and the side of the building on which the primary entrance is located if it does not face a street.</u>	<u>CC, TC, OHC</u>

<p><u>(1) Horizontal bands or other changes in pattern or material shall be a minimum of 8 inches high (the length of a standard brick), and must project a minimum of 3/4 to one inch from the building face.</u></p> <p><u>(2) Changes in building massing and form may also be used to differentiate a building's base, middle, and top. This may include architectural setbacks or projections, measuring a minimum of 3 inches (see Figure 52).</u></p>	
<u>2. Ground floor design elements</u>	
<p><u>a. The ground floor of the building shall range from 12 feet to 16 feet in height and shall be broken up into three distinct areas – a base/bulkhead, middle, and top (See Figure 53). This requirement applies to all street facing facades and the side of the building on which the primary entrance is located if it does not face a street.</u></p>	<p><u>CC, TC;</u> <u>(commercial and mixed use buildings only)</u></p>
<p><u>b. Ground floor “bulkhead/base”. The “base” of the ground floor facade extends from the top of the finished grade or sidewalk to the bottom of the window sill. It shall contain at least x of the following elements (See Figure 54): This requirement applies to all street facing facades and the side of the building on which the primary entrance is located if it does not face a street.</u></p> <p><u>(1) Projected window sills, 12 to 24 inches above.</u></p> <p><u>(2) Bulkhead (the area directly below the projected window sill) should typically be constructed of concrete, brick, or stone. This element serves to anchor the facade to the ground, and with the exception of the entry door, this element usually extends the length of the elevation.</u></p>	<p><u>CC: x=2;</u> <u>TC: X=1;</u> <u>(commercial and mixed use buildings only)</u></p>
<p><u>c. Ground floor “middle”. The middle of the ground floor is typically comprised of storefront windows and shall contain at least x of the following elements (see Figure 55): This requirement applies to all street facing facades and the side of the building on which the primary entrance is located if it does not face a street.</u></p> <p><u>(1) Integrated horizontal and vertical window mullions.</u></p> <p><u>(2) Window plant box (minimum of one pair).</u></p> <p><u>(3) Decorative building light fixtures, sconces, or medallion (minimum of one pair).</u></p>	<p><u>CC: x=2;</u> <u>TC: x=1;</u> <u>(commercial and mixed use buildings only)</u></p>
<p><u>d. Ground floor “top”. For a multi-story building, the “top” of the ground floor facade is the area between the storefront and the upper stories of the building and shall contain at least x of the following elements (See</u></p>	<p><u>CC: x=3;</u> <u>TC: x=2;</u> <u>(commercial and mixed use buildings only)</u></p>

<p><u>Figure 56): This requirement applies to all street facing facades and the side of the building on which the primary entrance is located if it does not face a street.</u></p> <p><u>(1) A marquee or projecting or blade sign that extends in a minimum of 5 feet perpendicular manner from the building façade (the bottom of the marquee or sign shall be 8 to 12 feet above grade).</u></p> <p><u>(2) Sign frieze.</u></p> <p><u>(3) Storefront awning or canopy. The bottom of the awning or canopy shall be 8 to 12 feet above grade.</u></p> <p><u>(4) Storefront cornice or belt course.</u></p> <p><u>(5) Transom window(s).</u></p>	
<p><u>3. Middle of building design elements</u></p>	
<p><u>a. The middle of the building should be differentiated from the bottom and top by at least x of the following design elements (see Figure 57):</u></p> <p><u>(1) Residential windows, which are smaller than ground floor windows, and oriented vertically at a ratio of approximately 2:1. Individual vertical windows may be organized into larger window assemblies.</u></p> <p><u>(2) Balcony.</u></p> <p><u>(3) Step back.</u></p> <p><u>(4) Signage band.</u></p>	<p><u>CC: x=2;</u> <u>TC: x=1;</u> <u>(buildings of 2 or more stories only)</u></p>
<p><u>4. Top of building design elements.</u></p>	
<p><u>a. Roof forms may be flat or sloped. Requirements for chosen roof forms are as follows:</u></p>	<p><u>CC, TC, OHC</u></p>
<p><u>b. Flat roofs. All flat roofs shall employ a detailed, projecting cornice or projecting parapet to visually “cap” the building and meet all of the following requirements:</u></p> <p><u>(1) Cornices shall project horizontally a maximum of 3 feet (see Figure 58).</u></p> <p><u>(2) Parapets must be a minimum of 24 inches in height. Parapets must include a cornice, molding, trim, or variations in brick coursing (see Figure 59).</u></p> <p><u>(3) Cornices and parapets shall wrap around all sides of the building visible from any adjacent street or parking area.</u></p>	<p><u>CC; TC; OHC</u></p>
<p><u>c. Sloped roofs must meet all of the following requirements:</u></p> <p><u>(1) All sloped roofs shall provide a minimum 1-foot overhang.</u></p> <p><u>(2) All sloped roofs must have a minimum slope of 4:12 (see Figures 14 and 60).</u></p>	<p><u>CC; TC; OHC</u></p>
<p><u>d. Roof top gardens are encouraged on flat roofs, as they help to manage stormwater run-off that would</u></p>	<p><u>CC; TC; OHC</u></p>

otherwise go into storm sewers, and eventually rivers and streams. Roof gardens with plant materials that are visible from the sidewalk and the street are particularly encouraged. (See Figure 61).



Figure 51 Example of distinct bottom, middle & top of building



Figure 52 Example of change in height of roofline or top of building



Figure 53 Elements of the bottom of the building



Figure 54 Building base elements

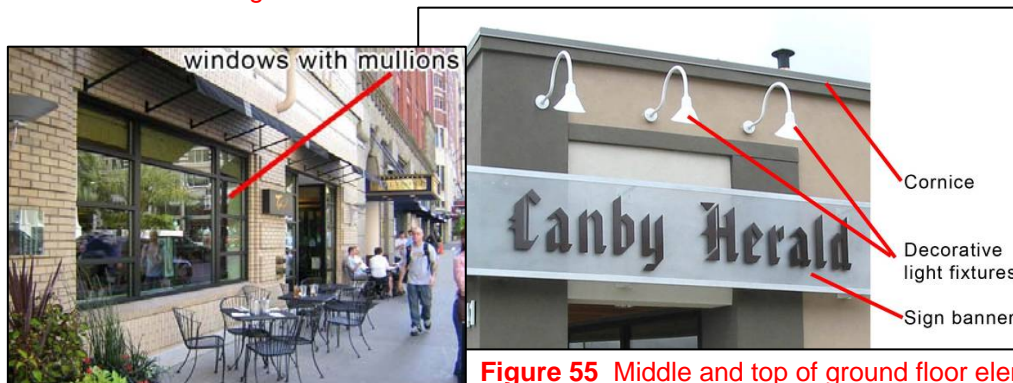


Figure 55 Middle and top of ground floor elements

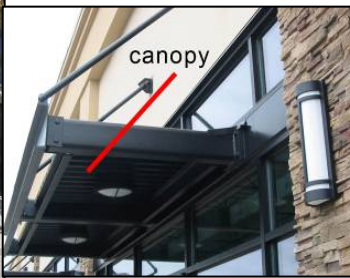
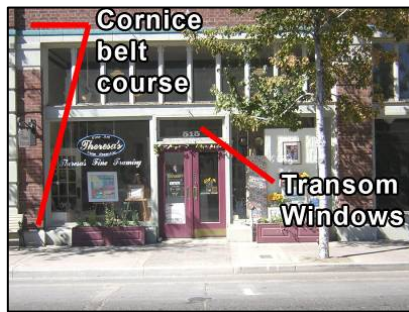


Figure 56 Top of building elements and treatments



Figure 57 Middle of building elements

Figure 58 Cornice used on flat roof



Figure 59 Parapet used on flat roof



Figure 60 Varying sloped rooflines are used on this building



Figure 61 Examples of rooftop gardens

D. Corner intersection standards.

1. Intent. Create a strong architectural statement at street corners to create a strong identity. Establish visual landmarks and enhance visual variety.

2. Design standards and applicability.

<u>Standards</u>	<u>Applicability</u>
<u>1. Corners</u> <u>a. Commercial and mixed-use buildings located on corner lots must address the corner by employing one of the following:</u> <u>(1) Chamfer the corner of the building (i.e., cut the building at a 45 degree angle for a minimum of 10 feet) (see Figure 62).</u> <u>(2) Incorporate an arcade at the corner as a way of creating a semi-public zone (see Figure 62).</u> <u>(3) Using special paving, plantings, or lighting, create a formal gathering space at the corner by notching the building so it operates as an extension of the sidewalk (see Figure 63).</u> <u>(4) Employ prominent architectural elements within 25 feet of the corner to highlight the corner of the building, such as increased building height or massing, turrets, cupolas, a pitched roof, or other prominent features (see Figure 63).</u>	<u>CC</u>

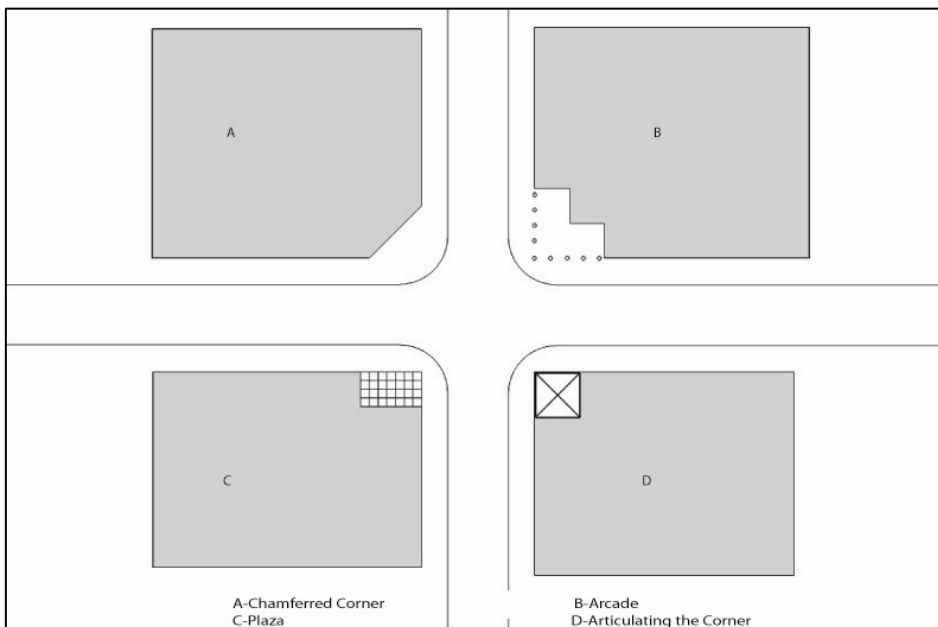


Figure 62 Corner options



Figure 63 Corner of building elements

E. Materials standards.

1. Intent. Use building materials that evoke a sense of permanence and are compatible with Canby's business areas and the surrounding built environment.

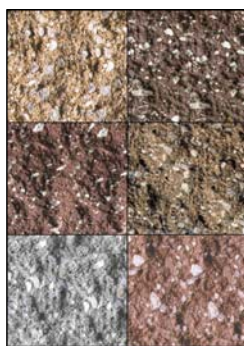
2. Design standards and applicability. Materials allowed in the CC, TC and OHC sub-areas are summarized in the following table in terms of primary, secondary and accent materials. Other materials may be permitted through the design review process described in Chapter 16.49.

<u>Standards</u>	<u>CC</u>	<u>TC</u>	<u>OHC</u>
<u>Primary materials – 70% or more of building façade, excluding windows and transparent doors.</u>	<u>Brick</u> <u>Stone</u> <u>Stucco/EIFS</u>	<u>Brick</u> <u>Stone</u> <u>Stucco/EIFS</u> <u>Wood siding</u> <u>Hardy Plank</u>	<u>Brick</u> <u>Stone</u> <u>Stucco/EIFS</u> <u>Wood siding</u> <u>Hardy Plank</u> <u>Split-face CMU</u> <u>Tilt-up concrete</u> <u>Spandrel glass curtain walls</u>
<u>Secondary materials – up to 25% of building façade, excluding windows and transparent doors.</u>	<u>Brick</u> <u>Stone</u> <u>Stucco/EIFS</u> <u>CMU (split and ground face)</u> <u>Concrete</u> <u>Wood siding</u> <u>Hardy Plank</u> <u>Spandrel glass curtain walls</u>	<u>Brick</u> <u>Stone</u> <u>Stucco/EIFS</u> <u>CMU (split and ground face)</u> <u>Concrete</u> <u>Wood siding</u> <u>Hardy Plank</u> <u>Spandrel glass curtain walls</u>	<u>Brick</u> <u>Stone</u> <u>Stucco/EIFS</u> <u>CMU (split and ground face)</u> <u>Concrete</u> <u>Wood siding</u> <u>Hardy Plank</u> <u>Spandrel glass curtain walls</u>

<u>Accent materials</u> – up to 10% of building façade, <u>excluding</u> <u>windows and</u> <u>transparent</u> <u>doors.</u>	<u>Brick</u> <u>Stone</u> <u>Stucco/EIFS</u> <u>CMU (split and</u> <u>ground face)</u> <u>Concrete</u> <u>Wood siding</u> <u>Hardy Plank</u> <u>Spandrel glass</u> <u>curtain walls</u> <u>Metal</u> <u>Ceramic tile</u> <u>Wood, vinyl</u> <u>and/or metal for</u> <u>trim</u>	<u>Brick</u> <u>Stone</u> <u>Stucco/EIFS</u> <u>CMU (split and ground</u> <u>face)</u> <u>Concrete</u> <u>Wood siding</u> <u>Hardy Plank</u> <u>Spandrel glass curtain</u> <u>walls</u> <u>Metal</u> <u>Ceramic tile</u> <u>Wood, vinyl and/or</u> <u>metal for trim</u>	<u>Brick</u> <u>Stone</u> <u>Stucco/EIFS</u> <u>CMU (split and</u> <u>ground face)</u> <u>Concrete</u> <u>Wood siding</u> <u>Hardy Plank</u> <u>Spandrel glass</u> <u>curtain walls</u> <u>Metal</u> <u>Ceramic tile</u> <u>Wood, vinyl and/or</u> <u>metal for trim</u>
<u>Roof materials</u> <u>(sloped roofs</u> <u>only)</u>	<u>Metal</u> <u>Wood shingles</u> <u>Tile</u>	<u>Metal</u> <u>Wood shingles</u> <u>Tile</u> <u>Asphalt shingles</u>	<u>Metal</u> <u>Wood shingles</u> <u>Tile</u>



Brick



Tinted CMU



Concrete



HardiPlank



Metal siding



Stone



Stucco



Wood siding

F. Color palette

1. Intent. Use colors on buildings that are generally compatible with Canby's business areas and the surrounding built environment.

2. Design standards and applicability. Applicants are strongly encouraged to use colors from, or consistent with, the Sherwin-Williams Arts and Crafts color palette (i.e. with the same paint color codes). Additional information about this color palette is available from the City of Canby, Canby Business Development and/or the Sherwin-Williams Web site.

EXPLANATION OF PROPOSED CODE CHANGES

16.49.010 – Site and Design Review Findings and Objectives. This code amendment adds an additional goal to the list of objectives for Chapter 16.49 concerning alternatives for composition of the Canby Design Review Board.

16.49.020 – Establishment of the Site and Design Review Board. This code amendment revises the Site and Design Review Board guidelines in order to allow for an alternative expanded composition of the Board, which could include up to four additional non-Planning Commission members.

16.49.025 – Establishment of a Site and Design Review Committee. This code amendment creates a new advisory-only body whose purpose would be to review and make comments on Site and Design Review applications.

16.49.035 – Application for Site and Design Review. This code amendment creates a new Type II Design Review application process, which would be in addition to the existing Type III application process. Where the existing Type III application is reviewed by the Planning Commission following a public hearing, the new Type II application would be reviewed by the Planning Director without an initial public hearing, and public notice would be provided to surrounding property owners and affected neighborhood associations, who would then have an opportunity to request a public hearing through the appeal process. Applications for design review inside the Downtown Canby Overlay District which meet all design standards would qualify to apply under the Type II procedure. All other design review applications would still be reviewed under the existing Type III procedure.

16.49.040 – Criteria and Standards. This code amendment adds new additional approval criteria specifically for development inside the Downtown Canby Overlay District.

16.49.120 – Parking Lot Landscaping Standards. This code amendment increases the percentage of parking lot landscaping required inside the Downtown Canby Overlay District from five percent to ten percent. This code amendment also adds a new requirement that all development must provide a minimum of 50 square feet of landscaping for each parking space in lots with 10 or more vehicular parking spaces, and requires that each interior landscaped area be a minimum of five feet wide unless the area is added to the required perimeter landscaping.

Chapter 16.49

SITE AND DESIGN REVIEW

Sections:

- 16.49.010 Findings and objectives.
- 16.49.020 Establishment of the Site and Design Review Board.
- 16.49.030 Site and design review plan approval requirements.
- 16.49.035 Application for Site and Design Review.
- 16.49.040 Criteria and standards.
- 16.49.050 Conditions placed on site and design review approvals.
- 16.49.060 Time limit on approvals.
- 16.49.065 Bicycle and pedestrian facilities.
- 16.49.070 Authority and intent.
- 16.49.080 General provisions for landscaping.
- 16.49.090 Specifications for tree and plant materials.
- 16.49.100 Landscaping installation and maintenance.
- 16.49.110 Landscape area credit for preservation of existing trees.
- 16.49.120 Parking lot landscaping standards.
- 16.49.130 Revegetation in unlandscaped areas.
- 16.49.140 Minor revisions to approved landscaped plans.
- 16.49.150 Parking lots or paving projects.

16.49.010 Findings and objectives.

A. The City Council finds that excessive uniformity, dissimilarity, inappropriateness, or poor quality of design in the exterior appearance of structures and signs, and the lack of proper attention to site development and landscaping, in the business, commercial, industrial and certain residential areas of the city hinders the harmonious development of the city; impairs the desirability of residence, investment or occupation in the city; limits the opportunity to attain the optimum use and value of land and improvements; adversely affects the stability and value of property; produces degeneration of property in such areas with attendant deterioration of conditions affecting the peace, health and welfare of the city; and destroys a proper relationship between the taxable value of property and the cost of municipal services thereof.

B. The City Council declares that the purpose and objectives of site development requirements and the design review procedures are to:

1. Encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design of said development.
2. Discourage monotonous, unsightly, dreary and inharmonious development.

3. Promote the city's natural beauty and visual character and charm by insuring that structures, signs and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping, and that proper attention is given to exterior appearances of structures, signs and other improvements.
4. Protect and enhance the city's appeal to tourists and visitors and thus support and stimulate business and industry and promote the desirability of investment and occupancy in business, commercial and industrial properties.
5. Stabilize and improve property values and present blighted areas and thus increase tax revenue.
6. Achieve the beneficial influence of pleasant environments for living and working on behavioral patterns and thus decrease the cost of governmental services.
7. Foster civic pride and community spirit so as to improve the quality and quantity of citizen participation in local government and in community growth, change and improvement.
8. Sustain the comfort, health, tranquility and contentment of residents and attract new residents by reason of the city's favorable environment and thus promote and protect the peace, health, and welfare of the city.
9. Determine the appropriate yard setbacks, building heights, minimum lot sizes and sign sizes, when authorized to do so by city ordinance.

C. Alternatives for how the Design Review Board or a Design Review Committee is organized give the City the flexibility to use several options, including a Design Review Board that consists of Planning Commission members only, or a Board with a broader representation that can be expanded when appropriate. Provisions also allow for creation of a Design Review Committee which would be strictly advisory in nature.

16.49.020 Establishment of the Site and Design Review Board.

A. There is hereby established a Site and Design Review Board whose members, terms of office and manner of transacting business shall be as prescribed in the following subsections:

1. The Board shall be responsible for reviewing and commenting upon the following applications which may be directed to it through the development process: those portions of proposed site and design review plans which pertain to architectural features, applications concerning historic structures and sign applications. ~~The City Council may, by order, direct the Board to review and comment on other matters which the council determines are or may be within the Board's areas of expertise.~~ under the following circumstances:

- a. Where the applicant has elected not to go through an administrative (Type II) review process;
- b. Where the proposal does not meet the City's administrative (Type II) architectural design standards;
- c. Where administrative (Type II) design review standards do not exist for the project; or
- d. Where an administrative (Type II) design review decision has been appealed.

2. Other duties. The City Council may, by order, direct the Board to review and comment on other matters which the Council determines are or may be within the Board's areas of expertise.

23. Qualifications of Members. The Board shall consist of at least four and up to seven (7) members of the Canby City Planning Commission and one (1) member from the City Council, pro-tem (temporary) non-voting; and up to four additional individuals who represent interests or expertise related to development, architectural design, business or other viewpoints related to the design and development process. These provisions allow the Board to consist of Planning Commission members only, if desired.

34. Appointment and Term. For the purposes of this ordinance, it shall be the Planning Commission's responsibility to serve as the initial reviewing board for all site and design review applications. Members of the Planning Commission shall be appointed as required by section 16.06.030 of the Canby Municipal Code. Non-Planning Commission members shall be appointed by the City Council.

45. Vacancies and Removal. Vacancies on the Planning Commission and/or Design Review Board or removal of Planning Commission Design Review Board members shall be governed by section 16.06.030 of the Canby Municipal Code.

56. Chairman. The duly appointed chairman of the Planning Commission shall also serve as chairman for site and design review applications in accordance with Chapter 16.06 (Planning Commission) of the Canby Municipal Code. If the Planning Commission Chairperson serves on the Design Review Board. If the Planning Commission Chairperson does not serve on the Board, a Design Review Board Chairperson will be selected by a majority of Design Review Board members.

67. Voting. Four (4) members shall constitute a quorum for the transaction of business. A quorum for the transaction of business shall be a simple majority of Design Review Board members. The chairmanperson shall be counted to determine a quorum and shall have the same voting powers as other members of the Board. Each member shall have one (4) vote. A majority vote of the members shall be required for all Board actions.

78. Meetings and Records. The Board shall hold regular meetings ~~each month~~ as required. Site and design review applications will be reviewed as a regular agenda item.

89. Rules. The Board may adopt and amend rules to govern the conduct of its business, consistent with the provisions of this Code.

16.49.025 Establishment of a site and design review committee.

A. The City Council may appoint a design review committee to provide additional guidance related to design review applications.

1. The committee shall be responsible for reviewing and commenting upon the following applications which may be directed to it through the development review process: those portions of proposed site and design review plans which pertain to architectural features, and applications concerning historic structures under the following circumstances:

a. Where the applicant has elected not to go through an administrative (Type II) review process;

b. Where the proposal does not meet the City's administrative (Type II) architectural design standards;

c. Where administrative (Type II) design review standards do not exist for the project; or

d. Where an administrative (Type II) design review decision has been appealed.

2. Nature of committee's review. The committee's review and recommendations are strictly advisory to Planning Department staff and the City's Design Review Board.

3. Qualifications of members. The Committee shall consist of at least five and up to seven members, including individuals who represent interests or expertise related to development, architectural design, business or other viewpoints related to the design and development process.

4. Appointment and term. Members of the Design Review Committee shall be appointed by the City Council, considering recommendations of the Planning Director.

5. Vacancies and removal. Vacancies on the Design Review Committee and removal of Design Review Committee members shall be approved by the City Council.

6. Meetings and records. The committee shall hold regular meetings, which shall conform with all legal requirements of the Oregon public meetings law. Site and design review applications will be reviewed as a regular agenda item.

7. Rules. The committee may adopt and amend rules to govern the conduct of its business, consistent with the provisions of this Code and Oregon public meetings law.

16.49.030 Site and design review plan approval required.

1. The following projects require site and design review approval, except as exempted in (2) below:

- a. All new buildings.
- b. All new mobile home parks.
- c. Major building remodeling above 60% of value.
- d. Addition of more than 5,000 square feet of additional gross floor area in a one year period.
- e. Construction activity which causes a decrease in pervious area in excess of 2,500 square feet in a one year period.

None of the above shall occur, and no building permit for such activity shall be issued, and no sign permit shall be issued until the site and design review plan, as required by this ordinance, has been reviewed and approved by the Board and their designees for conformity with applicable criteria.

2. The following are exempt from site and design review:

- a. Signs that are not a part of a reviewable development project. Signs that are a part of a reviewable development project, and that are proposed more than two (2) years beyond the final occupancy of the reviewed development.
- b. Alterations or remodeling that do not change the exterior of the building.
- c. Temporary public structures which will be removed within two (2) years of placement.
- d. Accessory structures under 500 square feet.
- e. Temporary commercial tent/canopy structures, which meet the Uniform building or Fire Code, and which will be removed within thirty (30) days of placement.
- f. Parking lot or paving projects. If no buildings or structures are involved, paving or parking lot development in excess of 2,500 square feet of impervious surface is exempted from site and design review, except in the C-1 zone. In the C-1 zone, all new parking lots that do not involve buildings or structures are subject to site plan

review as required in Section 16.49. All new paved areas and parking lots in excess of 2,500 square feet must meet the requirements of Section 16.49.150.

g. Single family or two-family dwellings, and any alterations or remodeling thereof.

h. Minor public facilities.

3. Construction, site development and landscaping shall be carried out in substantial accord with the approved site and design review plan. Review of the proposed site and design review plan and any changes thereto shall be conducted in accordance with site and design review procedures.

4. No fence/wall shall be constructed throughout a project that is/was subject to site and design review approval where the effect or purpose is to wall said project off from the rest of the community unless reviewed and approved by the Planning Commission.

16.49.035 Application for Site and Design Review

~~Application procedures shall be as described in Chapter 16.89.~~

A. For projects in the Downtown Canby Overlay Zone, applicants may choose one of the following two processes:

1. Type II – If the applicant meets all applicable site and design review standards set forth in Chapters 16.41 and 16.49, applicant shall submit a Type II application for approval pursuant to the approval criteria set forth in 16.49.040.5; or

2. Type III – If the applicant proposes the use of alternative methods or materials to meet the intent of the site and design review standards set forth in Section 16.41.070, the applicant shall submit a Type III application for approval pursuant to the approval criteria set forth in 16.49.040.6. The applicant must still meet all applicable requirements of Chapter 16.49.

B. All other projects subject to site and design review approval pursuant to Section 16.49.030 are subject to the Type III procedural requirements set forth in Chapter 16.89. The applicant shall submit a Type III application for approval pursuant to the approval criteria set forth in 16.49.040.1 through 4.

16.49.040 Criteria and standards.

1. In review of a Type III Site and Design Review Application described in Section 16.49.035.B, ~~the~~ Board shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the following A through D, and with Criteria 4, 5, and 6 below:

A. The proposed site development, including the site plan, architecture, landscaping and graphic design, is in conformance with the standards of this and other applicable city ordinances insofar as the location, height and appearance of the proposed development are involved; and

B. The proposed design of the development is compatible with the design of other developments in the same general vicinity; and

C. The location, design, size, color and materials of the exterior of all structures and signs are compatible with the proposed development and appropriate to the design character of other structures in the same vicinity.

D. The Board shall, in making its determination of compliance with subsections B and C above, use the following matrix to determine compatibility unless this matrix is superseded by another matrix applicable to a specific zone or zones under this title. An application is considered to be compatible, in regards to subsections B, C, and D above, if a minimum of 65 percent of the total possible number of points (not including bonuses) are accumulated for the whole development.

~~**E.** It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed development.~~

2. In review of a Type II Site and Design Review Application described in Section 16.49.035.A.1, the Planning Director shall, in exercising his powers, duties or functions, determine whether there is compliance with the DCO site and design review standards set forth in 16.41.070.A through F, and with Criteria 4, 5, and 6 below.

3. In review of a Type III Site and Design Review Application described in Section 16.49.035.A.2, the Board shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the INTENT of the DCO site and design review standards set forth in 16.41.070.A.1, 16.41.070.B.1, 16.41.070.C.1, 16.41.070.D.1, 16.41.070.E.1, and 16.41.070.F.1, and with Criteria 4, 5, and 6 below.

24. The Board shall, in making its determination of compliance with the above requirements, be guided by the objectives and standards set forth in this section. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed development. If the site and design review plan includes utility facilities or public utility facility, then the City Planner shall determine whether those aspects of the proposed plan comply with applicable standards.

35. The Board shall, in making its determination of compliance with the requirements set forth, consider the effect of its action on the availability and cost of needed housing. The Board shall not use the requirements of this section to exclude needed housing types. However, consideration of these factors shall not prevent the Board from imposing conditions of approval necessary to meet the requirements of this section. The costs of such conditions shall not unduly increase the cost of housing beyond the minimum necessary to achieve the purposes of this ordinance.

46. As part of the site and design review, the property owner may apply for approval to cut trees in addition to those allowed in Chapter 12.32, the city Tree Ordinance. The

granting or denial of said application will be based on the criteria in Chapter 12.32. The cutting of trees does not in and of itself constitute change in the appearance of the property which would necessitate application for site and design review.

TABLE 16.49.040

CRITERIA	POSSIBLE SCORES		
Parking			
Screening of loading facilities from public ROW: not screened = 0; partially screened = 1; full screening = 2	0	1	2
Landscaping (breaking up of expanse of asphalt)	0	1	
Parking lot lighting: No = 0; Yes = 1	0	1	
Location (behind the building is best): front = 0; side = 1; behind = 2	0	1	2
Number of parking spaces (% of min.) [x.120% / 100%-120% / x=100%]	0	1	2
Traffic			
Distance of access to intersection [x<70' / 70'-100' / x>100']	0	1	2
Access drive width (% of minimum) [x<102% or x>150% / 120%-150%]	0	1	
Pedestrian access from public sidewalk to building [1 entrance connected = 0; all entrances connected = 2]	0		2
Pedestrian access from parking lot to building: No walkways = 0; Walkway next to building = 1; no more than one undesignated crossing of access drive and no need to traverse length of access drive = 2.	0	1	2
Tree Retention			
For trees outside of the building footprint and parking/access areas (3 or more trees): No arborist report = 0; follows <50% of arborist recommendation = 1; follows 50%-75% of arborist report = 2; follows 75% of arborist report = 3.	0	1	2 3
Replacement of trees removed that were recommended for retention: x < 50% = 0; x > 50% = 1	0	1	
Signs			
Dimensional size of sign (% of maximum permitted). X>75% = 0; 50%-75% = 1; x<50% = 2	0	1	2
Similarity of sign color to building color: No = 0; Some = 1; Yes = 2	0	1	2
Pole sign: Yes = 0; No = 1	0	1	
Location of sign: x > 25' from driveway entrance = 0; within 25' of entrance = 1	0	1	
Building Appearance			
Style (architecture): not similar = 0; similar to surrounding = 1 or 2	0	1	2
Color (subdued and similar is better): Neither = 0; similar <u>or</u> subdued = 1; similar <u>and</u> subdued = 2	0	1	2
Material: concrete or wood or brick is better	0	1	
Size (smaller is better): over 20,000 sq ft = 0; under 20,000 sq ft = 1	0	1	
Types of Landscaping			
# of non-required trees: x<1 per 500 sq ft of landscaping = 0; 10 or more per 500 sq ft of landscaping = 1	0	1	
Amount of grass: <25% = 0; 25%-50% = 1; x>50% = 2	0	1	2
Location of shrubs: foreground = 0; background = 1	0	1	
Automatic irrigation: No = 0; Yes = 4	0		4

Bonus Points			
2 or more trees at least 3" in caliper		1	2
Park/open space retention for public use		1	2
Trash receptacle screening		1	

16.49.050 Conditions placed on site and design review approvals.

1. A site and design review approval may include restrictions and conditions. These restrictions and conditions shall be reasonably conceived to:

- A. Protect the public from the potentially deleterious effects of the proposal; and/or
- B. Fulfill the need for services created, increased or in part attributable to the proposal; and/or
- C. Further the implementation of the requirements of the Canby Municipal Code.

2. The following types of conditions are specifically contemplated by subsection (1) of this section, and the listing below is intended to be illustrative only and not to be construed as a limitation of the authority granted by this section.

A. Development Schedule. A reasonable time schedule may be placed on construction activities associated with the proposed development, or any portion thereof.

B. Dedications, Reservation. Dedication or reservation of land, or fee in lieu thereof for park, open space purposes, rights-of-way, bicycle or pedestrian paths, green way, riverbank or easements; the conveyance of title or easements to a homeowners' association.

C. Construction and Maintenance Guarantees. Security from the property owners in such an amount that will assure compliance with approval granted.

D. Plan Modification. Changes in the design or intensity of the proposed development, or in proposed construction methods or practices, necessary to assure compliance with this ordinance.

E. Off-Site Improvements. Improvements in public utility facilities not located on the project site where necessary to assure adequate capacity and where service demand will be created or increased by the proposed development. The costs of such improvements may be paid for in full while allowing for recovery of costs from users on other development sites, or they may be pro-rated to the proposed development in proportion to the service demand projected to be created on increases by the project.

F. Other Approvals. Evaluation, inspections or approval by other agencies, jurisdictions, public utilities or qualified consultants may be required for all or any part of the proposed development.

G. Access Limitation. The number, location and design of street accesses to a proposed development may be limited or specified where necessary to maintain the capacity of streets to carry traffic safely, provided that sufficient access to the development is maintained.

16.49.055

(Ord. 1019 section 4, 1999; del. by Ord. 1111, 2003)

16.49.060 Time limit on approval.

Site and Design Review Board approvals shall be void after twelve (12) months unless:

1. A building permit has been issued and substantial construction pursuant thereto has taken place, as defined by the state Uniform Building Code; or
2. The Planning Department finds that there have been no changes in any ordinances, standards, regulations or other conditions affecting the previously approved project so as to warrant its resubmittal.

16.49.065 Bicycle and pedestrian facilities.

Developments coming under design review shall meet the following standards:

A. The internal walkway system shall be extended to the boundaries of the property to adjoining properties developed or zoned for commercial, public, or multi-family uses. The walkway shall connect to an existing walkway system on adjoining property or be located so as to provide for development of a logical connection in the future when the adjoining property is developed or redeveloped.

B. On-site facilities shall be provided to accommodate safe and convenient pedestrian and bicycle access within new subdivisions, multi-family developments, planned development, shopping centers, and commercial districts, and connecting to adjacent residential areas and neighborhood activity centers. Residential developments shall include streets with sidewalks and accessways.

C. For new office parks and commercial development:

1. At least one sidewalk connection between the proposed development and each abutting commercial or office property shall be provided. One connection shall also be provided to each neighborhood.
2. Walkways shall be provided to the street for every 300 feet of developed frontage.
3. Walkways shall be direct with minimal driveway crossings.
4. Walkways shall be linked to the internal circulation of the building.
5. Walkways shall be at least five feet wide and shall be raised, have curbing, or have different paving materials when crossing driveways.

16.49.070 Authority and intent.

The purpose of this section is to establish standards for landscaping within the City of Canby in order to enhance the environmental and aesthetic quality of the city:

1. By encouraging the retention and protection of existing trees and requiring the planting of trees in new developments;
2. By using trees and other landscaping materials to temper the effects of the sun, wind, noise and air pollution;
3. By using trees and other landscaping materials to define spaces and uses of the specific areas;
4. Through the use of trees and other landscaping materials as a unifying element within the urban environment; and
5. By considering solar access conditions.

16.49.080 General provisions for landscaping.

1. The standards set forth in this section are minimum standards for landscaping.
2. The minimum area requirement for landscaping for developments coming under design review shall be the percentage of the total land area to be developed as follows:
 - A. Fifteen (15) percent for all industrial and commercial zones (except the Downtown-Commercial zone, but including the Commercial-Residential zone).
 - B. Seven and one-half (7.5) percent for the Downtown-Commercial zone.
 - C. Thirty (30) percent for all residential zones.
3. Trees and other plant materials to be retained shall be identified on the landscape plan. The Site and Design Review Board encourages the retention, to the extent practicable, of existing healthy trees.
4. During the construction process:
 - A. The owner or the owner's agent shall provide above and below ground protection for existing trees and plant materials identified to remain.
 - B. Trees and plant materials identified for preservation shall be protected by chain link fencing placed around the tree, at the drip line.
 - C. If it is necessary to fence within the drip line, such fencing shall be specified by a qualified arborist, nurseryman or landscape architect.

D. Neither top soil storage nor construction material storage shall be located within the drip line of trees designated to be preserved.

E. Where site conditions make necessary grading, building, paving, trenching, boring, digging, or other similar encroachment upon a preserved tree's drip line area, such grading, paving, trenching, boring, digging or similar encroachment shall only be permitted under the direction of a qualified arborist, nurseryman or landscape architect. Such direction must assure that the health needs of trees within the preserved area can be met.

F. Tree root ends shall not remain exposed.

5. Landscaping under preserved trees shall be compatible with the retention and health of said trees.

6. When it is necessary for a preserved tree to be moved in accordance with the Tree Ordinance, the landscaped area surrounding said tree or trees shall be maintained and replanted with trees which relate to the present landscape plan, or if there is no landscaping plan, then trees which are complimentary with existing, nearby landscape materials.

7. Any required landscaped area shall be designed, constructed, installed and maintained so that within three (3) years, the ground shall be covered by living grass or other plant material. (The foliage crown of trees shall not be used to meet this requirement.) A maximum of five percent of the landscaped area may be covered with bark chips, mulch, or other similar materials. A maximum of five percent of the landscaped area may be covered with rock, stones, walkways, or other similar material acceptable to the Board. Required sidewalks shall not be used to meet the landscaping requirements. Plant size and spacing shall follow the Oregon Department of Transportation standards.

8. All trees and plant materials shall be healthy, disease-free, damage-free, well-branched stock, characteristic of the species.

9. Landscaping shall be installed in accordance with the provisions of the most recent edition of the Sunset Western Garden Book.

10. The following guidelines are suggested to insure the longevity and continued vigor of plant materials:

A. Select and site permanent landscape materials in such a manner as to produce a hardy and drought-resistant landscaped area.

B. Consider soil type and depth, spacing, exposure to sun and wind, slope and contours of the site, building walls and overhangs, and compatibility with existing native vegetation preserved on the site or in the vicinity.

11. All plant growth in landscaped areas of developments shall be controlled by pruning, trimming or otherwise, so that:

- A. It will not interfere with designated pedestrian or vehicular access; and
- B. It will not constitute a traffic hazard because of reduced visibility.
- C. It will not hinder solar access considerations.

12. After completion of site grading, topsoil is to be restored to exposed cut and fill areas to provide a suitable base for seeding and planting.

13. All planting areas shall be graded to provide positive drainage.

14. Neither soil, water, plant materials nor mulching materials shall be allowed to wash across roadways or walkways.

16.49.090 Specifications for tree and plant materials.

1. Deciduous Trees. Deciduous shade and ornamental trees shall be a minimum of two inch (2") caliper, measured six inches (6") above ground, balled and burlapped. Bareroot trees will be acceptable to plant during their dormant season. Trees shall be well branched and characteristically shaped specimen.

2. Coniferous Trees. Coniferous trees shall be a minimum five feet (5') in height above ground, balled and burlapped. Trees shall be well branched and characteristically shaped specimen.

3. Evergreen and Deciduous Shrubs. Evergreen and deciduous shrubs shall be at least one (1) to five (5) gallon size. Shrubs shall be characteristically branched. Side of shrub with best foliage shall be oriented to public view.

4. Ground covers. Ground covers shall be fully rooted and shall be well branched or leafed.

5. Lawns. Lawns shall consist of grasses, including sod, or seeds of acceptable mix within the local landscape industry. Lawns shall be 100 percent coverage and weed free.

16.49.100 Landscaping installation and maintenance.

1. Except as allowed by subsection (2), all landscaping and exterior improvements required as part of the site and design review approval shall be completed prior to the issuance of any certificate of occupancy.

2. A temporary certificate of occupancy may be issued prior to the complete installation of all required landscaping and exterior improvements if security equal to 110 percent of the cost of the landscaping and exterior improvements, as determined by the Site and Design Review Board or City Planner, is filed with the city, assuring

such installation within a time specified by the Board, but not to exceed six (6) months after occupancy. The applicant shall provide the cost estimates of landscaping materials and installation to the satisfaction of the Site and Design Review Board, City Planner, or city forester, prior to approval of the security. Security may consist of a faithful performance bond payable to the City of Canby, cash, certified check, time certificate of deposit, or assignment of a savings account; and the form shall meet with the approval of the City Attorney. If the installation of the landscaping or other exterior improvements is not completed within the period specified by the Board or City Planner, the security may be used by the city to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the city shall be returned. The final landscape and exterior improvement inspection shall be made prior to any security being returned. Any portion of the plan not installed, not installed properly, or not properly maintained shall cause the inspection to be postponed until the project is completed, or shall cause the security to be used by the city.

3. All landscaping approved through the site and design review process shall be continually maintained, including necessary watering, weeding, pruning and replacement, in a manner substantially similar to that originally approved by the Site and Design Review Board, unless later altered with Board approval.

16.49.110 Landscape area credit for preservation of existing trees.

1. Policy. It being the policy of the City of Canby to preserve existing trees wherever possible within its city limits, a system of landscape area credits is hereby established as an incentive for property owners and developers to preserve existing trees and to include them in the landscape plan for a proposed development.

2. Landscape Credit.

- A. Program for Landscape Credit. One hundred percent (100%) of the area preserved under any tree or group of trees retained in the landscape (as approved by the Site and Design Review Board) may apply directly to the percentage of landscaping required for a development.

- B. Limit to Landscape Area Credit. Landscape credit for preserved trees shall not eliminate or reduce the landscaping requirements pertaining to parking lots, buffering, and screening. Furthermore, such credits shall not reduce the total landscaping requirements more than 40 percent (i.e., districts requiring 15 percent landscaping shall not be reduced to less than 9 percent).

- C. Trees Near a Property Line:

- i. When the drip line of a tree extends beyond the owner's property line, credit can be granted for that portion of the drip line within the property line if that area exceeds 75 percent of the total drip line area. Trees so close to the property line that their drip line area is less than 75 percent of the total, can only be given credit if a qualified arborist, nurseryman or landscape architect can assure the

survival of the tree and its long term health if root damage is sustained by future development on the adjacent property.

ii. Where trees have been preserved near a property line, such that the drip line of the tree spreads onto adjacent property, credit can be obtained by the adjacent property owner for protection of the drip line area that extends onto that adjacent property.

16.49.120 Parking lot landscaping standards.

1. General Provisions. In addition to the objectives stated in section 2 of this ordinance, goals of parking lot standards are to create shaded areas in parking lots to reduce glare and to enhance the visual environment. The design of the parking area shall be the responsibility of the developer and should consider visibility of signage, traffic circulation, comfortable pedestrian access, and aesthetics. Trees shall not be cited as a reason for applying for or granting a variance on placement of signs.

2. Application. Parking lot landscaping standards shall apply to any surface passenger vehicle parking area of ten (10) spaces or more, or to any paved vehicular use area 3,500 square feet or larger on the same tax lot or on contiguous tax lots under common ownership. Any paved vehicular area which is used specifically as a utility storage lot or a truck loading area shall be exempt from landscaping requirements within a parking lot.

3. Landscaping Within a Parking Lot. **A.** Area within a parking lot shall include the paved parking and maneuvering area, as well as any paved area within ten (10) feet of any exterior face of curb surrounding the paved parking and maneuvering area.

B. Each interior landscaped area shall be a minimum of five feet wide, unless the area is added to the required perimeter landscaping.

4. Computing Minimum Area Required to be Landscaped Within a Parking Lot. Minimum area required to be landscaped within a parking lot shall be as follows:

A. Fifteen (15) percent for all residential, industrial, and commercial zones (except the ~~Downtown-Commercial Zone, but including the Commercial-Residential Zone~~ **as provided below in subsections B and C**).

B. Five (5) percent for the Downtown-Commercial Zone for any off-street parking spaces provided.

C. Ten (10) percent for the Core Commercial (CC) sub-area of the Downtown Canby Overlay Zone for any off-street parking spaces provided, except as follows: For parking lots with 10 or more spaces and two or more drive aisles, there shall be a minimum of 50 square feet of interior landscaping for each parking space provided.

The area landscaped to meet minimum parking lot interior landscaping requirements shall be located within ten (10) feet of the parking lot area.

5. Trees Required Within Parking Lots. Deciduous, evergreen and/or shade trees shall be planted within all parking lots and shall be distributed on the basis of one (1) tree for each eight (8) parking spaces or 2,800 square feet of paved vehicular-use area, whichever is greater. The Site and Design Review Board explicitly encourages the use of planter islands with trees for landscaping parking lots.

6. Criteria for Trees in Parking Lots. Deciduous, evergreen and/or shade trees shall meet the following criteria:

A. Reach a mature height of twenty (20) to thirty (30) feet.

B. Cast moderate to dense shade in summer.

C. Long lived, i.e., over sixty (60) years.

D. Do well in an urban environment:

i. pollution tolerant; and

ii. tolerant of direct and reflected heat.

E. Require little maintenance:

i. mechanically strong;

ii. insect and disease resistant; and

iii. require little pruning.

F. Be resistant to drought conditions.

G. Be barren of fruit production.

7. Size of Landscape Planter Islands:

A. Landscape planter islands containing trees shall have a minimum planting area of twenty-five (25) square feet; shall have a minimum width of forty-eight (48) inches measured from back of curb; and shall be designed so as to prevent vehicular damage to trees. (Curb height to be six (6) inches minimum.)

B. Sidewalks shall not encroach upon the minimum planting width.

8. Perimeter of Parking and Loading Areas:

A. Screening of parking and loading areas is required. Within three (3) years of planting, screening shall be of such height and density as to shield vehicle headlights from head-on visibility.

B. In addition, one (1) deciduous, evergreen and/or shade tree shall be planted every forty (40) feet, minimum, along the required setback of the vehicular use area.

9. Irrigation System or Available Water Supply Required. Landscaped areas shall be provided with automatic irrigation systems or a readily available water supply with at least one (1) outlet located within 150 feet of all plant materials to be maintained.

16.49.130 Revegetation in unlandscaped areas.

The purpose of this section is to ensure erosion protection for those areas which are not included within the landscape percentage requirements so that eventually native plants will re-establish themselves, and so that trees will not be lost due to uncontrolled erosion.

A. Replanting. Where natural vegetation has been removed or damaged through grading in areas not affected by the landscaping requirement and that are not to be occupied by structures or other improvements, such areas shall be replanted with materials approved by the Site and Design Review Board.

B. Plant materials shall be watered at intervals sufficient to assure survival and growth for a minimum of two (2) growing seasons.

16.49.140 Minor revisions to approved landscaped plans.

Minor revisions (less than 10 percent of the landscaped area) to the approved landscaped plans shall be reviewed and approved by the City Planner. The City Planner shall report any minor revisions to the Site and Design Review Board at the next available Board meeting.

16.49.150 Parking lots or paving projects.

All new paving or parking lot projects which create over 2,500 square feet of impervious surface and any new paving added to existing paving areas which creates a total of more than 2,500 square feet of impervious surface must meet City storm drainage requirements, parking lot landscaping standards and the drainage and access standards of the Oregon Department of Transportation (if applicable). Applicants for such paving projects must submit an application to the Planning Department. Application procedures shall be as described in Chapter 16.89.

EXHIBIT C
TO ORDINANCE 1296

