

1984

CITY OF CANBY

LAND

DEVELOPMENT

AND

PLANNING

ORDINANCE

NO. 740

ORDINANCE NO. 740

AN ORDINANCE TO BE KNOWN AS THE "LAND DEVELOPMENT AND PLANNING ORDINANCE OF THE CITY OF CANBY."

PURPOSE - TO PROVIDE REGULATIONS GOVERNING LAND USE PLANNING AND DEVELOPMENT ACTIVITIES WITHIN THE CITY OF CANBY AND INCLUDING: DEFINITIONS; RULES AFFECTING THE PLANNING COMMISSION; ZONING REGULATIONS; LAND DIVISION AND LOT LINE ADJUSTMENT REGULATIONS; CONDOMINIUM AND PLANNED UNIT DEVELOPMENT REGULATIONS; ANNEXATION REGULATIONS; REGULATIONS AFFECTING PROPOSED STREET ALIGNMENTS; ESTABLISHING GENERAL STANDARDS AND PROCEDURES; AND REPEALING ORDINANCES: NO.'S 690 AND 722.

THE CITY OF CANBY ORDAINS AS FOLLOWS:

ARTICLE I.

10.1.10 Title: This Ordinance shall be known as the "Land Development and Planning Ordinance of the City" which incorporates such common names as "Zoning Ordinance," and "Subdivision Ordinance," and

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10.1.20 Definitions:

A) As used in this Ordinance, the masculine includes the feminine and the neuter, and the singular includes the plural with no preference or prejudice intended or implied.

B) Unless the context requires otherwise, the following words and phrases shall mean:

- * Abutting, adjoining, or adjacent. Physically touching, having at least one common point or lots separated only by a public street.
- * Accessory structure or use. 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.
- * Agriculture. The tilling of the soil, the raising of crops, silviculture and horticulture.
- * Alley. A narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting another street.
- * Billboard. 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.
- * Boardinghouse, lodging, or rooming house. A building where lodging with or without meals is provided for compensation for at least four (4), but not more than ten (10) guests. Board & care, foster care and similar accommodations are considered boardinghouses for the purposes of this Ordinance.
- * Building. A structure built for the shelter or enclosure of persons, animals, chattels or property of any kind.
- * Building line. A line on a plat indicating the limit beyond which buildings or structures may not be erected.
- * Central business district (CBD). The downtown area of Canby, defined generally by zoning or designation on the Land Use Map of the Comprehensive Plan for downtown commercial development.

- * City. The City of Canby, Oregon.
- * Commission. The Planning Commission of the City.
- * Council. The City Council of Canby, Oregon.
- * Curb line. A line along the edge of the curb nearest the street lot line; not necessarily the right-of-way line.
- * Development plan. 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.
- * Dwelling, duplex; or dwelling, two family. A building containing two dwelling units.
- * Dwelling, multi-family. A building containing three or more dwelling units.
- * Dwelling, single-family. 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 Ordinance unless found to meet all city building, mechanical, electrical and other construction codes applicable to conventional units built on the site.
- * Dwelling unit. One or more rooms designed for occupancy by one family and not having more than one cooking facility.
- * Easement. A grant of the right to use an area of land for specific purposes.
- * Family. 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 Ordinance.
- * Height of Building. 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.

- * Home occupation. A lawful activity commonly carried on within a dwelling by members of the family occupying the dwelling with no employees or other persons 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.
 - d) The occupation shall not be carried on in an accessory building of the residence.
 - e) No signs are permitted, except for a maximum of 1-1/2 square foot unilluminated nameplate within the interior of the building or in a window.
 - f) All home occupations require a city business license.
- * Hotel. A building in which lodging is provided for more than 10 guests for compensation and in which no provision is made for cooking in the rooms.
- * Intersection. The place where two streets meet or cross.
- * Kennel. A place where four (4) or more dogs more than four (4) months of age are kept on one lot or contiguous lots under one ownership.
- * Loading space. 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.
- * Lot. 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.

- * Lot area. The total horizontal area within the boundary lines of a lot, excluding the access strip serving a flaglot.
- * Lot, corner. A lot abutting two intersecting streets other than an alley, provided that the streets do not intersect at an angle greater than 135 degrees.
- * Lot front. The street lot line on a corner lot which the principal use or structure is facing. If no such use or structure exists, the street side having the shorter length. If the sides are of approximately equal length, the City Planner may designate the lot front.
- * Lot, interior. A lot other than a corner lot.
- * Lot line. The property line bounding a lot.
- * Lot line, interior. All lot lines which separate one parcel from another, other than street lot lines.
- * Lot line, street. 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.
- * Lot, through. A lot having frontage on two parallel or approximately parallel streets other than alleys.
- * Lot width. The average width of a lot when measured at the front and rear setback lines for a principal use.
- * Modular home. 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.
- * Mobile home. 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.
- * Mobile home park. A tax lot or lots where two (2) or more mobile homes are used for human occupancy and where the space is available for rent or lease.
- * Mobile home subdivision. A subdivision of property where individual lots are available for the placement of mobile homes.

- * Motel. 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.
- * Nonconforming structure, lot, or use. 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.
- * Parent parcel. A lot or parcel of land from which other parcels or lots are divided.
- * Parking space. A rectangle in the dimensions as set forth in Article 3 of this Ordinance together with maneuvering and access space required for a conventional automobile to park within the rectangle.
- * Partition. 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. A partition which includes the creation of a road or street.
 - b) Minor Partition. A partition that does not include the creation of a road or street.
- * Pedestrian way. A right-of-way for pedestrian traffic.
- * Person. An individual, firm, partnership, corporation, company, association, syndicate, or any legal entity, and including any trustee, receiver, assignee, or other similar representative thereof.
- * Planning Commission. The planning commission of the City of Canby, Oregon.
- * Plat. 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. Includes "preliminary," "tentative," and "final plats."

- * Recommendation. Includes any staff report or report from the Planning Commission to the City Council.
- * Right-of-way. The area between the boundary lines of a street or other easement.
- * Roadway. The portion or portions of a street right-of-way developed for vehicular traffic.
- * Setback. A distance which a structure is required to be set back from a lot line.
- * Sidewalk. A pedestrian walkway with permanent surfacing to city standards.
- * Street. The entire width between the right-of-way lines of every way which provides for public use for the purpose of vehicular and pedestrian traffic, and the placement of utilities and including the term "road," "highway," "lane," "place," "avenue," "alley," or other similar designations.
 - a) Alley. 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. A street of considerable continuity which is primarily a traffic artery for intercommunication between large areas.
 - c) Collector. 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) Cul-de-sac (dead end street). A short street having one end open to traffic and being terminated by a vehicle turnaround.
 - e) Half-street. 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.
 - f) Marginal access or frontage street. A minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.
 - g) Minor street. A street intended exclusively for access to abutting properties.
- * Structural alteration. 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.

- * Structure. That which is built or constructed. 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.
- * Subdivide land. 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.
- * Subdivision. Either an act of subdividing land or tract of land subdivided as defined in this Section.
- * Trailer coach. 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.
- * Trailer park. A tax lot or lots where space is rented or leased for the location of two (2) or more trailer coaches, or some combination of mobile homes and trailer coaches for human habitation.
- * Urban Growth Boundary (UGB). The area specifically delineated in the City's Comprehensive Plan as being already urbanized or available for urban development.
- * Urbanizable. The term applied to property which is within the city's urban growth boundary and which is planned for eventual urban development.
- * Use. The purpose for which land or a structure is designed, arranged, or for which it is occupied or maintained.
- * Vision Clearance area. The triangular area at the intersection of two streets 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 Ordinance. 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, excepting one tree trunk

and one utility pole, with a maximum diameter of 18 inches, within an area extending from 2-1/2 to 10 feet above the curb or street elevation.

- * Yard. 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 Ordinance.
- * Yard, interior. A yard lying between the nearest point of a building and the street and measured horizontally to the interior lot line.
- * Yard, rear. A yard lying to the rear of the principal building on the lot and generally opposite the lot front.
- * Yard, street. A yard lying between the nearest point of a building and the street and measured horizontally to the street lot line.

ARTICLE 2 PLANNING COMMISSION

- 10.2.05: Introduction: The City of Canby has had an active Planning Commission for more than 25 years. The planning commission sits as both a hearing body for land development applications and as a recommending body, giving advice to the city council on a variety of subjects relating to the growth and development of the Canby area.
- 10.2.10: Membership: The planning commission shall continue to consist of seven (7) members.
- 10.2.15: Appointment and removal: Members of the planning commission shall be appointed by the city council and may be removed by the city council, after hearing, for misconduct or nonperformance of duty. Any vacancy shall be filled by the council for the unexpired term of the predecessor in the office.
- 10.2.20: Non-voting participants: The City Attorney shall be entitled to sit with the commission and take part in its discussions, but shall not have the right to vote. City staff persons shall also attend to assist the commission in the conduct of its business.
- 10.2.25: Term of office: Upon the adoption of these regulations the Planning Commission members shall complete their existing terms of office. Thereafter, all members of the Planning Commission shall be appointed to three year terms, unless appointed to fill the remainder of an unexpired term.

- 10.2.30: Limitation on business engagements: Not more than two (2) members shall be engaged principally in the buying, selling or developing of real estate for profit as individuals, or be members of any partnership or officers or employees of any corporation engaged principally in the buying, selling or developing of real estate for profit. Not more than two (2) members shall be engaged in the same kind of business, trade or profession.
- 10.2.35: Election of chairman and appointment of secretary: The planning commission shall elect a chairman and vice chairman who shall be voting members and the commission shall appoint a secretary who need not be a member of the commission.
- 10.2.40: Compensation: Commission members shall receive no compensation but shall be reimbursed for duly authorized expenses.
- 10.2.45: Employment of assistants: The planning commission shall have power and authority to employ consulting advice on municipal problems, and such clerks as may be necessary and to pay for their services and for such other expenses as may lawfully be incurred, but all compensation and expenses authorized by this Article shall be paid out of such funds which are first budgeted by the city council and placed at the disposal of the planning commission for such purposes.
- 10.2.50: Meeting place: The city council shall assign to the commission an office or locations in which to hold its meetings, transact its business and keep its records.
- 10.2.55: Meeting and quorum: The commission shall meet at least once a month when applications are pending and may make and alter rules and regulations for its government and procedure consistent with

the laws of this state and with the City Charter and ordinances.

A majority of the members of the commission constitutes a quorum.

10.2.60: Duties: Except as otherwise provided by law, it shall be the duty of the commission and it shall have power to:

A) Recommend and make suggestions to the city council and to all other public authorities concerning laying out, widening, extending, and locating of streets, parking, sidewalks and boulevards, relief of traffic congestion, betterment of housing and sanitation conditions and establishing of zones of districts limiting the use, height, area and bulk of buildings and structures.

B) Recommend to the city council and all other public authorities plans for regulation of the future growth, development and beautification of the municipality in respect to its public and private buildings and works, streets, parks, grounds and vacant lots, and plans consistent with future growth and development of the city in order to secure to the city and its inhabitants sanitation, proper service of all public utilities, and transportation facilities.

C) Act as the city's official citizen involvement entity, hearing any and all comments, criticisms, and suggestions concerning city planning policies, procedures, or regulations as members of the public may wish to convey to the city.

D) Do and perform all other acts and things necessary or proper to carry out the provisions of city ordinance and of Oregon Revised Statutes, Chapter 227, and all amendments thereto.

E) Study and propose in general such measures as may be advisable for promotion of the public interest, health, safety and welfare of the city and of the surrounding area.

F) Perform such acts as are now, or may hereafter be, specified in the Land Development and Planning Ordinance or otherwise authorized by the city council.

10.2.65: Action and recommendations of the planning commission:

A) Any actions of the planning commission may be appealed to the city council, provided that any such appeals must be properly filed as required in Article 8.

B) All recommendations made to the city council by the planning commission shall be in writing, except in those unique cases where the two bodies meet together or where an emergency exists.

C) City Council shall not act upon any item requiring the action or recommendation of the planning commission until the planning commission has had ample time to consider the item; except in the case of an emergency situation where the city council finds that prompt action is necessitated to preserve the public health, safety, or general welfare.

10.2.70 Investigations and Recommendations: The city planning commission may make investigations and recommendations to any person, partnership, firm, corporation or public authority with reference to the location of buildings, structures, or works to be erected, constructed or altered; but such recommendations shall not have the force or effect of a law or ordinance except when so prescribed by the laws of the State of Oregon or ordinances of the City of Canby. Any person, partnership, firm, corporation or public authority having charge of the construction, placing or designing of buildings or other structures and improvements in the city may call upon the planning commission for information. Provided, however, that the planning commission shall take no action which will prejudice the body in the consideration of any pending or anticipated application.

10.2.75 Powers: The city planning commission shall have all the powers which are now or may hereafter be given to it under the General Laws of the State of Oregon; and it may receive gifts, bequests or devises of property to carry out any of the purposes of this act, and shall have control and disposition over the same, unless this Ordinance or this provision of this Ordinance should be repealed, in which case such control shall be vested in the city council or in a hearings officer as may be appointed for the purpose.

10.2.80: Conflicts of interest:

A) A member of the planning commission shall not participate in any commission proceeding or action in which any of the following has a direct or substantial financial interest:

- 1) The member or his spouse,
- 2) A brother, sister, child, parent, father-in-law or mother-in-law.
- 3) Any employee, partner or business associate with whom he has been engaged in business within the previous two (2) years, or any business with which he is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.

B) Any actual or potential conflict of interest shall be disclosed at the meeting of the commission where the action is being taken.

10.2.85: Hearings officer: The city council may appoint or designate one or more qualified persons as planning and zoning hearings officer, to serve at the pleasure of the city council.

10.2.90: Expenditures: The city planning commission shall have no authority to make any expenditures on behalf of the city, or to obligate the city for the payment of any sums of money, except as herein provided, and then only after the city council has first authorized such expenditures for said purpose by adoption of a budget including a line item for such expenditures, and placed the same at the disposal of the planning commission, or has otherwise adopted a resolution to provide the administrative method by which the said funds shall be drawn and expended.

ARTICLE 3 ZONING REGULATIONS

10.3.05 General Provisions

A) Compliance with Ordinance Provisions: No building, structure, or land shall hereafter be used or occupied, and no building structure, or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered contrary to the provisions of this ordinance. No lot area, yard, or required off-street parking or loading area existing on or after the effective date of this ordinance shall be reduced in area, dimension, or size below the minimums required by this ordinance, nor shall any lot area, yard, or required off-street parking or loading area that is required by this ordinance for one use be used to satisfy the lot area, yard, off-street parking or loading area requirement for any other use, except as may be provided in this ordinance.

B) Zoning Map:

1) The location and boundaries of the zones designated in this Article are hereby established as shown on the map entitled "Zoning Map of the City of Canby" dated with effective date of this ordinance and signed by the Mayor and the City Recorder and hereafter referred to as the "zoning map."

2) The signed copy of the zoning map shall be maintained on file in the office of the City Recorder and is hereby made a part of this ordinance.

C) Zone Boundaries: Unless otherwise specified, zone boundaries are lot lines or the center lines of streets, railroad rights-of-way, or such lines extended. Where a zone boundary divides a lot into two or more zones, the entire lot shall be considered to be in the zone containing the greater lot area, provided the boundary adjustment is a distance of less than 20 feet.

D) Zoning of Annexed Areas: An area annexed to the city shall be automatically classified in the zone which best conforms to the Land Use Map of the Comprehensive Plan. Such zoning shall be considered by the Planning Commission in its review and by the Council in conducting its public hearing for the annexation.

E) Prohibited Parking: In addition to the provisions of the motor vehicle laws of Oregon regulating parking, no person shall park any vehicle, except an automobile, motorcycle, van or pickup truck rated no larger than one ton, on any public street or alley within any residential zone, except for an emergency or for the purpose of loading or unloading.

F) Area of Flag Lots: The area of a "panhandle" shaped or flag lot shall be considered to be the rear or buildable portion of the lot and shall not include the driveway or access strip.

G) Illegally Created Lots: In no case shall a lot which has been created in violation of state statute or city ordinance be considered as a lot of record for development purposes, until such violation has been legally remedied.

H) Area and Yard Reductions: When there are existing dwellings on the lots situated immediately to each side of a given lot and each of those neighboring lots has less than the required street yard depth, the street yard of the subject property may be reduced to the average street yard of those two abutting lots. When there is an existing dwelling situated on a lot immediately to either side of a given lot which fronts on the same street, and such existing dwelling has a street yard which is less than half of that required in the zone, the street yard of the subject property may be reduced to a depth which is halfway between that normally required in the zone and that of the existing dwelling on the neighboring lot. If on the effective date of this ordinance, a lot or the aggregate of contiguous lots held in a single ownership, has less than the required area or width, the lot or lots may be occupied by a permitted use subject to the other requirements of the zone, provided that if the deficiency is one of area, residential uses shall be limited to single family dwellings and further provided that if the deficiency is one of width, each required interior yard may be reduced by one foot for each four feet of deficient width. In no case, however, shall such reduction result in an interior yard of less than five feet. Where two or more contiguous substandard recorded lots are in common ownership and are of such size to constitute at least one conforming "zoning lot," such lots or portions thereof shall be so joined, developed, and used for the purpose of forming an effective and conforming lot or lots. Such contiguous substandard lots in common ownership shall be considered as being maintained in common ownership after the effective date of this ordinance for zoning purposes.

I) Sidewalks Required:

1) In all commercially zoned areas, the construction of sidewalks and curbs (with appropriate ramps for the handicapped on each corner lot) shall be required as a condition of the issuance of a building permit for new construction or substantial remodeling, where such work is estimated to exceed a valuation of \$20,000 as determined by the building code. Where multiple permits are issued for construction on the same site, this requirement shall be imposed when the total valuation exceeds \$20,000 in any calendar year.

2) The planning commission may impose appropriate sidewalk and curbing requirements as a condition of approving any discretionary application it reviews.

J) Height Allowances: The following types of structures or structural parts are not subject to the building height limitations: chimneys, cupolas, tanks, church spires, belfries, derricks, fire

F) Off-street loading: Buildings or structures to be built or substantially altered which receive and distribute material or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. Loading space that has been provided for an existing use shall not be eliminated if its elimination would result in less than the space required to adequately handle the needs of the use. Off-street parking areas used to fulfill the requirements of this ordinance shall not be used for loading and unloading except during periods of the day when these areas are not needed for parking.

G) General Requirements for Parking Lots and Loading Areas: A parking lot or loading area, whether an accessory or principal use, intended for the parking of cars or trucks or the loading from one or more trucks shall comply with the following.

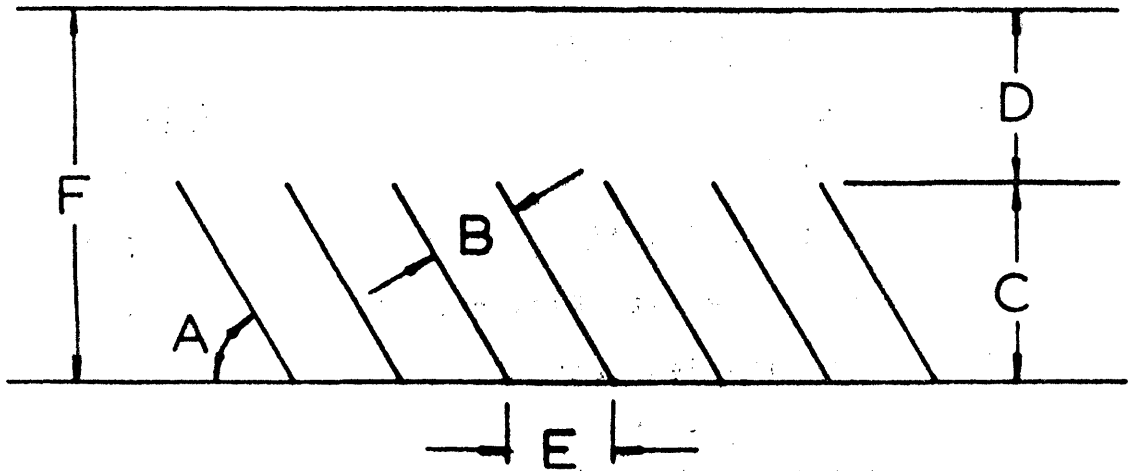
- 1) Areas used for standing or maneuvering of vehicles shall have durable and dust free surfaces (e.g., asphalt or oil mat) maintained adequately for all weather use and so drained as to avoid flow of water across sidewalks.
- 2) Except for parking to serve residential uses, parking or loading areas adjacent to or within residential zones or adjacent to residential uses shall be designated to minimize disturbance of residents.
- 3) Artificial lighting shall be so deflected as not to shine or create glare in any residential zone or on any adjacent dwelling.
- 4) Access aisles shall be of sufficient width for all vehicular turning and maneuvering, but in no case shall two-way and one-way driveways be less than twenty (20) feet and twelve (12) feet in width respectively.
- 5) Parking spaces serving property containing other than one (1) or two (2) dwelling units shall be so located and served by driveways that their use will require no backing movement or maneuvering within a street right-of-way other than an alley.
- 6) Service drives to off-street parking and loading areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic ingress and egress and the maximum safety of pedestrians and vehicular traffic on the site.
- 7) All parking areas and parking spaces except those required in conjunction with a single family dwelling on a single lot shall be designed and laid out to the minimum standards as set forth in Figure 1: Parking Table.
- 8) Owners of two or more uses, structures or parcels of land may utilize jointly the same parking area when the hours of

operation do not overlap, provided satisfactory legal evidence is presented in the form of deeds, leases, or contracts securing full access to such parking areas for all the parties jointly using them.

9) The Planning Commission shall have the authority to require designated areas to be set aside for vehicular parking for the handicapped.

10) Special parking spaces for small cars may be designated in parking lots of five (5) or more vehicles. Not more than 20 percent of the total required spaces shall be of this type. The minimum dimensions of these spaces shall be determined by reducing the required dimensions shown in Figure 1 (B thru F) by 10 percent.

FIGURE 1: PARKING TABLE



A	B	C	D	E	F
*0°	8'0"		12.0	22.0	20.0
20°	9'6"	15.1	12.0	27.8	27.1
30°	9'6"	17.3	12.0	19.0	29.3
45°	9'6"	19.4	13.0	13.4	32.4
60°	9'6"	20.5	18.0	11.0	38.5
70°	9'6"	20.6	18.5	10.5	39.1
80°	9'6"	19.5	24.0	9.6	43.5
90°	9'6"	18.0	24.0	9.5	42.0

*Parallel

This above table and diagram provide the minimum dimensional standards for parking areas and space. In the parking diagram, "A" equals the parking angle, "B" equals the stall width, "C" equals the minimum stall depth, "D" equals the minimum clear aisle width, "E" equals the minimum clear stall distance at bay side, "F" equals the minimum clear bay width.

10.3.15: Classification of Zones: In order to carry out the purposes and provisions of this ordinance, the City is divided into zones designated as follows:

<u>Base Zones</u>	<u>Abbreviation</u>
Agricultural	Ag.
Low Density Residential	R-1
Intermediate Density Residential	R-1.5
Medium Density Residential	R-2
Downtown Commercial	C-1
Residential/Commercial	C-R
Convenience Commercial	C-C
Highway Commercial	C-2
Commercial/Manufacturing	C-M
Light Industrial	M-1
Heavy Industrial	M-2
 <u>Overlay Zones</u>	
Planned Unit Development	PUD
Historical Protection	A
Hazard	H

Uses Permitted:

In each zone, the uses permitted outright or permitted subject to the issuance of a conditional use permit are outlined on the following pages.

0.3.17 Agricultural Zone (Ag.)

A) Uses Permitted Outright:

1. Agriculture, including all accessory structures used for and necessary to the conduct of agricultural activity but excluding commercial processing, sales, manufacturing, or packaging plants, except when used for items grown primarily on the premises.
2. Accessory structures and uses, including those located on a lot which is adjacent to the lot housing the principal use or structure.

B) Conditional Uses:

1. Public building or land use, including public utility.
2. Single family dwelling, one single family dwelling per lot.

C) Development Standards:

1. The following table indicates the required development standards of the Ag. zone.

and hose towers, flagpoles, water tanks, elevators, windmills, utility poles and other similar projections.

K) Fences: Fences not more than three and one-half (3½) feet in height may be constructed up to property lines in the street setbacks of any R-1, R-1.5, R-2, or C-1 zone. Fences not more than six (6) feet in height may be constructed in any interior yard, street yard along the side of a corner lot, or street yard along an alley. Provided however, that in no case shall a fence be constructed in violation of the requirements of a vision clearance area. The Planning Commission may require site-obscuring or noise mitigating fences for any development it reviews and it may require fences of up to eight (8) feet in height for any development in C-2, C-M, M-1, or M-2 zones.

10.3.10 Off-Street Parking and Loading:

A) At any time of erection of a new structure, or at the time of enlargement or change in use of an existing structure within any zone in the city, off-street parking spaces shall be provided as indicated in this Section, unless greater requirements are otherwise established. Except, however that 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, N. W. First Avenue on the south, N. Fir Street on the west, and N. W. Third Avenue on the north.

B) Where square footage is specified, the area measured shall be the gross floor area of the building primary to the functioning of the particular use of the property other than space devoted to off-street parking or loading. Where employees are specified, the term shall apply to all persons, including the proprietors working on the premises during a peak shift.

C) A change of use in an M-1 or M-2 zone need not require the provision of a paved parking or loading area unless adjacent to R-1, single family residential, or developed C-1 or C-2, commercial, property or the approval of a quasi-judicial application.

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

E) The following parking standards shall be observed:

1) <u>Use</u>	<u>Off-Street Parking Required</u>
Residential Use:	
Single family dwelling	Two spaces per dwelling unit for new construction. (Existing single family dwellings having only a single parking space shall not be considered to be nonconforming.)

Two family and multi-family dwelling	Two spaces per dwelling unit, however, no parking will be allowed within a street yard setback. One additional guest parking space shall be provided for every five units for each development of ten or more units.
Residential hotel rooming house or boarding house	Spaces equal to 80 percent of the number of guest accommodations.
Hotel	Spaces equal to 50 percent of the number of guest accommodations.
Motel	One space per guest accommodation plus one space per manager.
Club or Lodge	One space per 150 square feet of floor area plus one space per manager.

2. Institutions:

Welfare or correctional institution	Spaces equal to 20 percent of the number of patient or inmate beds.
Convalescent hospital, nursing home, rest home, sanitarium, home for the aged.	Spaces equal to 50 percent of the number of patient or resident beds.
Hospital	Spaces equal to 150 percent of the number of patient beds.

3. Places of public assembly:

Church	One space per four seats or eight feet of bench length in the main auditorium.
Library	One space per 400 square feet of floor area plus spaces equal to 50 percent of the number of employees.
Preschool nursery, kindergarten	Two spaces per teacher.
Elementary or junior high school	One space per classroom plus one space per teacher.
High School	One space per classroom plus spaces equal to 16% of the number of students.

Other auditorium or meeting space	One space per four seats or eight feet of bench length.
4. Commercial Amusements:	
Stadium, arena or theater	One space per four seats or eight feet of bench length.
Bowling alley	Five spaces per alley plus spaces equal to 50 percent of the number of employees.
Dancehall, skating rink	One space per 100 square feet of floor area plus spaces equal to 50 percent of the number of employees.
5. Commercial:	
Service or repair shop, retail store handling exclusively bulky merchandise such as automobiles or furniture.	One space per 600 square feet of floor area.
Other retail store	One space per 400 square feet of floor area.
Bank, office (other than medical or dental)	One space per 500 square feet of floor area plus one space per two employees.
Medical or Dental	One space per 300 square feet of floor area plus one space per two employees.
Eating or drinking establishments	One space per 200 square feet of floor area.
Mortuaries	One space per four seats or eight feet of bench length in chapels.
6. Industrial:	
Storage warehouse, manufacturing establishment, air, rail or trucking freight terminal	One space per employee.
Wholesale establishment	One space per employee plus one space per 700 square feet of patron serving area.

DEVELOPMENT STANDARDS FOR AG. ZONE

Minimum Lot Area:	5 Acres
Minimum Width and Frontage:	60 feet - except that the Planning Commission may approve lots having less frontage, subject to special conditions to assure adequate access.
Minimum Yard Requirements:	
Street Yard:	20 Feet
Interior Yard:	10 Feet
Maximum Building Height:	35 Feet
Maximum Lot Coverage:	60 Percent
Other Regulations:	Vision clearance distance shall be 10 feet from an alley and 30 feet from any other street.

10.3.18 Low Density Residential Zone (R-1)

A) Uses Permitted Outright:

1. Single-family dwelling. One single family dwelling per lot.
2. Agriculture, including all accessory structures necessary to the conduct of agricultural activity but excluding commercial processing, sales, manufacturing, or packaging plants except when used primarily for items grown on the premises.
3. Accessory uses and/or accessory structures.
4. Two family dwelling on oversized lot when planned for such use as part of the original subdivision design. One two-family dwelling where the lot contains a minimum of 14,000 square feet or, if a corner lot on other than arterial streets, 10,000 square feet. Any duplex constructed on a corner lot of less than 14,000 square feet shall be designed such that access to the different units is taken from different streets.
5. Mobile home subdivisions where developed as planned unit developments, subject to the requirements of Articles 4 and 5.
6. Public building or land use such as fire station, city hall, park and playgrounds, library or museum.

B) Conditional Uses:

1. Cemetery
2. Church
3. Day Nursery
4. Hospital
5. Nursing home, convalescent home, home for the aged, board and care home, foster care home, etc.
6. School
7. Utility, pumping station or substation with facilities and structures that are associated with the use.
8. Golf courses, public or private, with facilities and structures that are associated with the use.
9. Home occupations which otherwise meet the strict definition of Section 10.1.20, but which involve the manufacture of products, non-residential storage of goods, or any activity which is likely to increase traffic.
10. Accessory use or structure located on a lot or lots abutting the lot which houses the principal use of the property.

11. Mobile home park or trailer park subject to the criteria of Section 10.3.45.
12. Two family dwelling when not planned for such use at the time of the original subdivision approval.
13. Other developments customarily found within a residential zone, as determined by the Planning Commission.

C) Development Standards:

1. The following table indicates the required development standards of the R-1 zone.

DEVELOPMENT STANDARDS FOR R-1 ZONE

Minimum Lot Area:	7,000 square feet per single family dwelling. Pre-existing, legally created lots of record shall be considered to be legally buildable and separately saleable, provided they contain at least 5,000 square feet, and further provided that any structures on such lots meet the required setbacks from the lot lines which will result when these lots of record are separated. Lot width requirements shall be reduced to a minimum of 50 feet, and side yard setbacks reduced to a minimum of 5 feet for such lots.
Minimum Width and Frontage:	60 feet - except that the Planning Commission may approve lots having less frontage subject to special conditions to assure adequate access.
Corner Lots:	65 feet
Minimum Yard Requirements:	
Street Yard:	20 feet - on side with driveway. 15 feet for all other street sides.
Rear Yard:	All corner lots: 10 feet single story; 15 feet two-story All other lots: 15 feet single story; 20 feet two-story
Interior Yard:	One side 7 feet; other side 10 feet Interior yards may be reduced to 3 feet for detached accessory structures not exceeding one story and erected 60 feet or more from any street other than an alley.
Maximum Building Height:	
Principal Bldg:	35 feet or 2½ stories, whichever is less
Accessory Bldg:	22 feet or one story, whichever is less
Maximum Lot Coverage:	
Principal Bldg:	No limit
Accessory Bldg:	No more than the area covered by the main building, unless lot area exceeds 12,000 square feet in which case no limit is specified.
Other Regulations:	Vision clearance distance shall be 10 feet from any alley and 30 feet from any other street. All setbacks to be measured from the foundation line of the building, overhangs shall not exceed 2 feet. Required yards on southern and western exposures may be reduced by not more than 5 feet for eaves or canopies to provide shade.

10.3.20 Intermediate Density Residential (R-1.5)

A) Uses Permitted Outright:

1. Uses permitted outright in the R-1 zone.
2. Two or three family dwelling. One duplex or triplex on each lot.

B) Conditional Uses:

1. Uses listed as conditional in the R-1 zone.
2. Single family dwellings having common wall construction and located on the lots of not less than 4,500 square feet each.

C) Development Standards:

1. The following table indicates the required development standards of the R-1.5 zone.

DEVELOPMENT STANDARDS FOR R-1.5 ZONE

- Minimum Lot Area: 6,000 square feet for the first dwelling unit and 4,000 square feet for each additional unit.
A minimum area of 5,000 square feet may be permitted within a new subdivision or partition provided that the overall mean average lot size exceeds 6,000 square feet.
Single family dwellings with common wall construction may be permitted on lots of 4,500 square feet each if approved as a conditional use.
- Minimum Width and Frontage: 60 feet - except that the Planning Commission may approve lots having less frontage subject to special conditions to assure adequate access.
- Corner Lots: 65 feet
- Minimum Yard Requirements:
- Street Yard: 20 feet - on side with driveway. 15 feet for all other street sides.
- Rear Yard: All corner lots: 10 feet single story; 15 feet two-story.
All other lots: 15 feet single story; 20 feet two-story.
- Interior Yard: One side 7 feet; other side 10 feet
Interior yards may be reduced to 3 feet for detached accessory structures not exceeding one story and erected 60 feet or more from any street other than an alley.
- Maximum Building Height:
- Principal Bldg: 35 feet or 2½ stories, whichever is less
- Accessory Bldg: 22 feet or one story, whichever is less
- Maximum Lot Coverage: 60 Percent
- Other Regulations: Vision clearance distance shall be 10 feet from an alley and 30 feet from any other street.
All setbacks to be measured from the foundation line of the building. Overhangs shall not exceed 2 feet.
Required yards on southern and western exposures may be reduced by not more than 5 feet for eaves or canopies to provide shade.

10.3.21 Medium Density Residential Zone (R-2)

A) Uses Permitted Outright:

1. Uses permitted outright in the R-1 zone.
2. Boarding, lodging or rooming house.
3. Multi-family dwelling.
4. Mobile home subdivision of eight or fewer lots per acre, subject to the requirements of Section 10.5.80.

B) Conditional Uses:

1. A use listed as conditional in the R-1 zone, and not listed as permitted outright in "A," above.
2. Mobile home or trailer parks, subject to the criteria of Section 10.3.45.
3. Motels and hotels.
4. Single family dwellings having common wall construction and located on lots of not less than 4,000 square feet each.

C) Development Standards:

1. The following table indicates the required development standards of the R-2 zone.

DEVELOPMENT STANDARDS FOR R-2 ZONE

Minimum Lot Area:	5,000 square feet for the first dwelling unit plus 2,500 square feet for each additional unit; except that dwellings with common wall construction may be permitted on lots of 4,000 square feet each if approved as a conditional use. Pre-existing, legally created lots of record shall be considered to be legally buildable and separately saleable, provided they contain at least 5,000 square feet, and further provided that any structures on such lots meet the required setbacks from the lot lines which will result when these lots of record are separated. Lot width requirements shall be reduced to a minimum of 50 feet, and side yard setbacks reduced to a minimum of 5 feet for such lots.
Minimum Width and Frontage	60 feet (See Section 10.3.60 for regulations governing access)
Corner Lots:	65 feet
Minimum Yard Requirements:	
Street Yard:	20 feet - on side with driveway. 15 feet for all other street sides.
Rear Yard:	All corner Lots: 10 feet single story; 15 feet two-story. All other lots: 15 feet single story; 20 feet two story
Interior Yard:	One side 7 feet, other side 10 feet Interior yards may be reduced to 3 feet for detached accessory structures not exceeding one story and erected 60 feet or more from any street other than an alley.
Maximum Building Height:	35 feet
Maximum Lot Coverage:	40 percent of the lot for multiple family developments. 70 percent of the lot for single family residences.
Other Regulations:	Vision clearance distance shall be 10 feet from an alley and 30 feet from any other street. All setbacks to be measured from the foundation line of the building. Overhangs shall not exceed 2 feet. Required setbacks on southern and western exposures may be reduced by not more than 5 feet for eaves or canopies to provide shade.

10.3.24 Downtown Commercial Zone (C-1)

A) Uses Permitted Outright:

1. Dwelling units incidental and attached to any use listed in a C-1 zone. (Residences are subject to the regulations of the R-2 zone.)
2. Retail store or shop, except those first listed as permitted uses in the C-2 zone.
3. Amusement enterprise, including pool hall, bowling alley, dance hall, skating rink or theater, when enclosed in a building.
4. Bakery, for retail sale primarily on premises.
5. Barber or beauty shop.
6. Bank or other financial institution.
7. Bicycle sales, service, or repair.
8. Blueprinting, photostating, printing, or other reproduction process.
9. Building materials, supply or sales when enclosed in a building.
10. Bus depot.
11. Business college.
12. Catering establishment.
13. Club or lodge hall.
14. Laundry or cleaning establishment.
15. Frozen food lockers.
16. Hotel and apartment hotel.
17. Laboratory for experimental, photo or electronic testing research.
18. Locksmith or gunsmith.
19. Magazine or newspaper distribution agency.
20. Mortuary.
21. Office, business or professional.
22. Parking lot or parking structure.
23. Pawn shop.
24. Restaurant, without drive-in service.
25. Scientific or professional instrument sales or repair.
26. Sales, rental or repair of small recreational, radio, television, business or household equipment.
27. Studio, including music, art, dancing, photography or health.
28. Taxidermy shop.
29. Telephone or telegraph exchange.
30. Theater, except drive-in.
31. Auto parts store and incidental shop facilities.
32. Upholstery shop.
33. Watch and clock repair.
34. Similar commercial uses as determined by the Planning Commission
35. Public building or land use such as fire station, city hall, park, playground, library or museum.

B) Conditional Uses:

1. A use listed as conditional in the R-1 zone.
2. Miniature golf courses.
3. Dwelling units other than those which are incidental and attached to a use listed in the C-1 zone.

C) Development Standards:

1. The following table indicates the required development standards of the C-1 zone.

DEVELOPMENT STANDARDS FOR C-1 ZONE

Minimum Lot Area:	None
Minimum Width and Frontage:	None
Minimum Yard Requirements:	
Street Yard:	None, except 10 feet where adjoining a residential zone.
Interior Yard:	None
Maximum Building Height:	45 feet
Maximum Lot Coverage:	No limit
Other Regulations:	Vision clearance distances shall be 10 feet from an alley and 15 feet from any other street. Sidewalks 8 feet in width shall be required in commercial locations unless existing building locations or street width necessitate a more narrow design. All setbacks to be measured from the foundation line of the building. Overhangs shall not exceed 2 feet.

10.3.25 Residential/Commercial (C-R)

A) Uses Permitted Outright:

1. Uses permitted outright in the R-1 zone.
2. Parking lots or parking structures.
3. Bakery, for retail sale on premises only.
4. Barber or beauty shop.
5. Bicycle service and repair shop with all business and storage conducted within an enclosed building.
6. Church.
7. Ceramic, arts, crafts, or hobby shop, provided that adequate parking exists for any classes given.
8. Day care center serving 15 or fewer children or adults.
9. Locksmith shop.
10. Magazine or newspaper distribution agency.
11. Sales, rental or repair of small recreational, radio, television, business or household equipment.
12. Studio, including music, art, dance, photography or health.
13. Upholstery shop.
14. Watch or clock repair.
15. Business or professional offices.
16. Rooming or boarding houses.
17. Shoe repair.

B) Conditional Uses:

1. Uses listed as conditional in R-1, or R-1.5 zones, and not listed as permitted in "A" above.
2. Uses listed as permitted outright in R-2 zones, and not listed as permitted in "A" above.
3. Motels or hotels.

C) Development Standards:

1. The following table indicates the required development standards of the C-R zone.

DEVELOPMENT STANDARDS FOR C-R ZONE

Minimum Lot Area:	7,000 Square Feet
Minimum Width and Frontage:	60 feet except that the Planning Commission may approve lots having less frontage subject to special conditions to assure adequate access.
Minimum Yard Requirements:	
Street Yard:	20 feet
Interior Yard:	None, except 10 feet where adjoining a residential zone. May be reduced to 3 feet for detached accessory structure not exceeding one story and erected 60 feet or more from all streets other than an alley.
Maximum Building Height:	45 feet
Maximum Lot Coverage:	60 percent
Other Regulations:	Vision clearance distances shall be 10 feet from an alley and 30 feet from any other street. All setbacks to be measured from the foundation line of the building. Overhangs shall not exceed 2 feet.

10.3.26 Convenience Commercial (C-C)

A) Uses Permitted Outright:

1. Convenience commercial enterprises having no more than 4,000 square feet of floor area including:
 - a) Retail stores
 - b) Barber or beauty shop
 - c) Service station not operating after 10:00 p.m. or before 6:00 a.m.
 - d) Similar appropriate commercial uses as determined by the Planning Commission.

B) Conditional Uses:

1. Other commercial uses.
2. Dwelling units.

C) Development Standards:

1. The following table indicates the required development standards of the C-C zone.

DEVELOPMENT STANDARDS FOR C-C ZONE

Minimum Lot Area:	None
Minimum Width and Frontage:	None
Minimum Yard Requirements:	
Street Yard:	20 feet
Interior Yard:	None, except 10 feet where adjoining a residential zone.
Maximum Building Height:	35 feet
Maximum Lot Coverage:	60 percent
Other Regulations:	Vision clearance distances shall be 10 feet from an alley and 30 feet from any other street. Sidewalks 8 feet in width shall be required in commercial locations unless existing building locations or street width necessitate a more narrow design. All setbacks to be measured from the foundation line of the building. Overhangs shall not exceed 2 feet.

10.3.28 Highway Commercial Zone (C-2)

A) Uses Permitted Outright:

1. A use permitted outright in a C-1 zone, other than dwelling units.
2. Miniature golf courses.
3. Automobile, motorcycle, boat or truck sales, service, repair, rental, storage, or parking.
4. Billboard.
5. Theaters or other drive-in commercial recreational enterprises.
6. Restaurant, including drive-in.
7. Kennel.
8. Lumber yard.
9. Machinery, farm equipment, or implement sales, service or rental.
10. Motel or tourist court.
11. Service station.
12. Tire shop, including incidental tire recapping.
13. Veterinarian's office or animal hospital.
14. Fuel oil distribution, retail, provided all fuel oil storage is underground.
15. Nursery and greenhouse.
16. Feed and seed store.
17. Department store.
18. Similar commercial uses as determined by the Planning Commission.

B) Conditional Uses:

1. Mobile home or trailer parks.
2. A use permitted outright in an M-1 zone.
3. A use listed as conditional in a C-1 zone and not listed in "A" above.

C) Development Standards:

1. The following table indicates the required development standards of the C-2 zone.

DEVELOPMENT STANDARDS FOR C-2 ZONE

Minimum Lot Area:	None
Minimum Width and Frontage:	None
Minimum Yard Requirements:	
Street Yard:	20 feet where abutting Highway 99-E and S. Ivy Street. Remaining property none, except 10 feet where abutting a residential zone.
Interior Yard:	None, except 10 feet where abutting a residential zone.
Maximum Building Height:	45 feet
Maximum Lot Coverage:	60 percent
Other Regulations:	Vision clearance distances shall be 10 feet from an alley and 15 feet from any other street. Sidewalks 8 feet in width shall be required in commercial locations unless existing building locations or street width necessitate a more narrow design. All setbacks to be measured from the foundation line of the building. Overhangs shall not exceed 2 feet.

10.3.29 Heavy Commercial/Manufacturing Zone (C-M)

A) Uses Permitted Outright:

1. A use permitted outright in a C-2 zone.
2. Automobile body shop or heavy repair shop.
3. Contractor's equipment yard.
- 4) Dwelling for watchman or caretaker working on premises.
5. Fuel distribution, wholesale or retail.
6. Laundry or laundromat, with or without dry cleaning operation.
7. Lumber yard.
8. Machinery or farm equipment sales or service.
9. Motels or Hotels
10. Motor or rail freight terminal.
11. Railroad trackage and related facilities.
12. Restaurant.
13. Stone cutting and sales.
14. Service Station.
15. Tire retreading, recapping and sales
16. Transfer or storage.
17. Utility storage or service yard.
18. Veterinarian's office or animal hospital.
19. Business or professional office.
20. Public buildings or uses.
21. Similar heavy commercial, storage or light manufacturing uses as determined by the Planning Commission.

B) Conditional Uses:

1. A use permitted outright in an M-1 zone and not listed in "A," above.
2. Other light industrial uses as determined by the Planning Commission.

C) Development Standards:

1. The following table indicates the required development standards of the C-M zone.

DEVELOPMENT STANDARDS FOR C-M ZONE

Minimum Lot Area:	None
Minimum Width and Frontage:	None
Minimum Yard Requirements:	
Street Yard:	20 feet where abutting Highway 99-E. Remaining property none, except 10 feet where abutting a residential zone.
Interior Yard:	None, except 10 feet where abutting a residential zone.
Maximum Building Height:	45 feet
Maximum Lot Coverage:	60 percent
Other Regulations:	Vision clearance distances shall be 10 feet from an alley and 15 feet from any other street. Sidewalks 8 feet in width shall be required in commercial locations unless existing building locations or street width necessitate a more narrow design. All setbacks to be measured from the foundation line of the building. Overhangs shall not exceed 2 feet.

10.3.31 Light Industrial Zone (M-1)

A) Uses Permitted Outright:

1. Manufacturing, fabricating, processing, compounding, assembling or packaging of products made from previously prepared materials such as cloth, plastic, paper, metal, wood (but not including sawmills or lumber mills), the operation of which will not result in:
 - a) The dissemination of dusts, gas, smoke, fumes, odors, atmospheric pollutant or noise which exceed Oregon Department of Environmental Quality standards.
 - b) Danger by reason of fire, explosion, or other physical hazard.
 - c) Unusual traffic hazards.
2. Automobile body shop.
3. Contractor's equipment or storage yard.
4. Dwelling for watchman or caretaker working on the property.
5. Food processing plant.
6. Fuel distribution, wholesale or retail.
7. Ice or cold storage plant.
8. Laundry or dry-cleaning plant.
9. Lumber yard.
10. Machinery, farm equipment or implement sales, service or rental.
11. Motor or rail freight terminal.
12. Railroad trackage and related facilities.
13. Restaurant.
14. Service station.
15. Stone, marble, or granite cutting.
16. Tire retreading or recapping.
17. Transfer and storage company.
18. Utility service yard.
19. Veterinarian's office or animal hospital.
20. Warehouse.
21. Wholesale distribution, including warehousing and storage.
22. Similar heavy commercial and light industrial uses as determined by the Planning Commission.
23. Business or professional office.
24. Public buildings or uses such as fire station, park or playground.

B) Conditional Uses:

1. Motels, hotels and similar accommodations.
2. Other heavy commercial or light industrial uses as determined by the Planning Commission.

C) Development Standards:

1. The following table indicates the required development standards of the M-1 zone.

DEVELOPMENT STANDARDS FOR M-1 ZONE

Minimum Lot Area:	5,000 square feet
Minimum Width and Frontage:	50 feet
Minimum Yard Requirements:	
Street Yard:	None, except 10 feet where abutting a residential zone and 20 feet where abutting Highway 99-E.
Interior Yard:	None, except 10 feet where abutting a residential zone.
Maximum Building Height:	45 feet
Maximum Lot Coverage:	No limit
Other Regulations:	Vision clearance area distances shall be 15 feet or 10 feet at intersections including an alley.
	Outside storage abutting or facing a lot in a residential zone shall be enclosed by a site-obscuring fence. The fence shall be so designed as to screen the storage from view from the residential zone and shall be of such material and design as will not detract from adjacent residences.
	All setbacks to be measured from the foundation line of the building. Overhangs shall not exceed 2 feet.

10.3.33 Heavy Industrial Zone (M-2)

A) Uses Permitted Outright:

1. A use permitted outright in an M-1 zone.

B) Conditional Uses:

1. Aggregate removal operations.
2. All other uses when evaluated on the standards and criteria specified in Section 10.3.75, and the following point system for evaluating heavy industrial development proposals.

Explanation: Each of the following characteristics will be evaluated by the Planning Commission and assigned a certain number of points (positive and negative). A net point total of "0" will be considered to be the pre-requisite for approval of an industrial conditional use. In entering its findings of fact for its decision, the Commission shall indicate its findings regarding the following:

<u>Points:</u>	<u>Subject:</u>
0 to -10	Traffic impacts, particularly heavy truck traffic and its impact on non-industrial areas and streets.
0 to -10	Noise impacts, especially loud and high pitched noise and noise expected to occur at night.
0 to -10	Air pollution, including odors as well as measurable pollutants.
0 to -10	Water pollution, including impacts on groundwater and surface water as well as any unusual or hazardous discharges to the city sewage treatment facility.
0 to -10	Water consumption, especially where city water is utilized rather than a private source.
0 to -10	Electrical consumption.
0 to -40	Other adverse impacts, which may include factors not listed above or may be used to add more negative points to any of the items already listed, where <u>extreme</u> adverse impacts are expected.

0 to +20	Tax benefits to the community, particularly for property taxes beyond the costs of providing public services.
0 to +10	Total number of persons to be employed.
0 to +10	Number of local persons who can expect to be employed, based upon percentages of skilled, semi-skilled and unskilled positions.
0 to +10	Reliance of industry on locally produced resources and locally processed materials.
0 to +10	Export characteristics and residual benefits to other local industries.
0 to +40	Other community benefits, including particularly advantageous design characteristics, etc. May also be used to add more positive points to each of the factors listed above where <u>extremely</u> beneficial impacts are expected.

C) Development Standards

1. The following table indicates the required development standards of the M-2 zone.

DEVELOPMENT STANDARDS FOR M-2 ZONE

Minimum Lot Area:	5,000 square feet
Minimum Width and Frontage:	50 feet
Minimum Yard Requirements:	
Street Yard:	None, except 20 feet where abutting a residential zone.
Interior Yard:	None, except 20 feet where abutting a residential zone.
Maximum Building Height:	45 feet
Maximum Lot Coverage:	No limit
Other Regulations:	Vision clearance area distance shall be 15 feet and 10 feet at intersections including an alley. Outside storage abutting or facing a lot in a residential zone shall be enclosed by a site-obscuring fence. The fence shall be so designed as to screen the storage from view from the residential zone and shall be of such material and design as will not detract from adjacent residences.

10.3.35 Planned Unit Development Overlay (PUD)

A) Purpose:

The Planned Unit Development overlay zone is intended to be used in conjunction with any of the city's underlying base zones (example: R-1/PUD, M-1/PUD, etc.) to assure that the ultimate development of the site will meet the requirements of a planned unit development. The Planned Unit Development overlay zone is intended to be applied only to those specific properties which, because of unique characteristics, such as size, shape and location of the parcel are most suitable for development as planned unit developments.

B) Uses Permitted Outright:

The uses permitted outright in the underlying base zone, provided they are developed in conformance with the City's regulations and procedures for planned unit developments.

C) Conditional Uses:

The uses listed as "conditional" in the underlying base zone.

10.3.36 Historical Protection Overlay (A)

A) Purpose:

The Historical Protection overlay zone is intended to be used in conjunction with any of the city's underlying base zones (example: R-1/A, C-2/A, etc.) to assure that the future development of the site will provide ample protection for identified historically/architecturally significant structures, features or sites. The Historical Protection overlay zone is intended to be applied only to those specific properties which, because of generally recognized significance to the community, warrant protection, preservation, or enhancement of their historical or architectural characteristics. Additional to the regulatory aspects of this zoning, it should be noted that city staff will provide information on tax benefits and landmark requirements to interested persons.

B) Uses Permitted Outright:

The uses permitted outright in the underlying base zone, provided that a site plan review is to be conducted prior to the issuance of any permit for construction. This site plan review is to focus on those particular aspects of the site which are of historical or architectural significance. If the City Planner, in conducting the site plan review, determined that the proposed development will result in the removal, demolition, or major exterior alteration of the site or building which will tend to damage the historical or architectural characteristics of the site he shall require that a conditional use permit be processed prior to issuance of any other permit for construction.

C) Conditional Uses:

1. The uses listed as conditional in the underlying base zone.
2. Any use or proposed development which, through the site plan review process, is found to be potentially damaging to the historical or architectural characteristics of the site. In reviewing these conditional use permits, the Planning Commission may set such conditions or impose such limitations on development as it deems necessary to mitigate or minimize those potentially damaging development proposals. The State Historic Preservation office will receive notice of any public hearing scheduled for such use permits. In the event that it is determined that no conditions can be imposed which will prevent the removal or demolition of the feature, the permit shall be granted only after it has been determined that no public historic preservation entity is willing to acquire the site for public use.

10.3.37 Hazard Overlay Zone (H)

A) The Hazard overlay zone is intended to be used in conjunction with any of the City's underlying base zones (example: R-1/H, M-2/H, etc.) to assure that the development of the site will not result in an unacceptable level of risk because of hazardous conditions. The Hazard overlay zone is intended to be applied only to those specific properties which have been identified as having steep slopes or potential for flooding.

B) Uses Permitted Outright:

1. One single family dwelling per lot, provided that it is designed, located, and constructed with a base floor elevation which is at least one (1) foot above the base flood elevation determined in compliance with the requirements of the Federal Flood Insurance Program.
2. Agriculture, including all accessory structures necessary to the conduct of agricultural activity, provided that such structures comply with the requirements of the Federal Flood Insurance Program, and excluding commercial processing, sales, manufacturing, or packaging plants, except when used for items grown primarily on the premises.
3. Accessory structures and uses, provided that they comply with the requirements of the Federal Flood Insurance Program.
4. Water intake or sewer outflow structures which meet county and state requirements for construction as well as the requirements of the Federal Flood Insurance Program.

C) Conditional Uses:

1. All uses not listed above as permitted outright, but listed as either permitted or conditional uses in the underlying base zone. In reviewing such conditional use permit applications, the Planning Commission shall require full compliance with the requirements of the Federal Flood Insurance Program, proof of base floor elevations at least one (1) foot above base flood levels, and may impose special conditions to mitigate or minimize hazards to life and property.
2. Aggregate removal operations.

D) Special Conditions Relating to Fish and Wildlife Protection:

In reviewing any discretionary application for development in an "H" overlay zoned area, the Planning Commission and City Council shall consider the potential impacts of the development upon fish, wildlife, and open space resources of the community. Where it is found that the potential for such impacts is significant, the hearing body shall impose whatever conditions or restrictions upon the development are necessary to mitigate or minimize such impacts. Grading plans shall be submitted for the review of the Planning Commission prior to the commencement of any road building or major site grading. Tree cutting plans shall be submitted for review prior to the removal of any trees having trunks of greater than six (6) inches in diameter. Grading plans and tree cutting plans shall be reviewed by the Commission except in the case of minor tree cutting in isolated cases which shall require only the prior approval of the City Forester. The Commission may require the developer to plant selected species of trees or other vegetation to stabilize slopes and enhance wildlife habitat areas.

10.3.40 Signs

A) Purpose:

1. The purpose of this Section is to help maintain the appearance of the City by encouraging well designed and wisely located signs which are consistent with the intent and objectives of the Comprehensive Plan.
2. These regulations are intended to control the size, location, number, and type of signs in such a manner as to minimize any adverse affects on the public health, safety, general welfare or overall aesthetic appearance of the City.

B) Construction and Maintenance:

1. Each sign shall be constructed to meet the requirements of applicable Building, Electrical and Mechanical Codes.
2. All signs and component parts shall be kept in good repair and maintained in a safe, neat, clean, and attractive condition.
3. No sign shall be erected or maintained in such a manner that any portion of its surface or its supports will interfere in any way with the free use of, or any access to, any fire escape, exit or standpipe. No signs shall be erected

or maintained so as to obstruct any window so that light or ventilation is reduced below standards required by any applicable law or building code.

C) Setbacks:

1. Signs are required to meet the setback requirements of the applicable zone district. Except however, that the street yard setback for signs shall be at least 50 percent of that required for other structures in the zone.
2. Signs shall not be allowed to obstruct a vision clearance area at an intersection.
3. Signs for non-conforming structures or uses shall be permitted without the necessity of receiving a permit to expand a non-conforming structure or use, provided that such signs meet all other requirements of local ordinance and provided that such signs are not less in conformance than the existing structure or use.

D) Temporary Signs:

1. Political campaign signs, real estate or land development signs, and temporary signs advertising such things as social events, garage sales, rental vacancies, or farm products are all permitted provided that they do not exceed the total square footage of allowed sign area per lot by more than 50 percent and provided that they meet all other ordinance requirements. Except, however, that such temporary signs in residentially zoned areas shall not exceed eight (8) square feet per dwelling unit.
2. All temporary signs shall be removed within five (5) days after the culmination of the event they were intended to advertise.

E) Street Banners:

No street banners or other signs projecting over a public right-of-way shall be permitted without the prior consent of the City Council, except as may be permitted in the Uniform Sign Code.

F) Signs on Trailers or Vehicles:

Signs on trailers or vehicles shall not be considered to be valid temporary signs as used in this ordinance. No such signs on trailers or vehicles shall be allowed to be parked on any public right-of-way or to otherwise violate the setback requirements for signs, except for those nameplates or

logos which may be affixed to a commercial vehicle to indicate the owner's name and place of business, where such advertising is incidental to the use of the vehicle.

G) Signs Not Designed to be Viewed from any Public Right-of-way.

1. Nothing in this Section shall prevent the erection, location or construction of small directional or instructional signs on private property when such signs are solely designed to direct or to guide or to instruct pedestrian or vehicular traffic while on the parcel of real property on which said signs are located.
2. Nothing in this Section shall prevent the erection, location or maintenance of signs located on private property that are not visible from a public right-of-way or other nearby private property unless the building official deems that the continuation of such a sign constitutes a serious and immediate danger to public safety and welfare.

H) Prohibited Signs:

Rotating, moving, flashing, changing, reflecting, or blinking signs are hereby prohibited other than those with white lights indicating the date, time, and temperature. No sign or other advertising structure as regulated by this Section shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape, or color, it may interfere with, obstruct the view of, or be confused with, any authorized traffic sign, signal, or device; or which makes use of the words, "stop," "look," "detour," "danger," or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse motorists. Sign lighting which is designed or constructed in a manner which produces glare that creates a nuisance to nearby dwellings will not be permitted.

I) Nameplates:

Nothing in this Section is intended to preclude or regulate the placement of nameplates or address signs of less than two (2) square feet, provided that such small signs are unlighted and provided that not more than one such nameplate or address sign shall be used for each dwelling unit or occupant.

J) Area of Signs Permitted by Zoning District:

Signs in commercial or industrial zoning districts shall comply with the chart on the following page:

PERMITTED TOTAL SQUARE FOOTAGE OF SIGN

AREA PER SQUARE FOOTAGE OF USE*

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	Up to 500 sq. ft.	500 to 1,000 sq. ft.	1,000 to 2,500 sq. ft.	2,500 to 4,000 sq. ft.	4,000 to 6,000 sq. ft.	6,000 to 10,000 sq. ft.	10,000 sq. ft.
C-1	40	60	80	100	150	200	250
C-C	20	40	60	60	60	60	60
C-R	20	30	40	50	50	50	50
C-2	50	75	100	150	200	250	300
M-1	50	75	100	150	200	250	300
M-2	50	75	100	150	200	250	300

*"Square Footage of Use" is intended to apply only to building area or other portion of the property where business is actually conducted, exclusive of parking areas, open space, or undeveloped portions of the property.

** Sign area may be increased by as much as 60% for businesses having frontage on more than one street.

10.3.45 Mobile Home and Trailer Parks: The following regulations shall be applied to mobile home parks or trailer parks, shall guide the staff in the process of conducting site plan reviews, and shall guide the Planning Commission in the process of considering conditional use permits.

A) Applicants shall submit plot plans in the appropriate number and general form as is required for either a site plan review or conditional use permit, as applicable, which shall include the following:

1. Locations, number and general design of pads or stalls where units are to be located.
2. Locations and designs of streets, private drives and parking areas.
3. Locations and basic designs of any structures which are to be permanently situated on the property and an indication of the use of such buildings.
4. Locations and designs of exterior storage areas, with an indication of whether vehicles are to be stored.
5. Locations, with calculations of area, of each of the recreation, open space, or landscaped areas.

B) In reviewing applications for mobile home parks or trailer parks the following standards and criteria shall apply:

1. Maximum density shall be as follows:
 - a) R-1 Zone. 7 units/acre
 - b) R-1.5 Zone. 10 units/acre
 - c) R-2 Zone and other zones listing Mobile Home or Trailer Parks as conditional or permitted uses 12 units/acre
2. Density figures may be increased by not more than 2 units per acre for trailer parks providing spaces for overnight camping facilities.
3. The setback requirements of the zone shall be applied to the locations of mobile homes or trailers, except that in no case shall such units be placed less than fifteen (15) feet from any interior lot line nor less than 25 feet from any public street.

4. The access requirements of Section 10.3.60 shall be utilized to determine the permitted number of units.
 5. Paved pedestrian paths or walkways shall be provided along at least one side of each private road and between each unit and any out-building provided to serve that unit. Such paths are to be a minimum of two feet in width and designed to prevent drainage water from passing over such walkways.
 6. A minimum of fifteen (15) feet of separation shall be maintained between individual units as well as between units and permanent buildings.
 7. A concrete patio area of at least 150 square feet shall be provided for each unit.
 8. Playground or open space areas shall be provided and specified on the plan, and suitable equipment for such purposes shall be specified. Such areas shall be protected from streets, drives, and parking areas. A minimum of 100 square feet of playground or open space area for each mobile home space shall be provided in one or more locations within the mobile home park. The minimum size of each such playground or open space shall be 2500 square feet. Except, however, that those requirements may be reduced by as much as 50 percent if the Planning Commission finds that such reduction is justified because of indoor recreation facilities which are provided.
 9. A minimum of fifteen (15) percent of the total development shall be landscaped, including a strip at least 15 feet wide along all interior lot lines.
 10. A site obscuring fence which is not less than four (4) nor more than six (6) feet in height shall be provided along the perimeter of the development, except where reduced fence height is required for vision clearance along street frontage.
- C) No mobile home or travel trailer will be allowed to remain in a mobile home or trailer park unless a parking space or previously approved storage area has been provided for the purpose. Mobile homes or travel trailers which are parked in storage areas shall not be occupied.
- D) When reviewing a conditional use permit application for the development or expansion of a mobile home park or trailer

park the Commission may impose special conditions of approval for the perimeter of the park to assure that its outward appearance does not conflict with the surrounding uses or activities. The Commission shall not, however, interpret the requirements of Section 10.3.75 as allowing the denial of a mobile home park development because of the nature of surrounding residential development.

10.3.50 Other Regulations Affecting Mobile Homes, Motor Homes, and Travel Trailers: Mobile homes, motor homes or travel trailers other than in approved mobile home parks or subdivisions shall not be inhabited or used except as provided in this Section, or as may otherwise be specified in the Land Development and Planning Ordinance.

A) No camper, trailer, motor home, or mobile home may be used or inhabited for more than seven (7) consecutive days within a sixty (60) day period unless such placement use or habitation conforms with the requirements of the Ordinance.

B) Parking or placement of such vehicles or structures within any public right-of-way is subject to the enforcement provisions of City ordinances governing nuisances and traffic violations.

C) The City Council may, after receiving a properly filed application and report from the staff and the Fire Marshal, approve a permit to allow the use of a travel trailer mobile home, or motor home for a period not to exceed six (6) months.

1. Approval of such permits shall be based upon findings that this use will have no significant adverse impacts on the value or appropriate development of nearby properties.

2. Any permit issued pursuant to the terms of this section may be revoked by the Council on 24 hours notice upon finding that the use is a menace to public health or is resulting in a public nuisance.

D) The City Council may also issue temporary permits for the use and occupancy of travel trailers or motor homes in special hardship situations, subject to the following:

1. Duration of the permit shall be specified by the Council and may include a provision which requires renewal at predetermined intervals.

2. The nature of the hardship must be a physical or mental infirmity of a resident of either the principal dwelling unit or the temporary unit, and shall be certified as such in writing by a medical doctor or court of competent jurisdiction.

3. Prior to final issuance of the permit, the applicant shall sign an affidavit agreeing to remove or cease

using the travel trailer or motor home upon the death or relocation of the infirm person.

4. Upon receipt of an application and accurate plot plan for such a temporary hardship permit the following procedure shall be followed:
 - a) Notices shall be mailed to the owners of property within 100 feet of the subject property, giving them ten (10) days in which to request a public hearing on the application.
 - b) If no such requests for a hearing are received within the time limits, the application shall be scheduled for Council action at its next regular meeting without a public hearing.
 - c) If a public hearing is formally requested, it shall be scheduled on an upcoming Council agenda and the hearing procedures of Article 8 followed.
5. A decision on an application for a temporary hardship permit shall be based upon the following standards and criteria:
 - a) No significant adverse impacts on the value or appropriate development of nearby properties will result.
 - b) The subject property contains sufficient vacant area to allow for the placement of the temporary unit without overcrowding the lot or the vicinity overall and will result in a reasonable amount of open space in the area.
 - c) The temporary unit will be connected to all required utilities in a manner which meets code requirements.
 - d) The placement of the unit will meet the setback requirements of the zone.
 - e) The hardship situation is legitimate and clearly necessitates the issuance of a temporary permit as an alternative to having all of the affected persons share a single dwelling unit on the property.
6. The City Council may establish requirements as a condition of approving such an application which are necessary to assure compliance with the intent of this Section and to minimize adverse impacts on the surrounding neighborhood.
 - E) The City Council may issue temporary permits for the use and occupancy of mobile homes, travel trailers, or motor homes for

the purpose of housing caretakers or watchmen subject to the following:

1. Duration of the permit shall be specified by the Council and may include a provision which requires renewal at predetermined intervals.
2. Such temporary permits may only be issued for industrial areas, large commercial tracts, public ownerships, or for short terms, at construction sites.
3. Prior to final issuance of the permit, the applicant shall sign an affidavit agreeing to remove the mobile home, travel trailer, or motor home upon the expiration of the permit.
4. A decision on a permit authorized subject to this Subsection shall be based upon the following standards and criteria:
 - a) No significant adverse impacts on the value or appropriate development of nearby properties will result.
 - b) The subject property contains sufficient vacant area to allow for the placement of the temporary unit without overcrowding the lot or the vicinity overall and will result in a reasonable amount of open space in the area.
 - c) The temporary unit will be connected to all required utilities in a manner which meets code requirements.
 - d) The placement of the unit will meet the setback requirements of the zone.
5. The City Council may establish requirements as a condition of approving such an application which are necessary to assure compliance with the intent of this Section and to minimize adverse impacts on the surrounding neighborhood.

10.3.60 Access Limitations on Project Density: A major factor in determining the appropriate density of residential development, particularly in higher density areas, is vehicular access. In order to assure that sufficient access is provided for emergency response as well as the convenience of residents, the following special limitations shall be placed on the allowable number of units in a residential development:

- A) The maximum number of units to take access to a given private road or driveway shall be:

1. 16, for any one-way drive, or 20, for any one-way drive with a parking strip.
2. 24, if the traveled portion of the road or driveway is less than 24 feet in width.
3. 36, if the traveled portion of the road or driveway is between 24 and 30 feet in width.
4. 40, if the traveled portion of the road or driveway exceeds 30 feet in width.

B) The maximum number of units listed in Subsection (A), above, may be increased by up to 50 percent for looped or through roads or driveways, except in the case of one-way drives which shall in all cases be looped.

C) The Planning Commission may allow increases beyond the maximum number of units listed in Subsections (A) and (B), above, for planned unit developments. Such increases shall not exceed an additional 20 percent and shall be based upon a specific finding that no unwarranted problems for emergency response vehicles will result.

D) The established requirements of a 12 foot minimum width for one-way drives and 20 foot minimum width for two-way drives shall remain in effect.

E) All turnaround systems shall meet or exceed the requirements of the parking provisions of this Ordinance delineated in Section 10.3.10.

F) All on-site private roads and drives shall be designed and constructed to provide safe intersections and travel surfaces which will not result in hazards for motorists, bicyclists, or pedestrians.

10.3.62 Other Access Limitations: Ingress and egress to any lot or parcel, the creation of which has been approved by the Planning Commission, shall be taken along that portion fronting on a public street unless otherwise approved by the Planning Commission.

10.3.70 Site Plan Review: Prior to undergoing a plan check for construction, all proposed commercial, industrial, and multiple family residential development projects (having greater than two dwelling units) shall undergo a site plan review to be conducted by the staff. This review is intended to focus on code compliance and the mitigation of potential health and safety hazards rather than on architectural or aesthetic design features. Additional to the requirements imposed as a result of a site plan review the staff may also make certain recommendations which are not binding upon the applicant but which are intended to improve the overall quality or appearance of the development.

A) Eight (8) copies of a plot plan, drawn to a clearly legible scale, shall be submitted to the city planner for review. These plans shall include all of the following which may be applicable to the development.

1. Locations and general designs of all structures, showing exterior doors.
2. Locations, sizes and general designs of all signs.
3. Bicycle paths, bicycle parking areas, sidewalks, and other pedestrian ways.
4. Landscaping areas and water systems for landscaped areas.
5. Parking layout, including specially designated areas for economy cars and spaces for the handicapped. The patterns of vehicular traffic shall be shown, including ingress and egress points onto adjacent streets.
6. Locations and types of traffic control signs.
7. Distances between structures and other significant features.
8. Planned exterior lighting arrangement.
9. Method of screening garbage cans and exterior storage areas from view.
10. Locations, sizes, and types of fences to be used.
11. Vision clearance areas.
12. Storm drainage plans.
13. Locations and general nature of utility lines, pipelines, standpipes, hydrants, etc.
14. Arrangement and location of mail boxes.

B) The City Planner and other appropriate staff persons shall review the plans and may make field inspections of the site to determine whether the proposed development conforms with applicable city ordinances.

C) Necessary corrections, additions, or deletions to the plans shall be noted on them, with one copy of the corrected plan placed on file and another returned to the applicant.

1. If the corrections, additions, or deletions are relatively minor, the building permit may be issued upon completion of the normal building permit process.
 2. In the case of major modifications to the design, however, the City Planner or Building Official may require that the plot plan be re-drawn and re-submitted for review prior to issuance of the building permit.
- D) The staff shall utilize the following standards and criteria in conducting a site plan review:
1. Compliance of the proposal with all applicable city ordinance requirements.
 2. A determination that the proposal will result in no unusually hazardous conditions for motorists, bicyclists, pedestrians, or other users of the site.
 3. A determination that exterior lighting will not result in a glare on neighboring properties or a hazard to motorists.
 4. A finding that any previously established conditions of approval (for a variance, conditional use permit, etc.) have been met.
- E) On appeal of a staff decision regarding a site plan review the Commission shall utilize the same standards and criteria as are required of the staff.
- F) On additions to existing buildings the site plan review shall be conducted only on those portions of the project affected by the additions, except where potential hazards may result from the design, in which case the review may be expanded to include any portions of the total development where such hazardous conditions may exist.

10.3.75 Conditional Uses

A) Authorization to Grant or Deny Conditional Uses: A conditional use listed in this ordinance shall be permitted, altered, or denied in accordance with the standards and procedures of this Section. In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as a conditional use, a change in the use or reduction in lot area or an alteration of the structure shall require the prior issuance of a conditional use permit. In judging whether or not a conditional use permit shall be approved or denied, the Planning Commission shall weigh the proposal's positive and negative features that would result from authorizing the particular development at the location proposed and to approve such use, shall find

that the following criteria are either met, can be met by observance of conditions, or are not applicable:

1. The proposal will be consistent with the policies of the comprehensive plan and the requirements of the Land Development and Planning Ordinance and other applicable policies of the city.
2. The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features.
3. All required public facilities and services exist to adequately meet the needs of the proposed development.
4. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, or precludes the use of surrounding properties for the uses listed as permitted in the zone.

B) Application for Conditional Uses: A request for a conditional use or modification of an existing conditional use may be initiated by a property owner or his authorized agent by filing an application with the City Planner upon forms prescribed for the purpose. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. The Planning Commission may request other drawings or material essential to an understanding of the proposed use and its relationship to the surrounding properties.

C) Public Hearing Required: Each properly filed application for a conditional use permit shall be considered by the Planning Commission following a public hearing advertised and conducted in the manner prescribed in Article 8.

D) Placing Conditions on a Permit: In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose conditions which it finds necessary to avoid a detrimental impact and to otherwise protect the best interests of the surrounding area or the community as a whole. These conditions may include the following:

1. Limiting the manner in which the use is conducted, including restricting the time an activity may take place, and restraints to minimize such environmental effects as noise, vibration, air pollution, glare, and odor.
2. Establishing a special yard, other open space or lot area or dimensions.

3. Limiting the height, size, or location of a building or other structure.
4. Designating the size, number, location and nature of vehicle access points.
5. Improving the street and/or expanding the rights-of-way.
6. Designating the size, location, screening, drainage, surfacing or other improvement of a parking area or truck loading area.
7. Limiting or other wise designating the number, size, location, height and lighting of signs.
8. Limiting the location and intensity of outdoor lighting and requiring its shielding.
9. Requiring diking, screening, landscaping or other facility to protect adjacent or nearby property and designating standards for its installation and maintenance.
10. Designating the size, height, location and materials for a fence.
11. Protecting and preserving existing trees, vegetation, water, resources, wildlife habitat or other significant natural or open space areas.
12. Other conditions to assure that the development complies with standards and criteria listed in Section 10.3.75(A).

E) Notification of Action: The City Planner shall notify the applicant in writing of the action of the Planning Commission within five days after the decision has been rendered.

F) Standards Governing Conditional Uses: A conditional use shall ordinarily comply with the standards of the zone for uses permitted outright except as specifically modified by the Planning Commission in granting the conditional use permit or as otherwise provided as follows:

1. Building height. The height limitations of any zone may be exceeded by a conditional use to a maximum

height of 75 feet, provided that each yard is increased over the yard requirement by the addition of five (5) feet for every five (5) feet or fraction thereof of additional height over 35 feet.

2. Utility substation or pumping station. The minimum lot size of the zone in which a public utility is to be located may be waived by the Planning Commission only on finding that the waiver will not result in unacceptable levels of noise or other detrimental effect on adjacent property. No equipment storage shall be permitted on the site of such small lots.
3. Signs. Signs may be permitted for a conditional use, in keeping with the nature of the use. The Planning Commission may require the applicant to submit details of proposed signs to allow for consideration with the use permit for the structure or use.

10.3.80 Nonconforming Uses and Structures

A) Continuation of Nonconforming Use or Structure. Subject to the provisions of this Section, a nonconforming structure or use may be continued but shall not be altered or extended except as provided herein.

B) Nonconforming Structure: A structure conforming as to the use but nonconforming as to height, setback, or coverage may be altered or extended providing the alteration or extension is in conformance with this Ordinance. Any expansion must follow the procedures as set forth in Subsection (D), below.

C) Discontinuance of a Nonconforming Use:

1. If a nonconforming use involving a structure is discontinued from active use for a period of one year, further use of the property shall be as a conforming use.
2. If a nonconforming use not involving a structure is discontinued for a period of six months, further use of the property shall be for a conforming use.

D) Application for Expansion of Nonconforming Structure or Use:

1. A request for an expansion of a nonconforming use or structure may be initiated by a property owner or his authorized agent by filing an application with the City Planner upon forms prescribed for the purpose. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. If the application is for the expansion of a nonconforming structure, the

City Planner will send to the owners of all property within 100 feet of the subject property a notice of application, informing them that they may request a public hearing before the Planning Commission on the application by filing a written notice within ten (10) days. If no such request for hearings are received within the time limits, and if the staff determines that the application is of a relatively minor nature, the City Planner shall authorize the building official to proceed to issue the necessary construction permits for the expansion.

2. If a request for a hearing is filed for an application to expand a nonconforming structure, or if the staff determines that the application is not of a minor nature, or if the application is for the expansion of a nonconforming use or structure housing a nonconforming use, the City Planner shall schedule the application for a public hearing before the Planning Commission. The Planning Commission may request other drawings or material essential to an understanding of the proposed use and its relationship to the surrounding properties.

E) Authorization to Grant or Deny Expansion of Nonconforming Structure or Use. An expansion of a nonconforming use or structure shall be permitted, altered, or denied in accordance with the standards and procedures of this Section. In judging whether or not a nonconforming use shall be approved or denied, the Planning Commission shall weigh the proposal's positive and negative features and the public convenience or necessity to be served against any adverse condition that would result from authorizing the particular development at the location proposed and, to approve such expansion shall find that the criteria as set forth in Section 10.3.75(A) 2 through 5 can be met by observance of conditions, or are not applicable.

F) Destruction of a Nonconforming Use or Structure: If a nonconforming structure or a structure containing a nonconforming use is destroyed by any cause to an extent exceeding 80 percent of the cost of replacement of the structure using new materials, as determined by the Building Official, the property owner may apply to the Planning Commission to restore the nonconforming use or structure. In judging whether or not the restoration of a nonconforming use shall be approved or denied, the Planning Commission shall weigh the proposal's positive and negative features and the public convenience or necessity to be served against adverse conditions that would result from authorizing the particular restoration at the location proposed, and to approve such restoration shall find that the criteria as set forth in Section 10.3.75 (A) 2 through 5 can be met by observation of conditions, or are not applicable.

G) Completion of Building: Nothing contained in this ordinance shall require any change in the plans, alteration, construction or designated use of a building upon which construction work has lawfully commenced prior to the adoption of this ordinance, except that if the designated use will be nonconforming it shall, for the purpose of subsection (C), above, be a discontinued use if not in operation within one year of the date of issuance of the building permit.

10.3.85 Amendments to the Zoning Map

A) Authorization to Initiate Amendments: An amendment to the zoning map may be initiated by the City Council, by the Planning Commission or by application of the property owner or his authorized agent. The Planning Commission shall, within forty (40) days after closing the hearing, recommend to the City Council, approval, disapproval or modification of the proposed amendment.

B) Application and Fee: An application for amendment by a property owner or his authorized agent shall be filed with the City Planner on forms prescribed for the purpose, and shall include the appropriate fee.

C) Public Hearing on an Amendment: Before taking final action on a proposed amendment, the Planning Commission shall hold a public hearing on the amendment following the requirements for advertising and conduct of hearing prescribed in Article 8.

D) Standards and Criteria: In judging whether or not the zoning map should be amended or changed, 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.
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.

E) City Council Review: Upon receipt of the record of the Planning Commission proceedings, and the recommendation of the Commission, the City Council shall conduct a review of that record and shall vote to approve, deny, or approve subject to modifications, the recommendation of the Planning Commission. The City Council shall hear the arguments based upon the record. Additional or supplemental information not included within the original record shall not be considered. The arguments on the record shall not be conducted as a public hearing.

F) Improvement Conditions: In acting on an application for a zone change, the Planning Commission may recommend and the City Council may impose conditions to be met by the proponents of the change before the proposed change takes effect. Such conditions shall be limited to improvements or physical changes to the property which are directly related to the health, safety, or general welfare of those in the area. Further, such conditions shall be limited to improvements which clearly relate to and benefit the area of the proposed zone change. Allowable conditions of approval may include, but are not necessarily limited to:

1. Street and sidewalk construction or improvements.
2. Extension of water, sewer, or other forms of utility lines.
3. Installation of fire hydrants.

G) Record of Amendments: The City Planner shall maintain a record of amendments to the zoning map in a form convenient for the use of the public.

ARTICLE 4 LAND DIVISION REGULATIONS

10.4.10 General Provisions:

A) Purpose: The purpose of this Article is to define subdivisions, partitions, and related terms, to establish minimum requirements and standards necessary for efficient, safe, and attractive land division and development consistent with the physical characteristics of the city; to prescribe form, content, and procedures to be followed in the development and approval of land divisions and related maps and plats and to designate those authorized to give such approval; and to provide penalties and notice of violations. Authorization and minimum standards for this Article are provided for by ORS Chapters 92 and 227.

Land division is the most important factor in establishing the physical character of a growing community. If improperly designed and executed, it wastes the intrinsic value of the land and can become a costly burden to the community. It is hoped that these regulations and procedures will encourage the well-planned division of land while preventing land division with high future costs to those who will occupy the land, their neighbors, and the city as a whole. It is further the purpose of this Article:

1. To ensure that the public health, safety, convenience, and general welfare be given due consideration in the division and development of land.
2. To help implement the Comprehensive Plan and elements thereof.
3. To provide a means to emphasize environmental protection and preservation of the historical and natural assets of the city by encouraging orderly development relating to location, number, design and distribution of lots and parcels.
4. To minimize, by proper design and development, the danger of life and property caused by hazards of fire, flood, soil erosion, and land slippage.
5. To provide lots, parcels, and development sites of a sufficient shape, size, and character for the purpose for which they will be used.
6. To provide the establishment of adequate water supply, sewage disposal, surface water drainage, and other utilities and facilities as needed for the public health, safety and convenience.
7. To ensure adequate provisions for transportation, including roads, bicycle ways, and pedestrian ways which

take into consideration anticipated usage, safety factors, and impact on the neighboring area.

- 8) To ensure that the costs of developing roads, utilities and public areas serving new developments will be substantially absorbed by the benefitted persons as opposed to the citizens of the city at large.
9. To provide adequate light, air, open space, and recreational areas, and to encourage better techniques and innovations in the arrangement of building sites and/or lots and parcels.

B) Scope of Regulations: Subdivision plats and minor and major partition maps shall be reviewed by the Commission in accordance with these regulations. A person desiring to divide land in any manner which is governed by these regulations shall submit tentative plans and final documents for approval as provided in these rules and the state law.

C) Conformance:

1. Comprehensive Plan: A subdivision or partition shall conform to the Comprehensive Plan. A determination of such conformity shall be based upon consideration of all applicable portions of the Comprehensive Plan and shall not be based solely upon a review of the land use map.
2. Land Development and Planning Ordinance: A land division shall be subject to all applicable requirements of other sections of this Ordinance. Where an applicant seeks the approval of any division which requires a change in zoning, the applicant may be required to complete rezoning process prior to submittal of an application for property division.
3. Health, Safety and Sanitation: A subdivision or partition shall conform to all applicable State, County and City regulations regarding health, safety and sanitation. The County will not issue any permits for on-site sewage disposal systems for any lot or parcel created in violation of these regulations, nor for the remainder of the parent parcel from which lots or parcels have been illegally created, unless and until such violation has been rectified and all legal requirements met.
4. Building: Structures and buildings in any property division shall conform with applicable codes and regulations regarding building. The City Building Official shall not allow the issuance of a building permit on any lot or parcel created, subdivided or partitioned in violation of these requirements. No building permit shall be issued for the remainder of the parent parcel, from which any

lots or parcels have been created in violation of this Ordinance, unless and until such violation has been rectified and all legal requirements met.

5. Streets and Roads: A property division shall conform to all applicable city ordinances or policies pertaining to streets, roads or access.

D) Delegation of Authority: The Commission is hereby delegated all lawful powers and functions given the City Council under ORS Chapter 92 with respect to consideration, requirements, and approvals of all tentative maps and plats for subdivisions and partitions other than the authority to accept land for dedication to the public.

E) Applications Required: The following land use actions shall require the filing of an appropriate application and completion of the proper procedures established therefor in this Article:

1. Minor Partitions.
2. Major Partitions.
3. Subdivisions (including planned unit developments which are also governed by the requirements of Article 5.)
4. Lot Line Adjustments.

F) Applicability of Regulations: The regulations of this Article apply to all portions of the City of Canby as it now exists or may hereafter be altered.

10.4.20 Lot Line Adjustments: The relocations of one or more property lines between lots or parcels where no additional lots or parcels will result constitutes a lot line adjustment rather than a partition or subdivision. The procedure to be followed in such cases is as follows:

A) An application for lot line adjustment shall be filed with the City Planner on forms prescribed for the purpose. Such applications shall include six copies of a map drawn to scale for the purpose and meeting the requirements for a tentative map indicated in Section 10.4.30.

B) The City Planner and City Engineer shall review the proposed lot line adjustment and shall determine whether the following criteria have been met:

1. Each of the remaining parcels and any structures located thereon shall be in full compliance with all regulations of Chapter 10, including the setback requirements of Article 3. Except, however, that lot line adjustments are permitted on non-conforming lots and lots with non-

conforming structures provided that the nonconforming lots and structures will be no less in conformity as a result of the lot line adjustment.

2. No new lots or parcels will be created as a result of the lot line adjustment without receiving approval as a partition or subdivision.
3. If the City Planner or City Engineer deems it necessary to assure the accuracy of recorded information, a survey may be required of the applicant. Such a survey will be at the applicant's cost.
4. Lot line adjustments shall not be permitted where the result will be the creation of additional building sites in known hazardous locations or where the appropriate development or extension of public facilities will be impaired as a result.

C) The City Planner is hereby authorized to approve lot line adjustments in compliance with the requirements of Subsection "B," above. In any case where the City Planner determines that the requirements of Subsection "B" can not or may not be met, the application shall be scheduled for the consideration of the Commission, with a recommendation from staff. In any case where the City Planner determines that a lot line adjustment will significantly alter the design and appropriate development of a subdivision or partition which has previously been approved by the city or other nearby property, the City Planner shall schedule the application for consideration by the Commission.

D) The Commission shall review the information submitted and shall make a decision approving, modifying, or denying the proposal so as to assure compliance with the requirements of the Land Development and Planning Ordinance. The applicant shall be notified in writing of the decision of the Commission and the reasons therefor. One copy of the proposed plan shall be returned to the applicant labeled "approved," "denied" or "modified." An additional copy shall be kept on file for future reference.

E) In acting on an application for lot line adjustment, the City assumes no liability for the applicant's actions. Applicants for lot line adjustments shall bear full responsibility for compliance with all applicable state and local regulations and for the following:

1. Any public or private easements to be altered as a result of the lot line adjustment shall require the prior approval of the agency or individual having right to such easements.
2. The County Assessor shall be notified that the lot line adjustment is not to result in the creation of an additional Tax Lot. If a separate Tax Lot is created as a result, the city shall indicate that it is not considered

to be a separately saleable or developable building site and may record a statement to that effect with the County Recorder.

3. Approval of all lienholders having an interest in properties affected by a lot line adjustment shall be obtained.

10.4.30 Major or Minor Partitions

A) Filing procedures: Any application for a land partition shall be accompanied by the following:

1. Eighteen (18) copies of the tentative partition map, drawn to scale and submitted on paper no less than 8-1/2 by 11 inches in size, and showing all of the following information:
 - a) The date, northpoint, scale and sufficient description to define the location and boundaries of the tract to be partitioned.
 - b) Name and address of the record owner and the person who prepared the tentative map.
 - c) If the applicant is a corporation, a Certificate of Good Standing from the State Corporation Commission shall be filed. The name of the individual authorized to act as the registered agent of the Corporation shall also be provided.
 - d) Approximate acreage of the land under a single ownership or, if more than one ownership is involved, the total contiguous acreage of the landowners directly involved in the partitioning.
 - e) For land adjacent to and within the tract to be partitioned, the locations, names and existing widths of streets; location, width and purpose of other existing easements, and location and size of sewer and water lines and drainage ways and the location of power poles.
 - f) Outline and location of existing buildings to remain in place and any forested or other significant areas of vegetation.
 - g) Parcel layout, showing size and relationship to existing or proposed streets and utility easements.
 - h) Such additional information as required by the Commission.
2. A written statement describing the proposed development and including supportive documentation regarding the particular design in terms of its conformance with the Comprehensive Plan and compatibility with surrounding land use patterns.

B) Standards and Criteria: Improvements in partitions. The same improvements shall be installed to serve each building site of a partition as is required of a subdivision, and the same basic design standards shall apply. However, if the Commission finds that the nature of development in the vicinity of the partition makes installation of some improvements unreasonable, the Commission shall except those improvements. In lieu of excepting an improvement, the Commission may recommend to the Council that the improvement be installed in the area under special assessment financing or other facility extension policies of the city.

1. Minor Partition: Application for a minor partition shall be evaluated based upon the following standards and criteria:

- a) Conformance with the text and applicable maps of the Comprehensive Plan.
- b) Conformance with all other applicable requirements of the Land Development and Planning Ordinance.
- c) The overall design and arrangement of parcels shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of adjacent properties.
- d) No minor partitioning shall be allowed where the sole means of access is by private road, unless it is found that adequate assurance has been provided for year-round maintenance sufficient to allow for unhindered use by emergency vehicles, and unless it is found that the construction of a street to city standards is not necessary to insure safe and efficient access to the parcels.
- 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 land division.

2. Major Partitions: Application for a major partition shall be evaluated based upon the following standards and criteria:

- a) Conformance with the text and applicable maps of the Comprehensive Plan.
- b) Conformance with other applicable requirements of the Land Development and Planning Ordinance.

- c) The overall design and arrangement of parcels shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of adjacent properties.
- d) 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 land division.
- e) A private street to be established by deed without full compliance with these regulations may be approved by the Commission provided it is the only reasonable method by which the rear portion of an unusually deep parcel, of a size to warrant partitioning into not over two parcels, may be provided with access. In no case, however, shall the use of a private road be approved for partitioning unless it is found that adequate assurance has been provided for year-round maintenance sufficient to allow for unhindered use by emergency vehicles, and unless it is found that the construction of a street to city standards is not necessary to insure safe and efficient access to the parcels.
- f) The creation of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivisions except, however, the Commission shall approve the creation of a public street to be established by deed without full compliance with the regulations applicable to subdivisions provided any of the following conditions exist:
 - i) The establishment of the public street is initiated by the Council and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street.
 - ii) The tract in which the street is to be dedicated is a major partition within an isolated ownership of not over one acre or is of such size and characteristic as to make it impossible to develop building sites for more than three dwelling units.

C) Planning Commission Action:

1. Tentative maps shall be submitted to the Commission for review and determination that the proposal will be compatible with the Comprehensive Plan and the requirements of the Land Development and Planning Ordinance. The Commission may require such dedication of land easements and may specify such conditions or modifications to the tentative map as are deemed necessary to carry out the Comprehensive Plan. In no event, however, shall the Commission require greater dedications or conditions than would be required if the parcel were subdivided.
2. Upon action by the Commission the applicant shall be notified in writing of the decision reached and the steps which must be taken before the parcels can be transferred or utilized for separate development.
3. One copy of the tentative map, clearly marked "approved," "denied," or "modified" shall be retained in an appropriate file and one copy of same returned to the applicant.

D) Final Procedures and Recordation:

1. Following the action of the city in approving or conditionally approving a tentative map for a partition, the applicant shall be responsible for the completion of all required improvements, or the posting of adequate assurances in lieu thereof, to the satisfaction of the City Engineer prior to the transfer of title of any of the parcels involved.
2. Recordation of an accurate survey map, prepared by a registered engineer or licensed surveyor, must be completed within one year of the approval of the tentative map. One copy of the recorded survey map shall be filed with the City Planner for appropriate record keeping.
3. The applicant shall bear full responsibility for compliance with applicable State and City regulations regarding the recordation of documents and subsequent transfer of ownership.

10.4.40 Subdivisions

A) Filing procedures: Any application for a subdivision shall be accompanied by:

1. Eighteen (18) copies of the tentative subdivision plat,

together with improvement plans and other supplementary material as may be required to indicate the general program and objectives of the project.

2. Scope. The tentative plat need not be a finished drawing but it should show all pertinent information to scale, in order that the Commission may properly review the proposed development.
3. Partial development. Where the tentative plat to be subdivided contains only a part of the tract owned or controlled by the subdivider, the Commission may require a sketch of a preliminary layout for streets and lots in the unsubdivided portion.
4. Information required. The tentative plat shall include the following information:
 - a) Vicinity Map. Vicinity map at scale 1" = 400' showing the relationship of the plat to the existing street or road pattern.
 - b) Detailed Map. The tentative plat shall be drawn at a scale of 1" = 50' if the parcel is less than 10 acres, or for areas over 10 acres 1" = 100'.
 - c) General Information. The following general information shall be shown on the tentative plat:
 - i) Proposed name of the subdivision. This name must not duplicate nor resemble the name of another subdivision in the county and shall be reviewed by the Commission.
 - ii) Date, north point and scale of drawing.
 - iii) Appropriate identification of the drawing as a tentative plat.
 - iv) Location of the subdivision sufficient to define its boundaries and a legal description of the tract boundaries.
 - v) Names and address of the owner or owners, and subdivider, engineer, surveyor, or other individual who prepared the plat.
 - vi) If the applicant is a corporation, a Certificate of Good Standing from the State Corporation Commission shall be filed. The name of the individual authorized to act as the registered agent of the corporation shall also be provided.
 - d) Existing conditions. The following existing conditions shall be shown on the tentative plat:
 - i) The location, widths, and names of all existing or planned streets, other public ways and

easements within or adjacent to the tract; and other important features, such as section lines and corners, city boundary lines and monuments which may have been found.

- ii) Contour lines having the following minimum intervals:
 - One foot contour intervals for ground slopes less than five (5) percent.
 - Two foot contour intervals for ground slopes between five (5) and ten (10) percent.
 - Five foot contour intervals for ground slopes exceeding ten (10) percent.
- iii) Location and direction of all water courses on and abutting the tract. Approximate location of areas subject to inundation, stormwater overflow, or standing water. Base flood data showing elevations of all property subject to inundation in the event of a 100-year flood shall be shown.
- iv) Natural features, such as rock outcroppings, marshes, wooded areas, isolated preservable trees, and significant areas of vegetation.
- v) Existing uses of the property, including location of all existing structures to remain on the property after platting.
- vi) The location of at least one temporary bench mark within the plat boundaries or the source of the contour line data shown. (Source and accuracy subject to approval of city engineer.)
- e) Proposed plan of subdivision. The following additional information shall be included on the tentative plat of a subdivision:
 - i) The location, width, names, approximate grades and radii of curves of proposed streets. The relationship of proposed streets to future streets, as shown on any approved development plan. If no complete development plan is in effect in the area, assurance of adequate traffic circulation shall be provided.

- ii) Easements. Location on the site or abutting property, showing the width and purpose of all existing and proposed easements.
- iii) Lots. Approximate dimensions of all lots, approximate lot size, proposed lot and block numbers.
- iv) Proposed land use. Sites, if any, allocated for:
 - Multiple family dwellings.
 - Shopping centers.
 - Industry.
 - Churches.
 - Parks, schools, playgrounds.
 - Open space.
 - Special erosion control provisions including structures or areas with vegetation.
- f) Explanatory information with tentative plat. Any of the following information may be required by the Commission and, if it cannot be shown functionally on the tentative plat of a subdivision, it shall be submitted in separate statements accompanying the plat:
 - i) Proposed deed restrictions in outline form, if any.
 - ii) Statement of subdivision improvements to be made or installed, including landscape planting, street lighting, etc., and when such improvements are to be made.
 - iii) Approximate center line profiles showing the finished grade of all streets as approved by the city engineer including extensions for a reasonable distance beyond the limits of the proposed subdivision.
 - iv) Typical cross sections of proposed streets showing widths of roadways, location and width of sidewalks and the location and size of utility mains.
 - v) Approximate plan and profiles of proposed sanitary and storm sewers with grades and pipe sizes indicated and plan of the proposed water distribution system, showing

pipe sizes and the location of valves and fire hydrants. If sewers are not provided, an alternate method of sewage disposal, approved by Clackamas County, must be shown.

- vi) Property dedication. A general description of property intended to be dedicated to the city or the public other than street right-of-way.
 - vii) A plan for domestic water supply lines and related water service facilities.
 - viii) If lot areas are to be graded, a plan showing the nature of cuts and fills and information on the character of the soil. The Commission may require a signed affidavit from a qualified professional engineer, or engineering geologist, certifying that no property damage or hazards will result from erosion attributable to such grading or other site preparation.
 - ix) Proposals for other improvements such as electric utilities and pedestrian ways.
 - x) A written statement describing the proposed development and including supportive documentation regarding the relationship of the subdivision to the requirements of the Comprehensive Plan and its general compatibility with surrounding land use patterns.
- g) Preliminary review of tentative plat. Upon receipt, the City Planner shall furnish one copy of a tentative plat and supplementary material to the City Engineer and such other agencies as are known to be affected. Other agencies believed to have an interest shall be provided notice of the proposal. These officials and agencies shall be given a reasonable time to review the plat and to suggest revisions that appear to be in the public interest.

B) Standards and Criteria: Applications for a subdivision shall be evaluated based upon the following standards and criteria:

1. Conformance with the text and applicable maps of the Comprehensive Plan.
2. Conformance with other applicable requirements of the Land Development and Planning Ordinance.
3. The overall design and arrangement of lots shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of adjacent properties.

4. Until such time as the city's Comprehensive Plan is formally found to be in compliance with the Statewide Planning Goals by the Land Conservation and Development Commission (L.C.D.C.), the city shall also evaluate subdivision proposals in light of the goals.

C) Design Standards:

1. Streets.

- a) General. The location, width, and grade of streets shall be considered in relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation pattern with intersection angles, grades, tangents, and curves appropriate for the traffic to be carried. Where location is not shown in a development plan, the arrangement of streets shall either:
 - i) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
 - ii) Conform to a plan for the neighborhood approved or adopted by the Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing street patterns impractical.
- iii) Minimum right-of-way and roadway width shall follow the requirements of Article 7.
- b) Reserve strips. Reserve strips or street plugs controlling the access to streets will not be approved unless such strips are necessary for the protection of the public welfare or of substantial property rights or both, and in no case unless the control and disposal of the land composing such strips is placed within the jurisdiction of the city, under conditions approved by the Commission.
- c) Alignment. All streets other than minor streets or cul-de-sacs, shall as far as possible, be in alignment with the existing streets by continuations of the center lines thereof. Jogs creating "T" intersections shall have center line offsets of not less than 150 feet, unless it is found that community benefits of such an alignment outweigh its disadvantages.
- d) Future extension of streets. Where a subdivision adjoins unplatted acreage, streets which in the opinion of the Commission should be continued in the event of the subdivision of the acreage, will

be required to be provided through to the boundary lines of the tract. Reserve strips, street plugs and temporary turnaround areas may be required to preserve the objectives of street extensions. Reserve strips and street plugs shall be deeded to the City of Canby prior to final plat approval. The Planning Commission may require that the costs of title insurance and recordation fees, if any, for such areas be borne by the subdivider. If, in the opinion of the City Engineer, a traffic, pedestrian, or safety hazard temporarily exists by the construction of a dead-end street, he may direct that a barricade of adequate design be installed at the developer's expense as one of the required improvement items for the subdivision.

- e) Intersection angles. Streets shall intersect one another at an angle as near to a right angle as possible, and no intersections of streets at angles of less than 30 degrees will be approved unless necessitated by topographic conditions. When intersections of other than 90 degrees are unavoidable, the right-of-way lines along the acute angle shall have a minimum corner radius of 12 feet. All right-of-way lines at intersections with arterial streets shall have a corner radius of not less than 12 feet.
- f) Existing streets. Whenever existing streets adjacent to or within a tract are of inadequate width, dedication of additional right-of-way shall be provided at the time of subdivision.
- g) Half streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision, when in conformity with the other requirements of these regulations, and when the Commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Reserve strips, street plugs, special signs and barricades may be required to preserve the objectives of half streets.
- h) Cul-de-sac. A cul-de-sac shall be as short as possible and shall have a maximum length of 450 feet and serve building sites for not more than 18 dwelling units. A cul-de-sac shall terminate with a circular turnaround to city standards.
- i) Marginal access streets. Where a subdivision abuts or contains an existing or proposed arterial street the Commission may require marginal access streets,

through lots with suitable depth, screen planting contained in a non-access reservation along the rear property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

- j) Alleys. Alleys shall be provided to commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are made as approved by the Commission. Alley intersection corners shall have a minimum radius of 10 feet.
- k) Street names. No street name shall be used which will duplicate or be confused with the name of existing streets except for extensions of existing streets. Street names and numbers shall conform to the established pattern in the city and the surrounding area and shall be subject to the approval of the Commission.
- l) Planting easements. The Planning Commission may require additional easements for planting street trees or shrubs.
- m) Grades and curbes. Grades shall not exceed 7 percent on major or secondary arterials, 10 percent on collector streets, or 15 percent on any other street. In flat areas allowance shall be made for finished street grades having a minimum slope of .5 percent. Center line radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, or 100 feet on other streets, and shall be to an even 10 feet. On arterials there shall be a tangent of not less than 100 feet between reversed curves.
- n) Streets adjacent to Highway 99-E or railroad right-of-way. Wherever the proposed subdivision contains or is adjacent to a railroad right-of-way or Highway 99-E, provisions may be required for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad or Highway 99-E. The distances shall be determined with due consideration of cross streets at a minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way.

2. Blocks.

- a) General. The lengths, widths and shapes of blocks shall be designed with due regard to providing

adequate building sites suitable to the special needs of the type of use contemplated, needs for access, circulation, control and safety of street traffic and limitations and opportunities of topography.

- b) Sizes. Blocks shall not exceed 1200 feet in length, except blocks adjacent to arterial streets or unless the previous adjacent layout or topographical conditions justify a variation. The block depth shall be sufficient to provide 2 lot depths appropriate to the sizes required by Article 3.

3. Easements

- a) Utility lines. Easements for electric lines or other public utilities are required, subject to the recommendations of the utility-providing agency. Utility easements 12 feet in width shall be required along all street lot lines unless specifically waived. The Commission may authorize the creation of lots without utility easements along side or rear lot lines for those specific cases where units with common wall construction have been approved. The construction of buildings or other improvements on such easements shall not be permitted unless specifically allowed by the affected utility-providing agency.
- b) Water Courses. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width as will be adequate for the purpose of assuring adequate flood control. Streets parallel to water courses may be required.
- c) Pedestrian ways. In any block over 800 feet in length, a pedestrian way with a minimum width of 10 feet or combination pedestrian way and utility easement shall be provided through the middle of the block. If unusual conditions require blocks longer than 1200 feet, two pedestrian ways may be required. When essential for public convenience, such ways may be required to connect to culs-de-sac, or between streets and other public or semi-public lands or through greenway systems. Long blocks parallel to arterial streets may be approved without pedestrian ways if desirable in the interests of traffic safety. Sidewalks to city standards may be required in easements where insufficient right-of-way exists for the full street surface and the sidewalk.

- d) Solar Easements. Subdividers shall be encouraged to establish solar easements and utilize appropriate solar design in their development proposals. Solar easements shall be shown on the final plat and in the deed restrictions of the subdivision. The Planning Commission may require the recordation of special easements or other documents intended to protect solar access.

4. Lots

- a) Size and shape. The lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- b) Minimum lot sizes.
 - i) Lot sizes shall conform with requirements of Article 3 of the Land Development and Planning Ordinance.
 - ii) In areas that cannot be connected to sewer trunk lines, minimum lot sizes shall be greater than the minimum herein specified if necessary because of adverse soil structure for sewage disposal by septic systems. Such lot sizes shall conform to the requirements of Clackamas County for sewage disposal unless provisions are made for sanitary sewers.
- c) Lot Frontage. All lots shall meet the requirements specified in Article 3 for frontage on a public street, except that the Planning Commission may allow the creation of flaglots, cul-de-sac lots and other such unique designs upon findings that access and building areas are adequate.
- d) Double Frontage. Double frontage or through lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.
- e) Lot Side Lines. The side lines of lots shall run at right angles to the street upon which the lots face, or on curved streets they shall be radial to the curve, unless there is some recognizable advantage to a different design.
- f) Resubdivision. In subdividing tracts into large lots which at some future time are likely to be

resubdivided, the location of lot lines and other details of the layout shall be such that resubdivision may readily take place without violating the requirements of these regulations and without interfering with the orderly development of streets. Restriction of building locations in relationship to future street right-of-way shall be made a matter of record if the Commission considers it necessary.

- g) Building lines. If special building setback lines are to be established in the subdivision, they shall be shown on the subdivision plat or included in the deed restrictions. This includes lots where common wall construction is to be permitted between two single family dwellings.
- h) Potentially hazardous lots or parcels. The Commission shall utilize its prerogative to modify or deny a tentative plat or partition map where it is found that a proposed lot or parcel is potentially hazardous due to flooding or soil instability.
- i) Flaglots or panhandle shaped lots. The Commission may allow the creation of flaglots provided that the following standards are met:
 - i) Not more than one flaglot shall be created to the rear of any conventional lot and having frontage on the same street unless it is found that access will be adequate and that multiple flaglots are the only reasonable method to allow for development of the site.
 - ii) The access strip is to be a minimum of 20 feet in width and shall be paved for its full width from its connection with the public street to the main body of the lot. Except, however, that the width requirement may be reduced to 12 feet where the total length of the access strip does not exceed 100 feet. Access strips not less than 10 feet in width may be permitted where two such drives abut and are provided with reciprocal easements for use.
 - iii) For residential flaglots, a minimum building setback of 5 feet from the access strip shall be maintained where such buildings exist prior to the creation of the flaglot.
 - iv) Design and locations of buildings on flaglots

shall be such that normal traffic will have sufficient area to turn around, rather than necessitating backing motions down the access strip. The Commission may establish special setback requirements at the time of approving the creation of flaglots.

5. Public open spaces. Due consideration shall be given by the subdivider to the allocation of suitable areas for schools, roads, parks, and playgrounds to be dedicated for public use.
6. Grading of building sites. The Commission may impose bonding requirements, similar to those described in Subsection 7 of this Section, for the purpose of ensuring that grading work will create no public hazard nor endanger public facilities where either steep slopes or unstable soil conditions are known to exist.
7. Improvements
 - a) Improvement Procedures. In addition to other requirements, improvements installed by a land divider either as a requirement of these regulations or at his own option shall conform to the requirements of these regulations and improvement standards and specifications followed by the city, and shall be installed in accordance with the following procedure:
 - i) Improvement work shall not be commenced until plans have been checked for adequacy and approved by the city. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the tentative plat of a subdivision or partition. No work shall commence until the developer has signed the necessary certificates and paid the subdivision development fees specified elsewhere in this Section.
 - ii) Improvement work shall not commence until after the city is notified, and if work is discontinued for any reason it shall not be resumed until after the city is notified.
 - iii) Improvements shall be constructed under the inspection and to the satisfaction of the City Engineer. The city may require changes in typical sections and details in the public interest if unusual conditions arise during construction which warrant the change.

- iv) Underground utilities, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length obviating the necessity for disturbing the street improvements when service connections are made.
 - v) A map showing public improvements "as built" shall be filed with the city engineer within sixty (60) days of the completion of the improvements.
- b) Type of improvements. The following improvements shall be installed at the expense of the subdivider unless specifically exempted by the Planning Commission:
- i) Streets, including drainage.
 - ii) Complete sanitary sewer system, unless the area is not accessible to a trunk line.
 - iii) Water distribution lines, and fire hydrants.
 - iv) Sidewalks and any special pedestrian ways.
 - v) Street name and traffic control signs.
 - vi) Street lights.
 - vii) Lot, street, and perimeter monumentation.
 - viii) Underground power lines and related facilities.
 - ix) Underground telephone lines, CATV lines, and related facilities.
 - x) Where dedicated or undedicated open space is proposed or provided, it shall be the subdivider's responsibility to provide standard public improvements to and through that open space.
- c) Streets
- i) All streets, including alleys, within the subdivision and streets adjoining, but only partially within the subdivision shall be improved.

- ii) All public streets shall be constructed to city standards for permanent street and alley construction. Catch basins and dry wells shall be installed and interconnected to provide drainage as may be required by the city engineer. Upon completion of the street improvement, monuments shall be re-established and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street center lines as required by ORS Chapter 92.
 - iii) Prior to city approval of the final subdivision plat, all perimeter and back lot line monumentation shall be installed and the installation of the front lot monumentation (along and within street rights-of-way) shall be guaranteed. Any monuments destroyed during improvement installation shall be replaced at the developer's expense.
- d) Surface Drainage and Storm Sewer System.
- i) Drainage facilities shall be provided within the subdivision and to connect the subdivision to drainage ways or storm sewers outside the subdivision if necessary as determined by the City Engineer.
 - ii) Capacity, grade, and materials shall be by a design approved by the City Engineer. Design of drainage within the subdivision shall take into account the location, capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such area. In addition to normal drainage design and construction, provisions shall be made to handle any drainage from pre-existing sub-surface drain tile. It shall be the design engineer's duty to investigate the location of drain tile and its relation to public improvements and building construction.
- e) Sanitary Sewers. Sanitary sewers shall be installed to serve the subdivision and to connect the subdivision to existing mains. In the event it is impractical to connect the subdivision to the city sewer system, the Commission may authorize the use of septic tanks if lot areas are adequate, considering the physical characteristics of the area.

The Commission may require the subdivider to install and seal sewer lines to allow for future connection to the city system.

- f) Water System. Water lines and fire hydrants serving the subdivision and connecting the subdivision to city mains shall be installed to the satisfaction of the supervisor of the Water Department and the Fire Marshal.
- g) Sidewalks. Sidewalks shall be required on both sides of a public street and in any special pedestrian way within the subdivision, except that in the case of identified arterials, or industrial districts, the Commission may approve a subdivision without sidewalks if alternative pedestrian routes are available. Sidewalk construction may be postponed until the actual construction of buildings on the lots, provided that adequate assurance is given that such sidewalks will be installed.
- h) Bicycle Routes. If appropriate to the extension of a system of bicycle routes, existing or planned, the Commission may require the installation of bicycle lanes within streets or the construction of separate bicycle paths.
- i) Street Name Signs. Street name signs shall be installed at all intersections according to city standards or deposit made with the city of an amount equal to the cost of installation.
- j) Street Lighting System. Street lights shall be required to the satisfaction of the manager of the Canby Utility Board.
- k) Other Improvements:
 - i) Curb cuts and driveway installation are not required of the subdivider but, if installed, shall be according to city standards.
 - ii) Street tree planting is not required of the subdivider but, if planted, shall be according to city requirements and of a species compatible with the width of the planting strip.
 - iii) The developer shall make necessary arrangements with utility companies or other persons or corporations affected for the installation

of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting and cable television, shall be placed underground, unless overhead installation has been specifically approved by the Commission because of unique circumstances at the site.

1. Improvements in Areas of Flood or Slope Hazard:

- i) Any public utility or facility associated with a subdivision or partition within an area subject to flooding shall be designed, located, and constructed so as to minimize or mitigate flood damage and shall not result in raising the water elevation in a designated floodway beyond the limits prescribed by the Federal Flood Insurance Program.
 - ii) A new or replacement water supply system shall be designed, located, and constructed to minimize or eliminate infiltration of flood waters into the system.
 - iii) A new or replacement sanitary sewage system shall be designed, located, and constructed to minimize or eliminate infiltration of flood waters into the system.
 - iv) An on-site septic tank system or other individual waste disposal shall be located to avoid impairment or contamination during flooding.
 - v) Any public utility or facility, including streets, associated with a subdivision or partition within an area which is subject to flooding or slope instability shall be designed, located, and constructed so as to amply protect such public utility or facility from damage due to such natural hazards. Adverse impacts upon fish, wildlife, and open space resources shall also be considered in the design and construction of such facilities. The Commission and Council shall consider the potential repair or maintenance costs to be borne by the public when reviewing the proposed design, location, and construction of such public utilities or facilities.
- m) Survey Accuracy and Requirements: In addition to meeting the requirements as set forth in ORS re-

lative to required lot, street and perimeter monumentation, the following shall be required:

- i) An accuracy ratio of subdivision plat boundary line closure of one in ten thousand (.0001) feet as found in the field.
- ii) Two primary perimeter monuments (one of which can be the initial point) having the same physical characteristics as the initial point. The monuments are to be on a common line visible, if possible, one to the other at time of approval and preferably at angle points in the perimeter. They shall be points as far apart as practicable. A survey monument witness sign of a design acceptable to the city engineer shall be placed within 18 inches of both monuments. The position for the initial point and other primary perimeter monuments shall be selected with due consideration to possible damage during construction and desirability of witness sign location.
- iii) Street centerline monumentation shall consist of a two (2) inch diameter brass cap set in a concrete base within and separate from a standard monument box with cover (standard city details applicable) at locations specified by the City Engineer (generally at intersections with centerline of arterial or collector streets and within streets proposed to be greatly extended into adjacent future subdivisions). All other street centerline points (intersections, points of tangent intersections, cul-de-sac centerlines, cul-de-sac off-set points) shall be monumented with a five-eighth inch (5/8") diameter steel rod thirty (30") inches long with an approved metal cap driven over the rod and set visible just below the finish surface of the street. If any points of tangent intersection fall outside of a paved section street, the above monumentation will be required at point of curvature and point of tangency of the curve. All centerline monuments are to be accurately placed after street construction is complete.
- n) Agreement for Improvements: Before Commission approval of a subdivision plat or partition map, the land divider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the

property or execute and file with the City Engineer an agreement specifying the period within which required improvements and repairs shall be completed and provided that, if the work is not completed within the period specified, the city may complete the work and recover the full cost and expense, together with court costs and reasonable attorneys fees necessary to collect said amounts from the land divider. The agreement shall also provide for reimbursement of the city for the cost of inspection by the city which shall not exceed ten (10) percent of the improvements to be installed.

o) Bond:

- i) The land divider shall file with the agreement, to assure his full and faithful performance thereof, one of the following:
 - A surety bond executed by a surety company authorized to transact business in the state in a form approved by the City Attorney.
 - A personal bond co-signed by at least one additional person together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of ability to proceed in accordance with the agreement.
 - Cash.
- ii) Such assurance of full and faithful performance shall be for a sum approved by the City Engineer as sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses, and to cover the cost of the city inspection.
- iii) If the land divider fails to carry out provisions of the agreement and the city has unreimbursed costs or expenses resulting from such failure, the city shall call on the bond or cash deposit for reimbursement. If the cost or expense incurred by the city exceeds the amount of the bond or cash deposit, the land divider shall be liable to the city for the difference.

- p) Guarantee. All improvements installed by the subdivider shall be guaranteed as to workmanship and materials for a period of one year following written notice of acceptance by the city to the developer.
- q) Large Scale or Solar Efficient Development. The standards and requirements of this Article may be modified by the Commission in the case of a plan and program for a complete community, a neighborhood unit, a solar efficient design, a large scale shopping center, or large industrial development, which in the judgment of the Commission provides adequate public spaces and improvements for the circulation, recreation, light, air, and service needs of the developed tract and its relation to adjacent areas, and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the intents and purposes of the Comprehensive Plan. (See Article 5 for information regarding planned unit developments.)

8. Planning Commission Action

- a) Tentative plats shall be submitted to the Commission for review and determination that the proposal will be compatible with the Comprehensive Plan and the requirements of Land Development and Planning Ordinance. The Commission may require such dedication of land and easements and may specify such conditions or modifications to the tentative plat as are deemed necessary to carry out the intent of the Comprehensive Plan and the Land Development and Planning Ordinance.
- b) Within 40 days from the first regular Commission meeting following submission of a tentative plat of a subdivision, the Commission shall conduct a public hearing on the proposal and shall review the plat and the reports of appropriate officials and agencies. The Commission may approve the tentative plat as submitted or as it may be modified. If the Commission does not approve the plat, it shall express its disapproval and its reasons therefor. Action of the Commission shall be based upon pertinent findings of fact.
- c) Upon action by the Commission the applicant shall be notified in writing of the decision reached and the steps which must be taken before the lots can be transferred or utilized for separate development.

- d) One copy of the tentative plat, clearly marked "approved," "modified," or "denied" shall be retained in an appropriate file and one copy returned to the applicant.
- e) Approval of the tentative plat shall mandate approval of the final plat if there is no change in the plat of the subdivision and if the subdivider complies with the requirements of this Article and all conditions of approval set by the Commission.

9. Final Procedures and Recordation:

- a) Following the action of the city in approving or conditionally approving a tentative plat for a subdivision, the applicant shall be responsible for the completion of all required improvements, or the posting of adequate assurances in lieu thereof, to the satisfaction of the City Engineer, prior to the transfer of title of any of the lots involved.
- b) Submission of the subdivision plat. Within one year after approval of the tentative plat, the subdivider shall cause the subdivision or any part thereof to be surveyed and a plat prepared in conformance with the tentative plat as approved. The subdivider shall submit the original hardboard drawing, a mylar copy, and any supplementary information to the city. If the subdivider wishes to proceed with the subdivision after the expiration of the one-year period following the approval of the tentative plat, he must formally request an extension of time, in writing, stating the reasons therefor. The Commission shall review such requests and may, upon finding of good cause, allow a time extension of not more than six (6) additional months, provided that the request for the time extension is properly filed before the end of the one year approval period.
- c) Information on Plat: In addition to that required for the tentative plat or otherwise specified by law, the following information shall be shown on the plat:
 - i) Date, northpoint and scale of drawing.
 - ii) Legal description of the tract boundaries.
 - iii) Name and address of the owner or owners, subdivider, engineer, or surveyor, and land planner or landscape architect.

- iv) Tract boundary lines, right-of-way lines of streets and lot lines with dimensions, bearings or deflection angles and radii, arcs, points or curvature and tangent bearings. All bearings and angles shall be shown to the nearest one second and all dimensions to the nearest 0.01 foot. If circular curves are proposed in the plat, the following data must be shown in tabulation form: curve radius, central angles, arc length, length and bearing of long chord. All information shown on the face of the plat shall be mathematically accurate.
- v) Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not definitely located of record, a statement of the easement shall be given. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision shall be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication.
- vi) Name and right-of-way width of each street or other designated rights-of-way.
- vii) Any building setback lines, if more restrictive than otherwise required in Article 3.
- viii) Numbering of blocks consecutively within the subdivision and numbering of lots within each block.
- ix) Location and purpose for which sites, other than residential lots, are dedicated or reserved.
- x) Easements and any other areas for public use dedicated without any reservation or restriction whatever.
- xi) A copy of any deed restrictions written on the face of the plat or prepared to record with the plat with reference on the face of the plat.
- xii) The following certificates which may be combined where appropriate:

- A certificate signed and acknowledged by all parties having any record title interest in the land, consenting to the preparation and recording of the plat.
 - A certificate signed and acknowledged as above, dedicating all land intended for public use except land which is intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants.
 - A certificate with the seal of, and signed by, the engineer or the surveyor responsible for the survey and final plat.
 - Other certifications now or hereafter required by law.
- xiii) Where any portion of the platted area is subject to inundation in the event of a 100-year flood, that area shall be clearly indicated on the final plat.
- d) Supplemental Information with Plat: The following data shall accompany the final plat:
- i) a preliminary title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises.
 - ii) Sheets and drawings showing the following:
 - Traverse data including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners, and showing the error of closing, if any.
 - The computation of distances, angles, and courses shown on the plat.
 - Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners and state highway stationing.
 - iii) A copy of any deed restrictions applicable to the subdivision.
 - iv) A copy of any dedication requiring separate documents.

- v) A certificate by the City Engineer that the subdivider has complied with the requirements for bonding or otherwise assured completion of required improvements.
- vi) A certificate of the subdivider of the total cost or estimate of the total cost for the development of the subdivision in accordance with the provisions and requirements of this ordinance or any other ordinance or regulation of the city relating to subdivision development. This certificate is to be accompanied by a final bid estimate of the subdivider's contractor, if there is a contractor engaged to perform the work and the certificate of the total cost estimate must be first approved by the City Engineer.
- vii) A subdivision development fee according to the following schedule and based on the subdivider's approved certificate of the total development cost, or estimate of the total cost:

<u>On any Amount Exceeding</u>	<u>But Not Exceeding</u>	<u>Rate</u>
\$ 0	\$ 5,000	\$250
5,000	200,000	\$250 plus 3% of amount in excess of \$5,000
200,000		\$6,100 plus 2% of amount in excess of \$200,000.

e) Technical Plat Review:

- i) Upon receipt by the city, the plat and other data shall be reviewed by the city engineer who shall examine them to determine that the subdivision as shown is substantially the same as it appeared on the approved tentative plat and that there has been compliance with provisions of the law and of these regulations.
- ii) The City Engineer may make such checks in the field as are desirable to verify that the plat is sufficiently correct on the ground and his representatives may enter the property for this purpose.
- iii) If the City Engineer determines that full conformity has not been made, he shall

advise the subdivider of the changes or additions that must be made and shall afford the subdivider an opportunity to make the changes or additions.

- f) Planning Commission Approval: Approval of the plat shall be indicated by the signatures of the chairperson of the Commission and the City Engineer:
- i) If the City Engineer determines that the final plat is in full conformance with the approved tentative plat and other regulations he shall so advise the chairperson of the Commission. The chairperson of the Commission may then sign the plat without further action by the Commission. If the final plat is not in full conformance, or, if the City Engineer elects, he shall submit the plat to the full Commission. If the final plat is referred to the chairperson for signature without submission to the Commission, the chairperson may elect to submit the plat to the Commission for further review. When submitted to the Commission, approval of the final plat shall be by a majority of those present. If the plat is signed without further review by the Commission the action shall be reported to the Commission by the chairperson at the next regular meeting. In the absence of the chairperson, his duties and powers with respect to action on final plats shall be vested in the vice-chairperson.
 - ii) After the plat has been approved by all City and County officials, two reproducible copies of all data (plat face, dedications, certificates, approvals) and one copy of recorded restrictive and protective covenants shall be returned to the City Engineer.
- g) Filing of Final Plat: Approval of the plat by the city as provided by this Article shall be conditioned on its prompt recording. The subdivider shall, without delay, submit the plat to the County Assessor and the county governing body for signatures as required by ORS Chapter 92. The plat shall be prepared as provided by ORS Chapter 92. Approval of the final plat shall be null and void if the plat is not recorded within six (6) months of the date of the signature of the chairperson of the City Planning Commission.

ARTICLE 5 CONDOMINIUM AND PLANNED UNIT DEVELOPMENT REGULATIONS

10.5.10 General Provisions: Planned unit developments may constitute a subdivision involving unique design methods or the development of a single tract without property divisions. Where proposed as a subdivision, the regulations of Article 4 as well as the requirements of this Article shall apply. Where proposed as an overall development of a single tract without property division, a planned unit development shall be considered a conditional use in any zoning district.

A) Purpose: The purpose of this Article is to prescribe the procedures for the development of a planned unit project or subdivision. It is also the purpose of this Article to enable the development of planned unit projects or subdivisions in order to permit a degree of flexibility and diversification in the use of land through grouped buildings or large-scale land planning and the arrangements of specific structures and open spaces within such development. For these reasons and to permit the accomplishment of this purpose, the provisions of this Article are superimposed upon the regulatory provisions of Articles 3 and 4.

It is therefore the purpose of a planned unit development, as the term is employed in the Land Development and Planning Ordinance, of permitting the development of land in a manner which would be as good as, or better than, that resulting from the traditional lot by lot development while generally maintaining the same population density and area coverage permitted in the zone in which the project is located. A planned unit development will also permit flexibility in design, placement of buildings, use of open spaces, circulation facilities, off-street parking areas and the best utilization of site potentials characterized by special features of geography, topography, size, location or shape.

10.5.20 Applications: The requirements of Articles 3 and 4 governing application procedures for conditional use permits and tentative subdivision plats, as applicable, must be met for planned unit development proposals.

A) Planned unit development projects may be applied for by:

1. The owner of all the property involved, if under one ownership.
2. An application filed jointly by all owners having title to all of the property in the area proposed for the planned unit development project, if there is more than one owner; or
3. An authorized agent acting on behalf of all property owners; or

4. A government agency.

B) Form and content of applications. Applications shall be submitted to the City Planner on forms prescribed for the purpose.

1. There shall be included as a part of the application an accurate map, drawn to scale of not less than 100 feet to the inch, showing the boundaries of the site; the proposed location and horizontal and vertical dimensions of all buildings and structures proposed to be located on the site; proposed locations and dimensions of open space within the site; proposed public dedications, if any, within the site; location, dimensions and design of off-street parking facilities, showing points of ingress to and egress from the site; the location, direction and bearing of any major physiographic features such as railroads, drainage canals, and existing topographic contours at intervals of not less than five feet, together with proposed grading, drainage and landscaping.
2. The written information shall contain a statement of the general purpose of the project and an explanation of all features pertaining to uses and other pertinent matters not readily identifiable in map form. The adoption of the form specifying the particular non-residential uses permitted to locate on the site, if any, shall constitute a limitation to those specific uses.

10.5.30 Uses permitted: In a planned unit development the following uses are permitted.

A) In a planned unit development in a residential zone only the following uses are permitted:

1. Residential units, either detached or in multiple type dwellings, but at no greater density than is allowed for the zoning district as set forth in Article 3, except as may be modified for a density bonus as provided in Section 10.5.50 or 10.5.80.
2. Accessory and incidental retail and other nonresidential uses may be specifically and selectively authorized as to exact type and size to be integrated into the project by design; accessory retail uses shall serve primarily as a convenience to the inhabitants of the project.
3. Mobile home subdivisions, subject to the standards and criteria of Article 4 and Section 10.5.80.

4. Recreational facilities, including but not limited to tennis courts, swimming pools, and playgrounds.

B) In planned unit developments in areas zoned for other than residential uses, uses shall be limited to those permitted by the zoning districts in which the use is located.

10.5.40 Condominium projects treated as planned unit developments: Any condominium development project, whether the construction of new units or the conversion of existing rental units, must meet all the requirements of this Article, with the exception of the new construction of six (6) or fewer units to which the regulations of Section 10.5.70 shall apply. Applicants for condominium projects shall bear full responsibility for compliance with county and state requirements in all cases.

10.5.50 Minimum Requirements: The minimum requirements for a residential planned unit development shall include the following two (2) items:

A) A minimum of ten (10) percent of the gross area of the development shall be devoted to park and recreational purposes except in the case of conversions of existing rentals to unit ownership, where the Planning Commission may permit a lesser requirement if it is found that adequate recreation facilities exist for the units.

B) The average area per dwelling unit shall not be less than that allowed within the zoning district in which the subdivision is located. The average area shall be calculated by dividing the number of dwelling units into the gross area of the total land development, minus that area occupied by streets. Except, however, that the Commission may grant a density bonus of not more than fifteen (15) percent to planned unit developments where it is found that unique, beneficial design features (such as solar efficiency, recreation facilities, or other community assets) warrants such a bonus. The Commission shall clearly state its findings in support of granting or denying a requested density bonus.

10.5.60 General Requirements

A) Prior to development, application shall be made to the Commission for site approval for all or any portion of the proposed development. Where only a portion of the development is submitted for approval, a Master Plan shall also be submitted indicating the intended layout for the total development. The form of the application shall follow the requirements, and be subject to the standards and criteria, of a subdivision or conditional use permit, depending upon whether the proposed development involves the division of property. Additional to the information which is otherwise

required, the applicant shall submit accurate information on all of the following which may be applicable:

1. Any areas proposed to be dedicated or reserved for public parks, schools, playgrounds, or otherwise dedicated or reserved for public purposes.
2. Other undedicated open-space set aside for the use of the residents of the development in common. Access and types of access for the open-space area or areas shall be shown.
3. A general land-use plan for the proposed subdivision indicating the areas to be used for various purposes.
4. Types of dwellings and site locations thereof.
5. Proposed locations of off-street parking areas with dimensions.
6. Pedestrian walks, malls and other trails, both public and private. The Commission may require a complete circulation plan if warranted by the size and type of development.
7. The stages to be built in progression, if any.
8. The location of adjacent utilities intended to serve the development and a layout of the utilities within the development.
9. Table showing the density and lot coverage of the overall development.
10. Such other pertinent information as the Commission may require in order to make necessary findings on the site approval.

B) Standards and Criteria. Additional to the standards and criteria listed in Article 3 and 4 which are applicable to planned unit development, the following standards and criteria shall apply:

1. The site approval as acted upon by the Commission shall be binding upon the development and variations from the plan shall be subject to approval by the Commission.
2. All land within the planned unit development may be subject to contractual agreements with the City of Canby and to recorded covenants providing for compliance with the city's requirements.

3. The development of the property in the manner proposed will be in keeping with the requirements of the Land Development and Planning Ordinance, other than those provisions allowing for special treatment of PUD's.
4. The plan for the proposed development shall present a unified and organized arrangement of buildings and service facilities.
5. The development must be designed so that the land areas and buildings around the perimeter of the project do not conflict with the adjoining properties. The Commission may establish special conditions for the perimeter of the development to minimize or mitigate potential conflicts.
6. Each planned unit development shall be a complete development considering all previous requirements. The Commission may in addition require the inclusion of facilities such as special curbs, sidewalks, street lights, storm drainage, sanitary sewers, underground power and telephone lines, landscaping and adequate easements for utilities.
7. Land which is not intended for physical development, such as buildings or street uses, may be required to remain in open space usage perpetually. Maintenance of such open space areas shall remain the responsibility of the individual owner or Owners Association, in a manner outlined in the by-laws of such association.
8. The manner in which any open-space or park and recreational areas are to be maintained shall be presented along with the preliminary copy of the proposed Owners Association By-Laws and Contractual Agreements shall be submitted with the preliminary subdivision. In the case of an individual owner, the Commission may impose special requirements to assure long-term maintenance.
9. The Planning Commission may, and in the case of single story or townhouse structures, shall, require the separation of utilities from one unit to the next.
10. In reviewing an application for the conversion of existing residential units to condominiums, the Commission shall utilize the general standards as are applied to the new construction of planned unit developments. A proposed conversion which is not found to meet the standards customarily applied to planned unit developments will not be approved.

11. In reviewing an application for the conversion of existing residential units to condominiums, the Planning Commission shall consider the vacancy rates of multiple-family rental units throughout the city at the time of the application. It is the intent of the city to assure that there is at least one suitable rental unit available and vacant for each unit converted to condominium ownership.

C) Permissive exceptions to requirements. In considering a proposed planned unit development project, the approval thereof may involve modifications in the regulations, requirements and standards of the zoning district in which the project is located so as to appropriately apply such regulations, requirements, and standards to the development. Modification of the lot size, lot width and yard setback requirements may be approved by the Commission at the time of the approval of the tentative subdivision plat or conditional use permit.

1. Building height. Building height shall conform to the zoning district in which said development is located.
2. Off-street parking. Off-street parking and off-street loading requirements shall be pursuant to Article 3.

10.5.70 Condominium Project Involving the New Construction of six or fewer Units.

In that the new construction of small condominium projects is expected to have no adverse impacts on the appropriate growth and development of the city, the following regulations shall apply to such projects involving six (6) or fewer units on a single parcel:

A) Developers proposing to construct a condominium project of six (6) or fewer units shall file an application with the city planner prior to undertaking such construction. The following information shall be submitted with the application:

1. Two copies of a plot plan, drawn to scale and including all divisions of the proposed units.
2. Letters from representatives of the various utility providing agencies as required in Subsection "B," below.
3. A written statement describing the proposed project and the various site improvements to be made.

B) The following standards shall apply to all condominium projects involving the new construction of six or fewer units:

1. All utilities shall be separated on a unit to unit basis, except in cases where the units are to be in multi-story structures where some of the units will not have ground floors, in which case the utilities shall be separated as much as possible from one unit to the next. The developer shall present plans for utility separation to the City Engineer, Utility Board Manager, Canby Telephone Association Manager and, if warranted, an appropriate official of the Northwest Natural Gas Co.
2. Applicants shall be responsible for compliance with all applicable city, county and state regulations governing the construction, platting, and sale of condominium units.
3. Improvement requirements for small condominium projects shall be the same as those which would be required for a subdivision of the property. These shall include:
 - a) Curb, gutter, and sidewalk construction to city standards;
 - b) Installation and extension of utilities;
 - c) Street improvements adjacent to site;
 - d) Dedication of right-of-way sufficient to allow for the widening or expansion of the street;
 - e) Filing of a waiver of the right to remonstrate against any future public facility or utility improvements which would benefit the property.

C) The city planner shall review the information submitted by the applicant and shall determine whether it meets the requirements of this and other applicable ordinances. Upon completion of this review, the city planner shall notify the applicant in writing of the required conditions to be met prior to sale or occupancy of the units.

1. If modifications to the project are necessary to assure compliance with the applicable regulations, the city planner shall notify the applicant of such modifications.

2. Included with the written notification from the city planner will be one copy of the proposed plot plan labeled "tentatively approved," or "tentatively denied" and marking any modification or corrections which may be necessary.

D) The applicant shall be responsible for compliance with all applicable requirements prior to sale or occupancy of the units. This shall include the following final procedures as well as compliance with the basic standards of this and other applicable ordinances.

1. The developer shall file with the city planner a reproducible copy (mylar or sepia) of the recorded plat of the development.
2. Included with the copy of the plat will be copies of the by-laws of the owners association and any contracts, covenants, restrictions, or waivers of remonstrance recorded for the property.

E) Proposals to convert existing rentals or leased property to condominium ownership shall comply with the requirements of Section 10.5.40, regardless of the number of units involved. Applicants intending to utilize the provisions of Section 10.5.70 must file the appropriate application and receive written approval from the city planner prior to receipt of a Certificate of Occupancy for the units.

10.5.80 Mobile Home Subdivisions: All mobile home subdivisions, as defined in the Land Development and Planning Ordinance, are treated as planned unit development applications. This insures an adequate design review process for this type of development which may occur in any residential zone.

A) Although it may warrant special conditions of approval in terms of exterior appearance, the nature or value of surrounding development shall not be the basis of denial of an application for a mobile home subdivision.

B) The following minimum standards shall be applied to all mobile home subdivisions:

1. Mean average lot size to be at least 85 percent of that normally required for single family dwellings with the zone, with no lots smaller than 68 percent of that normally required.
2. Any conventional residential units (i.e., not mobile homes) to be constructed within the subdivision are to be located on lots of at least 7,000 square feet.

3. All units are to be placed on, and securely fastened to, permanent foundations meeting city building code requirements.
4. All units are to be fully skirted in a manner which obscures the undercarriage of the structure. Such skirting is to be of a material which matches or reasonably compliments the siding of the unit. The Commission may require site preparation such that the frames of the mobile homes are not elevated above the surrounding ground level, unless they are attached to a permanent lower floor.
5. Adequate storage areas are to be provided. The Commission may require the construction of separate storage buildings on each lot within the development or the construction of a single storage area for the use of the entire subdivision.
6. Setbacks may be reduced to a minimum of five (5) feet, except along the perimeter of the development and along any public street, in which cases a setback of twenty (20) feet shall be maintained. The Commission may use its discretion to allow for some variation in building orientation from lot to lot to increase visual variety.
7. A minimum of twenty (20) percent of the total area shall be landscaped, including a strip at least twenty (20) feet in width along the perimeter of the development.
8. A site-obscuring fence not less than four (4) nor more than six (6) feet in height shall be constructed around the perimeter of the development, other than those areas where a reduced height is required for vision clearance on street frontage.
9. Water line sizing and fire hydrant locations shall be established by the Supervisor of the Water Dept. and the Fire Marshal.
10. The Commission may set special conditions of approval for the lots on the perimeter of the development to assure that they are aesthetically pleasing. Such conditions may include:
 - a) Requiring that the larger lots be located along the perimeter.
 - b) Requiring all units to have pitched roofs, lapped siding, composition shingle or shake roofs, double-wide construction or similar requirements to assure compatibility with nearby developments which may or may not include mobile homes.

10.5.90 Special Housing Projects for the Elderly or Handicapped:

A) The Planning Commission may permit the development of special housing projects for the elderly or handicapped, subject to the provisions of this Section.

1. It is recognized that the elderly and handicapped often have special housing needs and frequently cannot afford conventional housing. In order to reduce costs, densities may be increased beyond those normally allowed by zoning and parking requirements may be reduced if normal requirements are found to be unnecessary for the type of development proposed.
2. Special emergency response or fire safety requirements may be imposed in order to assure public safety in these unique developments.

B) The conditions of this Section are intended to be applied to either condominium or rental type developments which meet the criteria of housing for the elderly or handicapped.

C) In reviewing an application for a special housing project for the elderly or handicapped, the Commission shall utilize the standards and criteria which are applicable to other planned unit development proposals, requiring either a conditional use permit or a subdivision approval, depending on whether the development involves the division of property.

D) The standards normally applied to a planned unit development may be modified by the Commission in the case of special housing projects for the elderly or handicapped, provided that specific findings of fact are entered in support of such modifications. The Planning Commission may:

1. Increase the permitted density by not more than 50 percent of that normally allowed within the zone.
2. Decrease the amount of required parking by not more than 60 percent of that normally required.
3. Decrease the area required for outdoor recreation, if sufficient area is provided for open space and if indoor recreation facilities are provided.
4. Increase the amount of permitted lot coverage by not more than 10 percent of that normally required.
5. Require special emergency access drives, fire hydrants, or other improvements which are intended to ensure the safety of the residents.

6. Impose such special conditions of approval as are deemed to be necessary to minimize any adverse impacts of a higher density development upon surrounding properties.

E) Special housing projects for the elderly or handicapped, where densities higher than that normally permitted by zoning are requested, shall be encouraged only in locations which are near commercial services.

F) The Commission shall require adequate assurance that any development proposed under the conditions of this Section will be restricted to occupancy by the elderly, handicapped, or such caretakers as may be necessary.

ARTICLE 6 ANNEXATION REGULATIONS

- 10.6.10 Purpose: It is the purpose and general intent of this Article to delineate the appropriate procedures to be followed to annex territory to the city. It is recognized that alterations to the corporate limits are major land use actions affecting all aspects of city government including taxation, the provision of public services, land use patterns, vehicle circulation, etc. Decisions on proposed annexations are, therefore, of critical importance to the city.
- 10.6.20 State Regulations: The regulations and requirements of ORS Chapter 222 are hereby adopted by reference and made a part of this Article.
- 10.6.30 Filing Procedure: Property owners seeking to annex territory to the city shall file with the city planner an appropriate application form for the purpose. Included with the application form will be 18 copies of a map or maps accurately showing the area proposed for annexation and any important features of the land. Also included with the application will be a written statement explaining the conditions surrounding the proposal and addressing the required criteria of Section 10.6.40 below.
- 10.6.40 Standards and Criteria:
- A) When reviewing a proposed annexation of territory, the Commission shall give ample consideration to the following standards and criteria:
1. Compatibility with the text and maps of the Comprehensive Plan, giving special consideration to those portions or policies relating to the urban growth boundary.
 2. Compliance with other applicable city ordinances or policies.
 3. Capability of the city and other affected service-providing entities to amply provide the area with urban level services.
 4. Compliance of the application with the applicable sections of ORS 222. (In other words, a "triple majority" type application must contain proof that a triple majority does, in fact, exist etc.).
 5. Appropriateness of the annexation of the specific area proposed, when compared to other properties which might reasonably be expected to be annexed to the city.

6. Risk of natural hazards which might be expected to occur on the subject property.
7. Effect of the urbanization of the subject property on specially designated open space, scenic, historic, or natural resource areas.
8. Economic impacts which are likely to result from the annexation.

B) If the proposed annexation involves property beyond the city's urban growth boundary, or if the annexation is proposed prior to the acknowledgement of compliance of the city Comprehensive Plan by the State Land Conservation and Development Commission, the proposal shall be reviewed for compliance with the Statewide Planning Goals.

10.6.50 Consideration of Applications:

- A) Upon receipt of an application, with all required supportive documentation, the staff shall schedule the proposed annexation for consideration by the Commission at an upcoming meeting. Copies of the submitted information shall be distributed to the Clackamas County Department of Environmental Services and to all affected public service-providing agencies or entities which might be affected by the proposal, requesting that they comment to the Commission.
- B) The Commission shall review the information submitted in view of the standards and criteria listed in Section 10.6.40 and shall formulate a recommendation for the consideration of the City Council.
- C) The City Council shall schedule the matter for public hearing at its next available calendar date, following the procedures outlined in Article 8. Upon conclusion of the hearing, the Council shall vote to approve or deny the application based upon appropriate findings of fact.
- D) If a regional authority is empowered to make final decisions for annexations in the Canby area, the Councils' action shall be viewed as a recommendation to that body which will be regarded as the official position of the City of Canby. If no such regional authority exists, the Council may order the annexation to proceed, following the requirements of ORS 222.

ARTICLE 7 STREET ALIGNMENTS

10.7.10 Purpose: This section is intended to insure that adequate space is provided in appropriate locations for the planned expansion, extension, or realignment of public streets. Further, it is intended to allow for the safe utilization of streets once developed. This section is to be used in conjunction with other general ordinances of the City of Canby which affect public improvements, roads, highways, etc.

10.7.20 General Provisions:

A) The Street Circulation Map of the Comprehensive Plan shall be used to determine which streets are to be "arterials" and "collectors." Based upon this, arterial street rights-of-way shall be between 60 and 80 feet in width, depending upon the previously determined plan for each such street. Collector street rights-of-way shall have a minimum width of 50 feet.

B) New local residential streets shall have a minimum right-of-way width of 40 feet. Existing local residential streets shall have a minimum right-of-way width of 50 feet unless a 40 foot width is specified in Section 10.7.30.

C) New streets intended to serve commercial and industrial areas shall have a minimum right-of-way width of 50 feet.

D) The Planning Commission shall have the authority to establish greater right-of-way requirements where warranted because of anticipated traffic volumes, anticipated truck traffic, planned bicycle or pedestrian paths, or other unique conditions.

E) The city engineer shall be responsible for establishing appropriate alignments for all streets. Street surface widths and specific design details shall also be the responsibility of the city engineer except as may be altered by the Planning Commission or City Council for special circumstances.

F) No building permit shall be issued for the construction of a new structure within the planned right-of-way of a new street, or the appropriate setback from such a street as established in Article 3.

G) Existing structures which were legally established within a planned road alignment or abutting setback shall be regarded as nonconforming structures.

10.7.30 Street Widening: The following list of streets shall be utilized in conjunction with the Street Circulation Map of the Comprehensive

Plan and the requirements of applicable city ordinances to determine the required rights-of-way. Rights-of-way for the following streets are to become or remain 40 feet in width:

- A) N. Knott between N.E. 4th Avenue and N.E. 9th Avenue
- B) N. Locust Street between N.E. 3rd Avenue and N.E. Territorial Road
- C) N. Juniper Court
- D) N.W. 6th Avenue from N. Grant Street to Canby Village Apartments
- E) N.W. 7th Avenue between N. Grant Street and N. Holly Street
- F) S.W. 2nd Avenue between S. Elm Street and S. Ivy Street
- G) S.W. 3rd Avenue between S. Elm Street and S. Ivy Street
- H) S.E. 3rd Avenue between S. Ivy Street and S. Knott Street
- I) S. Birch Street between S.W. 4th Avenue and S.W. 5th Avenue
- J) S.W. 5th Avenue between Highway 99-E and S. Birch Street
- K) S.W. 7th Avenue between S. Fir Street and S. Ivy Street
- L) S. Knott Street between S.E. 2nd Avenue and S. E. Township Road
- M) S. Fir Street between S.W. 3rd Avenue and S.W. 4th Avenue

ARTICLE 8 GENERAL STANDARDS AND PROCEDURES

10.8.10 General Provisions: The following general standards and procedures apply to the regulations of all sections of the Land Development and Planning Code, except as may be specifically noted.

A) Action on Application:

1. Any action taken by the Commission or Council on any application filed pursuant to the requirements of this ordinance shall be based upon findings of fact entered by the Commission or Council in making the decision. Such findings of fact shall be based upon the standards and criteria listed in the pertinent section of this ordinance and upon such other legal requirements as may exist.
 - a) It is recognized that the burden of proof on all applications is upon the applicant in terms of justifying the proposal.
 - b) The scope of the required findings of fact shall vary with the scope of the project such that a major project requires more extensive justification than does a minor project.
2. The City Planner shall be responsible for sending written notification to applicants within five (5) days after a decision is reached by the Commission or Council.
3. The City Planner shall promptly review any application submitted for the review of the staff, Planning Commission, or City Council, and shall determine whether the filing is complete. Any application found to be incomplete in any way shall cause the City Planner to immediately notify the applicant of such deficiency. If the applicant fails to submit the required information within 30 days of the original submittal, the proposal will be scheduled for action, but such lack of complete information may be cited as a sufficient finding to justify the denial of the application.
4. The Commission shall take action on each properly filed application within sixty (60) days of receipt of such application, unless this time limit is extended by mutual consent of the applicant and the Commission. The Council shall observe the same time limits in acting on recommendations from the Commission or appeals from Commission actions. In no case shall the total time for final action on an application, including appeal, exceed 120 days from the filing of a complete application.

B) Applications and Fees: Application for annexations, zone changes, variances, conditional use permits, appeals, other permits or approvals and property divisions initiated by property owners or their agents shall be made in writing and submitted to the City Planner. Each such application shall be accompanied by a fee as follows, no part of which shall be refunded:

1) Major or minor partition	\$150.00
2) Subdivision	\$150.00 plus \$5.00 per lot
3) Condominium projects of six or fewer units	\$25.00
4) Condominium conversion or construction of seven or more units	\$150.00 plus \$5.00 per unit
5) Conditional use permit	\$150.00
6) Variance	\$200.00
7) Expansion of nonconforming use or structure	\$25.00 plus an additional \$100 if scheduled for public hearing
8) Zone Change	\$250.00
9) Annexation	\$250.00
10) Appeal of Planning Commission decision	\$100.00*
11) Lot line adjustment	\$ 25.00
12) Hardship permit for mobile home or travel trailer	\$ 25.00 plus an additional \$100 if scheduled for public hearing
13) Comprehensive Plan amendment	\$250.00
14) Amendment to the text of the Land Development and Planning Ordinance	\$250.00 plus an additional \$100 if the amendment includes concurrent changes to the Comprehensive Plan.

C) Temporary Permits: The Building Official may issue temporary permits for buildings to be used for construction office, storage incidental to construction of buildings on the property and for signs advertising a subdivision or tract of land or the lots therein. Such permits shall be issued for a specific time period and shall include a signed statement from the applicant agreeing to remove the structure or sign at the completion of that period.

*In any case where the preparation (copying, duplication of tapes, etc.) of the record of the Planning Commission results in costs to the City beyond the \$100 filing fee, the City Planner may invoice the appellant and may establish a deadline by which such amount is to be paid. Failure to pay the required amount shall cause the appeal to be denied.

D) Business License Review: Applications for a business license shall be reviewed for compliance with these regulations. The administrative procedure established by the City Administrator for review of business license applications shall be followed in order to assure that business operators are made aware of code requirements such as sign regulations, parking standards, and land use regulations. No business license shall be issued until it is found that the proposed business will comply with the requirements of this code. Except, however, that a change in the type of business in an area zoned for industrial use need not meet complete parking requirements unless required to so do as a part of a discretionary hearing process conducted by the Commission or City Council.

E) Council acceptance of dedicated land. No property shall be considered to be dedicated to the city unless first accepted as such by the Council, or shown as such on a legally recorded subdivision plat which bears the approval signatures of the City Engineer and Planning Commission chairman. The Planning Commission is empowered to accept dedication of land for public street purposes in a subdivision only, with all other dedications being the responsibility of the Council. The applicant shall be responsible for furnishing adequate title insurance for any such land to be dedicated, unless this requirement is waived by the Council for good cause.

F) Amendments to the Land Development and Planning Ordinance. Amendments to the text of this ordinance, whether initiated by the Commission, Council, or a private applicant, shall follow the same procedures as a legislative zoning amendment set forth in Article 3.

G) Severability: If any provision of these regulations is for any reason found to be invalid or unconstitutional by a court of competent jurisdiction, such judgment shall not affect the validity of the remaining portions of this Ordinance.

10.8.20 Administration and Enforcement

A) Purpose: Recognizing the need for fair and impartial administration and the importance of strict enforcement of these regulations, it is the intent of the Council in adopting these regulations that all reasonable means of enforcement be utilized and maximum allowable penalties be sought for willful violations.

B) Duty: It shall be the duty of the City Planner, with assistance from other city staff, to administer and enforce the Land Development and Planning Code.

C) Revocation of Conditional Use Permits and Variances.

1. Automatic Revocation: All conditional use permits and variances shall be automatically revoked if not exercised within one year from the date of approval, or such additional time as is specified by the granting body at the time of approval. Conditional use permits and variances shall not be deemed exercised until the use of the property permitted by the conditional use permit or variance has actually commenced, or in the event that such use involves the construction of a building, that all required permits for said building have been obtained.
2. Revocation for Noncompliance: Any conditional use permit or variance may be revoked by the Council for noncompliance with conditions set forth in the original approval, after first holding a public hearing and giving written notice of such hearing to the grantee.

D) Interpretation: The provisions of this Ordinance shall be held to be the minimum requirements fulfilling its objectives.

E) Penalties and Civil Remedies:

1. A person who knowingly violates this Ordinance is punishable upon conviction by imprisonment in the County jail for not more than one (1) year or by a fine of not more than \$2,500, or by both such fine and imprisonment. Each day a violation exists is a separate offense and may be punished as such.
2. When costs (attorney fees, court costs, staff or consultant expenses) are accrued in the enforcement of this Ordinance, the city may institute appropriate civil action to recoup the costs from the violators.
3. Alternative remedy. In case a building or other structure is, or is proposed to be, located, constructed, maintained, repaired, altered, or used in violation of this Ordinance, the building or land in violation shall constitute a nuisance, and the city may, as an alternative to other remedies that are legally available for enforcing these requirements, institute injunction, mandamus, abatement, or other appropriate proceedings to prevent, enjoin temporarily or permanently, abate, or remove the unlawful location, construction, maintenance, repair, alteration, or use.
4. Individuals who have been victimized by illegal land development practices shall be encouraged to seek

civil relief from the developers for any and all costs and inconveniences which they have suffered as a result of such illegal practices.

F) Enforcement Procedures:

1. City staff and officials will work closely with local title insurance companies, developers, and members of the real estate profession to ensure fair and reasonable enforcement of these regulations.
2. Upon finding any indication of a violation of state law relative to land division, city staff shall contact the Real Estate Division of the State Department of Commerce urging their assistance in the investigation of the matter.
3. Upon finding that the regulations of this Ordinance have apparently been violated, the City Planner shall cause the following steps to be taken:
 - a) A member of the staff shall attempt to contact the property owner or apparent violator, explaining the requirements of this Ordinance and type of action which the city can be expected to take if the violation is not corrected.
 - b) If the property owner and/or violator is willing to correct the violation, he/she shall be given a reasonable amount of time to make such corrections.
 - c) If the owner and/or violator cannot be reached, is reached but does not intend to comply, or fails to comply within the time limits previously agreed to, the city shall take any of the following steps which are deemed appropriate in the situation:
 - i) Record a document affecting the title of all properties involved in the violation, thereby "clouding" the title and stating that no further permits will be issued for the development of any of the subject property.
 - ii) Withhold any and all permits for the development of the property.
 - iii) Disconnect the property from city services.
 - iv) Cite the individual into a court of competent jurisdiction.

- d) The City Planner shall notify, by certified mail, all record owners of the property involved, stating the nature of the remedial actions which the city is taking to correct the apparent violation.

10.8.30 Public Hearings

A) Purpose: These provisions are intended to further specify the procedures for public hearings to be conducted by either the Commission or Council in the administration of the Land Development and Planning Ordinance.

B) Public Hearings Required: As specified in this Ordinance, public hearings are required before the Commission or Council on different types of actions.

1. The following public actions shall be considered at a public hearing of the Commission:

- a) Conditional Use permits;
- b) Variances;
- c) Revocation of permits;
- d) Zone changes;
- e) Amendments to the text of this Ordinance;
- f) Major and Minor Partitions;
- g) Subdivisions;
- h) Expansions of a nonconforming use or structure, when required; and,
- i) Comprehensive Plan Amendments.*

2. The following actions shall be considered at a public hearing of the Council;

- a) Revocation of permits;
- b) Annexations; and,
- c) Permits for mobile homes, trailers, or motor homes to be used in hardship situations, when required.

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

C) Hearing Procedures: In all evidentiary hearings before the Commission or Council required by this Ordinance the following procedures shall be followed:

1. All interested persons in attendance shall be heard on the matter for hearing, and this fact shall be communicated to those in attendance.
2. A summary of the application or other matter for hearing shall be given by the presiding officer or someone appointed by the presiding officer.
3. The staff report shall be made.
4. Questions, if any, by the hearing body of the staff.
5. The public hearing shall be opened and testimony shall be received in the following order:
 - a) Applicant
 - b) Proponents
 - c) Opponents.
 - d) Rebuttal by proponents or applicant.
6. Close public hearing.
7. Questions, if any, by the hearing body.
8. Discussion by the hearing body.
9. A decision shall be made by the hearing body, except, however, that further discussion, decision, or re-opening of the public hearing may be postponed to another meeting, the time, date, and place of which shall be announced before adjournment.
10. All persons who speak at such hearing shall identify themselves by name, address, and interest in the matter. Attorneys or other agents shall be allowed to speak on behalf of proponents or opponents.
11. Physical evidence in the form of written documents, photographs, or other exhibits may be accepted by the hearing body if deemed to be pertinent to the case at hand.
12. Written briefs by an interested party, their attorney or other agent will be accepted if filed with the secretary or clerk of the hearing body at least five (5) days prior to the hearing.

13. A record made at any prior evidentiary hearing may be accepted, considered and used by the hearing body at any subsequent hearing; and said body by majority vote of a quorum present may deny to accept or hear any repetitious matter.
14. The hearing body may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested. Upon recessing for this purpose, the hearing body shall announce the time and date when the hearing will be resumed.

D) Public Notice: Prior to conducting a public hearing as prescribed in this Section, public notice including the time, place, and general nature of the hearing shall be posted in the following manner:

1. A written notice shall be posted at City Hall and such other conspicuous locations as the Council may determine to be appropriate.
2. A written notice shall be published in a newspaper of general circulation in the community, once in either of the two consecutive weeks prior to the hearing.
3. For all quasi-judicial public hearings involving specific individual properties, the city planner shall be responsible for mailing copies of the public notice to all owners of property within 200 feet of the subject property, at least ten (10) days prior to the hearing date. Property ownership records of the county assessor's office shall be utilized.
4. The city planner may expand the area to receive notices or may otherwise take steps to assure that affected property owners or residents are made aware of the pending public hearing.
5. At least ten (10) days prior to any public hearing before the Commission, the applicant shall post on the subject property a notice of the place, time, date, and nature of the pending application. The form of notice shall be supplied the applicant by the City Planner.

E) Record of Public Notice: The staff shall maintain within the file concerning the application, a copy of the notice sent and a list of the recipients of said notice. Failure of any individual to receive notice as prescribed in this Section does not invalidate the proceedings.

10.8.40 Appeals

A) Purpose: These provisions are intended to further specify procedures to provide recourse in the event that an applicant is aggrieved by any order, requirement, permit, decision or determination made by city staff or by the Commission in the administration or enforcement of the Land Development and Planning Ordinance.

B) Appeal to Council: An action or ruling of the Commission authorized by this Ordinance may be appealed to the Council within fifteen (15) days after the Commission has rendered its decision by filing written notice with the City Planner, except in the case of action taken on a tentative map of a major partition or a tentative subdivision plat, for which the appeal period shall be thirty (30) days. If no appeal is taken within the specified period, and if no appeal is initiated by action of the Council, the decision of the Commission shall be final. The written notice of appeal shall clearly state the nature of the decision being appealed and the reasons why the appellant is aggrieved. The appeal period shall ensue from the date that the written notification of the Commission's action has been postmarked. The Council may initiate an appeal on its own motion, following the same time limits listed above.

C) Standards and Criteria: In considering an appeal, the Council shall utilize the record of the Commission in the matter and shall hear arguments only upon the content of that record without conducting a new public hearing or permitting new evidence. The Council's action on an appeal shall be governed by the same general regulations, standards and criteria as apply to the Commission in the original consideration of the application. The Council shall overturn the decision of the Commission only where one or more of the following findings is made:

1. That the Commission did not correctly interpret the requirements of the Land Development and Planning Ordinance, the Comprehensive Plan, or other requirements of law;
2. That the Commission did not observe the precepts of good planning as interpreted by the Council; or
3. That the Commission did not adequately consider all of the information which was pertinent to the case.

D) Appeal Final: The decision of the Council on an appeal is final unless appropriate civil action is filed.

E) Appeal of Staff Determinations: Any decision or interpretation of this Ordinance made by the staff may be appealed to the Commission without fee, provided that such appeal is filed in writing within ten (10) days of the staff decision.

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

A) Authorization: The Commission may authorize variances from the requirements of this Ordinance, other than Article 7, where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of the regulations would cause an undue or unnecessary hardship, except that no variance shall be granted to allow the use of property for purposes not authorized within the district in which the proposed use would be located. In granting a variance the Commission may attach conditions which it finds necessary to protect the best interest of the surrounding property or neighborhood and to otherwise achieve the purpose of this Ordinance.

B) Applications: A request for variance may be initiated by a property owner or his authorized agent by filing an application with the city planner on forms prescribed for the purpose. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and overall arrangement of the proposal.

C) Public Hearing Required: Before granting a variance from the regulations of this Ordinance the Commission shall consider the application at a public hearing. The public hearing shall be conducted in the manner set forth in Section 10.8.30 of this Article.

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

1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same vicinity, and result from tract size or shape, topography or other circumstances over which the owners of the property have no control; and
2. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same vicinity possess; and
3. The variance would not be materially detrimental to the purposes of this Ordinance, or to property in the same vicinity in which the property is located, or otherwise conflict with the objectives of any city plan or policy; and

4. The variance requested is the minimum variance which would alleviate the hardship; and
5. The exceptional or unique conditions of the property which necessitate the issuance of a variance were not caused by the applicant, his employees or relatives acting in deliberate violation of these or other city regulations.

10.8.60 Amendments to the Text of the Land Development and Planning Ordinance.

A) Authorization to Initiate Amendments: An amendment to the text of this Ordinance may be initiated by the City Council, by the Planning Commission or by the application of a property owner or his authorized agent. The Planning Commission shall, within forty (40) days after closing the hearing, recommend to the City Council, approval, disapproval, or modification of the proposed amendment.

B) Application and Fee: An application for amendment by a property owner or his authorized agent shall be filed with the City Planner on forms prescribed for the purpose.

C) Public Hearing on an Amendment: Before taking final action on a proposed amendment, the Planning Commission shall hold a public hearing on the amendment following the requirements for advertising and conduct of hearings prescribed in Article 8.

D) Standards and Criteria: In judging whether or not the Ordinance should be amended or changed, 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.
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.

E) City Council Review: Upon receipt of the record of the Planning Commission proceedings, and the recommendations of

the Commission, the City Council shall conduct a review of that record and shall vote to approve, deny, or approve subject to modifications, the recommendation of the Planning Commission. The City Council may question those individuals who were a party to the public hearing conducted by the Planning Commission if the Commission's record appears to be lacking sufficient information to allow for a decision by the City Council. The Council shall hear arguments based solely on the record of the Commission.

F) Record of Amendments: The City Planner shall maintain a record of amendments to the text of this Ordinance in a form convenient for the use of the public.

10.8.70 Public Officials: The term "City Administrator," "City Recorder," "City Engineer," "City Planner" and other references to individual employees by title shall include any City staff member or consultant operating in an official capacity for the City of Canby. The terms are offered for the convenience of the user of the Ordinance and are not intended to impair the validity of the Ordinance.

10.8.80 Comprehensive Plan Amendments.

A) Authorization to Initiate Amendments: An amendment to the Comprehensive Plan may be initiated by the City Council, by the Planning Commission or by the application of a property owner or his authorized agent. The Planning Commission shall, within forty (40) days after closing the hearing, recommend to the City Council, approval, disapproval, or modification of the proposed amendment.

B) Application and Fee: An application for amendment by a property owner or his authorized agent shall be filed with the City Planner on forms prescribed for the purpose.

C) Public Hearing on an Amendment: Before taking final action on a proposed amendment, the Planning Commission shall hold a public hearing on the amendment following the requirements for advertising and conduct of hearings prescribed in Article 8.

D) Legislative Plan Amendment Standards and Criteria: In judging whether or not a legislative plan amendment shall be approved, the Planning Commission and City Council shall consider:

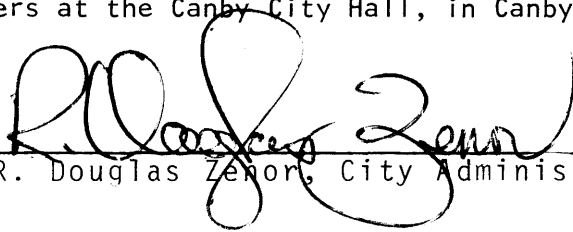
1. The remainder of Comprehensive Plan of the city, and the plans and policies of the county, state, and local districts, in order to preserve functions and local aspects of land conservation and development.
2. A public need for the change.

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

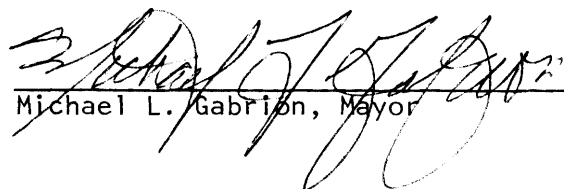
E) Quasi-Judicial Plan Amendment Standards and Criteria: In judging whether a quasi-judicial plan amendment shall be approved, the Planning Commission and City Council shall consider:

1. The remainder of the Comprehensive Plan of the City, as well as the plans and policies of the county, state, or any local school or service districts which may be effected by the amendment.
2. Whether all required public facilities and services exist, or will be provided concurrent with the anticipated development of the area.


Submitted to the Council and read the first time at a special meeting thereof on the 25th day of January, 1984, ordered posted in three (3) public and conspicuous places in the City for a period of five (5) days as authorized by the Canby City Charter; and to come up for final reading and action by the Canby City Council at a regular meeting thereof on the 1st day of February, 1984, commencing at the hour of 7:30 o'clock p.m., at the Council's regular meeting chambers at the Canby City Hall, in Canby, Oregon.


R. Douglas Zenor, City Administrator/Recorder

Passed on second and final reading by the Canby City Council at a regular meeting thereof on the 1st day of February, 1984.
Vote 6 Yes, 0 Nay and 0 Abstention


Michael L. Gabriel, Mayor

ATTEST:


Marilyn K. Perkett, Deputy Recorder

AFFIDAVIT OF POSTING

STATE OF OREGON)
County of Clackamas) ss.
CITY OF CANBY)

I, Marilyn K. Perkett, being first duly sworn depose and say that I am the Recorder for the City of Canby, Clackamas County, Oregon, a City duly incorporated under and by the virtue of the laws of the State of Oregon; that the Common Council for said City of Canby held a Special Council Meeting on the 25 day of January, 1984, at which said Ordinance No. 740 was read for the first time and passed by the vote of said Council, and was then and there ordered posted in at least three (3) public and conspicuous places in said City for a period of five (5) days prior to the second reading and the final vote on said Ordinance, and as is provided in Section 2, of Chapter 8 of the Charter for the City of Canby, and

Thereafter, and on the 26 day of January, 1984, I Marilyn K. Perkett, the undersigned, personally posted said Ordinance in the following three (3) conspicuous places all within the said City of Canby, to-wit:

- 1. Canby City Hall Bulletin Board - Outside
- 2. Canby City Hall Bulletin Board - Inside
- 3. Canby Utility Board

That since said posting on the date aforesaid, the said Ordinance has remained posted in the said three (3) public and conspicuous places continuously for a period of five (5) days and until the very 1st day of February, 1984.

Marilyn K. Perkett
Marilyn K. Perkett, City Recorder Pro Tem

Subscribed and sworn to before me this 26 day of January, 1984

Donathy S. Patterson
Notary Public for Oregon

My Commission Expires: 9-30-86