

SPECIAL PLANNING COMMISSION
Meeting Agenda
Wednesday – May 28, 2014
7:00 PM
City Council Chambers – 155 NW 2nd Avenue

Commissioner Tyler Smith (Chair)

Commissioner John Savory (Vice Chair)

Commissioner John Serlet

Commissioner (Vacant)

Commissioner Shawn Hensley

Commissioner Larry Boatright

Commissioner (Vacant)

- 1. CALL TO ORDER**
- 2. CITIZEN INPUT ON NON-AGENDA**
- 3. MINUTES**
 - a. *Planning Commission Minutes (TBA)*
- 4. PUBLIC HEARING**
 - a. *Continued from April 28, 2014, City Staff is requesting consideration of a text amendment to streamline, clarify, and update the development review process for industrially zoned land in the Canby Pioneer Industrial Park. (Code Streamlining Industrial Development TA 12-02) Pg. 1 - 26*
- 5. NEW BUSINESS**
- 6. FINAL DECISIONS**

(Note: These are final, written versions of previous oral decisions. No public testimony.)

 - a. *McDonald's Rebuild (DR 14-03/LLA 14-02) Pg. 26 - 32*
- 7. ITEMS OF INTEREST/REPORT FROM STAFF**
 - a. *Planning Commission, Monday, June 9, 2014*
- 8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION**
- 9. ADJOURNMENT**

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for person with disabilities should be made at least 48 hours before the meeting at 503-266-7001. A copy of this agenda can be found on the City's web page at www.ci.canby.or.us City Council and Planning Commission Meetings are broadcast live and can be viewed on OCTS Channel 5. For a schedule of the playback times, please call 503-263-6287.



City of Canby

TEXT AMENDMENT STAFF REPORT

FILE #: TA 14-01

Prepared for the April 28, 2014 Planning Commission Meeting

APPLICANT: City of Canby

APPLICATION TYPE: Text Amendment (Type IV)

CITY FILE NUMBER: TA 14-01

I. Overview:

City Staff is requesting consideration of a text amendment to streamline, clarify, and update the development review process for industrially zoned land in the Canby Pioneer Industrial Park. This would include extending the existing Type II process procedures already in place in the Canby Downtown Overlay District to the Pioneer Industrial Park/I-O Industrial Overlay Zone. A Type II process allows a project to be approved by the Planning Director in lieu of the Planning Commission. Currently all industrial projects must come to the Planning Commission for approval – a process that can take several months if meetings are full with other projects.

- The Canby Pioneer Industrial Park is the economic engine of the community, providing well-paying jobs, high assessed value, and locations for traded sector companies that bring back wealth and investment to Canby. It now is home to thirteen companies, providing 750 jobs and over \$78 million in investment. As the economy picks up and more activity will be coming, staff is looking for ways to have the development review process be business friendly, predictable, and expeditious. We know that industrial siting decisions are very competitive between communities and states. They tell us that certainty and speed can make a dramatic difference in their choosing Canby over other sites.
- After reviewing existing processes and best practices, staff recommends making the Type II review process for developments in the Canby Pioneer Industrial Park (in the I-O Overlay Zone) an option. This would allow projects that clearly meet the zoning code and overlay requirements to apply for approval by decision of the Planning Director. This simple change has the potential to save significant process time and staff resources for approving projects. Any development proposals that do not fully meet code standards, present alternative standards, or proposals considered to otherwise meet the intent of the city standards would continue to be reviewed by the Planning Commission. This process allows the Planning Commission to use their judgment in approving alternative solutions for projects that meet the intent of the code without forcing the applicant to use the expensive, time consuming, and staff intensive variance process.

II. ATTACHMENTS

- A. Proposed text amendments

III. **Summary of Proposed Changes:**

- **Chapter 16.30 C-M Heavy Commercial Manufacturing Zone** – Tighter screening requirements
- **Chapter 16.32 M-1 Light industrial Zone** – Tighter screening requirements
- **Chapter 16.34 M-2 Heavy Industrial Zone** – Tighter screening requirements and edits to the Conditional Use Review Matrix
- **Chapter 16.35 Canby Industrial Area Overlay (I-O) Zone** – Clarify location of zone, reduce job creation requirements, make freestanding warehouses a conditional use process, allow planning director approval of metal elements, allow for drought tolerant plants, design review matrix cleanup, and various language revisions
- **Chapter 16.49 Application for Site and Design Review** - Add the I-O Overlay to the Type II option and minor grammatical revision

IV. **APPLICABLE CRITERIA & FINDINGS**

Major approval criteria used in evaluating this application were the following Chapters from the *City of Canby's Land Development and Planning Ordinance* (Zoning Code):

- 16.88 General Standards & Procedures
- 16.89 Application and Review Procedures

Excerpts from the code are highlighted below in **gray**, with findings and discussion after the citations in **red**. If not discussed below, other standards from the Code are either met fully, not applicable, and/or do not warrant discussion.

16.88 General Standards and Procedures

16.88.160 Amendments to text of title.

A. Authorization to Initiate Amendments. *An amendment to the text of this title 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 days after closing the hearing, recommend to the City Council, approval, disapproval, or modification of the proposed amendment.*

Findings: City staff has initiated amendments to the text of the *Canby Land Development and Planning Ordinance*. The intent of the proposed amendment is to implement an expedited development review option for new developments within the Canby Industrial Overlay Zone and to make other minor revisions and clarifications. This proposal is considered to be a means to help meet the City Council and City Vision aspiration goal to “Promote Industrial and Business Growth Affording Economic Prosperity and Quality Job Creation While Maintaining Quality of Life and Improving the Overall Tax Base for the Community”. The Planning Commission shall make a recommendation to approve or deny this application to the Canby City Council after holding a public hearing. The City Council shall also conduct a public hearing before making a final decision on these proposed text amendments.

D. Standards and Criteria. *In judging whether or not this title 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;*

Applicable Comprehensive plan Elements and goals:

Urban Growth Element

Goals:

1) *To preserve and maintain designated agricultural and forest lands by protecting them from urbanization.*

2) *To provide adequate urbanizable area for the growth of the city, within the framework of an efficient system for the transition from rural to urban land use.*

Land use element

Goal: to guide the development and uses of land so that they are orderly, efficient, aesthetically pleasing, and suitably related to one another.

Environmental concerns element

Goals:

To protect identified natural and historical resources.

To prevent air, water, land, and noise pollution.

To protect lives and property from natural hazards.

Transportation element

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

Public facilities and services element

Like other cities, Canby must be able to provide adequate public facilities and services to support the community's growth and quality of life

Economic element

Goal: to diversify and improve the economy of the city of Canby

Housing element

Goal: to provide for the housing needs of the citizens of Canby

Energy conservation element

Goal: to conserve energy and encourage the use of renewable resources in place of non-renewable resources.

Findings: The proposed text amendment does not conflict with the policies of the Comprehensive Plan, including the elements and goals listed above.

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;*

Findings: The proposed edits are considered to be a viable and desirable option toward improving the development process in the Canby Pioneer Industrial Park and will clarify additional provisions and requirements of the code within the industrial zoned districts. The proposed changes therefore serve the public need and do not affect the code's protection of Canby's health, safety, and general welfare.

5. Statewide planning goals.

Findings: This proposal is not in conflict with statewide planning goals. The Oregon Department of Land Conservation and Development (DLCD) has been notified of this proposal.

16.88.190 Conformance with Transportation System Plan and Transportation Planning Rule

A. A proposed comprehensive plan amendment, zone change or land use regulation change, whether initiated by the city or by a private interest, shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with the Transportation Planning Rule (OAR 660-012-0060). A plan or land use regulation amendment significantly affects a transportation facility if it:

1. Changes the functional classification of an existing or planned transportation facility;
2. Changes standards implementing a functional classification system;
3. As measured at the end of the planning period identified in the adopted plan:
 - a. Allows types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or
 - b. Would reduce the performance of the facility below the minimum acceptable performance standard identified in the Transportation System Plan;
 - c. Would worsen the performance of a facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the Transportation System Plan.

Findings: The proposed text amendments do not conflict with the above standards.

16.89 Application and Review Procedures

Findings: This text amendment is following a Type IV process which requires final approval by City Council Ordinance. Therefore, the Planning Commission will make a recommendation of approval or denial of this application to City Council. Notice of this application has forwarded to applicable agencies and notice of public hearings will also be posted at the Development Services Building, City Hall, and published in the *Canby Herald*. All public hearing, application requirements, and Type IV application procedures will be met.

V. **Decision**

Based on the application submitted and the facts, findings, and conclusions of this report, Staff recommends that the Planning Commission recommend City Council **approval** of Text Amendment File #TA 14-01.

Sample motion: I move to recommend City Council approval of Text Amendment #DR 14-01.

Chapter 16.30

C-M HEAVY COMMERCIAL MANUFACTURING ZONE

Sections:

- 16.30.010** Uses permitted outright.
- 16.30.020** Conditional uses.
- 16.30.030** Development standards.

16.30.010 Uses permitted outright.

Uses permitted outright in the C-M zone shall be as follows:

- A.** A use permitted outright in a C-2 zone, other than dwelling units;
- B.** Contractor's equipment yard;
- C.** Dwelling for watchman or caretaker working on premises;
- D.** Fuel distribution, wholesale;
- E.** Laundry or Laundromat, with or without dry cleaning operation;
- F.** Motor or rail freight terminal;
- G.** Railroad trackage and related facilities;
- H.** Stone cutting and sales;
- I.** Tire retreading, recapping and sales;
- J.** Transfer or storage;
- K.** Utility storage or service yard;
- L.** Similar heavy commercial, storage, or light manufacturing uses as determined by the Planning Commission.
- M.** Attached WTS facilities (see 16.08.120).
- N.** Detached WTS facilities (monopole), less than 100 feet in height (see 16.08.120). (Ord. 890 section 30, 1993; Ord. 740 section 10.3.29(A), 1984; Ord. 981 section 27, 1997; Ord. 1237, 2007)

16.30.020 Conditional uses.

Conditional uses in the C-M zone shall be as follows:

- A.** A use permitted outright in an M-1 zone and not listed in section 16.30.010 or below;
- B.** A use permitted conditionally in a C-1 or C-2 zone, other than dwelling units, and not listed in section 16.30.010 or below;
- C.** Other light industrial uses as determined by the Planning Commission;
- D.** Detached WTS facilities (monopole), equal to or over 100 feet in height (see 16.08.120); (Ord. 740 section 10.3.29(B), 1984; Ord. 981 section 28 & 29, 1997; Ord. 1237, 2007)

16.30.030 Development standards.

The following subsections indicate the required development standards of the C-M zone:

- A.** Minimum lot area: none.
- B.** Minimum width and frontage: none.
- C.** Minimum yard requirements:
 - 1.** Street yard: twenty feet where abutting Highway 99-E and S. Ivy Street. Gas station canopies shall be exempted from the twenty foot setback requirements. Remaining property none, except ten feet where abutting a residential zone. Sign setbacks along Highway 99-E and S. Ivy Street are to be measured from the face of the curb rather than the lot line. Where no curb exists, the setback shall be measured from the property line. Other than signs which are nonconforming structures and street banners which have been approved per the requirements of the Uniform Sign Code, no signs will be allowed to be located within, or to project over, a street right-of-way.
 - 2.** Interior yard: none, except ten feet where abutting a residential zone.
- D.** Maximum building height:
 - 1.** Freestanding signs: thirty feet;
 - 2.** All other structures: forty-five feet.
- E.** Maximum lot coverage: sixty percent.
- F.** Other regulations:
 - 1.** Vision clearance distances shall be fifteen feet from any alley or driveway and thirty feet from any other street or railroad.
 - 2.** Except in cases where existing building locations or street width necessitate a more narrow design, sidewalks eight feet in width shall be required:

- a. In those locations where angle parking is permitted abutting the curb, and
- b. For property frontage along Highway 99-E.

3. ~~3.~~ All setbacks to be measured from the foundation line of the building. Overhangs shall not exceed two feet. (Ord 830 section 9, 10, 1989; Ord. 802 section 7 [part], 1987; Ord. 740 section 10.3.29(C), 1984; Ord. 981 section 50, 1997; Ord. 1237, 2007)

4. Outside storage abutting a public road or a residential zone shall be screened from view by a site-blocking fence, landscaping, or berm.

5. Customer and employee parking must be located at the front or side of the building. Areas that accommodate large vehicles, busses, freight maneuvering, and parking/loading areas shall be screened from view by a site-blocking fence, landscaping, or berm.

Chapter 16.32

M-1 LIGHT INDUSTRIAL ZONE

Sections:

- 16.32.010** Uses permitted outright.
- 16.32.020** Conditional uses.
- 16.32.030** Development standards.

16.32.010 Uses permitted outright.

Uses permitted outright in the M-1 zone shall be as follows:

- A.** 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
 1. The dissemination of dusts, gas, smoke, fumes, odors, atmospheric pollutants or noise which exceed Oregon Department of Environmental Quality standards
 2. Danger by reason of fire, explosion or other physical hazard;
 3. Unusual traffic hazards;
- B.** Automobile body shop, or heavy repair shop;
- C.** Contractor's equipment or storage yard;
- D.** Dwelling for watchman or caretaker working on the property;
- E.** Food processing plant;
- F.** Fuel distribution, wholesale or retail;
- G.** Ice or cold storage plant;
- H.** Laundry or dry-cleaning plant;
- I.** Lumber yard;
- J.** Machinery, farm equipment or implement sales, service or rent;
- K.** Motor or rail freight terminal;

- L.** Railroad trackage and related facilities;
- M.** Restaurant, when related and incidental to primary industrial uses of the area;
- N.** Service station, when related and incidental to primary industrial uses of the area;
- O.** Stone, marble, or granite cutting;
- P.** Tire retreading or recapping;
- Q.** Transfer and storage company;
- R.** Utility storage or service yard;
- S.** Veterinarian's office or animal hospital;
- T.** Warehouse
- U.** Wholesale distribution, including warehousing and storage;
- V.** Wireless or cellular communications facility/tower;
- W.** Other light industrial uses as determined by the Planning Commission;
- X.** Business or professional office, when related and incidental to primary industrial uses of the area;
- Y.** Public building or uses such as fire station, or park or playground.
- Z.** Attached WTS facilities (see 16.08.120).
- AA.** Detached WTS facilities (monopole or lattice tower), under 150 feet in height and at least 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120).
- BB.** Detached WTS facilities (monopole), under 100 feet in height and less than 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120).
- CC.** Detached WTS facilities (monopole), equal to or over 150 feet in height and at least 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120).
- DD.** Minor public facility. (Ord. 890 section 31, 1993; Ored. 749 section 1(A), 1984, Ord. 740 section 10.3.31(A), 1984; Ord. 995 section 10 & 11, 1996; Ord. 981 section 30 & 31, 1997; Ord. 1019 section 10, 1999; Ord 1237, 2007)

16.32.020 Conditional uses.

Conditional uses in the M-1 zone shall be as follows:

- A. Commercial recreation uses;
- B. Motels, hotels and similar accommodations;
- C. Other heavy commercial or light industrial uses as determined by the Planning Commission;
- D. Waste and/or recycling transfer operations.
- E. Detached WTS facilities (monopole), equal to or over 100 feet in height and less than 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120).
- F. Detached WTS facilities (lattice tower), equal to or over 150 feet in height and at least 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120).
- G. Major public facility, except as modified by Section 16.32.010. (Ord. 960, section 2, 12/18/96; Ord. 890, section 32, 1993; Ord. 740 section 10.3.31(B), 1984; Ord. 981 section 32, 1997; Ord 1237, 2007)

16.32.030 Development standards.

The following subsections indicate the required development standards of the M-1 zone:

- A. Minimum lot area: five thousand square feet;
- B. Minimum width and frontage: fifty feet;
- C. Minimum yard requirements:
 - 1. Street yard: twenty feet where abutting Highway 99-E and S. Ivy Street. Gas station canopies shall be exempted from the twenty foot setback requirements. Remaining property none, except ten feet where abutting a residential zone. Sign setbacks along Highway 99-E and S. Ivy Street are to be measured from the face of the curb rather than the lot line. Where no curb exists, the setback shall be measured from the property line. Other than signs which are nonconforming structures and street banners which have been approved per the requirements of the Uniform Sign Code, no signs will be allowed to be located within, or to project over, a street right-of-way.
 - 2. Interior yard: none, except ten feet where abutting a residential zone.
- D. Maximum building height:
 - 1. Freestanding signs: thirty feet;
 - 2. All other structures: forty-five feet.

E. Maximum lot coverage: no limit.

F. Other regulations:

1. Vision clearance distances shall be fifteen feet from any alley or driveway and thirty feet from any other street or railroad.

2. Outside storage abutting a public road or ~~facing a lot in~~ a residential zone shall be screened from view ~~enclosed~~ by a site-blocking fence, landscaping, ~~or~~ berm. ~~The fence or berm 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.~~

3. All setbacks to be measured from the foundation line of the building. Overhangs shall not exceed two feet.

4. Prior to issuance of a building permit, wireless/cellular towers require written certification of approval/compliance from the Federal Communications Commission, Federal Aviation Administration and the Oregon Department of Transportation (Department of Aeronautics). (Ord 890 section 33, 1993; Ord. 830 section 11, 12, 1989; Ord. 740 section 10.3.31(C), 1984; Ord. 955 section 12, 1996; Ord. 981 section 51, 1997; Ord. 1237, 2007)

4.5. Customer and employee parking must be located at the front or side of the building. Areas that accommodate large vehicles, busses, freight maneuvering, and parking/loading areas shall be screened from view by a site-blocking fence, landscaping, or berm.

Chapter 16.34

M-2 HEAVY INDUSTRIAL ZONE

Sections:

- 16.34.010 Uses permitted outright.**
- 16.34.020 Conditional uses.**
- 16.34.030 Development standards.**

16.34.010 Uses permitted outright.

Uses permitted outright in the M-2 zone shall be as follows:

- A.** A use permitted outright in an M-1 zone. (Ord. 740 section 10.3.33(A), 1984)

16.34.020 Conditional uses.

Conditional uses in the M-2 zone shall be as follows:

- A.** Aggregate removal operations;
- B.** All other uses when evaluated on the standards and criteria specified in Chapter 16.50 and the point system set out in Table 16.34.020 for evaluating heavy industrial development proposals.
- C.** Detached WTS facilities (monopole), equal to or over 100 feet in height and less than 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120).
- D.** Detached WTS facilities (lattice tower), equal to or over 150 feet in height and at least 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120). (Ord. 740 section 10.3.33(B), 1984; Ord. 981 section 33, 1997)

16.34.030 Development standards.

The following subsections indicate the required development standards of the M-2 zone:

- A.** Minimum lot area: five thousand square feet;
- B.** Minimum width and frontage: fifty feet.
- C.** Minimum yard requirements:
 - 1.** Street yard: none, except twenty feet where abutting a residential zone;
 - 2.** Interior yard: none, except twenty feet where abutting a residential zone.
- D.** Maximum building height:
 - 1.** Freestanding signs: thirty feet;

- 2. All other structures: forty-five feet.
- E. Maximum lot coverage: no limit.
- F. Other regulations:
 - 1. Vision clearance distances shall be fifteen feet from any alley or driveway and thirty feet from any other street or railroad;
 - 2. ~~2.~~ Outside storage abutting a public road or ~~facing a lot in~~ a residential zone shall be screened from view ~~enclosed~~ by a site-blocking fence, landscaping, or berm. ~~The fence or berm 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.~~ (Ord. 890 section 34, 1993; Ord. 740 section 10.3.33(C), 1984; Ord 1237, 2007)
 - 3. Customer and employee parking must be located at the front or side of the building. Areas that accommodate large vehicles, busses, freight maneuvering, and parking/loading areas shall be screened from view by a site-blocking fence, landscaping, or berm.

M-2 Conditional Use Review Matrix
Table 16.34.020

Explanation: When considering conditional use applications for the M-2 Zone, ~~E~~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 prerequisite for approval of an ~~industrial-~~ M-2 conditional use. In entering its findings of fact for its decision, the ~~C~~ommission shall indicate its findings regarding the following:

CRITERIA	POINTS
Traffic impacts, particularly heavy truck traffic and its impact on non-industrial areas and streets	-10 – 0
Noise impacts, especially loud and high-pitched noise and noise expected to occur at night	-10 – 0
Air pollution, including odors as well as measurable pollutants	-10 – 0
Water pollution, including impacts on groundwater and surface water as well as any unusual or hazardous discharges to the city sewage treatment facility	-10 – 0
Water consumption, especially where city water is utilized rather than a private source	-10 – 0
Electrical consumption	-10 – 0
Other adverse impacts, which may include factors not listed above or may be used to add more negative point to any of the items already listed, where extreme adverse impacts are expected	-40 – 0
Tax benefits to the community, particularly for property taxes beyond the costs of providing public services	0 - +20
Total number of persons to be employed	0 - +10
Number of local persons who can expect to be employed, based upon	0 - +10

percentages of skilled, semi-skilled and unskilled positions	
Reliance on industry on locally produced resources and locally processed materials	0 - +10
Export characteristics and residual benefits to other local industries	0 -+10
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 extremely beneficial impacts are expected	0 - +40
<u>Low Impact Design and sustainability Features</u>	<u>0 - +20</u>

Chapter 16.35

CANBY INDUSTRIAL AREA OVERLAY (I-O) ZONE

Sections:

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

16.35.010 Purpose.

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

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

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

16.35.020 Applicability.

It is the policy of the City of Canby to apply the I-O zone to all lands within the [Canby Pioneer Industrial Park](#) Master Plan area and other areas determined by the City, ~~upon annexation or prior to application for development permit~~ [as defined in the Industrial Area Master Plan](#). The Master Plan area generally includes the area bound by Highway 99E and 1st Avenue to the north, Mulino Road to the east, SE 13th Avenue to the south, and ~~Molalla Western Railroad~~ [the Molalla Forest Logging Road Trail](#) to the west. The I-O zone has the following affect with regard to other chapters of this ordinance:

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

- B.** Permits land uses which are permitted by the underlying zone districts (C-M, M-1, M-2), with some exceptions.
- C.** Replaces selected development standards contained in the C-M, M-1, and M-2 zones, for continuity and quality of site design within the Master Plan area.
- D.** Utilizes the City's processes for development review, including land divisions, conditional uses, and design reviews. Provides a design review matrix (i.e., replacing the table in Chapter 16.49) which is tailored to the Master Plan area.
- E.** Provides additional conditional use standards to ensure development compatibility.
- F.** Lists uses that are prohibited outright due to incompatibility with the goals for the area. (Ord. 1008 section 1 [part], 1998; Ord. 1057 section 2 [part], 2000)

16.35.25 Pre-application review and conditions of approval

- A.** A pre-application meeting with utility and service providers is required prior to any land use application, building permit application, or business license application in the I-O zone, unless this requirement is waived by the City Planner. The City Planner shall provide application forms for this purpose indicating all required information. The pre-application meeting shall allow utility and service providers to make a detailed assessment of the proposed use prior to forming a recommendation on approval. In addition, this meeting will allow the City to evaluate whether a Conditional Use Permit will be required.
- B.** At the pre-application meeting, the City shall determine the need for a Hazardous Materials Management Plan. If required by the City, the applicant shall prepare a plan meeting the relevant sections of the Oregon Fire Code as determined by the City. The Plan shall allow utility and service providers to review the health and safety impacts of any proposed use and ensure an adequate plan will be in place to address those impacts prior to forming a recommendation on approval.
- C.** The Planning Commission or City Council may impose conditions to protect public health and safety on any discretionary land use application. (Ord. 1057 section 2 [part], 2000; Ord. 1237, 2007)

16.35.030 Uses permitted outright.

Unless limited by sections 16.35.040 or 16.35.045, uses permitted outright in the C-M zone, M-1 zone, and M-2 zone are permitted outright in the I-O zone, subject to the respective zone district boundaries. (Ord. 1008 section 1 [part], 1998; Ord. 1057 section 2 [part], 2000)

16.35.040 Conditional uses.

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

- A.** Any proposed site development, change in use, land division, or other action that

results in any of the following requires conditional use approval in the I-O zone:

1. Less than ~~642~~ employees per developed acre. For the purposes of this section only, “developed” means all areas used for buildings, landscaping, vehicle maneuvering and parking areas, outdoor storage, and other areas occupied by the use. For the purposes of this section only, employees means full-time equivalents unless the City specifically allows other interpretations;
2. More than 60 acres total in I-O zoning that is occupied by a single use or business. For the purposes of this section, businesses classified in the same NAICS industry group (four-digit code) are considered to be in the same use. This section is intended to apply cumulatively to all properties in the zone;
3. Utilization of any public service or utility to such an extent that the utility would not be able to supply all other uses projected in its current long-range plans;
4. Uses requiring an H occupancy under the Oregon Structural Specialty Code;
5. In any C-M zoning overlain by I-O zoning, any retail or commercial use with a building footprint exceeding 50,000 square feet;
6. In any M-1 or M-2 zoning overlain by I-O zoning, any retail or commercial use not related to or supportive of the primary industrial use of the park; or
7. In any M-1 or M-2 zoning overlain by I-O zoning, retail areas occupying more than 15% of the building footprint. ~~or more than 3,000 square feet.~~
- 7.8. In the Canby Pioneer Industrial Park, a proposed freestanding warehouse that is not associated with an outright permitted use on the same property must go through the conditional use process.

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

1. The proposed use is compatible with the industrial nature of the park and will have minimal negative impact on the development and use of surrounding properties;
2. The proposed use does not pose a threat to public health or safety; and
3. The proposed use is beneficial to the overall economic diversity and vitality of the City.

These criteria are in addition to those provided in Section 16.50.010. In all other aspects, the conditional use process shall be as specified in Chapter 16.50. (Ord 1008 section 1 [part], 1998, Ord. 1057 section 2 [part], 2000; Ord. 1237, 2007).

16.35.045 Prohibited uses.

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

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

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

16.35.050 Development standards.

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

A. Minimum lot area: none.

B. Minimum lot width and frontage: none.

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

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

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

D. Maximum building height: 45 feet.

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

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

G. Street right-of-way improvements shall be made in accordance with the [Canby Transportation System Plan \(TSP\)](#), ~~circulation plan, and streetscape/street section standards of the Industrial Area Master Plan.~~

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

1. Development in the M-1 zone and M-2 zone shall provide at least one public entrance facing the street. A direct pedestrian connection shall be provided between the primary building entrance and public sidewalk.

2. Developments within the C-M zone shall provide continuous, straight-line pedestrian connections between the street(s), buildings, and parking areas.

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

J. Metal building exteriors are prohibited, except that the Planning ~~Commission~~

Director may approve architectural metal elements that accent and enhance the aesthetics of building entrances and office areas; when approving a Type II Application, or the Planning Commission when approving a Type III Application.

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

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

M. All landscaped areas shall be irrigated; unless drought tolerant plants are installed and watered until well established and replaced in event of failure.

N. Other regulations: The C-M zone, M-1 zone, and M-2 zone provide other applicable regulations related to vision clearance, Highway 99E sidewalk width, setback measurement, outside storage, and wireless/cellular tower certification. (Ord. 1008 section 1[part], 1998; Ord. 1237, 2007; Ord. 1299, 2008)

16.35.060 Design guidelines.

The Industrial Area Master Plan provides design guidelines for reviewing development applications. The guidelines, which are incorporated into Table 16.35.040~~000~~, encourage:

A. Flexibility to align local streets based on parcelization and development requirements;

B. Tree retention, planting of large (3-inch) caliper trees, and use of lawn/ground cover planting in front yard setbacks;

C. Placement of buildings at or near the setback line;

D. Placement of parking areas to the side or rear of buildings;

E. Placement of smaller commercial buildings at or near the street;

F. Building entries visible from the street with direct pedestrian connections;

G. Use of quality building materials;

H. Architectural detail to break up and articulate large surfaces and volumes, and to accentuate building entries; and

I. Open space retention and trail connections, as designated by the Master Plan. (Ord. 1008, section 1[part], 1998)

16.35.070 I-O Design review matrix.

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

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

[Industrial Overlay Design Review Matrix](#)

Table 16.35.040

CRITERIA	Possible Scores
Parking	
Parking areas located to the side or rear of buildings as viewed from public right of way: <50% of parking spaces=0; 50%-75%=1; 75% , 100%=2;	0 1 2
Increase minimum interior parking lot landscape over the base 15%: 15%-18%=0; 18%-22%=1; >22%=2.	0 1 2
Increase the <u>base</u> number of trees <u>required by 16.49.120 (all landscape islands must contain 1 tree, 1 tree for every 40' along the required setback); planted within buffers and/or within the parking area:</u> 100%-105% of base requirement*=0; 105%-110% of base requirement=1;>110%=2. *The base requirement is determined based on total parking area/number of spaces, and parking setback perimeter, see Chapter 16.49.120.; (# of trees proposed/# of trees required x100=% of base requirement)	0 1 2
Number of parking spaces <u>provided</u> : (% of required minimum)-: >110%=0; 110%-105%=1; 105%-100%=2. <u>See Table 16.10.050 for required parking.</u> (# of spaces proposed/# of spaces required x100=% of required minimum)	0 1 2
Minimum Acceptable Score	3 4 points

Comment [d1]: Now a requirement for CM, M1, & M2 Zones

Transportation/Circulation	
Proposed local street alignments: Street not proposed = 0; Street(s) proposed with some modification to master plane = 1; proposed street(s) approximate recommended alignments = 2. Note: the Planned Parkway and collector streets are required elements, except as indicated by the Industrial Area Master Plan	0 1 2
Design of all pedestrian ways (private, on-site pedestrian pathways): 6' painted ways=0; 6' brick/paver ways=1; 6' brick/paver & raised concrete ways=2 six foot wide, raised concrete with painted crosswalks (standard)=0; standard with brick or similar pavers for pathways and crosswalks = 1; greater than 6 foot wide (inclusive of curb) and use of brick or similar pavers for pathways and crosswalks = 2	0 1 2
Number of pedestrian connections between the street sidewalk and internal circulation system: One connection = 0 Two <u>or more</u> connections = 1	0 1 2

Comment [d2]: No streets really left to build in the IO Zone

Minimum Acceptable Score (some provisions may not apply) ~~2-3~~ points

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

Comment [d3]: No trees left to retain. If trail connections are desired they can be required as a condition with park dedications per 16.120 or just as a general condition per 16.49

Landscaping	
Trees installed at 3 inch caliper: <25% of trees=0; 25%-50%=1; 50%-100%=2.	0 1 2
Usable outdoor amenity provided with development (e.g., water features, plazas, seating areas, and similar features): no=0; yes=1; yes and for public use access provided (i.e., through an easement)=2.	0 1 2
Amount of grass (less grass is better) (% of total landscaped area) >50%=0; 25%-50%=1; <25%=2. Amount of grass or other plantings used for ground cover treatment: <75%=0; 75%-90%=1; 90%-100%=2.	0 1 2
Minimum Acceptable Score 3 points	

Building Appearance and Orientation	
Building orientation at or near the street: parking or drive separates building from street=0; at least 20% of elevation within 5 feet of minimum setback=1; at least 20% of elevation is at minimum setback=2.	0 1 2
Building entrances visible from the street: no=0; yes=1.	0 1
Buildings use quality materials: concrete, wood, or wood siding=0; concrete masonry, stucco, or similar material=1; brick or stone similar appearance=2.	0 1 2
Articulation and/or detailing to break up large building surfaces and accentuate the building entrance(s): no=0; yes=2.	0 2
Minimum Acceptable Score 4 points	

Low Impact Design	
	0 1 2

Comment [d4]: Consider adding points for xeriscaping or LID sustainable measures. What would these be? What would the point values be? Do we want to copy from 16.49 matrix?

Chapter 16.49

SITE AND DESIGN REVIEW

Sections:

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

16.49.010 Findings and objectives.

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

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

1. Encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design of said development.

3. Temporary public structures which will be removed within two (2) years of placement.
4. Commercial and industrial accessory structures under 500 square feet.
5. Temporary commercial tent/canopy structures, which meet the Uniform building or Fire Code, and which will be removed within thirty (30) days of placement.
6. Temporary Vendor activity permitted pursuant to Section 16.08.140.
7. Parking lot or paving projects. If no buildings or structures are involved, paving or parking lot development in excess of 2,500 square feet of impervious surface is exempted from a Type III site and design review. However, parking lot and paving projects in excess of 2,500 square feet of impervious surface require Type I site plan review. All new paved areas and parking lots in excess of 2,500 square feet must meet the requirements of Section 16.49.150.
8. Single family or two-family dwellings and their accessory structures, and any alterations or remodeling thereof.
9. Minor public facilities.
10. Approved Public Art Murals as defined in CMC Chapter 2.80.020.

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

D. No fence/wall shall be constructed throughout a project that is/was subject to site and design review approval where the effect or purpose is to wall said project off from the rest of the community unless reviewed and approved by the Planning Commission. (Ord. 1315, 2009; Ord. 1237, 2007; Ord. 1080, 2001; Ord. 1019 section 2, 1999; Ord. 981 sections 52&53, 1997; Ord. 955 section 23, 1996; Ord. 890 section 43, 1993; Ord. 848, Part III, section 1, 1991; Ord. 1341, 2011)

16.49.035 Application for Site and Design Review

A. For site and design review projects in the Downtown Canby Overlay Zone ([DCO](#)) or in the Canby Industrial Area Overlay Zone ([CIAO](#)), applicants may choose one of the following two processes:

1. Type II – If the applicant meets all applicable site and design review standards set forth in Chapters 16.41 ([Downtown Canby Overlay Zone](#)) and 16.49; or Chapter 16.35 ([Canby Industrial Area Overlay Zone](#)) and 16.49, the applicant shall submit a Type II application for approval pursuant to the approval criteria set forth in 16.49.040.A; or

2. Type III – If the applicant proposes the use of alternative methods or materials to meet the intent of the site and design review standards set forth in Chapter 16.41.070, the applicant shall submit a Type III application for approval pursuant to the approval criteria set forth in 16.49.040.B.3. The applicant must still meet all applicable requirements of Chapter 16.49.

B. All other projects subject to site and design review approval pursuant to Section 16.49.030 are subject to the Type III procedural requirements set forth in Chapter 16.89. The applicant shall submit a Type III application for approval pursuant to the approval criteria set forth in 16.49.040. (Ord 1296, 2008)

16.49.040 Criteria and standards.

A. ——— In review of a Type II Site and Design Review Application described in Section 16.49.035.A.1, the Planning Director shall, in exercising his powers, duties or functions, determine whether there is compliance with the DCO, and CIAO site and design review standards.

B.A. In review of a Type III Site and Design Review Application, the Board shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the following:

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

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

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

4. The proposed development incorporates the use of LID best management practices whenever feasible based on site and soil conditions. LID best management practices include, but are not limited to, minimizing impervious surfaces, designing on-site LID stormwater management facilities, and retaining native vegetation.

5. The Board shall, in making its determination of compliance with this Ordinance, shall use the matrix in Table 16.49.040 to determine compatibility unless this matrix is superseded by another matrix applicable to a specific zone or zones under this title. An application is considered to be compatible with the standards of Table 16.49.040 if the following conditions are met:

a. The development accumulates a minimum of 60 percent of the total possible number of points from the list of design criteria in Table 16.49.040; and

b. At least 10 percent of the points used to comply with (a) above must be from the list of LID Elements in Table 16.49.040. (Ord. 1338, 2010).

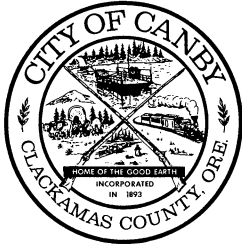
C.B. In review of a Type II Site and Design Review Application described in Section 16.49.035.A.1, the Planning Director shall, in exercising his powers, duties or functions, determine whether there is compliance with the DCO site and design review standards.

D.C. In review of a Type III Site and Design Review Application, the Board shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the INTENT of the design review standards set forth in this Ordinance.

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

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

G.F. As part of the site and design review, the property owner may apply for approval to cut trees in addition to those allowed in Chapter 12.32, the city Tree Ordinance. The granting or denial of said application will be based on the criteria in Chapter 12.32. The cutting of trees does not in and of itself constitute change in the appearance of the property which would necessitate application for site and design review. (Ord. 848, Part III, section 2, 1991; Ord. 955 section 24 & 25, 1996; Ord 1237, 2007, Ord 1296, 2008)



**BEFORE THE PLANNING COMMISSION
OF THE CITY OF CANBY**

**A REQUEST FOR SITE AND DESIGN)
REVIEW AND LOT LINE ADJUSTMENT)
FOR MCDONALD’S RESTAURANT)
AT 709 SW 1ST AVENUE)**

**FINDINGS, CONCLUSION & FINAL ORDER
DR 14-03 & LLA 14-02
MCDONALD’S USA, LLC**

NATURE OF THE APPLICATION

The Applicant has sought an approval for a Site and Design Review #DR 14-01 for the construction of an industrial building on property described as Tax Lot 31E3401711, Clackamas County, Oregon. The property is zoned Heavy Industrial (“M-2”) under the Canby Municipal Code (“CMC”) and is in the Canby Industrial Overlay (I-O) Zone.

HEARINGS

The Planning Commission considered application DR 14-03 and LLA 14-02 after the duly noticed hearing on May 12, 2014 during which the Planning Commission approved by a 5-0 vote to approve DR 14-03 & LLA 14-02. These findings are entered to document the approval.

CRITERIA AND STANDARDS

In judging whether or not a Site and Design Review and Lot Line application shall be approved, the Planning Commission determines whether criteria from the Code are met, or can be met by observance of conditions, in accordance with Chapter 16.49.040 and 16.58. Other applicable code criteria and standards were reviewed in the Staff Report dated May 12, 2014 and presented at the May 12, 2014 meeting of the Canby Planning Commission.

FINDINGS AND REASONS

The Staff Report was presented, and written and oral testimony was received at the public hearing. Staff recommended approval of the Site and Design Review and associated Lot Line Adjustment application with Conditions of Approval in order to ensure that the proposed development will meet all required City of Canby Land Development and Planning Ordinance approval criteria.

After hearing public testimony, and closing the public hearing, the Planning Commission made the following additional findings beyond those contained in the staff report to arrive at their decision and support their recommended conditions of approval and the exact wording thereof:

- Testimony from the neighboring property owner to the east (Fisher’s Supply) indicated he had concern that with abandonment of half of the previously shared driveway between the two properties the remaining width of his drive could potentially make truck access through that drive much more difficult.
- Testimony from the applicant indicated that the property ownership documents made no

mention of a formal agreement about the establishment, use, or shared maintenance responsibilities for this driveway and that ODOT had no records indicating an approach permit had ever been issued for that shared driveway. However, they were aware that ODOT might be willing to work with them to widen the remaining width of the driveway within the highway right-of-way to facilitate accessibility of what appeared to be about a remaining width at the property boundary of 21 feet.

- The Planning Commission determined that the applicant has a responsibility to do what they can to assist the adjacent Fisher's property owner in maintaining the accessibility to his site for needed truck routing through the remaining narrowed driveway from what was previously a common shared driveway between the two properties.
- It was expected that the applicant would work with ODOT officials to facilitate maximizing the accessibility to the remaining driveway width with work in the right-of-way.

CONCLUSION

In summary, the Planning Commission adopted the findings contained in the Staff Report, concluded that the Site and Design Review and Lot Line Adjustment application meets all applicable approval criteria, and recommended that File #DR 14-03 & #LLA 14-01 be approved with the Conditions of Approval stated below. The Planning Commission decision is reflected in the written Order below.

ORDER

Approval of this application is based on submitted application materials and all written and oral public testimony. Approval is strictly limited to the submitted proposal and is not extended to any other development of the property. Any modification of development plans not in conformance with the approval of application file #DR 14-03 & LLA 14-02, including all conditions of approval, shall first require an approved modification in conformance with the relevant sections of the Canby Municipal Code. The Planning Commission concludes that, with the following conditions, the application will meet the requirements for Site and Design Review and Lot Line Adjustment approval. Therefore, **IT IS ORDERED BY THE PLANNING COMMISSION** of the City of Canby that **DR 14-03 & LLA 14-02** is approved, subject to the following conditions:

General

1. Approval of this application is based on submitted application materials and public testimony. Approval is strictly limited to the submitted proposal and is not extended to any other development of the properties. Any modification of development plans not in conformance with the approval of application file #DR 14-03/LLA 14-02, including all conditions of approval, shall first require an approved modification in conformance with the relevant sections of this *Canby Land Development and Planning Ordinance*. Approval of this application is based on the following:
 - a. Citizen and agency comments
 - b. Application form received April 7, 2014
 - c. Application narrative revised April 7, 2014
 - d. Complete Plan Set identified as Exhibit B, submitted April 7, 2014, 8 sheets
 - e. Design Review Matrix, Table 16.49.040 (part of Exhibit B)

- f. Traffic Impact Study dated April 1, 2014, identified as Exhibit G
 - g. Other supporting materials submitted with the application, identified as Exhibits A - G.
2. The development shall comply with the standards of all applicable outside utility and regulatory agencies including:
 - a. City of Canby Planning
 - b. City of Canby Engineer
 - c. Canby Public Works
 - d. Canby Fire District
 - e. Canby Utility
 - f. Northwest Natural Gas
 - g. Canby Telcom
 - h. Wave Broadband
 - i. Oregon Department of Environmental Quality (DEQ)
 - j. Oregon Department of Transportation – Region 1 Recommendations
 3. The development shall comply with all applicable City of Canby Public Works Design Standards.
 4. The owner/applicant shall comply with the recommendations of the consulting city engineer Hassan Ibrahim, dated April 24, 2014.
 5. The owner/applicant shall comply with the comments and recommendation(s) of Dave Frahm, Pretreatment Technician, and City of Canby, sent in e-mail to Bryan Brown, April 24, 2014.
 6. Applicant shall demonstrate to the Planning Director that they have minimized the impact on the remaining driveway on the adjacent Fisher’s property by working with ODOT to maximize the accessibility of the reduced narrowed driveway.
 7. The owner/applicant shall comply with the conditions of approval recommended by ODOT in their letter dated May 7, 2014 with the following clarification noted pertaining to the agreement reached among all parties with regard to conformance with the first recommended condition: All parties have agreed that the total existing highway right-of-way is sufficient to enable possible ultimate implementation of the Canby 99E Corridor and Gateway Design Plan – Segment 1 cross section standard which supersedes that of the Canby Transportation System Plan and that 4 additional feet of total highway pavement width – either 2 feet on each side of the current highway centerline or more likely all 4 feet from the opposite unimproved (no curb or sidewalk) north side of the highway was agreed to not be necessary until a complete highway restriping to implement the new adopted cross section standard is determined to be feasible. This leaves the existing curb and curb-tight sidewalk in place at this time, recognizing that sight clearance safety at the new driveway would make placing a street tree planter strip next to the curb in accordance with the desired Gateway Design Plan cross section a potential safety hazard.

Storm water

8. The development shall comply with the standards of the Oregon Department of Environmental Quality (DEQ) pertaining to storm water and other applicable regulations. The applicant shall submit documentation from DEQ that verifies the proposal is in compliance with all DEQ regulations.
9. The applicant has submitted storm water (Exhibit D) drainage plan for review by the city's consulting engineer. Storm water designs must meet all Canby Public Works Design Standards.

Lighting

10. All site lighting shall meet the shielding and lumen (or previous wattage standards) of Table 16.43.070. The owner/applicant has submitted a Lighting Plan (Exhibit B) and cut sheets for the lighting fixture head and the pole (also Exhibit B). The owner/applicant shall follow this Lighting Plan, unless modifications are allowed by the Planning Commission.

Landscaping

11. All landscaped areas shall be irrigated per 16.35.050(M) and 16.49.120(H); an irrigation outlet is required approximately every 150 feet of all plant materials to be maintained or an irrigation system to be shown at time of approval of the construction plans.
12. All landscaping shall be installed and maintained per the standards of 16.49.080(F-P), 16.49.100(A-C), and 16.49.090.
13. Parking lot trees shall follow the standards in 16.49.120(F).
14. Screening of parking areas is required. Within three years of planting, screening shall be of such height and density as to shield vehicle headlights from head-on visibility; perimeter landscaping shall be maintained in a manner to achieve screening of vehicle headlights.

Bicycle parking

15. Final construction plans shall show a bike rack by the main entrance; the plans shall show that the spaces are at least 6'x2' with an overhead clearance of 7', that spaces/bike racks are at least 2' from a wall or other obstacle, that racks are securely anchored, and that the racks are proximate to the main entrance, as illustrated on the plans (Site Plan, Sheet C2.0).

Other

- 16.** Construction plans for public sidewalk and planter strip improvements shall be submitted for review. These plans shall show that the site's sidewalk and planter strips match the widths of adjacent sidewalk and planter strips.
- 17.** The existing pole sign will be retained in place and therefore is considered to be grandfathered in and the new proposed wall signage indicated on the façade drawings has been determined to meet the sign code on all sides but will be required to obtain a sign permit from the City and sign building permit from the County.

Building Permits

- 18.** Prior to issuance of Building Permits the following must be completed:
 - a.** The applicant shall apply for a City of Canby Site Plan Permit and pay all applicable development fees prior to construction.
 - b.** The applicant shall apply for a City of Canby Site Erosion Control Permit prior to construction.
- 19.** Submit final construction plans: Final construction plans shall indicate the design, location, and planned installation of any right of way improvements and utilities including, but not limited to, water, electric, sanitary sewer, natural gas, telephone, storm water, cable, and emergency service provisions. Construction plans shall be designed and stamped by a professional engineer registered in the State of Oregon.
- 20.** Prior to the issuance of City Site Plan permit approval, final construction plans must be approved by the city and all other utility/service providers. The City of Canby may require a pre-construction conference to obtain final approval from utility providers and applicable city departments. This includes, but is not limited to, approval by:
 - a.** City of Canby Planning
 - b.** City of Canby Engineer
 - c.** Canby Public Works
 - d.** Canby Fire District
 - e.** Canby Utility
 - f.** Northwest Natural Gas
 - g.** Canby Telcom
 - h.** Wave Broadband
- 21.** Clackamas County Building Codes Division will provide structural, electrical, plumbing, and mechanical plan review and inspection for this project. Applicable building permits are required from Clackamas County prior to construction.

I CERTIFY THAT THIS ORDER approving DR 14-03/LLA 14-02 McDonald's Restaurant was presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 28th day of May, 2014

Tyler Smith
Planning Commission Chair

Bryan Brown
Planning Director

Attest

ORAL DECISION: May 12, 2014

<i>Name</i>	<i>Aye</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
<i>Tyler Smith</i>	✓			
<i>John Savory</i>	✓			
<i>Shawn Hensley</i>	✓			
<i>John Serlet</i>	✓			
<i>Larry Boatright</i>	✓			
<i>Vacant</i>				
<i>Vacant</i>				

WRITTEN DECISION: May 28, 2014

<i>Name</i>	<i>Aye</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
<i>Tyler Smith</i>				
<i>John Savory</i>				
<i>Shawn Hensley</i>				
<i>John Serlet</i>				
<i>Larry Boatright</i>				
<i>Vacant</i>				
<i>Vacant</i>				