



**PLANNING COMMISSION  
Meeting Agenda  
Monday – December 9, 2013  
7:00 PM**

**City Council Chambers – 155 NW 2<sup>nd</sup> Avenue**

**Commissioner Tyler Smith (Chair)**

**Commissioner Sean Joyce (Vice Chair)**

**Commissioner John Proctor**

**Commissioner John Savory**

**Commissioner Charles Kocher**

**Commissioner Shawn Hensley**

**Commissioner John Serlet**

---

- 1. CALL TO ORDER**
- 2. CITIZEN INPUT ON NON-AGENDA ITEMS**
- 3. PUBLIC HEARINGS - None**
- 4. NEW BUSINESS**
  - a. Appeal of Planning Director's Zoning Interpretation - Moving Home to Vacant C-2 Zoned Property*
  - b. Presentation on City's Landscaping Ordinance*
- 5. FINAL DECISIONS - None**
- 6. MINUTES**
  - a. November 25, 2013 Planning Commission Minutes*
- 7. ITEMS OF INTEREST/REPORT FROM STAFF**
  - a. Service Recognition for Commissioners Charles Kocher and Sean Joyce*
  - b. Next meeting January 13, 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](http://www.ci.canby.or.us)  
City Council and Planning Commission Meetings are broadcast live and can be viewed on CTV5.  
For a schedule of the playback times, please call 503-263-6287.*



# **M E M O R A N D U M**

**TO:** Zoning Interpretation File (INT 13-01)  
**FROM:** Bryan Brown, Planning Director  
**DATE:** November 26, 2013  
**RE:** **Moving Home to Vacant C-2 Zoned Property**

## **Introduction**

This interpretation was initiated by a request to “move” a house from a C-2 zoned property to another vacant C-2 zoned property.

The house proposed to be moved is actually one of 3 designated city historic landmarks which obtained the Historical Protection Overlay Zone designation (A) applied to the underlying base zone of the 3 properties with the adoption of Ordinance No. 742 on March 7, 1984. These 3 properties were added to the City Register of Historic Landmarks with the adoption of Ordinance No. 905 on January 5, 1994 when Chapter 16.110 Historic Preservation - was added to the Land Development and Planning Ordinance.

The city designated historic landmark is located at 139 SW 2<sup>nd</sup> Avenue and is proposed to be preserved in accordance with the provisions of CMC Section 16.110 by gaining Historic Review Board approval for moving it to a vacant C-2 zoned property located at 138 S Knott Street.

## **Background/Facts**

CMC 16.28.010 lists the uses permitted outright within the C-2 zone. It does not list single family homes. However, 16.28.010(A) indicates that “a use permitted outright in a C-1 zone” is an outright permitted use in the C-2 zone.

16.22.010(1) indicates “residential uses shall be permitted only when part of a mixed use development”. It does not list single family homes as an outright permitted use. However, 16.22.010(A)(4) indicates “existing dwelling units which are not incidental and attached to a use allowed in the C-1 zone may be altered, expanded (or rebuilt within one year of a fire or other act of nature) provided that any such additions or rebuilding comply with the development standards for dwelling units in the R-2 zone”.

The requestor proposing to move the historic house believes the above provision could reasonably be utilized to allow moving the house to a vacant C-2 zoned property. The argument presented to staff is “that since the existing dwelling unit is within the C-2

zone and is being “altered” from one lot to another lot within the same C-2 zone, that this is an approved use of the new C-2 zoned lot”.

In this instance, I have searched for a solution to the request at hand but do not believe the applicable zoning ordinance provision as written and the intent behind that provision and in assigning the C-2 zone in the applicable primarily residential area supports allowing a house to be moved onto a vacant C-2 zoned property”. My reasoning and interpretation is discussed below.

The Planning Director is charged with making interpretations of the zoning code – both informal and formal – on nearly a weekly basis.

### **Interpretation**

Ordinance provision 16.22.010(A) (4) clearly allows “an existing home to be altered or enlarged or rebuilt in the case of a fire” if it is already on the same existing C-2 zoned property. It technically does not allow “moving” a home to a C-2 zone lot. If we were to allow moving or more likely – building new homes into the C-2 zone, those property would never transition to commercial uses. The C-2 zone along S. Knott Street was assigned to an area primarily developed residentially back in 1935 and was determined to not only be a suitable area to support an identified need for commercial zoning but one that was “ripe” for redevelopment and a transition from residential to commercial use.

***Therefore, the Planning Director has determined that 16.22.010(A) (4) should not be utilized to allow “moving” a home to a vacant lot zoned C-2.***

### **Note:**

Staff is very much in support of finding a solution, short of demolition, to preserve the historic landmark which the current property owner no longer desires to retain on their property. One option is for the historic home to be moved to a vacant residentially zone property. Another option is for the historic structure to be remodeled into a mixed residential with commercial or office use on the vacant C-2 zoned property in question. Apparently remodeling the home to a mixed use structure that would be clearly allowed presents structural, cost, and evening preservation issues. Finding a comparable priced residential zoned lot for sale and within a reasonable distance and movable clear pathway may also be difficult.

**Chapter 16.28****C-2 HIGHWAY COMMERCIAL ZONE****Sections:**

- 16.28.010** Uses permitted outright.  
**16.28.020** Conditional uses.  
**16.28.030** Development standards.

**16.28.010 Uses permitted outright.**

Uses permitted outright in the C-2 zone are as follows:

- A. A use permitted outright in a C-1 zone;
- B. Miniature golf courses;
- C. Automobile, motorcycle, boat or truck sales, service, repair, rental, storage or parking;
- D. Theaters;
- E. Restaurant, including drive-in;
- F. Kennel;
- G. Lumber yard;
- H. Machinery, farm equipment or implement sales, service or rental;
- I. Hotel or motel;
- J. Service station;
- K. Tire shop, including incidental tire recapping;
- L. Veterinarian's office or animal hospital;
- M. Fuel oil distribution, retail, provided all fuel oil storage is underground;
- N. Nursery and greenhouse;
- O. Feed and seed store;
- P. Department store:

**Q.** Similar commercial uses as determined by the Planning Commission.

**R.** Attached WTS facilities (see 16.08.120).

**S.** Detached WTS facilities (monopole), less than 100 feet in height (see 16.08.120). (Ord. 890 section 28, 1993; Ord. 830 section 6, 1989; Ord. 740 section 10.3.28(A), 1984; Ord. 981 section 25, 1997; Ord. 1237, 2007)

**16.28.020 Conditional uses.**

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

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

**B.** A use listed as conditional in a C-1 zone and not listed in section 16.28.010.

**C.** Detached WTS facilities (monopole), equal to or over 100 feet in height (see 16.08.120). (Ord. 890 section 29, 1993; Ord. 740 section 10.3.28(B), 1984; Ord. 981 section 26, 1997)

**16.28.030 Development standards.**

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

## Chapter 16.22

### C-1 DOWNTOWN COMMERCIAL ZONE

#### Sections:

- 16.22.010**    **Uses permitted outright.**
- 16.22.020**    **Conditional uses.**
- 16.22.030**    **Development standards.**
- 16.22.040**    **Design Review Matrix.**

#### **16.22.010**    **Uses permitted outright.**

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

**A. Residential.** Residential uses shall be permitted only when part of a mixed use development (residential with commercial, office, or public/institutional use). Both vertical mixed use (housing above the ground floor) and horizontal mixed use (housing on the ground floor) developments are allowed, as follows:

- 1.** Ground floor dwelling units that are incidental (less than 25% of the ground floor gross area) attached to any use allowed in a C-1 zone, and have access from a side or back entrance, or an entrance that is incidental to the commercial main ground floor use.
- 2.** Residential units occupying the second and/or third story of any structure in the C-1 zone, provided the primary ground floor use is listed in 16.22.010.
- 3. Limitation on street-level housing.** No more than fifty (50) percent of a single street frontage may be occupied by residential uses. This standard is intended to reserve storefront space for commercial uses and public/institutional uses; it does not limit residential uses above the street level on upper stories, or behind street-level storefronts. For parcels with street access at more than one level (e.g., sloping sites with two street frontages), the limitation on residential building space shall apply to all street frontages.

**a. Density.** There is no minimum or maximum residential density standard. Density shall be controlled by the applicable lot coverage and building height standards.

**b. Parking, garages, and driveways.** All off-street vehicle parking intended for residential use, including surface lots and garages, shall be oriented to alleys, placed underground, placed in structures above the ground floor, or located in parking areas behind or to the side of the building; except that side yards facing a street (i.e., corner yards) shall not be used for surface parking. All garage entrances facing a street (e.g., underground or structured parking) shall be

recessed behind the front building elevation by a minimum of four (4) feet. On corner lots, garage entrances shall be oriented to a side street when access cannot be provided from an alley.

**c. Creation of alleys.** When a residential subdivision (e.g., four or more townhome lots) is proposed, a public alley shall be created for the purpose of vehicle access. Alleys are not required when existing development patterns or topography make construction of an alley impracticable. As part of a subdivision, the City may require dedication of right-of-way or easements, and construction of pathways between townhome lots (e.g., between building breaks) to provide pedestrian connections through a development site.

**4.** Existing dwelling units which are not incidental and attached to a use allowed in the C-1 zone may be altered, expanded (or rebuilt within one year of a fire or other act of nature) provided that any such additions or rebuilding comply with the development standards for dwelling units in the R-2 zone;

**B.** Retail store or shop, except those listed as permitted or conditional uses in the C-2 zone;

**C.** Amusement enterprise, including pool hall, bowling alley, dance hall, skating rink or theater, when enclosed in a building;

**D.** Bakery, for retail sale primarily on premises;

**E.** Barber or beauty shop;

**F.** Bank or other financial institution;

**G.** Bed and Breakfast, in an existing residence;

**H.** Bicycle sales, service, or repair;

**I.** Blueprinting, Photostatting, printing or other reproduction process;

**J.** Bus depot;

**K.** Business college;

**L.** Catering establishment;

**M.** Church;

**N.** Club or lodge hall;

**O.** Day care facility;

**P.** Laundry or cleaning establishment;



- Q.** Frozen food lockers;
- R.** Hardware store, not including lumber or other large building materials requiring on-site outside or warehouse storage;
- S.** Hotel and apartment hotel;
- T.** Laboratory for experimental, photo or electronic testing research;
- U.** Locksmith or gunsmith;
- V.** Magazine or newspaper distribution agency;
- W.** Mortuary;
- X.** Office, business or professional;
- Y.** Pawn shop;
- Z.** Public Transit Center;
- AA.** Restaurant, without drive-in service;
- BB.** Scientific or professional instrument sales or repair;
- CC.** Sales, rental or repair of small recreational, radio, television, business or household equipment;
- DD.** Studio, including music, art, dancing, photography or health;
- EE.** Taxidermy shop;
- FF.** Telephone or telegraph exchange;
- GG.** Theater, except drive-in;
- HH.** Auto parts store and incidental shop facilities;
- II.** Upholstery shop;
- JJ.** Watch and clock repair;
- KK.** Similar commercial uses as determined by the Planning Commission;
- LL.** Public building or land use such as fire station, city hall, park, playground, library or museum.

MM. Minor public facility. (Ord. 890 section 24, 1993; Ord. 805 section 2, 1987; Ord. 802 section 6, 1987; Ord. 740 section 10.3.24(A), 1984; Ord. 955 section 8, 1996; Ord. 981 section 21, 1997; Ord. 1076, 2001; Ord 1237, 2007)

#### **16.22.020 Conditional uses.**

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

- A. A use listed as conditional in the R-1 zone, except as modified in Section 16.22.010, above;
- B. Parking lot or parking structures;
- C. Attached WTS facilities (see 16.08.120). (Ord. 890 section 25, 1993; Ord. 740 section 10.3.24(B), 1984; Ord. 981 section 22, 1997; Ord. 1076, 2001; Ord 1237, 2007)

#### **16.22.030 Development standards.**

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

- A. Minimum lot area: none;
- B. Minimum width and frontage: none;
- C. Minimum yard requirements:
  - 1. Street yard: none, except ten feet where adjoining a residential zone.
  - 2. Interior yard: none.
- 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 ten feet from an alley and fifteen feet from any other street.
  - 2. Sidewalks a minimum of eleven (11) feet in width shall be required in commercial locations unless existing building locations or street width necessitate a more narrow design.
  - 3. All setbacks to be measured from the foundation line of the building. Overhangs shall not exceed two feet (not including awnings); mechanical units, used for the heating/cooling of residential units, are exempt from interior and/or rear yard setback requirements.



# PLANNING COMMISSION

## Presentation on City Landscaping Ordinance

Monday, December 9, 2013



# **BEFORE**

## **1st Avenue at N Grant St**





# AFTER

## 1ST Avenue at N Grant St



# Planning Commission Presentation on City Landscaping Ordinance

## 16.49.070 Landscaping Provisions:

The intent is to establish standards for landscaping in order to enhance the environmental and aesthetic quality of the city:

- By encouraging the retention and protection of existing trees and the planting of trees in new development
- By using trees and other landscape materials to temper the effects of the sun, wind, noise and air pollution
- By using trees and other landscape materials to define spaces and uses of specific areas
- Through the use of trees and other landscaping materials as a unifying element within the urban environment



## 16.49.080 General Provisions for Landscaping

- (A) They are minimum provisions
- (B) Purpose of landscaping is to improve the livability of residential neighborhoods, enhance the customer attraction of commercial areas, increase property values, improve the compatibility of adjacent uses, provide visual separation and physical buffers between incompatible adjacent lands uses, provide visual relief from the expanse of parking lots, screen undesirable views, contribute to the image and appeal of the overall community, and mitigate air and noise pollution.
- They also are intended to facilitate Low Impact Development techniques that: reduce erosion and storm water runoff, preserve and promote urban wildlife habitats, reduce the amount of carbon dioxide in the air, shade and reduce the temperature of adjacent waterways and pavement, and enhance the streetscapes along the public ROW with an emphasis on trees and LID storm facilities.



# Minimum Area for Landscaping (% of total land area to be developed)

- ❖ 15% for Industrial and Commercial Zones
- ❖ 7.5% for Downtown – Commercial (C-1) Zone
- ❖ 30% for Residential Zones

## Notes:

- i. Applies to development area on private property
- ii. Storm water management facilities are counted toward the minimum requirement when located on private property
- iii. The retention of existing healthy trees & vegetation is encouraged
- iv. Landscaping shall be designed and installed so that within 3 years 95% of the ground shall be covered by living grass or other plant material with the remaining 5% allowed to be mulch and up to 5% of landscape area may be covered with rock, stones, and similar material
- v. Required sidewalks shall not be used to meet landscape area.





## 16.49.090 Specifications-Tree and Plant Materials

Deciduous Trees – shall be a minimum of 2” caliper (6” above ground)

Coniferous Trees – shall be a minimum of 5’ in height

Shrubs – shall be 1 to 5 gallon size

Groundcovers – shall be fully rooted and welled leafed and used to fill  
in and cover mulched areas without shrubs

Lawns – shall consist of grasses, sod, acceptable mix of seeds with  
100% coverage in area utilized



## 16.49.100 Landscaping Installation

- Shall be completed prior to issuance of final certificate of occupancy
- Temporary CO issued when landscaping installation is immediately pending or in process
- A seasonal delay of landscaping installation of no more than 6-months from temporary occupancy is allowed when security equal to 110% of cost of landscaping materials and its installation is filed with the City
- All landscaping approved through Site & Design Review shall be continually maintained, including necessary watering, weeding, pruning and replacement, in a manner substantially similar to that originally approved



## 16.49.110 Landscape area credit for preservation of existing trees given

17

- 100% of natural area preserved may be counted toward required landscape area percentage
- Credit given for preservation shall not otherwise reduce or eliminate requirements pertaining to parking lots, buffering, and screening



## 16.49.120 Parking Lot Landscaping

(A) Goals of parking lot standards are to create shaded areas in parking lots to reduce glare, enhance the visual environment, and encourage the use of LID practices

(B) Parking Lot Landscaping Standards are Applicable to:

- Passenger vehicle parking area of 10 spaces or more
- Any paved vehicular area 3,500 square feet or larger
- Storage lot or a truck loading area shall be exempt from landscaping requirements within a parking lot

(C) Required Landscaping within a Parking Lot

- Area within a parking lot defined to include paved parking and maneuvering area and area within 10 feet of exterior curb surrounding parking area
- Interior areas shall be a minimum of 6 feet wide, 48 square feet in size, and contain one tree



## 16.49.120 Parking Lot Landscaping (continued)

### (D) Minimum Landscape Area Required for Parking Area

- 15 % for all residential, industrial, and commercial zones
- 5% for Downtown-Commercial (C-1) zone
- 10% for Core Commercial sub-area of the DCO zone

### (E) Parking areas with more than 16 spaces shall include landscape islands to break up rows of not more than 8 spaces

### (F) Perimeter of Parking and Loading Area

- Screening of parking is required such that height and density within (3) years will shield vehicle headlights from headon visibility
- One tree shall be planted every 40 feet along the required setback of the parking area

### (H) Irrigation or Available Water Supply

- Landscaped areas shall be provided with automatic irrigation systems or a readily available water supply with at least one outlet locate within approximately 150 feet of all plant materials to be maintained



# Additional Landscape Ordinance Provisions

## 16.08.130 Standard Transportation Improvements

- ✓ Landscaping as part of a transportation facility is an outright permitted use

## 16.08.140 Temporary Vendor

- ✓ Temporary vendor shall be located on a paved surface. Inventory and equipment shall not be displayed or stored in any landscaped areas

## 16.16.030 R-1 Development Standards

- ✓ The maximum amount of impervious surface allowed in the R-1 zone shall be 60 percent of the lot area
- ✓ Impervious surface includes all surface areas that create a barrier to or hinder the entry of water into the soil in comparison with natural conditions prior to development

## 16.18.030 R-1.5 Development Standards

- ✓ The maximum amount of impervious surface allowed in the R-1.5 zone shall be 70 percent of the lot area

## 16.20.030 R-2 Development Standards

- ✓ The maximum amount of impervious surface allowed in the R-2 zone shall be 70 percent of the lot area



# Additional Landscape Ordin. Provisions (Cont.)

## 16.35.050 Industrial Area Overlay Zone – Development Standards

- ✓ All landscaped areas shall be irrigated

## 16.35.070 I-O Design Review Matrix – Table 16.35.040

- ✓ Development applications are reviewed against the design guidelines in this Table – requirements ask for parking lot landscaping area and/or trees planted to exceed base requirement to obtain required points to meet design objectives

## 16.36.010 Overlay Zone Minimum Requirements for Residential PUD

- ✓ 15% of the gross area of the development shall be devoted to open space either in a common area or dedicated to the public

## 16.41.050 Downtown Canby Overlay Zone – Development Standards

- ✓ Screening: Garbage/recycling areas and mechanical equipment shall be screened with wall, fence or landscaping
- ✓ Parking: A minimum 5’ wide landscaped strip shall surround and abut the perimeter of the parking area



# Additional Landscape Ordin. Provisions (Cont.)

## 16.44.030 Manufactured and Mobile Homes & Trailer Parks Standards and Criteria

- ✓ A minimum of fifteen percent of the total development shall be landscaped, including a strip at least fifteen feet wide along all interior lot lines

## 16.48 Site Plan Review

- ✓ In conjunction with building permit plan check, projects shall undergo a site plan review by staff which is intended to focus on code compliance and mitigation of health and safety hazards, but staff may also make certain recommendations intended to improve the overall quality or appearance of the development. This can and has included landscaping on occasion.



### Table 16.49.040 Site Design Review Menu

As part of Site and Design Review, the following menu shall be used as part of the review. In order to “pass” this table 60% of total possible points shall be earned, 10% of the total possible points must be from LID elements

Design Criteria	Possible Points				
	0	1	2	3	4
<b>Parking</b>					
Screening of parking and/or loading facilities from public right-of-way	Not screened	Partially screened	Fully screened	-	-
Parking lot lighting provided	No	Yes	-	-	-
Parking location (behind building is best)	Front	Side	Behind	-	-
Number of parking spaces provided (% of minimum required)	>120%	101-120%	100%	-	-
<b>Screening of Storage Areas and Utility Boxes</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
Trash storage is screened from view by solid wood fence, masonry wall or landscaping.	No	Yes	-	-	-
Trash storage is located away from adjacent property lines.	0 - 10 feet from adjacent property	11 - 25 feet from adjacent property	>25 feet from adjacent property	-	-
Utility equipment, including rooftop equipment, is screened from view.	Not screened	Partially screened	Fully screened	-	-
<b>Access</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
Distance of access to nearest intersection.	≤70 feet	71 - 100 feet	>100 feet	-	-
Pedestrian walkways from public street/sidewalks to building entrances.	One entrance connected.	-	Walkways connecting all public streets/sidewalks to building entrances.	-	-
Pedestrian walkways from parking lot to building entrance.	No walkways	Walkway next to building only	Walkways connecting all parking areas to building entrances	-	-

<b>Design Criteria</b>	<b>Possible Points</b>				
<b>Tree Retention</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
Percentage of trees retained	<10%	10-50%	51-75%	>75%	-
Replacement of trees removed	<50%	≥50%	-	-	-
<b>Signs</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
Dimensional size of sign (% of maximum permitted)	>75%	50-75%	<50%	-	-
Similarity of sign color to building color	Not similar	Somewhat similar	Similar	-	-
Pole sign used	Yes	No	-	-	-
<b>Building Appearance</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
Style (similar to surroundings)	Not similar	Somewhat similar (1 or 2 points possible depending on level of similarity)		-	-
Color (subdued and similar to surroundings is better)	Neither	Similar or subdued	Both	-	-
Material (concrete, wood and brick are best)	Either 1 or 2 points may assigned at the discretion of the Site and Design Review Board				
Size of building (smaller is better)	>20,000 square feet	≤20,000 square feet	-	-	-
Provision of public art (i.e. murals, statues, fountains, decorative bike racks, etc.)	No	-	-	-	Yes
<b>Landscaping</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
Number of non-required trees provided	-	At least one tree per 500 square feet of landscaping.	-	-	-
Amount of grass (less grass is better) (% of total landscaped area)	>50%	25-50%	<25%	-	-
<b>Low Impact Development (LID)</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
Use of pervious paving materials (% of total paved area)	<10%	-	10-50%	51-75%	>75%
Provision of park or open space area	None	-	Open space (Generally not for public use)	-	Park (public or privately owned for public use)

Design Criteria	Possible Points				
Use of drought tolerant species in landscaping (% of total plants)	<25% drought tolerant	-	25-50% drought tolerant	51-75% drought tolerant	>75% drought tolerant
Provision of additional interior parking lot landscaping (% of minimum required)	100%	101-110%	111-120%	>120%	-
Provision of an eco-roof or rooftop garden (% of total roof area)	<10%	-	-	10-50%	>50%
Parking integrated within building footprint (below-grade, structured parking, or tuck-under parking) (% of total on-site parking)	<10%	-	-	10-50%	>50%
Disconnecting downspouts from city stormwater facilities	None	Some downspouts disconnected	All downspouts disconnected	-	-
Shared parking with adjacent uses or public parking structure (% of total required parking spaces)	None	<50%	≥50%	-	-
Provision of rain gardens/bioretention areas for stormwater runoff (% of total landscaped area)	None	-	10-50%	51-75%	>75%
<b>Total Possible Points = 71, 60%=42.6 points, 10%=7.1 points</b>					

(Ord 1296, 2008; Ord 1338, 2010)

#### **16.49.070 Landscaping provisions, Authority and intent.**

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

- A.** By encouraging the retention and protection of existing trees and requiring the planting of trees in new developments;
- B.** By using trees and other landscaping materials to temper the effects of the sun, wind, noise and air pollution;
- C.** By using trees and other landscaping materials to define spaces and uses of the specific areas;
- D.** Through the use of trees and other landscaping materials as a unifying element within the urban environment; and

#### **16.49.080 General provisions for landscaping.**

**A.** The standards set forth in this section are minimum standards for landscaping.

**B.** The purpose of these landscaping standards is to provide uniform standards for the development and maintenance of the landscaping of private property and public rights-of-way. The purpose of landscaping is to improve the livability of residential neighborhoods, enhance the customer attraction of commercial areas, increase property values, improve the compatibility of adjacent uses, provide visual separation and physical buffers between incompatible adjacent land uses, provide visual relief from the expanse of parking lots, screen undesirable views, contribute to the image and appeal of the overall community, and mitigate air and noise pollution.

These standards are also intended to facilitate Low Impact Development (LID) techniques through the retention of existing native vegetation and mature, healthy trees, to the extent feasible. Additional LID related goals of this chapter are to: reduce erosion and storm water runoff; preserve and promote urban wildlife habitats; reduce the amount of carbon dioxide in the air; shade and reduce the temperature of adjacent waterways; and enhance the streetscapes along the city's public rights-of-way with an emphasis on trees and LID stormwater facilities.

**C.** The minimum area requirement for landscaping for developments coming under design review shall be the percentage of the total land area to be developed as follows. Parking lot landscaping area is included in calculating the following landscape areas:

1. Fifteen (15) percent for all industrial and commercial zones (except the Downtown-Commercial zone, but including the Commercial-Residential zone).
2. Seven and one-half (7.5) percent for the Downtown-Commercial zone.
3. Thirty (30) percent for all residential zones.

**D.** LID stormwater management facilities, such as rain gardens and bioretention areas, may be counted toward the minimum landscaping requirement when they are located on private property. LID facilities in the public right-of-way cannot be counted toward the minimum landscaping requirement. The integration of LID stormwater management facilities within required landscaping must be approved by the city and shall comply with the design and construction standards set forth in the Canby Public Works Design Standards.

**E.** Trees and other plant materials to be retained shall be identified on the landscape plan. The Site and Design Review Board encourages the retention, to the extent practicable, of existing healthy trees and vegetation.

**F.** During the construction process:

1. The owner or the owner's agent shall provide above and below ground protection for existing trees and plant materials identified to remain.
2. Trees and plant materials identified for preservation shall be protected by chain link fencing placed around the tree, at the drip line.
3. If it is necessary to fence within the drip line, such fencing shall be specified by a qualified arborist, nurseryman or landscape architect.
4. Neither top soil storage nor construction material storage shall be located within the drip line of trees designated to be preserved.
5. Where site conditions make necessary grading, building, paving, trenching, boring, digging, or other similar encroachment upon a preserved tree's drip line area, such grading, paving, trenching, boring, digging or similar encroachment shall only be permitted under the direction of a qualified arborist, nurseryman or landscape architect. Such direction must assure that the health needs of trees within the preserved area can be met.
6. Tree root ends shall not remain exposed.

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

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

**I.** Any required landscaped area shall be designed, constructed, installed and maintained so that within three (3) years, the ground shall be covered by living grass

or other plant material. (The foliage crown of trees shall not be used to meet this requirement.) A maximum of five percent of the landscaped area may be covered with bark chips, mulch, or other similar materials. A maximum of five percent of the landscaped area may be covered with rock, stones, walkways, or other similar material acceptable to the Board. Required sidewalks shall not be used to meet the landscaping requirements.

**J.** All trees and plant materials shall be healthy, disease-free, damage-free, well-branched stock, characteristic of the species. The use of tree and plant species native to the Pacific Northwest is encouraged. Any new street tree planted must be included on the city's list of approved tree species.

**K.** Landscaping methods should be guided by the provisions of the most recent edition of the Sunset Western Garden Book or similar publication.

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

1. Select and site permanent landscape materials in such a manner as to produce a hardy and drought-resistant landscaped area.
2. Consider soil type and depth, spacing, exposure to sun and wind, slope and contours of the site, building walls and overhangs, and compatibility with existing native vegetation preserved on the site or in the vicinity.

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

1. It will not interfere with designated pedestrian or vehicular access; and
2. It will not constitute a traffic hazard because of reduced visibility.
3. It will not hinder solar access considerations.

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

**O.** All planting areas shall be graded to provide positive drainage.

**P.** Neither soil, water, plant materials nor mulching materials shall be allowed to wash across roadways or walkways. (Ord. 890 section 49, 1993; Ord. 854 section 1, 1991; Ord. 848, Part IV, section 2, 1990; Ord. 955 section 26, 1996; Ord. 1237, 2007; Ord. 1338, 2010)

#### **16.49.090 Specifications for tree and plant materials.**

**A. Deciduous Trees.** Deciduous shade and ornamental trees shall be a minimum of two inch (2") caliper, measured six inches (6") above ground, balled and burlapped.

Bareroot trees will be acceptable to plant during their dormant season. Trees shall be well branched and characteristically shaped specimen.

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

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

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

**E. Lawns.** Lawns shall consist of grasses, including sod, or seeds of acceptable mix within the local landscape industry. Lawns shall be 100 percent coverage and weed free. (Ord. 890 section 46, 1993; Ord. 848, Part IV, section 3, 1990)

**16.49.100 Landscaping installation and maintenance.**

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

**B.** A temporary certificate of occupancy may be issued prior to the complete installation of all required landscaping and exterior improvements if security equal to 110 percent of the cost of the landscaping and exterior improvements, as determined by the Site and Design Review Board or City Planner, is filed with the city, assuring such installation within a time specified by the Board, but not to exceed six (6) months after occupancy. The applicant shall provide the cost estimates of landscaping materials and installation to the satisfaction of the Site and Design Review Board, City Planner, or city forester, prior to approval of the security. Security may consist of a faithful performance bond payable to the City of Canby, cash, certified check, time certificate of deposit, or assignment of a savings account; and the form shall meet with the approval of the City Attorney. If the installation of the landscaping or other exterior improvements is not completed within the period specified by the Board or City Planner, the security may be used by the city to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the city shall be returned. The final landscape and exterior improvement inspection shall be made prior to any security being returned. Any portion of the plan not installed, not installed properly, or not properly maintained shall cause the inspection to be postponed until the project is completed, or shall cause the security to be used by the city.

**C.** All landscaping approved through the site and design review process shall be continually maintained, including necessary watering, weeding, pruning and replacement, in a manner substantially similar to that originally approved by the Site

and Design Review Board, unless later altered with Board approval. (Ord. 890 section 47, 1993; Ord. 848, Part IV, section 4, 1990)

**16.49.110 Landscape area credit for preservation of existing trees and tree groves.**

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

**B. Purpose.** The primary goal of the landscape credit is to prevent haphazard removal and destruction of trees and tree groves, in order to preserve the ecological health, aesthetic character, and quality of life in Canby. Tree retention provides substantial benefits, including but not limited to erosion prevention, reduction in storm-water runoff, improved water and air quality, energy conservation, carbon sequestration, reductions in the development impacts on the stormwater drainage system, and better transition between adjacent land uses.

**C. Landscape Credit.**

**1. Program for Landscape Credit.** One hundred percent (100%) of the area preserved under any mature, healthy tree or grove of trees retained in the landscape (as approved by the Site and Design Review Board) may be counted directly toward the percentage of landscaping required for a development.

**2. Limit to Landscape Area Credit.**

**a.** Landscape credit for preserved trees or tree groves shall not eliminate or reduce the landscaping requirements pertaining to parking lots, buffering, and screening.

**b.** Landscape credits for individual trees shall not comprise more than 40 percent of the total landscape requirement. For example, in districts requiring 15 percent landscaping, preserved tree area shall not count toward more than 9 percent of the requirement).

**c.** Landscape credits for preserved tree groves shall not comprise more than 60 percent of the total landscape requirement. A grove is defined as a stand of three or more healthy, mature trees located close together to provide some overlap in canopy coverage.

**3. Trees Near a Property Line:**

**a.** When the drip line of a tree extends beyond the owner's property line, credit can be granted for that portion of the drip line within the property line if that area exceeds 75 percent of the total drip line area. Trees so close to the property line



that their drip line area is less than 75 percent of the total, can only be given credit if a qualified arborist, nurseryman or landscape architect can assure the survival of the tree and its long term health if root damage is sustained by future development on the adjacent property.

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

**D.** Trees and tree groves to be preserved and counted toward the landscape credit shall be identified on the landscape plan. (Ord. 890 section 48, 1993; Ord. 848, Part IV, section 5, 1990; Ord. 1338, 2010)

#### **16.49.120 Parking lot landscaping standards.**

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

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

#### **C. Landscaping Within a Parking Lot.**

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

**2.** Each interior landscaped area shall be a minimum of six (6) feet wide, unless the area is added to the required perimeter landscaping.

**3.** The use of LID best management practices in parking lots is encouraged whenever site and soil conditions make it feasible. Such practices include, but are not limited to, permeable surfacing materials, and integrating LID stormwater management facilities into the required landscaping areas.

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

**G. Perimeter of Parking and Loading Areas:**

1. Screening of parking and loading areas is required. Within three (3) years of planting, screening shall be of such height and density as to shield vehicle headlights from head-on visibility.
2. In addition, one (1) deciduous, evergreen and/or shade tree shall be planted every forty (40) feet, minimum, along the required setback of the vehicular use area.

**H. Irrigation System or Available Water Supply Required.** Landscaped areas shall be provided with automatic irrigation systems or a readily available water supply with at least one (1) outlet located within approximately 150 feet of all plant materials to be maintained. (Ord. 890 section 49, 1993; Ord. 848, Part IV, section 6, 1990, Ord 1296, 2008; Ord. 1338, 2010)

**16.49.130 Revegetation in unlandscaped areas.**

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

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

**B.** Plant materials shall be watered at intervals sufficient to assure survival and growth for a minimum of two (2) growing seasons. (Ord.848, Part IV, section 7, 1990)

**16.49.140 Minor revisions to approved landscaped plans.**

Minor revisions (less than 10 percent of the landscaped area) to the approved landscaped plans shall be reviewed and approved by the City Planner. The City Planner shall report any minor revisions to the Site and Design Review Board at the next available Board meeting. (Ord. 890 section 50, 1993)

**16.49.150 Parking lots or paving projects.**

All new paving or parking lot projects which create over 2,500 square feet of impervious surface and any new paving added to existing paving areas which creates a total of more than 2,500 square feet of impervious surface must meet City storm drainage requirements, parking lot landscaping standards and the drainage and access standards of the Oregon Department of Transportation (if applicable). Applicants for such paving projects must submit an application to the Planning Department. Application procedures shall be as described in Chapter 16.89. (Ord. 1019 section 3, 1999; Ord. 1080, 2001)

**MINUTES**  
**PLANNING COMMISSION**  
November 25, 2013, 7:00 PM  
City Council Chambers – 155 NW 2<sup>nd</sup> Avenue

---

**PRESENT:** Commissioners Charles Kocher, Shawn Hensley, John Savory, and John Serlet

**ABSENT:** Commissioners Tyler Smith, Sean Joyce, and John Proctor

**STAFF:** Bryan Brown, Planning Director, and Laney Fouse, Planning Staff

**OTHERS:** Lindsey Schloeder

**1. CALL TO ORDER**

Commissioner Savory called the meeting to order at 7 pm.

**2. CITIZEN INPUT ON NON-AGENDA ITEMS**

**3. PUBLIC HEARINGS**

- a. A request from Gorilla Capital for a Minor Land Partition of a .23 acre site located at 341 & 347 N. Cedar. Currently the property has one single family home with a detached garage and one single family home with an attached garage and the owner would like to split the lot to create two separate tax lots.*

Commissioner Savory opened the public hearing and read the public hearing format.

Bryan Brown, Planning Director entered the staff report into the record. Mr. Brown said although the setbacks are non-conforming no new construction is proposed at this time. He said the City received the following responses: 1) the City Arborist Sol Jacobson who said he had no issues with the partition and that no street tree easements are recommended because there is not enough room in the front yard; 2) the City engineer said he had no concerns except for the driveway at 347 N Cedar is not in compliance with the latest ADA standards.

Mr. Brown said one condition of approval is the applicant will need to apply for approval of a final plat from the City then record the final, surveyed partition plat that meets all their standards, and is prepared by a licensed surveyor or engineer with Clackamas County.

There was little discussion by the Commissioners because they agreed that this partition was basically straight forward.

**Motion:**

Commissioner Hensley moved to approve MLP 13-02 as presented. The motion was seconded by Commissioner Serlet. Motion passed 4/0.

**4. NEW BUSINESS - None**

**5. FINAL DECISIONS**

- a. MLP 13-03 – Jason Bristol – Minor Land Partition of a .41 acre site located at 658 NE 10<sup>th</sup> Avenue into 2 parcels.*

**Motion:**

Commissioner Hensley moved to approve the Final Findings for MLP 13-03. The motion was seconded by Commissioner Kocher. Motion passed 4/0.

- b. MLP 13-02—Gorilla Capital – Minor Land Partition of a .23 acre site located at 341 & 347 N. Cedar. Currently the property has one single family home with a detached garage and one single family home with an attached garage and the owner would like to split the lot to create two separate tax lots.*

**Motion:**

Commissioner Serlet moved to approve the Final Findings for MLP 13-02. The motion was seconded by Commissioner Hensley. Motion passed 4/0.

**6. MINUTES**

- a. October 28, 2013 Planning Commission Minutes*

**Motion:**

- a. Commissioner Kocher moved to approve the October 28, 2013 Planning Commission Minutes. The motion was seconded by Commissioner Hensley. Motion passed 4/0.*

**7. ITEMS OF INTEREST/REPORT FROM STAFF**

- a.** Mr. Brown said the agenda for the Planning Commission Meeting for December 9, 2013 will likely include an appeal to a zoning interpretation about moving an historic home to a C-2 lot.
- b.** Mr. Brown said the Planning Commission Chair attended a Council Work Session regarding the City's landscaping provisions which was requested by the Mayor and the Planning Commissioners will have an opportunity to review the same information. He said there were a couple items that might warrant a code amendment.

**8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION - None****9. ADJOURNMENT**

- a.** Commissioner Hensley moved to adjourn the meeting. The motion was seconded by Commissioner Kocher. Motion passed 4/0. Meet was adjourned at 7:29 pm.