

A G E N D A
CANBY PLANNING COMMISSION
REGULAR MEETING
City Council Chambers

Monday, January 10, 1994
7:30 p.m.

I. ROLL CALL

II. MINUTES

November 22, 1993
December 13, 1993

III. CITIZEN INPUT ON NON-AGENDA ITEMS

IV. COMMISSION DISCUSSION OF PLANNING ISSUES

V. COMMUNICATIONS

VI. FINDINGS

MLP 93-06 - Brad Roberts
DR 93-09 - Austen's Body Shop
MLP 93-07 - Zacher

VII. NEW BUSINESS

VIII. PUBLIC HEARINGS

DR 94-01, a Design Review application by R. G. Naff, Designer, and Marlon Financial Services, owner, for approval of a total of 92 dwelling units in 3 phases, Township Commons Apartments. The materials and colors will be wood, with some brick. The parcel is located on the east side of S.E. 5th Avenue and west side of S. Pine Street (Tax Lots 1200, 1201 and 1208 of Tax Map 3-1E-34C).

MaLP 94-01, an application by Canby Congregation of Jehovah's Witnesses to partition a 2.12 acre parcel into two parcels, for future development on Parcel #1 of a Kingdom Hall. The property is located at 748 S. Ivy, on the east side of S. Ivy, across from S.W. 7th Avenue (Tax Lot 1100 of Tax Map 4-1E-4AB).

CUP 94-01, an application by Canby Congregation of Jehovah's Witnesses to construct a Kingdom Hall on Parcel #1, a single-story building which could accommodate 189 people in the main auditorium. A small apartment for an on-site caretaker is also being considered. The property is located at 748 S. Ivy, on the east side of S. Ivy, across from S.W. 7th Avenue (Tax Lot 1100 of Tax Map 4-1E-4AB).

IX. DIRECTOR'S REPORT

X. ADJOURNMENT

The City of Canby Planning Commission welcomes your interest in these agenda items. Please feel free to come and go as you please.

Kurt Schrader, Chair
Wade Wiegand

Linda Mihata, Vice-Chair
Tamara Maher

Bob Gustafson
Stan Elliot



MEETING TIMELINES AND PROCEDURES

- *In order not to restrict any person from testifying but, rather, to encourage everyone to do so, the Canby Planning Commission shall try to adhere as closely as possible to the following timelines:*

Applicant (or representative[s]) - not more than 15 minutes

Proponents - not more than 5 minutes

Opponents - not more than 5 minutes

Rebuttal - not more than 10 minutes

- *Everyone present is encouraged to testify, even if it is only to concur with previous testimony. For more complete presentations, Proponents and Opponents may "buy" time from one another. In so doing, those either in favor, or opposed, may allocate their time to a spokesperson who can represent the entire group.*
- *All questions must be directed through the Chair.*
- *Any evidence to be considered must be submitted to the hearing body for public access.*
- *All written testimony received, both for and against, shall be summarized by staff and presented briefly to the hearing body at the beginning of the hearing.*

Unless there is a continuance, if a participant so requests before the conclusion of the initial evidentiary hearing, the record shall remain open for at least seven (7) days after the hearing.



PLANNING COMMISSION

SIGN-IN SHEET

Date: January 10, 1994

NAME
(Please Print)

ADDRESS
(Please Print)

Diane Precht

Po Box 35, Canby

Rosemary Glutsch

248 NW 1st Ave Canby

Grand Flors

664 S. 304 ST. CANBY

Don Budzys

7225 (Rd) 13th & Portland, OR.

Harold Applebe

5515 SW WINDSM CT 97221

Wayne Smith

801 N.E. 11th Canby 97012

Harold Blankberg

9380 SE Deerlea Dr. Portland 97266

Belen Clark

P.O. Box 465 Canby

AL Lindig

1485 SE 13th Ave Canby

Richard Winkler

486 N. DOUGLAS Canby

Tim Andrews

610 SE 5th Canby

Don Breese

638 SE 5th Canby

Mardelle Edwards

488 NW 6th Ave Canby

Mary M. Kern

575 N. Douglas Lane Canby

Alanna E. Hensberg

8910 J & 5th Portland 97206

Alicia Marie Campbell

2475 Sidingway West Canby

Robert L. Hudson

746 N. E. 17th Ave Canby, OR.

John Peter Brungel

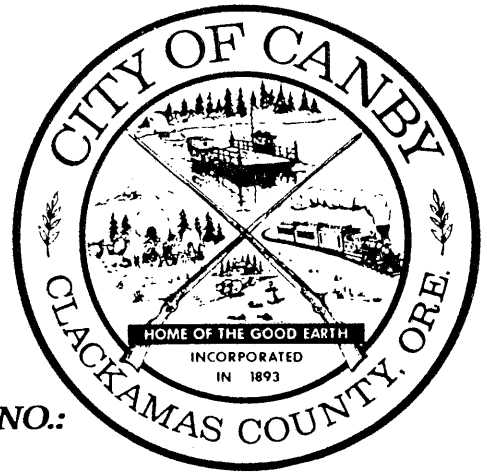
653 S Post St Canby

George W. Helt

548 SE Township Rd Canby
O. Orman L.O.

John W. Atson

- STAFF REPORT -



APPLICANT:

R.G. Naff Designer
18641 S.W. Banfield Avenue
Lake Oswego, OR 97035

FILE NO.:

DR 94-01
(Township Commons Apts.)

OWNER:

Marlon Financial Services (Lon Burdge)
7225 S.W. 13th Avenue
Portland, OR 97219

STAFF:

Robert G. Hoffman
Planning Director

LEGAL DESCRIPTION:

Tax Lots 1200, 1201, 1208
of Tax Map 3-1E-34C

DATE OF REPORT:

December 30, 1993

LOCATION:

East of S.E. 5th, west of
S. Pine, and north of SE Township

DATE OF HEARING:

January 10, 1994

COMP. PLAN DESIGNATION:

High Density Residential

ZONING DESIGNATION:

R-2 (High Density Residential)

I APPLICANT'S REQUEST:

The applicant is requesting approval of a Design Review Application to construct a 92-unit apartment complex, in three phases. The project will involve 11 two-story apartment buildings and 1 one-story recreation center, and one maintenance building, and carpports. The total site of the development is 5.75 acres.

The phasing schedule for the project is as follows:

Phase One (28 units): The target start date for Phase I is April 15, 1994, with an estimated completion date of October 1, 1994. Primary access is proposed to be from S.E. 5th Avenue. Secondary access eventually to be from S.E. Township and S.E. Pine.

Phase Two (36 units): Phase II would follow, depending on market conditions, within two months, with a target completion date of June 1, 1995. Primary access is proposed to be from Township Road. Secondary access from S.E. 5th and, eventually, from S. Pine.

Phase Three (28 units): Phase III will also be dependent on market conditions as well as the status of the improvements of and extension of S. Pine Street. The earliest construction start date for Phase III is estimated to be August 1, 1995. Primary access is from S. Pine. Secondary access from S.E. 5th and S. Township.

II. APPLICABLE REGULATIONS

- **City of Canby General Ordinances:**

16.10	Off-Street Parking and Loading
16.20	R-2 - High Density Residential Zone
16.49	Site and Design Review
16.88	General Standards

III. MAJOR APPROVAL CRITERIA

Site and Design Review

The Planning Commission, sitting as the Design Review Board, shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the following:

- A. The proposed site development, including the site plan, architecture, landscaping and graphic design, is in conformance with the standards of this and other applicable City ordinances insofar as the location, height and appearance of the proposed development are involved; and
- B. The proposed design of the development is compatible with the design of other developments in the same general vicinity; and

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

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 purpose of this ordinance.

IV. FINDINGS:

A. Background and Relationships:

This application is for the review of the site and design of an apartment complex. The use, multi-family residential, is permitted outright in this zone (R-2, High Density Residential), and is not a part of this review. A street vacation and dedication is being processed separately to match the Pine Street dedication of the Watson project immediately to the north of the subject site.

The subject property, 5.75 acres, is currently owned by Marlon Financial Services.

The surrounding land uses include rural residential to the south, an approved 60-unit manufactured home park to the north, an existing mobile home park to the northwest, a proposed industrial development to the east, and an existing single family, duplex and tri-plex residential area to the west.

B. Comprehensive Plan Consistency Analysis

i. CITIZEN INVOLVEMENT

- GOAL: TO PROVIDE THE OPPORTUNITY FOR CITIZEN INVOLVEMENT THROUGHOUT THE PLANNING PROCESS**

ANALYSIS

The notification process and public hearing are a part of the compliance with adopted policies regarding citizen involvement.

ii. **URBAN GROWTH**

- **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.**

ANALYSIS

The project is entirely within the City limits and within the Urban Growth Boundary. It fully meets the intent of Canby goals and policies regarding the Comprehensive Plan Urban Growth Chapter. All necessary urban services are provided for the site.

iii. **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.**

Policy #1: Canby shall guide the course of growth and development so as to separate conflicting or incompatible uses while grouping compatible uses.

Policy #2: Canby shall encourage a general increase in the intensity and density of permitted development as a means of minimizing urban sprawl.

Policy #3: Canby shall discourage any development which will result in overburdening any of the community's public facilities or services.

Policy #5: Canby shall utilize the land use map as the basis of zoning and other planning or public facility decisions.

Policy #6: Canby shall recognize the unique character of certain areas and will utilize the following special requirements, in conjunction with the requirements of the land development and planning ordinance, in guiding the use and development of these unique areas.

A) A map of "Areas of Special Concern" is included at the back of [the Land Use] Plan Element. That map is to be regarded as having the full force and effect of the Land Use Map in determining appropriate land uses and levels of development. Development proposals, even those that appear to conform with existing zoning, will be considered to conform with the Comprehensive Plan only if they meet the requirements imposed here.

B) Specific characteristics of the Areas of Special Concern are as follows:

Area "O" includes several ownerships which are partially within the City limits and partially outside. All of Area "O" is adjacent to S. Pine Street, an unimproved public road with a right-of-way of only twenty (20) feet. City sewer service is not yet available to the area. Presently zoned R-1, the area is anticipated to eventually be developed to higher residential densities. Development of Area "O" could actually be connected with either the residential properties to the west or the area planned for industrial development to the east. In either case, Area "O" will play an important part in the eventual improvement of S. Pine Street and the related public sewer improvements.

ANALYSIS

The use proposed by the applicant is appropriate for the zoning classification (R-2, High Density Residential), and the comprehensive land use designation (High Density Residential), that has been given to the property that will be developed as proposed. The Comprehensive Plan states that the area this

parcel is in, is an area of special concern since roads and sewers need to be developed. Roads and sewer construction are programmed as part of the Logging Road Industrial Project and the Watson Manufactured Home Park. This project will need to provide for Pine widening and S.E. 5th Avenue completion. Timing related to project stages is very important, especially for Phase III, which is forecasted for August 1, 1995, at the earliest.

The proposed development will not overburden the existing public facilities or services. The City is currently upgrading the sewer treatment plant, and will be able to properly handle the burden placed by this development. Burden placed on the road system will be discussed under the Transportation Element.

iv. ENVIRONMENTAL CONCERNS

■ **GOALS:** *TO PROTECT IDENTIFIED NATURAL AND HISTORICAL RESOURCES.*

TO PREVENT AIR, WATER, LAND, AND NOISE POLLUTION.

TO PROTECT LIVES AND PROPERTY FROM NATURAL HAZARDS.

Policy #2-R: Canby shall maintain and protect surface water and groundwater resources.

Policy #3-R: Canby shall require that all existing and future development activities meet the prescribed standards for air, water, and land pollution.

Policy #4-R: Canby shall seek to mitigate, wherever possible, noise pollution generated from new proposals or existing activities.

Policy #7-R: Canby shall seek to improve the overall scenic and aesthetic qualities of the city.

Policy #8-R: Canby shall seek to preserve and maintain open space where appropriate and where compatible with other land uses.

ANALYSIS

On-site disposal of storm water will be necessary. There are no known water problems, groundwater problems, or noise pollution, scenic views or particularly prominent open spaces present. Besides the usual parking and yard spaces, there is almost 32,000 square feet of open space proposed.

State and Local Code regulations will require the development to meet standards to prevent air, water, and noise pollution.

v. TRANSPORTATION CONCERNS

■ **GOAL:** *TO DEVELOP AND MAINTAIN A TRANSPORTATION SYSTEM WHICH IS SAFE, CONVENIENT AND ECONOMICAL*

Policy #1: Canby shall provide the necessary improvement to city streets, and will encourage the county to make the same commitment to local county roads, in an effort to keep pace with growth.

Policy #2: Canby shall work cooperatively with developers to assure that new streets are constructed in a timely fashion to meet the city's growth needs.

Policy #3: Canby shall attempt to improve its problem intersections, in keeping with its policies for upgrading or new construction of roads.

Policy #4: Canby shall work to provide an adequate sidewalk and pedestrian pathway system to serve all residents.

Policy #6: Canby shall continue in its efforts to assure that all new developments provide adequate access for emergency response vehicles and for the safety and convenience of the general public.

Policy #7: Canby shall provide appropriate facilities for bicycles and, if found to be needed, for other slow moving, energy efficient vehicles.

ANALYSIS

The portion of the property that will be developed as proposed has road frontage along S.E. 5th Avenue, Pine Street, and S.E. Township. A cul-de-sac is proposed for the end of 5th Avenue, at the western property line. S. Pine will need half-street improvements. Access for the development is proposed to be from all three public roads. Land dedication will be needed from the development for the widening and improvements. The proposed development will contribute to the traffic. Improvements by the City, County, and State are programmed for Township/Ivy, 99-E/Pine. Redwood will be completed in 1994 from 99-E to 13th Avenue. A traffic impact analysis is being prepared by Kittleson and Associates at the City's request. We will report on the conclusion and recommendations of this study at the public hearing. The internal circulation pattern appears to be well designed for the site residents with 3 access points. However, some external drivers may attempt to use the private drives to avoid other constraints (e.g. 5th Avenue to Pine to 99-E). Traffic control devices may be needed. The City has no plans or policies for extending S.E. 5th Avenue to Pine Street.

vi. PUBLIC FACILITIES AND SERVICES

■ **GOAL:** *TO ASSURE THE PROVISION OF A FULL RANGE OF PUBLIC FACILITIES AND SERVICES TO MEET THE NEEDS OF THE RESIDENTS AND PROPERTY OWNERS OF CANBY.*

Policy #1: Canby shall work closely and cooperate with all entities and agencies providing public facilities and services.

Policy #2: Canby shall utilize all feasible means of financing needed public improvements and shall do so in an equitable manner.

Policy #5: Canby shall assure that adequate sites are provided for public school and recreation facilities.

ANALYSIS

All public facilities are available for the proposal with adequate capacity. Police, Fire, Water, and Electric services have adequate capacity to service this project in nearby locations, but minor extensions will be required.

The school system is reviewing the proposal. The City average is 0.8 children (0-18 years) per dwelling unit. Usually, multiple residential development has slightly fewer children per unit. There could be about 40 school aged children generated from the site.

The Fire Marshal has requested an 8" looped water line and relocation of the proposed fire hydrant to the center of the project.

The sewer is proposed to be extended on Pine, as part of the Logging Road Industrial Park project.

vii. ECONOMIC

- **GOAL:** *TO DIVERSIFY AND IMPROVE THE ECONOMY OF THE CITY OF CANBY.
(NOT APPLICABLE)*

viii. HOUSING

- **GOAL:** *TO PROVIDE FOR THE HOUSING NEEDS OF THE CITIZENS OF CANBY.*

Policy #2: Canby shall encourage a gradual increase in housing density as a response to the increase in housing costs and the need for more rental housing.

Policy #3: Canby shall coordinate the location of higher density housing with the ability of the city to provide utilities, public facilities, and a functional transportation network.

ANALYSIS

The proposed use will increase the overall residential density of the City. As stated by the applicant of a recent application (CPA 92-01/ZC 92-01), there is a demand for rental housing within the city. There is an extremely low vacancy rate in multiple housing units, having been about 1% in 1990. This property is zoned for development as multi-family residential, and the comprehensive plan designates the property for high density residential. It is a 3-phased project with timing of construction being 28 units by

October 1, 1994; 36 units, depending on market absorption with a target date of June 1, 1995; and 28 units in the third phase, depending on market conditions with an estimated earliest construction date of August 1, 1995.

ix. **ENERGY CONSERVATION**

■ **GOAL:** ***TO CONSERVE ENERGY AND ENCOURAGE THE USE OF RENEWABLE RESOURCES IN PLACE OF NON-RENEWABLE RESOURCES.***

Policy #1: Canby shall encourage energy conservation and efficiency measures in construction practices.

Policy #2: Canby shall encourage development projects which take advantage of wind and solar orientation and utilization.

Policy #3: Canby shall strive to increase consumer protection in the area of solar design and construction.

Policy #5: Canby shall continue to promote energy efficiency and the use of renewable resources.

ANALYSIS

While, the Solar Ordinance does not apply to this application until a building permit is applied for, a preliminary review was conducted. Project structures along the northern property line are as close as 10 feet from the property line and are two stories high and could, therefore, cast shade on adjacent homes. However, this adjacent project is an approved manufactured home park with lots running north/south. The end of these homes are estimated to have less than 20 square feet of glazing on this side. Therefore, "insignificant benefit" would be gained by applying the Solar Ordinance. The development is therefore eligible for exemption under Section 16.100.050. The remainder of the site is in compliance with the requirements of the Solar Ordinance. The analysis regarding solar effects of landscaping will be done later in this report. The State has rules which encourage energy conservation through design and construction methods.

C. Conclusion Regarding Consistency with the Policies of the Canby Comprehensive Plan:

Based upon the above described analysis, the proposal, with appropriate modifications as outlined in the recommended conditions, is hereby found to be consistent with the policies of the Comprehensive Plan.

D. Evaluation Regarding Site and Design Review Approval Criteria

1. Part IV - Section 2, No. 2

"Minimum area for landscaping is 30% in residential areas of the total area to be developed."

The total site is 5.75 acres (approximately 250,470 square feet). Based on this figure, approximately 75,141 square feet of landscaping is required. The applicant is proposing approximately 133,000 square feet of landscaping (53%). Each phase is approximately the same ratio. Most of this area is lawn, with 142 trees and almost 9,500 shrubs proposed. There are about 31,000 square feet of "open space" proposed.

2. Part IV - Section No. 11 - Criteria

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

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

The landscaping plans may need to be slightly altered to accommodate solar access considerations. Most of the trees are of a solar friendly type and are placed where they do not affect solar considerations, but a few may need to be changed to a more solar friendly species. The vegetation will not hinder vehicular or pedestrian access or travel.

3. Parking

The parking requirement is two (2) spaces per unit, plus one (1) space per five (5) units (or 2.2 spaces/unit). Thus, for 92 units, 203 parking spaces are required for the whole development. A total of 203 parking spaces are proposed. Many of the spaces will be covered, and six (6) spaces will be for handicapped parking. The covered and uncovered spaces are located in a pattern that will provide adequate parking in close proximity for each individual building. Thirty percent may be compact spaces; only 8% are proposed.

The ordinance requires a minimum of twenty-five (25) trees for the parking area. As shown on the landscaped plan, there are twenty-nine (29) in the parking area and many more trees are in the vicinity.

4. Access

There are three entrances proposed with 24 foot wide drives. For 92 units, the ordinance requires either one 30' wide entrance or two 20' wide entrances, and a sidewalk on one side. The proposal has three entrances, each 20 feet wide. Sidewalks are provided around the parking area, and are connected to the sidewalks that will be along Township, 5th Avenue, and Pine Street. Section 16.46.010 "Access Limitation" allows up to 36 dwelling units if the drives are at least 24 feet wide. Each stage has 28, 36, and 28 units, respectively. Since the drives are continuous, there could be up to 54 units per stage.

5. Architecture

Elevations have been provided by the applicant as a part of the application. The roof will have composite shingles. The siding will be lap board, with trim and corner boards. Balconies are provided for many units. Shutters are proposed. A 3 foot by 12 foot brick sign, with 6 foot wings, has been proposed with the application.

The roof is proposed to be charcoal color with beige siding and darker gray for doors and shutters. A color chart is available. Small areas of brick are also proposed. The architecture seems appropriate for the function. However, there does not seem to be any purpose for the fake shutters. The development has a clearly residential character and would be compatible with adjacent development, being mainly residential.

6. Recreation Space

A new Code provision requires multiple family developments exceeding fifteen units, to provide 100 square feet per unit of recreation space in areas of at least 1,500 square feet, minimum size. Ninety-two (92) units would, therefore, require 92×100 square feet, or 9,200 square feet. The project proposal is for 19,422 square feet of recreational open space in Phase I, and 12,265 square feet in Phase III. The total is 31,687, or over three times the requirements. At the end of Phase II, there would be about twice the required space.

7. Site Setbacks and Development Standards

The building coverage of the site is about 21%. The Ordinance allows up to 40%. R-2 zoned areas require 5,000 square feet of lot area, plus 2,500 square feet for each additional unit. Ninety-two (92) units would, therefore, require $5,000 + 91 \times 2,500 = 232,500$ square feet for the total site area. The total site is 5.75 acres, or approximately 250,470 square feet (less any dedicated streets which are about 11,400 square feet). The available site is 239,000 square feet, which exceeds the requirements. The yard requirements from the property line are all exceeded, being 10 feet in all cases, except street yards, which are 15 feet. All buildings are less than the 35 foot height limit.

8. Overall Site Impact

With the quantity and placement of trees and bushes, the visual impact of the site will be positive. With one access point on S.E. 5th Avenue, Pine Street, and Township, traffic impact will be kept to a minimum for any one road.

V. CONCLUSION

The staff hereby determines that, with appropriate conditions, the apartment development described in the application and accompanying materials is in conformance with the standards of this and other applicable ordinances; the design is compatible with the design of other developments in the vicinity; and, the location, design, size, and materials of the exterior of the structure will be compatible with the proposed development and appropriate to the design character of other structures in the same vicinity.

Further, staff concludes that, with approval conditions:

1. the proposed use of the site is consistent with the applicable requirements and policies of the Comprehensive Plan and the development ordinance;
2. the characteristics of the site are suitable for the proposed use;
3. that all required public facilities and services exist (or can be made to exist at the time of development) to adequately meet the needs of the proposed office;
4. the proposed use will not alter the character of the surrounding areas in such a way as to substantially limit or preclude the uses allowed; and
5. the conditions listed are the minimum necessary to achieve the purposes of the Site and Design Review Ordinance, and do not unduly increase the cost of housing.

VI. RECOMMENDATION:

Based upon the application, site plan (dated November 29, 1993), the landscaping plan, the elevations, and utility plan dated December 15, 1993, the facts, findings and conclusions of this report, and without the benefit of a public hearing, staff recommends that the Planning Commission approve, with conditions, DR 94-01 for an apartment complex. Furthermore, staff recommends approval of DR 94-01, with the following conditions:

1. The effective date of this approval shall be delayed until the effective date of the street vacation and dedication along Pine and the area for the turnaround at the end of S.E. 5th. If not already dedicated, the applicant shall dedicate an additional fifteen (15) feet of right-of-way along S. Pine Street. Half-street improvements shall be provided along Pine, 5th, and Township (as each phase develops), and shall include pavement, five (5) foot sidewalks and curbs, urban-type street lighting, and shall meet Canby Construction Standards. Right-of-way designs and construction designs shall be approved by the acting Director of Public Works or acting City Engineer. The applicant shall reimburse the City, or sign an agreement for the reimbursement of infrastructure improvement costs in accordance with an approved advanced financing agreement applying to the site.
2. The applicant shall provide a waiver of remonstrance for any traffic improvements needed for S.E. Township and S.E. Pine Street.

3. The building permit shall be issued only after the developer has provided written agreement to participate in funding its proportional share of the needed improvements or has provided an actual cash contribution accepted by City Council as a "fair share" contribution toward improvements at _____ (depending on recommendations of the traffic impact analysis).
4. During construction, erosion control shall follow the Erosion/Sedimentation Control Plans Technical Guidance Handbook for Clackamas County, August 1991 (as amended).
5. An 8" water main shall be installed in the complex instead of the 6" main as shown on the plans. The main shall be looped through the complex from Township to the main on S. Pine and the main on S.E. 5th Avenue. A fire hydrant shall be provided in the middle of the complex at a location approved by the Fire Marshal. Until S. Pine is completed to the satisfaction of the Fire Marshal, a turnaround shall be provided at the end of the driveway next to Pine, with a design approved by the Fire Marshal.
6. Prior to each phase of construction, a detailed solar analysis shall be done regarding type and location of trees. Solar friendly trees shall be used where needed.
7. The applicant shall participate in a preconstruction meeting with City staff, CUB, the fire district, etc., prior to construction.
8. Signs shall be placed at each entrance indicating "Private Property - No Through Traffic." Should through traffic become a problem, "speed bumps" or other traffic control devices approved by the Traffic Safety Committee shall be utilized. The "monument type" entrance sign for S.E. 5th Avenue is approved as proposed.
9. A landscape construction plan shall be submitted to the City Planning office as part of the building permit application for each phase. The plan shall include an irrigation system, planting schedule, plant locations within the landscaped areas, plant types and sizes, and the plant spacing. The landscaping shall be installed prior to the final building inspection or a bond shall be posted for the amount of landscaping to be completed (plus 10%) with a date certain for completion of the landscaping improvements.

10. Since Phase II plus Phase III would exceed the maximum allowed units [without full Pine access], Phase III is not approved until S. Pine Street is open to Township Road or Highway 99-E, with at least two full paved moving lanes approved as adequate by the acting Public Works Director or acting City Engineer.

Exhibits:

1. Application for Design Review
2. Aerial Photo
3. Site Plan (*too large to reproduce*)
4. Landscape Plan (*too large to reproduce*)
5. Elevations (*too large to reproduce*)
6. Color and Materials Chart (*Black and White - color not reproducible*)
7. Overall Traffic Map (*1" = 400'*)
8. Department Responses to "Request for Comments"

STANDARD AND DESIGN REVIEW APPLICATION

Fee: \$500

OWNER

APPLICANT

Name Marden Financial Services

Name R.G. Naff, Designer

Address 7225 SW 13th

Address 18641 SW Rainfield Ave

City Portland State OR Zip 97219

City Lake Oswego State OR Zip 97036

SIGNATURE [Signature]

Phone: 639 8045

DESCRIPTION OF PROPERTY:

Tax Map 3 1E 3AC Tax Lot(s) 120, 1201 & 1208 Lot Size 250,428 SF / 5.75 Ac.
(Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy)

Plat Name Parcels I & II Lot _____ Block _____
Partition Plat 1990-79

PROPERTY OWNERSHIP LIST

Attach a list of the names and addresses of the owners of properties located within 200 feet of the subject property (if the address of the property owner is different from the situs, a label for the situs must also be prepared and addressed to "Occupant"). Lists of property owners may be obtained from any title insurance company or from the County Assessor. If the property ownership list is incomplete, this may be cause for postponing the hearing. The names and addresses are to be typed onto an 8-1/2 x 11 sheet of labels, just as you would address an envelope.

USE

Existing Vacant
Proposed Multi Family

Existing Structures _____

Surrounding Uses Residential

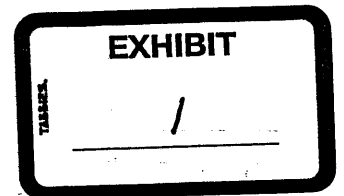
PROJECT DESCRIPTION

92 unit apartment development. Two story light frame construction to be in accordance with 1991 U.B.C.

ZONING R-2 COMPREHENSIVE PLAN DESIGNATION Multi-Family

PREVIOUS ACTION (if any) Partition

File No. DR 94-01
Receipt No. 2645
Received by ASW
Date Received 12.15.93
Completeness Date 0
Pre-App Meeting _____
Hearing Date 1/10/94



* If the applicant is not the property owner, he must attach documentary evidence of his authority to act as agent in making application.

R.G. Naff is authorized to act as my agent regarding this application.

HWY. 99E

FRICK



Watson
Mfg
Home

5th

MAPLE

Tea
Center

STONE

EXHIBIT

2

rg.naff
designer

16041 SW. Benfield Ave.
Lake Oswego, Oregon 97035

ROOF: PABCO H025 COMP.
ANTIQUE CHARCOAL

BODY: L.P. LAP SIDING
OLYMPIC BEIGE GRAY



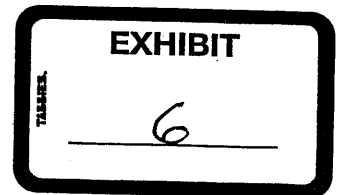
BRICK: MUTUAL MATERIALS CASCADE SPICE

ACCENT: DOORS, PIPE RAIL, SHUTTERS
MILLER WESTMINSTER 5515A

TRIM: AS SHOWN
OLYMPIC NAVAJO WHITE

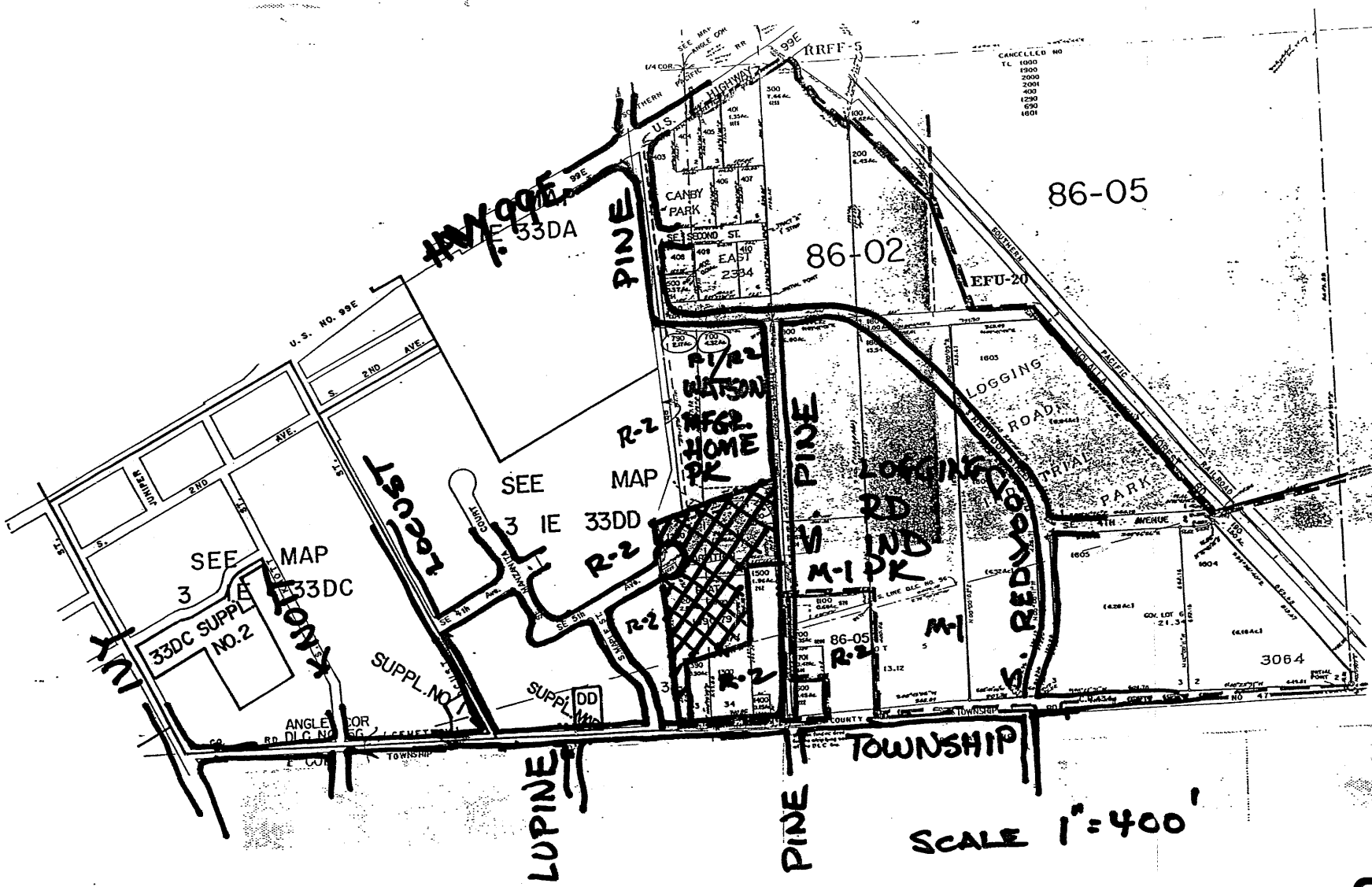


COLOR SCHEME TOWNSHIP COMMONS BY MARLON FINANCIAL



ATTENTION:

PAINT CHIP COLORS/NUMBERS AND MATERIALS SHOWN ON THIS
CARD ARE REPRESENTATIVE ONLY. FINAL APPROVAL WILL BE
BASED ON FIELD APPLICATION ON SAMPLE PORTION OF THE BUILDING.
THE OWNER RESERVES THE RIGHT TO CHANGE ANY LISTED MANUFACTURE.
THE MANUFACTURE SHALL MATCH PAINT CHIP COLORS AND
MATERIALS AS NOTED ABOVE.



CANCELLED NO
 TL 1900
 1900
 2000
 2001
 400
 1290
 620
 4801

SEE MAP 3 IE 34

EXHIBIT
 7

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: December 17, 1993

TO: FIRE, POLICE, CUB, ELEMENTARY AND HIGH SCHOOL DISTRICTS, TRAFFIC SAFETY COMMITTEE, TOM PIERSON, TODD SCHMIT, GARY HYATT, MIKE JORDAN, JOHN KELLY, ROY SEWER, CLACKAMAS COUNTY PLANNING

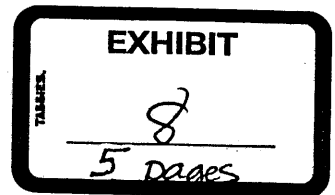
The City has received DR 94-01, a Design Review application by R. G. Naff, Designer, and Marlon Financial Services, owner, for approval of a total of 92 dwelling units in 3 phases, Township Commons Apartments. The materials and colors will be wood, with some brick. The parcel is located on the east side of S.E. 5th Avenue and west side of S. Pine Street (Tax Lots 1200, 1201 and 1208 of Tax Map 3-1E-34C).

We would appreciate your reviewing the enclosed application and returning your comments by December 23, 1993 PLEASE. The Planning Commission plans to consider this application on January 10, 1994. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

None

- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available



Signature: *Steph Hansen*

Date: *12/20/93*

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: December 17, 1993

TO: FIRE, POLICE, CUB, ELEMENTARY AND HIGH SCHOOL DISTRICTS, TRAFFIC SAFETY COMMITTEE, TOM PIERSON, TODD SCHMIT, GARY HYATT, MIKE JORDAN, JOHN KELLY (ROY), SEWER, CLACKAMAS COUNTY PLANNING

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Comments or Proposed Conditions:

Being this is just a design Review - the design is acceptable. My concerns are ROAD ENTRANCE and Exit. Also I would like to know the time frame on phase's.

- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

Signature: Roy L. Hester Date: Dec. 21, 1993

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: December 17, 1993

TO: FIRE, POLICE, CUB, ELEMENTARY AND HIGH SCHOOL DISTRICTS, TRAFFIC SAFETY COMMITTEE, TOM PIERSON, TODD SCHMIT, GARY HYATT, MIKE JORDAN, JOHN KELLY, ROY, SEWER, CLACKAMAS COUNTY PLANNING

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Comments or Proposed Conditions:

A 8" water main shall be installed in complex instead of 6" main as shown on plans. Main shall be looped thru complex from Township rd. to main on S. Pine; East side of complex and main at end of SE. 5th ~~at~~ Fire hydrant middle of complex needs to be relocated.

A turnaround needed end of driveway next to S. Pine

Adequate Public Services (of your agency) are available

Adequate Public Services will become available through the development

Conditions are needed, as indicated

Adequate public services are not available and will not become available

Signature: Jack Stark

Date: Dec. 20, 1993

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: December 17, 1993

TO: FIRE, POLICE, CUB, ELEMENTARY AND HIGH SCHOOL DISTRICTS, TRAFFIC SAFETY COMMITTEE, TOM PIERSON, TODD SCHMITZ, GARY HYATT, MIKE JORDAN, JOHN KELLY, ROY, SEWER, CLACKAMAS COUNTY PLANNING

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Comments or Proposed Conditions:

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- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

RECEIVED

DEC 22 1993

CITY OF CANBY

Signature: _____

Gary Hyatt

Date: 12/21/93

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

[503] 266-4021

P.O. Box 930, Canby, OR 97013

DATE: December 17, 1993

TO: FIRE, POLICE, CUB, ELEMENTARY AND HIGH SCHOOL DISTRICTS, TRAFFIC SAFETY COMMITTEE, TOM PIERSON, TODD SCHMIT, GARY HYATT, MIKE JORDAN, JOHN KELLY, ROY, SEWER, CLACKAMAS COUNTY PLANNING

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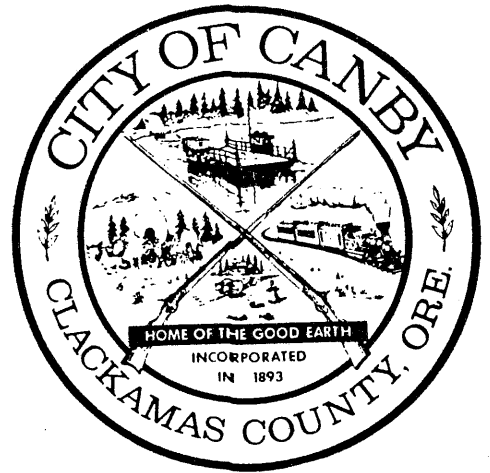
No comment

- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

Signature: _____

Date: 12/20

- STAFF REPORT -



APPLICANT:

Canby Congregation of Jehovah's Witnesses
740 N.E. 17th Ave.
Canby, OR 97013

FILE NO.:

MaLP 94-01

OWNER:

Clint Axford
2727 Hemlock
Longview, WA 98632

STAFF:

James S. Wheeler
Assistant Planner

LEGAL DESCRIPTION:

Tax Lot 1100 of Tax Map 4-1E-4AB

DATE OF REPORT:

December 30, 1993

LOCATION:

748 S. Ivy, east side of S. Ivy Street,
across from S.W. 7th Ave.

DATE OF HEARING:

January 10, 1994

COMP. PLAN DESIGNATION:

Residential-Commercial

ZONING DESIGNATION:

R-1 (Low Density Residential)

I. APPLICANT'S REQUEST:

The applicant is requesting approval to partition a 2.12 acre parcel into two parcels, approximately 1.36 acres and .76 acres, respectively.

II. APPLICABLE CRITERIA:

This is a quasi-judicial land use application. In judging whether a Major Partition should be approved, the Planning Commission must consider the following standards:

- A. Conformance with the text and the applicable maps of the Comprehensive Plan;
- B. Conformance with all other requirements of the Land Development and Planning Ordinance;
- C. The overall design and arrangement of parcels shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of the adjacent properties;
- D. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed land division.
- E. In no case shall the use of a private road be approved for the partitioning unless it is found that adequate assurance has been provided for year-round maintenance sufficient to allow for unhindered use by emergency vehicles, and unless it is found that the construction of a street to City standards is not necessary to insure safe and efficient access to the parcels.
- F. The creation of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivisions except, however, the Commission shall approve the creation of a public street to be established by deed without full compliance with the regulations applicable to subdivisions provided any of the following conditions exist:
 1. The establishment of the public street is initiated by the council and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street.
 2. The tract in which the street is to be dedicated is a major partition within an isolated ownership of not over one acre or is of such size and characteristic as to make it impossible to develop building sites for more than three dwelling units.

III. OTHER APPLICABLE CRITERIA

- A. 16.16.030 Development Standards in R-1 Areas
- B. 16.56 General Provisions (for land divisions)
- C. 16.60 Major or Minor Partitions
- D. 16.64 Subdivisions - Design Standards

IV. FINDINGS:

A. Location and Background

The subject property is identified on the Clackamas County Assessor's Map as Tax Lot 1100 of Tax Map 4-1E-4AB. It is located on the east side of S. Ivy Street, at 748 S. Ivy Street. The property consists of approximately 2.12 acres. There is approximately 117 feet of frontage along S. Ivy Street and access to both S. Knott Street and S.E. 7th Way.

The property is zoned R-1, Low Density Residential. There is a single family house, and outbuildings on the property. Electric and water utilities were constructed in the northeast corner of the property, from S. Knott Street to S.E. 7th Way, during the construction of Phase IV of Township Village. Township Village, Phase IV is located immediately to the east of the subject property.

B. Comprehensive Plan Consistency Analysis

i. Citizen Involvement

- **GOAL:** TO PROVIDE THE OPPORTUNITY FOR CITIZEN INVOLVEMENT THROUGHOUT THE PLANNING PROCESS.

ANALYSIS

The notification process and public hearing are a part of the compliance with adopted policies and process regarding citizen involvement.

ii. Urban Growth

- **GOAL:** 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, WITH IN THE FRAMEWORK OF AN EFFICIENT SYSTEM FOR THE TRANSITION FROM RURAL TO URBAN LAND USE.

ANALYSIS

The project is entirely within the City limits and within the Urban Growth Boundary. The project meets the intent of Canby goals and policies regarding the Comprehensive Plan Urban Growth Chapter.

iii. 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.

- Policy #1 Canby shall guide the course of growth and development so as to separate conflicting or incompatible uses, while grouping compatible uses.
- Policy #2 Canby shall encourage a general increase in the intensity and density of permitted development as a means of minimizing urban sprawl.
- Policy #3 Canby shall discourage any development which will result in overburdening any of the community's public facilities or services.
- Policy #5 Canby shall utilize the land use map as the basis of zoning and other planning or public facility decisions.
- Policy #6: Canby shall recognize the unique character of certain areas and will utilize the following special requirements, in conjunction with the requirements of the land development and planning ordinance, in guiding the use and development of these unique areas.
- A) A map of "Areas of Special Concern" is included at the back of [the Land Use] Plan Element. That map is to be regarded as having the full force and effect of the Land Use Map in determining

appropriate land uses and levels of development. Development proposals, even those that appear to conform with existing zoning, will be considered to conform with the Comprehensive Plan only if they meet the requirements imposed here.

B) Specific characteristics of the Areas of Special Concern are as follows:

Area "C" includes all of the property shown on the Land Use Map within the "Residential-Commercial" category and having frontage on S. Ivy Street. Ever-increasing traffic on S. Ivy Street necessitates special treatment for access, especially where commercial or multi-family residential development occurs. The site plan review process shall be used to assure that strict adherence to parking and access requirements are maintained. Portions of this area which have already been zoned R-2 and developed residentially will be allowed to remain in R-2 zoning. C-R zoning has begun to be used as individual applications for zone changes have been processed. There is no reason to attempt to hasten this transition process because residential uses can eventually be converted to mixed residential/commercial use.

ANALYSIS

The property is zoned R-1. The designation on the Comprehensive Plan land use map is Residential-Commercial (corresponds to the C-R zone) for the whole property. The partition will create two parcels, a 1.36 acre parcel that accesses S. Ivy and is intended to be developed with a church, and a .76 acre parcel that will access both S. Knott Street and S.E. 7th Way and will be held for future development.

Proposed parcel one has an existing house and outbuildings. There is no specific mention of what will happen to the buildings in the project description, however, the site plan for the Kingdom Hall does not include any existing buildings. The existing buildings will need to be removed in conjunction with the development of parcel 1.

iv. Environmental Concerns

- **GOAL:** **1) TO PROTECT IDENTIFIED NATURAL AND HISTORICAL RESOURCES.**
- 2) TO PREVENT AIR, WATER, LAND, AND NOISE POLLUTION. TO PROTECT LIVES AND PROPERTY FROM NATURAL HAZARDS.**

- Policy #2-R Canby shall maintain and protect surface water and groundwater resources.
- Policy #3-R Canby shall require that all existing and future development activities meet the prescribed standards for air, water and land pollution.
- Policy #4-R Canby shall seek to mitigate, wherever possible, noise pollution generated from new proposals or existing activities.
- Policy #7-R Canby shall seek to improve the overall scenic and aesthetic qualities of the City.
- Policy #8-R Canby shall seek to preserve and maintain open space where appropriate, and where compatible with other land uses.

ANALYSIS

Storm water will be handled on-site. The design for storm water drainage for the extension of S.E. 7th Way to S. Knott Street (see the discussion under the Transportation Element). State and Local Code requirements regarding air, water, and noise pollution will be required of the development and construction. State laws and local regulations will require development to meet standards to prevent air, water, land and noise pollution.

v. Transportation

- **GOAL:** **TO DEVELOP AND MAINTAIN A TRANSPORTATION SYSTEM WHICH IS SAFE, CONVENIENT AND ECONOMICAL.**

- Policy #1: Canby shall provide the necessary improvement to City streets, and will encourage the County to make the same commitment to local County roads, in an effort to keep pace with growth.
- Policy #2: Canby shall work cooperatively with developers to assure that new streets are constructed in a timely fashion to meet the city's growth needs.
- Policy #4: Canby shall work to provide an adequate sidewalks and pedestrian pathway system to serve all residents.
- Policy #6: Canby shall continue in its efforts to assure that all new developments provide adequate access for emergency response vehicles and for the safety and convenience of the general public.

ANALYSIS

Access for parcel 1 will be from S. Ivy Street. Access for parcel 2 will be from the extension of S.E. 7th Way. Road improvements will be needed for both S. Ivy and S.E. 7th Way. Along S. Ivy, curbs and a sidewalk will be needed. The Public Works supervisor has stated that monies should be put into an account for the improvements in S. Ivy until the City is prepared for improvements in S. Ivy. The City will need to prepare the elevations to be able to construct curbs and sidewalk. The pine trees next to the existing pavement that will be removed as a part of the development of parcel 1.

The City required that S.E. 7th Way be constructed to the western property line in Township Village Phase IV, for the purpose of extending S.E. 7th Way at least to S. Knott Street. The City has considered the possibility of extending S.E. 7th Way to S. Ivy Street. It was determined that extension of S.E. 7th Way to S. Knott Street would be sufficient. The right-of-way needed for the extension of S.E. 7th Way is 50 feet. The northern edge of the right-of-way in Township Village is located 10 feet south of the northeastern corner of the subject property. S. Knott and S.E. 7th Way are not perpendicular to each other, therefore some extra engineering and right-of-way will be needed to assure the appropriate connection of S.E. 7th Way to S. Knott Street.

There are sidewalks on both sides of S. Knott Street and the existing S.E. 7th Way. Sidewalks will be needed on both sides of the extension, however, construction of the sidewalk on the south side can be delayed until the development of the parcel 2.

vi. Public Facilities and Services

■ **GOAL:** **TO ASSURE THE PROVISION OF A FULL RANGE OF PUBLIC FACILITIES AND SERVICES TO MEET THE NEEDS OF THE RESIDENTS AND PROPERTY OWNERS OF CANBY.**

Policy #1: Canby shall work closely and cooperate with all entities and agencies providing public facilities and services.

Policy #2: Canby shall utilize all feasible means of financing needed public improvements and shall do so in an equitable manner.

ANALYSIS

All public facilities are available for the proposal with adequate capacity. Utility easements will be provided along the parcel boundary lines. Water and electricity have been connected between S. Knott Street and S.E. 7th Way as part of the construction of Township Village Phase IV. An eight (8) inch sewer line will need to be extended from S. Knott Street for the road extension.

vii. Economic

■ **GOAL:** **TO DIVERSIFY AND IMPROVE THE ECONOMY OF THE CITY OF CANBY.**

Policy #1: Canby shall promote increased industrial development at appropriate locations.

Policy #2: Canby shall encourage further commercial development and redevelopment at appropriate locations.

Policy #3: Canby shall encourage economic programs and projects which will lead to an increase in local employment opportunities.

ANALYSIS

The property, in order to match the Comprehensive Plan land use designation, could be rezoned to Residential-Commercial (C-R). This would allow for the possibility of a limited type of commercial development. As currently zoned, no commercial developments are permitted beyond a home occupation.

viii. Housing

- **GOAL:** *TO PROVIDE FOR THE HOUSING NEEDS OF THE CITIZENS OF CANBY.*

ANALYSIS

The partition of the subject property will allow additional housing units to be built. One unit is proposed for parcel one in conjunction with the "Kingdom Hall". As currently zoned, parcel 2 could be developed into two residential lots. If rezoned to Residential-Commercial, in accordance with the Comprehensive Plan land use designation, parcel 2 could be developed with up to five units.

ix. Energy Conservation

- **GOAL:** *TO CONSERVE ENERGY AND ENCOURAGE THE USE OF RENEWABLE RESOURCES IN PLACE OF NON-RENEWABLE RESOURCES.*

- Policy #1: Canby shall encourage energy conservation and efficiency measures in construction practices.
- Policy #2: Canby shall encourage development projects which take advantage of wind and solar orientation and utilization.
- Policy #3: Canby shall strive to increase consumer protection in the area of solar design and construction.
- Policy #5: Canby shall continue to promote energy efficiency and the use of renewable resources.

ANALYSIS

The partitioned lots do not meet the basic requirements of the Solar Access Ordinance. Parcel 2 does meet the basic requirements. Parcel 1 does not meet the basic requirements, specifically in regard to the orientation of the front lot line. Parcel 1 is oriented toward S. Ivy Street, a north-south street, and no new streets are proposed which would allow the parcel to be oriented within 30 degrees of true east-west. The extension of S.E. 7th Way will provide parcel 2 with an orientation within 30 degrees of true east-west.

Section 16.95.050.A.1(c,d) provide for adjustment of the standard requirement in the event of existing road patterns and/or easements/right-of-ways that prevent the lots from being properly oriented. The current proposal meets the goals and policies of this element if an adjustment is granted for the existing roadway alignment that prevents the proposed parcels from being oriented within 30 degrees of true east-west. The State has rules which encourage energy conservation through design and construction methods.

Conclusion Regarding Consistency with the Policies of the Canby Comprehensive Plan:

Based upon the above described analysis, the proposal is consistent with or can, with conditions, be made consistent with the policies of the Comprehensive Plan.

C. Overall Design of Parcels

The configuration of the partition will allow for proper setback distances for residential, commercial, or public construction.

V. CONCLUSION

1. Staff finds that the partition request, with appropriate conditions, is in conformance with the Comprehensive Plan and the Municipal Code.
2. Staff concludes that the overall design of the proposed partition will be compatible with the area and will provide adequate building area for the provision of public facilities and services for the lots.

3. Staff concludes that, with appropriate conditions, the overall design and arrangement of the proposed parcels are functional and will adequately provide building sites, utility easements, and access facilities which are necessary for the development of the subject property without unduly hindering the use or development of adjacent properties.
4. Staff concludes that all necessary public services will become available through the development of the property, to adequately meet the needs of the proposed land division.
5. Staff finds that due to the orientation of the only street for the partition, S. Pine Street, and due to the north-south dimension of the parcel 2 (in excess of 100 feet), the standard requirement for solar access for new development is adjusted such that the partition is acceptable in regards to this provision.
6. Staff finds that the needed public street and street widening may be established in the partition plat and a separate deed for street dedication is not needed.

VI. RECOMMENDATION

Based upon the findings and conclusions in this report, and without benefit of public hearing, staff recommends approval of MaLP 94-01, subject to the following conditions:

1. A final partition plat modified to illustrate the conditions of approval, shall be submitted to the City Planner for review and approval. The final partition plat shall reference this land use application -- City of Canby, Planning Department, File No. MaLP 94-01.
2. The final partition plat shall be a surveyed plat map meeting all of the specifications required by the Clackamas County Surveyor. Said partition map shall be recorded with the Clackamas County Surveyor and Clackamas County Clerk, and a copy of the recorded map shall be provided to the Canby Planning Department.
3. A new deed and legal description for the new parcels shall be prepared and recorded with the Clackamas County Clerk. A copy of the new deeds shall be provided to the Canby Planning Department.
4. All monumentation and recording fees shall be borne by the applicant.

5. Permanent utility construction and maintenance easements including, but not limited to, electric and water cables, pipeline conduits and poles shall be provided as follows:
 - 6 feet in width along all lot lines, except;
 - 12 feet in width along the southern exterior lot line, and the street frontages.
6. All utilities must meet the standards and criteria of the providing utility authority.
7. The land divider shall follow the provisions of Section 16.64.070 Improvements, in particular, but not limited to, subparagraph (O) Bonds, which requires a surety bond, personal bond, or cash bond for improvements, for any improvement not completed prior to the signing of the final plat. The bond shall provide for the City to complete the required improvements and recover the full cost of the improvements.
8. Fifty (50) feet of right-of-way along the northern property line, from the western edge of the S. Knott Street right-of-way to the eastern property line, shall be dedicated to the City.
9. Extension of S.E. 7th Way from the western property line to S. Knott Street, including a four-foot sidewalk and street trees along the north side of the street, shall be constructed. The road shall be constructed according to City standards and approved by the Public Works Department, including storm water drainage.
10. A sidewalk and street trees along the south side of the extension of S.E. 7th Way shall be required as a part of any further development of parcel 2, including a single family residence.
11. The cost of curb and sidewalk improvements for S. Ivy Street, in the amount of \$1815, shall be paid to the City, to be put in a special fund to be used by the City at time of construction of said improvements.

Exhibits:

1. Application
2. Vicinity Map
3. Partition Plat
4. Request for Comments Responses

MINOR LAND PARTITION APPLICATION

Fee: \$600.00

OWNER

Name Clint Axford
Address 2727 Hemlock
City Longview State WA. Zip 98632
Signature: See attached letter

APPLICANT

Canby Congregation of Jehovah's Witnesses
Name c/o Roger H. Hudson
Address 740 N.E. 17th Ave.
City Canby State Oregon Zip 97013
Phone: 503-263-1934

DESCRIPTION OF PROPERTY:

Tax Map 41E 04AB Tax Lot(s) 1100 Lot Size 2.12 Ac.
(Acres/Sq. Ft.)

Legal Description, Metes and Bounds (Attach Copy)

Plat Name _____ Lot _____ Block _____

PROPERTY OWNERSHIP LIST

Attach a list of the names and addresses of the owners of properties located within 200 feet of the subject property (if the address of the property owner is different from the situs, a label for the situs must also be prepared and addressed to "Occupant"): Lists of property owners may be obtained from any title insurance company or from the County Assessor. If the property ownership list is incomplete, this may be cause for postponing the hearing. The names and addresses are to be typed onto two (2) 8-1/2 x 11 sheets of labels, just as you would address an envelope.

USE

Existing House and vacant land Proposed Kingdom Hall

Existing Structures House, and outbuildings

PROJECT DESCRIPTION

Our application is requesting approval to partition a 99,347 (2.12 acres) into two parcels, 59,153 and 33,194 square feet, respectively. Our intention is to construct a Kingdom Hall on the Parcel #1 and to leave Parcel #2 for future development. The Kingdom Hall is a single-story building, accomodating 189 persons in the main auditorium. A small apartment for an on-site caretaker is also being considered. 60 parking spaces (4 handicapped) has been designed into the plot plan.

ZONING R-1 COMPREHENSIVE PLAN DESIGNATION _____

PREVIOUS ACTION (if any) _____

File No. M.P. 94-01
Receipt No. 2640
Received by DSW
Date Received 12/10/93
Completeness Date 1/10/94
Pre-App Meeting _____
Hearing Date 1/10/94

EXHIBIT
1
2 pages

If the applicant is not the property owner, he must attach documentary evidence of his authority to act as agent in making application.

NARRATIVE SUBMITTED WITH MINOR LAND PARTITION APPLICATION

The proposed facilities conform with the text and applicable maps of the Comprehensive Plan. According to the maps and the City Planning Director, Robert G. Hoffman, the property in question is zoned, "R-1 Low Density Residential Zone". According to the Land Development and Planning Ordinance, chapter 16.22.020, conditional uses in the R-1 zone, "church" is specifically mentioned as item "B", being allowed for application and consideration of approval.

Our intention is to comply with all applicable requirements of the land development and planning ordinances.

Access to property after partitioning for Parcel #1 will be S. Ivy at the northwestern corner of the S. Ivy frontage. Access to Parcel #2 will be either S. Knott or S.E. 7th Way. Parcel #2 will be reserved for future development.

It is our understanding that all services are present and available.

1/4 NE 1/4 SEC. 4 T.
CLACKAMAS CO

1" = 100'

SEE MAP 3 IE 33DC

217 COUNTY ROAD

400
0.30Ac.
119

300
0.23Ac.
173

500
0.38Ac.
574

501
0.30Ac.
580

700
0.24Ac.
610

800
0.40Ac.
630

900
0.19Ac.
648

6200
0.26Ac.
625

4416
130

4417
110

4403
151

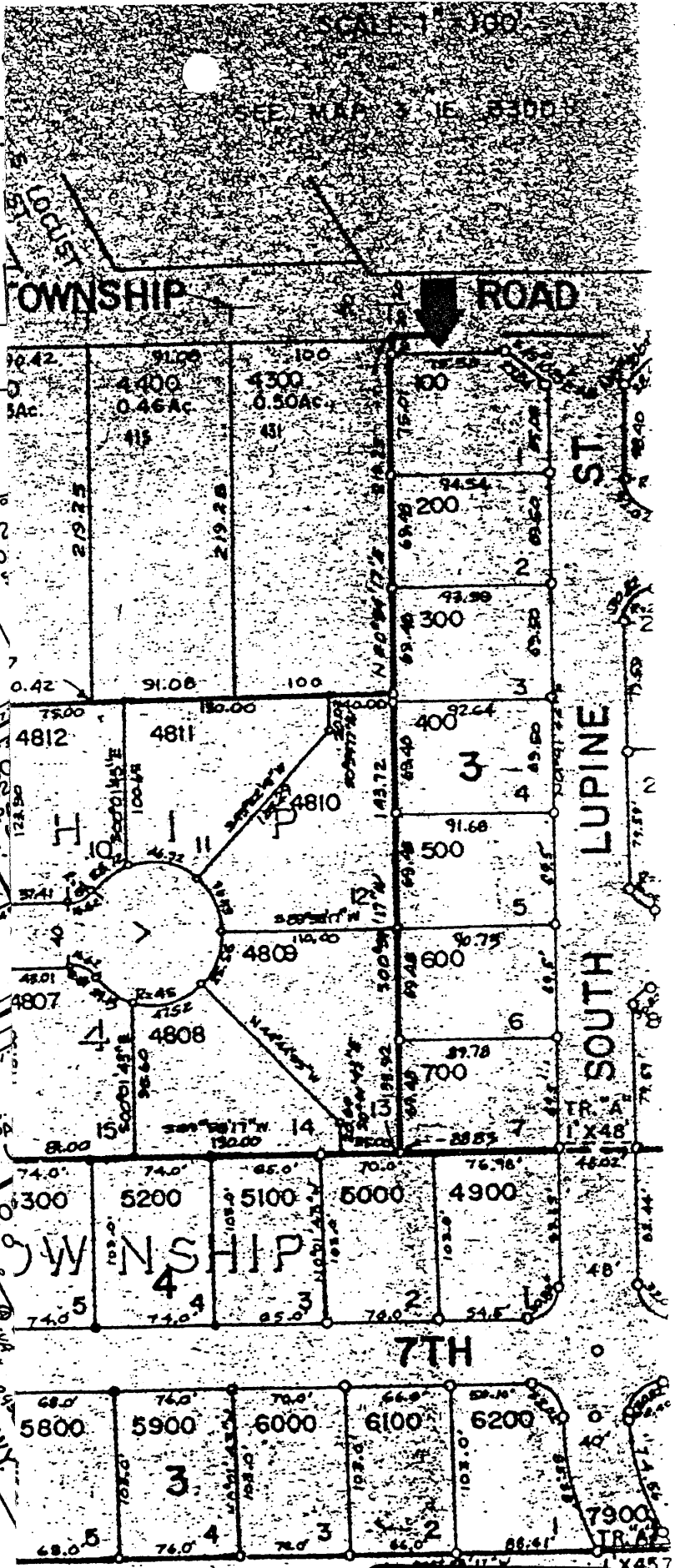
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127

4100
190

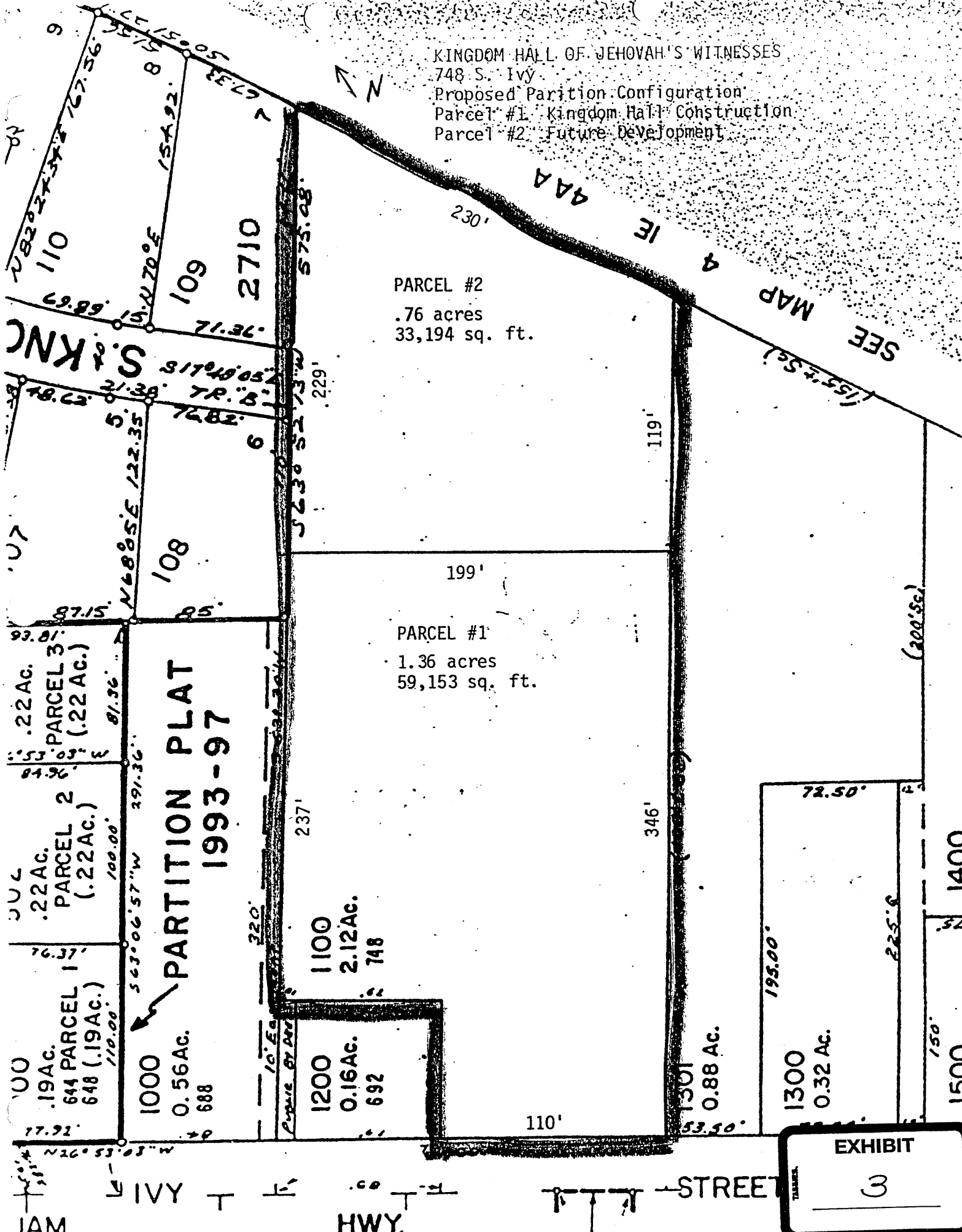
4401
115

2374

4300
0.25Ac.
695



KINGDOM HALL OF JEHOVAH'S WITNESSES
748 S. Ivy
Proposed Partition Configuration
Parcel #1: Kingdom Hall Construction
Parcel #2: Future Development



PARCEL #2
.76 acres
33,194 sq. ft.

PARCEL #1
1.36 acres
59,153 sq. ft.

**PARTITION PLAT
1993-97**

EXHIBIT
3

JAM HWY. N 26° 42' 20" W 213.13'

STREET

TABLER

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-402

DATE: December 17, 1993

TO: FIRE, POLICE, CUB, TOM PIERSON, TODD SCHMIT, GARY HYATT, MIKE JORDAN
JOHN KELLY, ROY, SEWER, CLACKAMAS COUNTY PLANNING

The City has received MaLP 94-01/CUP 94-01, an application by Canby Congregation of Jehovah's Witnesses to partition a 2.12 acre parcel into two parcels, for future development on Parcel #1 a Kingdom Hall, a single-story building which could accommodate 189 people in the main auditorium. The property is located at 748 S. Ivy, on the east side of S. Ivy, across from S.W. 7th Avenue (Tax Lot 1100 of Tax Map 4-1E-4AB).

We would appreciate your reviewing the enclosed application and returning your comments by December 23, 1993 PLEASE. The Planning Commission plans to consider this application on January 10, 1994. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

Parcel #1 Sewer can be hooked in S. Ivy, but I would rather see it hooked into the sewer at S. Knott. Also the money for curb & sidewalk along S. Ivy be held in escrow until a design of S. Ivy is completed. Parcel #2 S. Knott St. become - continues into Township Village Phase 4 Also the sewer main extended. And sidewalk constructed on the north side of St. Extension

- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

EXHIBIT	
TABLES	4
	5 pages

Signature: Mrs. L. Hester

Date: Dec. 21, 1994

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: December 17, 1993

TO: FIRE, POLICE, CUB, TOM PIERSON, TODD SCHMIT, GARY HYATT, MIKE JORDAN,
JOHN KELLY, ROY, SEWER, CLACKAMAS COUNTY PLANNING

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- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

RECEIVED

DEC 23 1993

CITY OF CANBY

Signature: Gary F. Hyatt

Date: 12/21/93

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: December 17, 1993

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Am

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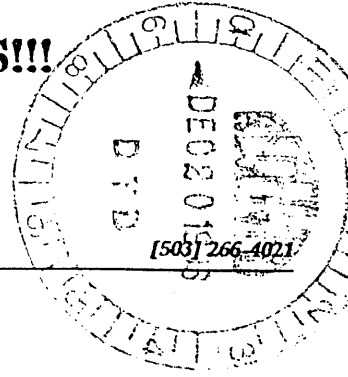
Signature: Stu Hansen

Date: 12/20/93

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013



DATE: December 17, 1993

TO: FIRE, POLICE, CUB, TOM PIERSON, TODD SCHMITZ, GARY HYATT, MIKE JORDAN, JOHN KELLY, ROY, SEWER, CLACKAMAS COUNTY PLANNING

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Comments or Proposed Conditions:

No Comment

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RECEIVED
DEC 22 1993
CITY OF CANBY

Signature: *[Handwritten Signature]* Date: 12/22/93

PLEASE RETURN ATTACHMENTS!!!

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[503] 266-4021

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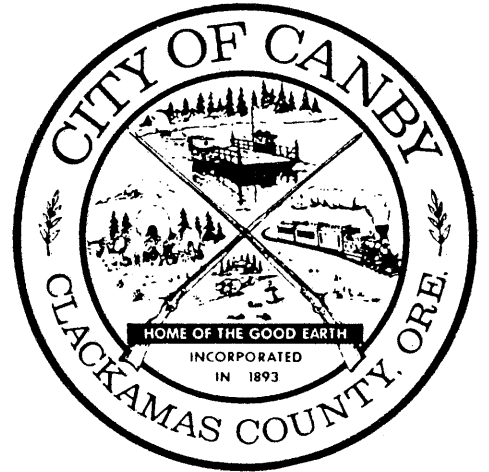
A 8" water main shall supply fire hydrant in complex shall be looped thru complex, from water main on S. Ivy and shall be connected to existing mains on S. Knott and the main at the west end of S. E. 7th way.
Fire hydrant shall be located in landscape area adjacent to carport. Hydrant shall be a 3-Port hydrant and installed as per CUB specifications

- Adequate Public Services (of your agency) are available
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Signature: Jack Stark

Date: Dec. 20, 1993

- STAFF REPORT -



APPLICANT

Clint Axford
2727 Hemlock
Longview, WA 98632

FILE NO.:

CUP 94-01

OWNER:

Canby Congregation of Jehovah's Witnesses
740 N.E. 17th Ave.
Canby, OR 97013

STAFF:

James S. Wheeler
Assistant Planner

LEGAL DESCRIPTION:

Tax Lot 1100 of
Tax Map 4-1E-4AB

DATE OF REPORT:

December 30, 1993

LOCATION:

748 S. Ivy, east side of S. Ivy Street,
across from S.W. 7th Ave.

DATE OF HEARING:

January 10, 1994

COMP. PLAN DESIGNATION:

Residential-Commercial

ZONING DESIGNATION:

R-1 (Low Density Residential)

I. APPLICANT'S REQUEST:

The applicant is requesting approval of a Conditional Use application for a new church structure.

II. APPLICABLE REGULATIONS

- **City of Canby General Ordinances:**

- 16.16 R-1 Low Density Residential Zone
- 16.50 Conditional Uses
- 16.88 General Standards

- **City of Canby Comprehensive Plan:**

- I. Citizen Involvement
- II. Urban Growth
- III. Land Use
- IV. Environmental Concerns
- V. Transportation
- VI. Public Facilities and Services
- VII. Economics
- VIII. Housing
- IX. Energy

III. MAJOR APPROVAL CRITERIA

16.50.010 Authorization to Grant or Deny Conditional Uses

In judging whether or not a conditional use permit shall be approved or denied, the Planning Commission shall weigh the proposal's positive and negative features that would result from authorizing the particular development at the location proposed and to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable:

- A. The proposal will be consistent with the policies of the Comprehensive Plan and the requirements of this title and other applicable policies of the City.
- B. The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features.
- C. All required public facilities and services exist to adequately meet the needs of the proposed development.

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

IV. FINDINGS:

A. Background and Relationships:

The applicant is proposing to develop the front parcel of a partition (MaLP 94-01) with a "church" building. A Site and Design Review application is expected to be submitted in the near future (it may have been submitted by the time of the public hearing). An application is also currently under review for a Major Land Partition. The proposed use of the parcel is not dependant upon the partitioning of the land. The site is surrounded by residentially developed land to the north, east, and west. South of the property is a mini-storage facility.

B. Comprehensive Plan Consistency Analysis

i. Citizen Involvement

- **GOAL:** ***TO PROVIDE THE OPPORTUNITY FOR CITIZEN INVOLVEMENT THROUGHOUT THE PLANNING PROCESS.***

ANALYSIS

The notification process and public hearing are a part of the compliance with adopted policies and process regarding citizen involvement.

ii. Urban Growth

- **GOAL:** ***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, WITH IN THE FRAMEWORK OF AN EFFICIENT SYSTEM FOR THE TRANSITION FROM RURAL TO URBAN LAND USE.***

Policy #3: Canby shall discourage the urban development of properties until they have been annexed to the city and provided with all necessary urban services.

ANALYSIS

The project is entirely within the City limits and within the Urban Growth Boundary. It fully meets the intent of Canby goals and policies regarding the Comprehensive Plan Urban Growth Chapter.

iii. 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.*

Policy #1 Canby shall guide the course of growth and development so as to separate conflicting or incompatible uses, while grouping compatible uses.

Policy #2 Canby shall encourage a general increase in the intensity and density of permitted development as a means of minimizing urban sprawl.

Policy #3 Canby shall discourage any development which will result in overburdening any of the community's public facilities or services.

Policy #5 Canby shall utilize the land use map as the basis of zoning and other planning or public facility decisions.

Policy #6: Canby shall recognize the unique character of certain areas and will utilize the following special requirements, in conjunction with the requirements of the land development and planning ordinance, in guiding the use and development of these unique areas.

A) A map of "Areas of Special Concern" is included at the back of [the Land Use] Plan Element. That map is to be regarded as having the full force and effect of the Land

Use Map in determining appropriate land uses and levels of development.

Development proposals, even those that appear to conform with existing zoning, will be considered to conform with the Comprehensive Plan only if they meet the requirements imposed here.

- B) Specific characteristics of the Areas of Special Concern are as follows:

Area "C" includes all of the property shown on the Land Use Map within the "Residential-Commercial" category and having frontage on S. Ivy Street. Ever-increasing traffic on S. Ivy Street necessitates special treatment for access, especially where commercial or multi-family residential development occurs. The site plan review process shall be used to assure that strict adherence to parking and access requirements are maintained. Portions of this area which have already been zoned R-2 and developed residentially will be allowed to remain in R-2 zoning. C-R zoning has begun to be used as individual applications for zone changes have been processed. There is no reason to attempt to hasten this transition process because residential uses can eventually be converted to mixed residential/commercial use.

ANALYSIS

The proposal is for a "Kingdom Hall" which is similar in function and design as a church. The Comprehensive Plan designates the site as "Commercial-Residential" land use. If the property were rezoned to Residential-Commercial (C-R) zone, the use would be permitted outright. Under the current zoning designation of R-1 (Low Density Residential), it requires a Conditional Use Permit.

The surrounding uses are predominantly residential. The exception is the property to the south, which is commercial - a mini-storage facility. Parcel 2 of the proposed partition, is expected to be developed residentially. The applicant has stated that the expected peak use of the facility, which will seat just under 200 people, will be on two weekday evenings, and Sunday

morning. A caretaker apartment will be a part of the project, the purpose of which is to provide better security and maintenance of the site.

The development will need Site and Design Review, which will cover the parking, access, landscaping, and architecture of the development..

iv. ENVIRONMENTAL CONCERNS

■ **GOAL: 1) TO PROTECT IDENTIFIED NATURAL AND HISTORICAL RESOURCES.**

2) TO PREVENT AIR, WATER, LAND, AND NOISE POLLUTION. TO PROTECT LIVES AND PROPERTY FROM NATURAL HAZARDS.

Policy #2-R: Canby shall maintain and protect surface water and groundwater resources.

Policy #3-R: Canby shall require that all existing and future development activities meet the prescribed standards for air, water and land pollution.

Policy #4-R: Canby shall seek to mitigate, wherever possible, noise pollution generated from new proposals or existing activities.

Policy #7-R: Canby shall seek to improve the overall scenic and aesthetic qualities of the City.

Policy #8-R: Canby shall seek to preserve and maintain open space where appropriate, and where compatible with other land uses.

ANALYSIS

On-site disposal of storm water will be required. State and Local Code requirements regarding air, water, and noise pollution will be required of the development and construction. State laws and local regulations will require development to meet standards to prevent air, water, land and noise pollution. The proposal will have minimal affect on the open space. There are no known hazards on the site.

v. **TRANSPORTATION**

■ **GOAL:** **TO DEVELOP AND MAINTAIN A TRANSPORTATION SYSTEM WHICH IS SAFE, CONVENIENT AND ECONOMICAL.**

Policy #4: Canby shall work to provide an adequate sidewalks and pedestrian pathway system to serve all residents.

Policy #6: Canby shall continue in its efforts to assure that all new developments provide adequate access for emergency response vehicles and for the safety and convenience of the general public.

Policy #7: Canby shall provide appropriate facilities for bicycles and, if found to be needed, for other slow moving, energy efficient vehicles.

ANALYSIS

The requirements for sidewalks, parking, and driveways are addressed in the staff report for the Major Land Partition application (MaLP 94-01) or the future Site and Design Review application review.

vi. **PUBLIC FACILITIES AND SERVICES**

■ **GOAL:** **TO ASSURE THE PROVISION OF A FULL RANGE OF PUBLIC FACILITIES AND SERVICES TO MEET THE NEEDS OF THE RESIDENTS AND PROPERTY OWNERS OF CANBY.**

Policy #1: Canby shall work closely and cooperate with all entities and agencies providing public facilities and services.

Policy #5: Canby shall assure that adequate sites are provided for public schools and recreation facilities.

ANALYSIS

The location and provision of public utilities for the proposed use is discussed in the staff report for the Major Land Partition application (MaLP 94-01).

vii. ECONOMIC

- **GOAL:** **TO DIVERSIFY AND IMPROVE THE ECONOMY OF THE CITY OF CANBY.**
(Not applicable.)

viii. HOUSING

- **GOAL:** **TO PROVIDE FOR THE HOUSING NEEDS OF THE CITIZENS OF CANBY.**
(Not applicable.)

ix. ENERGY CONSERVATION

- **GOAL:** **TO CONSERVE ENERGY AND ENCOURAGE THE USE OF RENEWABLE RESOURCES IN PLACE OF NON-RENEWABLE RESOURCES.**

Policy #2: Canby shall encourage development projects which take advantage of wind and solar orientation and utilization.

Policy #4: Canby shall attempt to reduce wasteful patterns of energy consumption in transportation systems.

Policy #5: Canby shall continue to promote energy efficiency and the use of renewable resources.

ANALYSIS

The City has adopted an ordinance that requires the review of solar access for the property. The proposed location of the building will not impede the solar access of the properties to the north and will continue to have full solar access. The State has rules which encourage energy conservation through design and construction methods.

Conclusion Regarding Consistency with the Policies of the Canby Comprehensive Plan:

Based upon the above described analysis, the proposal is consistent with or can, with conditions, be made consistent with the policies of the Comprehensive Plan.

C. Evaluation Regarding Conditional Use Approval Criteria

1. Comprehensive Plan Consistency

The previous discussion determined the proposal's relation to Comprehensive Plan consistency. The church-like facility is found to be consistent with the policies of the Comprehensive Plan.

2. Site Suitability

The site is generally flat, and is large enough to accommodate the proposed use and building with the appropriate setbacks.

3. Availability of Public Services and Facilities for the Site

Utility and public safety facilities and services are available in adequate capacity to serve the proposed use.

4. Compatibility with Surrounding Uses

The site is proposed to be designed (not yet reviewed or approved) with a landscape buffer which will dampen the impact of the use with the residential uses to the north. A vacant parcel will be between the proposed use with the residential development to the east, and a street will be between the proposed use and the residential development to the west. The proposed use is considered to be compatible with the surrounding uses. Specific design approaches to insure compatibility will be addressed with the Site and Design Review.

IV. CONCLUSION

Based on the above analysis, and without benefit of a public hearing, staff concludes that, with appropriate conditions:

1. The proposed use of the site is consistent with the applicable requirements and policies of the Comprehensive Plan and the development ordinance;
2. The characteristics of the site are suitable for the proposed use;
3. That all required public facilities and services exist to adequately meet the needs of the existing school, and that no significant increase in demand for public facilities and service will result; and,

4. The proposed use will not alter the character of the surrounding areas in such a way as to substantially limit or preclude the uses allowed.

V. RECOMMENDATION:

Based upon the application and drawings submitted, facts, findings and conclusions of this report, and without benefit of a public hearing, staff recommends that the Planning Commission approve CUP 94-01 with the following conditions:

1. A Site and Design Review Application shall be submitted and approved prior to the issuance of a building permit.

Exhibits:

1. Application for Conditional Use
2. Preliminary Site Plan
3. Request for Responses

CONDITIONAL USE APPLICATION

Fee: \$600.00

OWNER

Name Clint Axford
Address 2727 Hemlock
City Longview State WA. Zip 98632
SIGNATURE See attached letter

APPLICANT

Canby Congregation of Jehovah's Witnesses
Name c/o Roger H. Hudson
Address 740 N.E. 17th Ave.
City Canby State Oregon Zip 97013
Phone: 503-263-1934

DESCRIPTION OF PROPERTY:

Tax Map 41E 04AB Tax Lot(s) 1100 Lot Size 2.12 Acres
(Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy)

Plat Name _____ Lot _____ Block _____

PROPERTY OWNERSHIP LIST

Attach a list of the names and addresses of the owners of properties located within 200 feet of the subject property (if the address of the property owner is different from the situs, a label for the situs must also be prepared and addressed to "Occupant"). Lists of property owners may be obtained from any title insurance company or from the County Assessor. If the property ownership list is incomplete, this may be cause for postponing the hearing. The names and addresses are to be typed onto an 8-1/2 x 11 sheet of labels, just as you would address an envelope.

USE

Existing House and vacant land
Proposed Kingdom Hall

Existing Structures House and outbuildings

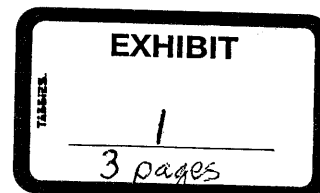
PROJECT DESCRIPTION

Our application is requesting approval to partition a 99,347 (2.12 acres) into two parcels, 59,153 and 33,194 square feet, respectively. Our intention is to construct a Kingdom Hall on the Parcel #1 and to leave Parcel #2 for future development. The Kingdom Hall is a single-story building, accomodating 189 persons in the main auditorium. A small apartment for an on-site caretaker is also being considered. 60 parking spaces (4 handicapped) has been designed into the plot plan.

ZONING R-1 COMPREHENSIVE PLAN DESIGNATION _____

PREVIOUS ACTION (if any) _____

File No. CUP 94-01
Receipt No. 26410
Received by JSW
Date Received 12/10/93
Completeness Date _____
Pre-App Meeting _____
Hearing Date 1/10/94



* If the applicant is not the property owner, he must attach documentary evidence of his authority to act as agent in making application.

PROJECT DESCRIPTION

Currently, the 2.12 acres at 748 S. Ivy has a 50-year old home, along with several outbuildings and undeveloped land. It is our desire to construct a Kingdom Hall of Jehovah's Witnesses for the Canby Congregation to use for it's weekly meetings.

The Kingdom Hall will be a single-story structure designed to accommodate several classrooms, an office, and an auditorium with seating for 189 persons. In cooperation with city codes, regarding off-street parking, 64 spaces have been designed into the Kingdom Hall project.

The initial endeavor of the Canby Congregation is to secure approval for a minor land partition, with applications for a Conditional Use Permit as well as a Site and Design Review being presented immediately. The property at 748 S. Ivy will be partitioned into two parcels. Parcel #1 will be 1.36 acres, 59,153 square feet; Parcel #2 will be .76 acres, 33,194 square feet. Parcel #1 will involve application for construction of a single-story Kingdom Hall, as well as a small attached apartment to be used by an on-site caretaker. Parcel #2 will be reserved for future development.

Landscaping designs will be addressed in accordance with city ordinances. Any existing trees will be considered for saving and including into the overall design.

A proposed sign (lighted) will be positioned near the S. Ivy entrance into parcel #1. The sign will follow city guidelines and laws, as well as being unobtrusive in appearance and design.

Compatibility with adjacent property owners will be a consistent concern for the Canby Congregation. Our purpose of providing a meeting place is intended for Bible education for congregation members as well as interested persons. Neighbors of the Kingdom Hall will not be disturbed as we provide a community service for our neighbors. Our desire to support an on-site caretaker residence is initially to provide crime-prevention measures for the Kingdom Hall, but secondly this will also add to the visible presence to assist residential and commercial neighbors in stopping vandalism. Our concern for the local homes and businesses includes being allowed a comfortable adjustment as the Kingdom Hall is inserted into their neighborhood.

Typically, the Kingdom Hall will be in use on two evenings during the week, as well as on Sunday mornings. Increased traffic entering S. Ivy and exiting S. Ivy will be minimal, and should not be a valid objection for a major concern of traffic congestion.

December 10, 1993

Robert H. Hudson
N.E. 17th Ave.
Canby, Oregon 97013

1/4 NE 1/4 SEC. 4 T4S. R1E. W.M.

4 IE 4AB
CANBY

CLACKAMAS COUNTY

1" = 100'

SEE MAP 3 IE 33DC

TOWNSHIP RD.

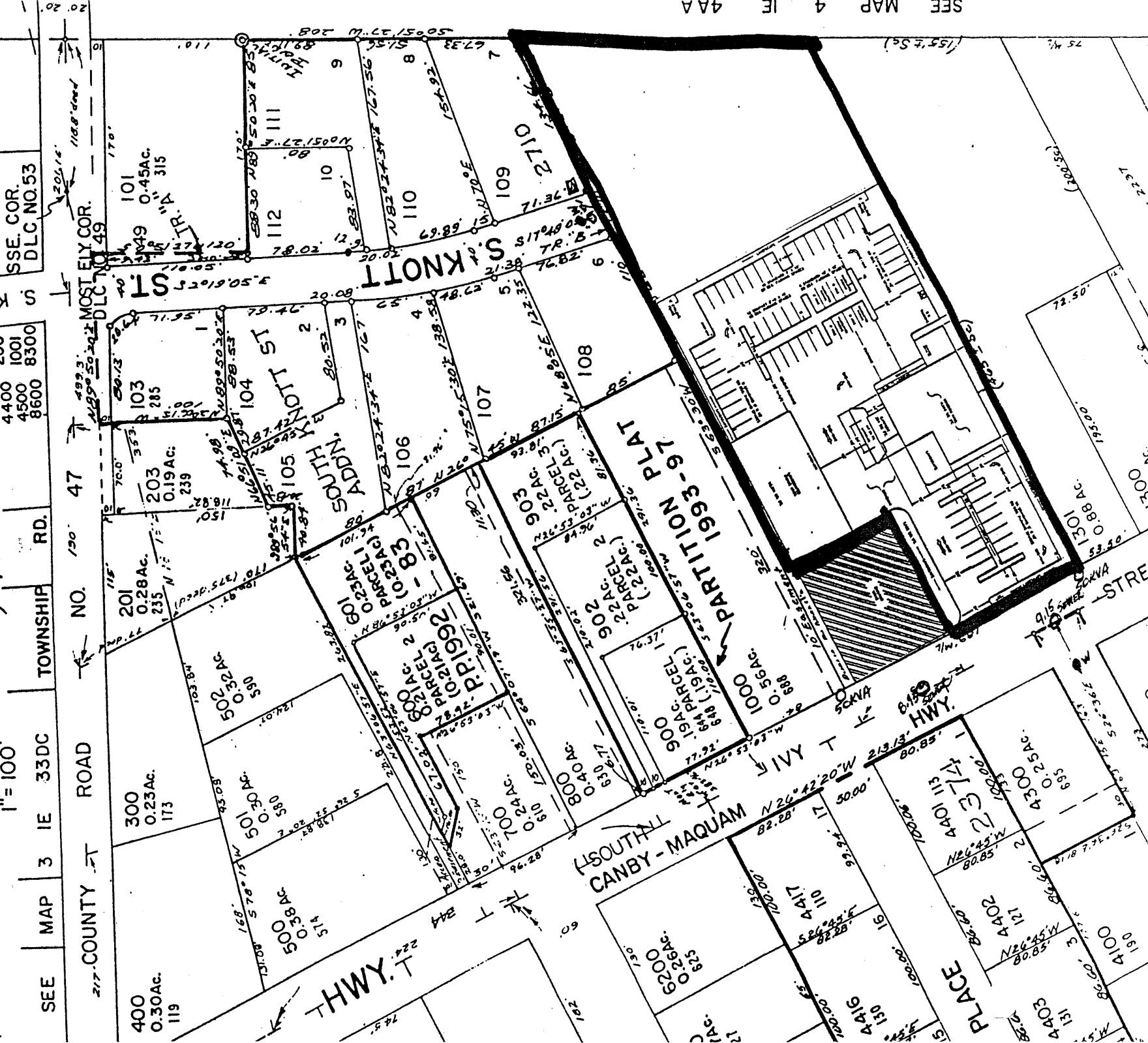
217-COUNTY ROAD NO. 190 47

CANCELLED	102	8400
	202	8500
	1700	8202
	3200	100
	4200	200
	4400	1001
	4500	1001
	8600	8300

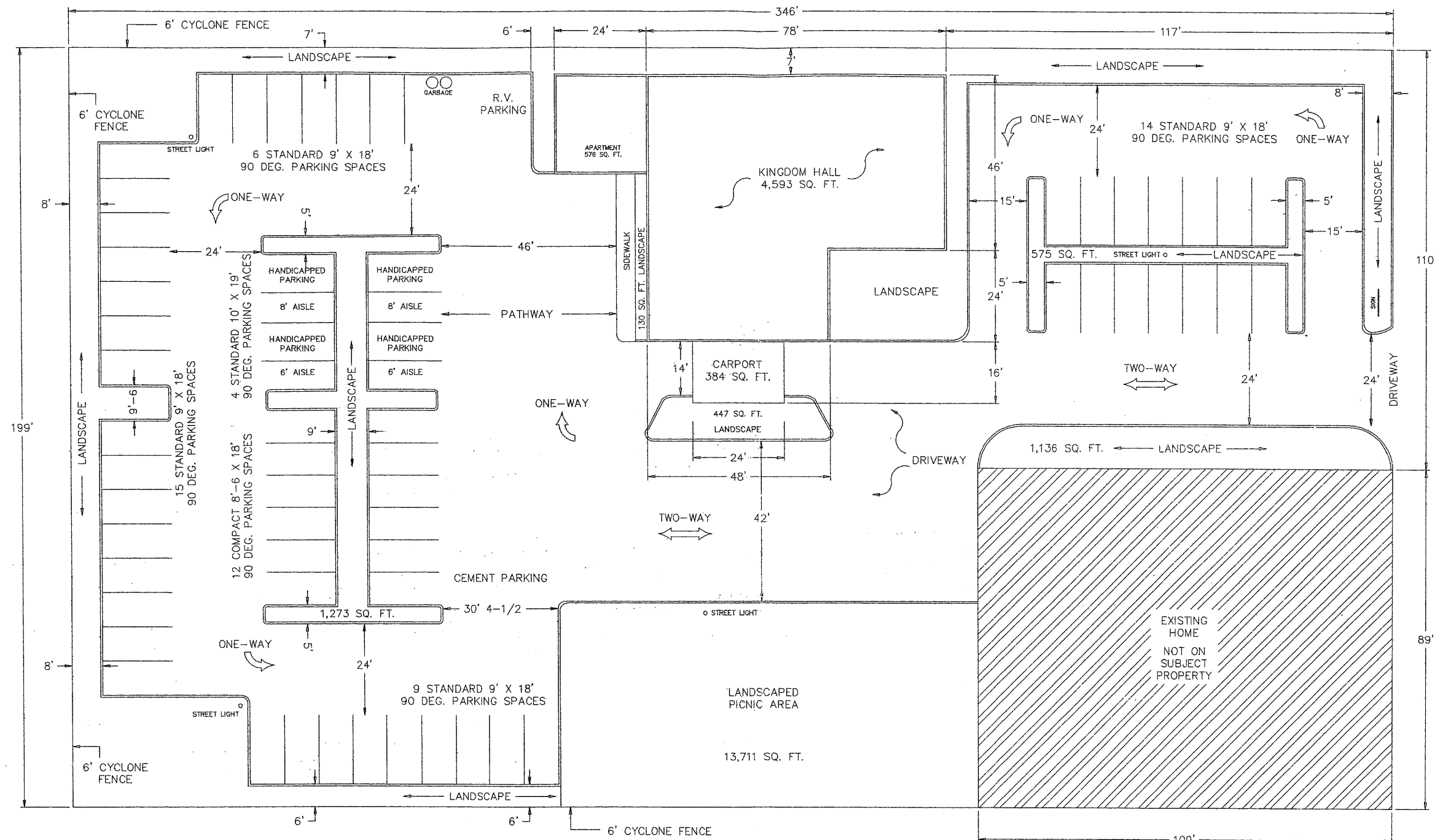
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901

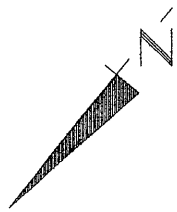
N




SEE MAP 4 IE 4AA



SIGN ILLUMINATED VIA GROUND LIGHTING
 60 PARKING SPACES (4 HANDICAPPED)
 LANDSCAPE: 17,272 SQ. FT. (APPROX.)
 KINGDOM HALL: 4,593 SQ. FT.
 APARTMENT: 576 SQ. FT.
 CARPORT: 384 SQ. FT.
 PARKING & DRIVEWAY: 36,328 SQ. FT. (APPROX.)
 TOTAL SQ. FOOTAGE: 59,153 SQ. FT. (APPROX.)



93-100 KINGDOM HALL OF JEHOVAH'S WITNESSES
 1 1"=15'-0" CANBY - IVY STREET

		TITLE		PLOT PLAN	
		PROCESS		CANBY - IVY STREET	
BY	DWG. NO.	DATE	SCALE	NO.	REV.
CANBY-1	93-100	11-09-93	1"=15'-0"	0	0
NO. DATE	REVISION	BY	ACAD FILE NAME	DATE	SCALE
REF. -			CANBY-1	11-09-93	1"=15'-0"

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: December 17, 1993

TO: FIRE, POLICE, CUB, TOM PIERSON, TODD SCHMIT, GARY HYATT, MIKE JORDAN,
JOHN KELLY, ROY SEWER, CLACKAMAS COUNTY PLANNING

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Am

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- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

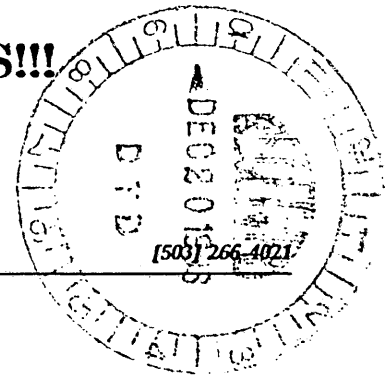
Signature: Stu Hans

Date: 12/20/93

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013



DATE: December 17, 1993

TO: FIRE, POLICE, CUB, TOM PIERSON, TODD SCHMET, GARY HYATT, MIKE JORDAN,
JOHN KELLY, ROY, SEWER, CLACKAMAS COUNTY PLANNING

The City has received MaLP 94-01/CUP 94-01, an application by Canby Congregation of Jehovah's Witnesses to partition a 2.12 acre parcel into two parcels, for future development on Parcel #1 of a Kingdom Hall, a single-story building which could accommodate 189 people in the main auditorium. The property is located at 748 S. Ivy, on the east side of S. Ivy, across from S.W. 7th Avenue (Tax Lot 1100 of Tax Map 4-1E-4AB).

We would appreciate your reviewing the enclosed application and returning your comments by December 23, 1993 PLEASE. The Planning Commission plans to consider this application on January 10, 1994. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

No Comment

- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

RECEIVED
DEC 22 1993
CITY OF CANBY

Signature: _____

Date: _____

12/22/93

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: December 17, 1993

TO: FIRE, POLICE, CUB, TOM PIERSON, TODD SCHMIT, GARY HYATT, MIKE JORDAN,
JOHN KELLY, ROY, SEWER, CLACKAMAS COUNTY PLANNING

The City has received MaLP 94-01/CUP 94-01, an application by Canby Congregation of Jehovah's Witnesses to partition a 2.12 acre parcel into two parcels, for future development on Parcel #1 of a Kingdom Hall, a single-story building which could accommodate 189 people in the main auditorium. The property is located at 748 S. Ivy, on the east side of S. Ivy, across from S.W. 7th Avenue (Tax Lot 1100 of Tax Map 4-1E-4AB).

We would appreciate your reviewing the enclosed application and returning your comments by December 23, 1993 PLEASE. The Planning Commission plans to consider this application on January 10, 1994. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

A 8" water main shall supply fire hydrant in complex shall be looped thru complex, from water main on S. Ivy and shall be connected to existing mains on S. Knott and the main at the west end of S. E. 7th way.
Fire hydrant shall be located in landscape area adjacent to carport. Hydrant shall be a 3-Port hydrant and installed as per C.W.B. specifications

Adequate Public Services (of your agency) are available

Adequate Public Services will become available through the development

Conditions are needed, as indicated

Adequate public services are not available and will not become available

Signature: Jack Stark

Date: Dec. 20, 1993

*Parameters for
Development Plats and Drawings
from K Schader*

1. "Developer" vs. "Mom and Pop"? - Maybe taken care of if separate guidelines for Subdivision, Major and Minor Partitions, Design Review applications?

2. Residential vs. Commercial/Industrial?

3. **Key Comments**
 - a. Ordinance does not need to be changed - requirements and authority built in for subdivisions and partitions.
 - b. Design review needs work to define what is required on design submitted to the City.
 - c. Design review improvement will require professional help (staff to check costs - landscape designer, landscape architect)
 - d. Maybe require engineer plat for all subdivisions
 - e. Maybe accurate "ruled" drawing okay for partitions. Must also be accompanied by good (large enough) vicinity map.
 - f. If application does not include the above, staff and Planning Commission [should, could] recommend denial. Get Council opinion.
 - g. Staff to provide critique of residential applications only; encouraged to be more involved in commercial/industrial since businessmen lack knowledge to do, especially design review.

Orig. LIST
PLANNING ISSUES

1. Tighten up and coordinate criteria and conditions for different types of development (i.e. partitions, subdivisions, conditional uses). (Fenske)

Item 1 on KS list

2. Formalize list of "minor and negligible variances" and a 10% or so numeric standard for staff decisions. (Maher)

3. Consider updating all zoning to match Comprehensive Plan. Staff bring map showing all R-2, Commercial and Industrial existing and under Comprehensive Plan. (Mihata)

Item 2 on KS List

4. Ordinance revision specifying percent of lot coverage allowed by building in residential zone. (Schrader)

5. Upgrade ordinances to encourage and promote pedestrian-oriented neighborhoods - tie in with "main street" work in Chamber of Commerce. (Schrader)

Part of Transp. Plan - in process

6. Develop delayed annexation procedure with Clackamas County. (Fenske)

7. Invite allied jurisdictions and agencies to Planning Commission meeting for information and exchange of ideas.

Planning Issues
for K Schrader

1. Trigger for street improvements when only building permit required for lot development.
 - Staff check costs and examples

2. Upgrade zoning to match Comprehensive Plan.
 - Hold on all except 10th Street area and Ziebart
Staff review these areas and report to Commission

3. Trees
 - Staff diagram planting strip alternatives with impact on right-of-way, easements, loss of taxable land and possible ordinance changes, rewording to allow functional strip.
 - Mihata develop two alternative ordinances for street trees, new developments and pre-development for Commission to review (significant trees)

4. Advanced Financing
 - Staff to send Commission resolution to approve rewording and changes to Advanced Financing Ordinance.

5. Staff to relist other issues Commission identified before

6. Fence discussion continued. Staff to identify problems in addressing and possible solutions.


7. Follow-up on landscaping progress at various projects in town.
 - Staff report re Cedar, Christian, duplexes, Redwood, etc.

RLH

An applicant for a building or other permit subject to Site and Design Review shall submit to the Planning Commission, sitting as the Design Review Board, a Site and Design Review Plan to include:

1. A site plan, drawn to scale, showing the proposed layout of all structures and other improvements including, where appropriate, driveways, pedestrian walks, landscaped areas, fences, walls, off-street parking and loading areas, greenways, and railroad tracks. The site plan shall illustrate the location of existing structures, existing facility utilities, and whether they will be retained as part of the project. The site plan shall indicate the location of entrances and exits and the direction of traffic flow into and out of off-street parking and loading areas, the location of each parking space and each loading berth, and areas of turning and maneuvering vehicles. The site plan shall indicate how utility service and drainage are to be provided. The site plan shall also indicate conditions of adjacent properties sufficient to demonstrate that the proposed development is coordinated with existing or proposed developments on adjacent properties. Where the applicant proposes to change the existing topography, then a proposed grading plan shall be submitted.
2. A landscape plan, drawn to scale, showing the location of existing trees having a trunk diameter of eight (8) inches or greater (as measured at a point four (4) feet above ground level). The plan shall include trees proposed to be removed and proposed to be retained on the site, the location and design of landscaped areas, the varieties and size of trees and plant materials to be planted on the site, other pertinent landscape features, and irrigation systems required to maintain trees and plant materials.
3. Building drawings or sketches, drawn to scale, shall include floor plans in sufficient detail to permit computation of yard requirements, and shall show all elevations of the proposed structures and other improvements as they will appear upon completion of construction. Building perspectives may also be needed.
4. Specifications as to type, color and texture of exterior surfaces of proposed structures.
5. A sign plan, drawn to scale, showing the location, size, design, material, color and methods of illumination of all exterior signs, ~~as per City Sign Ordinance No. 830~~
6. A public utility facilities plan, drawn to scale, showing the location, size and grade of all existing and proposed utility facilities, including, but not limited to sanitary sewers, storm sewers or facilities, water lines and fire hydrants, streets and sidewalks, or traffic study information, as required by the City Public Works Director.
7. The applicant shall submit a verified statement that a City-supplied sign has been posted in a conspicuous location on the property, which indicates that a development proposal has been submitted to the City and the date the hearing will be held. The sign shall include the name of a person or persons who may be contacted in order to inquire about specific aspects of the proposal.
8. For purposes of identifying property owners to receive notification of hearings, if any, the names and addresses of the owner or owners of record (fee title), as shown in the current computer roll of the County Assessor, shall be used. Preparation of the list of property owners shall be the applicant's responsibility and shall be prepared by one of the following persons: a land title company, a land use planning consultant authorized by the State of Oregon to conduct business in the State, or a registered architect, landscape architect, engineer, surveyor, attorney, or where the City is the applicant, the City Planner. The list of property owners shall be updated not less than every ninety (90) days by the applicant, until a final decision is rendered.
9. The burden of proof, in all cases, is upon the applicant seeking approval. For any application to be approved, it shall first be established that the proposal conforms to the Canby Municipal Code, and applicable City ordinances and regulations. Failure to conform is sufficient reason to deny the application.
10. The City Planner may require information in addition to that stated in this section.

MEMORANDUM

TO: *Honorable Mayor Taylor, City Council and Administrator Jordan*
FROM: *Robert G. Hoffman, Planning Director* 
RE: *Chamber of Commerce Sign Committee Proposed Ordinance*
DATE: *November 10, 1993*

The following is a summary of the Chamber of Commerce Sign Committee's Proposed Sign Ordinance:

1. Sandwich boards are permitted, with limitations, in downtown and along Highway 99-E (called "Daily Display Signs").
2. Banners and Pennants are permitted, with some limitations on size, type, and duration.
3. Ordinance Administration and Enforcement policies and procedures are clarified.
4. Definitions are provided in key cases.
5. Process to "modify" application of Sign Standards is provided.
6. Current practices are codified in some cases.
7. Sunset Clause is provided for "test period."
8. Proposed amendments incorporated in current Sign Code and Planning and Development Ordinance.

**SUMMARY OF PROPOSED REVISIONS
TO THE SIGN ORDINANCE**
As developed by the Sign Ordinance Committee
of the Canby Area Chamber of Commerce

1) **Definitions and Interpretations:** A section added to the current ordinance which defines certain types of signs: banners, beacons, canopy signs, commercial message signs, fin signs, flags, pennants, portable signs, sign area, daily display signs (sandwich boards), temporary signs, and wall signs.

2) **Administration and Enforcement:** This section was added to further explain the permitting process including the establishment of a permit fee, how the sign ordinance is enforced, and the appeal process. Also included in this section is the time in which work must commence once a permit is acquired, the permit suspension/revocation conditions and application for conditional use signs or signs under site and design review.

3) **Signs Prohibited or Exempted:** This section offers specifics on signs to be allowed or prohibited.
EXEMPTED SIGNS:

A) For commercial or industrial zoned areas - on-premise signs not exceeding four square feet in area, non-illuminated, and not exceeding three feet in height if ground-mounted.

B) Bench Advertising Signs.

C) Banners and pennants with advertising message and not exceeding total display area of 40 square feet per face and pennants not to exceed the lineal feet of the building exterior per site, used on premises in conjunction with temporary events and not in place longer than a period of 30 days per three month period. Exempt from area limits for square footage allowances.

D) Painted wall decorations or embellishments, or decorated banners, which are not accompanied by a written message. Exempt from area limits.

E) Flags - exempt from area limits.

F) Pennants without written message or logo, exempt from area limits.

G) Signs carved into a building or which are a part of materials which are an integral part of the building such as cornerstones, building names, etc. - exempt from area limits.

H) Window signs in commercial and manufacturing zones which occupy a total display area of no more than 50 percent of the window area. Window signs may not use materials subject to provisions of prohibited signs.

I) Painted or printed displays in windows of a temporary nature.

J) Clocks, barber poles, public information signs, without advertising message.

K) Signs not designed to be viewed from any public right-of-way.

L) Balloons, provided they are temporary and related to a special event and exceed 10,000 cubic feet in size (exempt from area limits).

M) Nothing in this Chapter shall prevent the erection, location, or construction of small directional or instructional signs on private property when such signs are solely designed to direct or to guide or to instruct pedestrian or vehicular traffic while on the parcel of real property on which the signs are located

N) Nothing in this chapter shall prevent the erection, location, or maintenance of signs located on private property that are not visible from a public right-of-way or other nearby private property, unless the building official deems that the continuation of such a sign constitutes a serious and immediate danger to public safety and welfare.

PROHIBITED SIGNS: (not limited to the following situations)

A) Signs erected within the right-of-way of any street, along any driveway, or in any other location not meet the requirements of Section 16.42.105; or by reason of location, shape, color, animation, or message are likely to be confused with any traffic control devices; or create a distracting or hazardous condition for motorists.

B) Strings of lights, banners, pennants, and balloons, except as permitted under "Exempt Signs" above.

C) Temporary signs, except as permitted under "Exempt Signs" above.

~~D) Signs that are illuminated.~~
E) No sign shall be erected or maintained which by use of lights, illumination, sequential illumination, or other form of total or partial illumination creates an unduly distracting or hazardous condition to a motorist or pedestrian.

F) Off-premises signs, except as permitted in the following section "Signs in the Public Right-of-way", and billboards in certain districts.

G) No sign or portion thereof shall be erected within future street right-of-way approved by city council unless and until an agreement is recorded stipulating that the sign will be removed or relocated upon street widening at no expense to the city.

H) Portable signs, except those under "Exempt Signs" above.

I) Window signs which obscure more than 50 percent of the window area or are not subject to the provisions of the section "Exempt Signs" above.

J) Signs affixed to power, utility, or traffic control poles other than city-approved.

4) Signs In Public Right-of-Way (including Daily Display Signs).

EXEMPTED SIGNS.

A) Sign sizes and configurations shall be subject to the general standards of the Oregon Department of Transportation sign policy and guidelines and the Federal manual on uniform traffic control devices.

B) Direction signs shall be generic in nature so as not to unduly distract traffic.

C) Non-city-owned direction and safety signs shall get specific written approval of the city.

BENCH ADVERTISING SIGNS. These are permitted subject to the standards of the Canby City Code.

DAILY DISPLAY SIGNS (sandwich boards) WITHIN RIGHT-OF-WAY. In the downtown commercial district, daily display signs are permitted as specified below. A daily display sign may be allowed within the public right-of-way in front of the premises with which it is associated, provided all of the following conditions are met.

A) A city right-of-way permit is obtained from the city planner.

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

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

D) The sign is to meet clear vision requirements.

E) The sign is properly maintained.

F) The applicant shall assume all liability for incidents involving the sign by signing a document exempting the city from liability and providing liability insurance in the form and amount as required by the city attorney.

G) Sign dimension shall not exceed a maximum width of four feet, nor a maximum above-ground level height of 4.5 feet.

H) One sign per business is allowed.

I) All particular provisions of the zoning district involved are complied with regarding daily display signs, including area limits.

J) Wind load requirements of the Uniform Sign Code Shall be met.

5) Modification of Sign Standards (variances).

A) Authorization to Grant or Deny a Modification of Standards. The Planning Commission (or City Planner, in minor cases), may authorize modification of standards from the requirements if it can be shown that, owing to special and unusual circumstances related to a specific piece of property.

B) Procedures for Modifying Standards. An application is filed requesting modification accompanied by a site plan drawn showing the standard to be modified and the dimensions and arrangement of the proposed sign.

C) The Planning Commission shall hold a public hearing for any modification requested. Modification requests of less than 10 percent from the numeric standard required shall be reviewed by the City Planner. Notice of decision to be given to applicant and lot owners within 100 feet.

Circumstances for Granting a Modification of Standard. Criteria for granting a modification:

1) specified regulation would result in difficulty or unnecessary physical hardship.

2) exceptional or extraordinary circumstances or conditions apply to the property.

3) specified regulation would deprive the applicant of privileges enjoyed by other property owners.

4) the granting of the modification would not be a grant of special privilege.

5) the granting of the modification of standard would not be detrimental to the public health, etc.

Time Limit: Work on an approved modification must commence within six months, if not, a written request extending the time period may be offered to the Planning Commission prior to the expiration date.

Appeals: Appeals follow the procedures from the Canby Land Development and Planning Ordinance.

Sunset Clause: The additions and deletions in the ordinance shall become effective upon adoption and shall continue for one year from such effective date. Should the City Council, after public hearing, approve a resolution continuing the ordinance after the one year period. Any daily display sign that receives city permit may continue for a maximum of six months after the ordinance's termination date.

Severability: Invalidity of a section of this ordinance shall not affect the validity of the remaining sections.

For purposes of this ordinance, signage on the inside of the window will not be regulated.

The above excerpts from the proposed sign ordinance is only a summary of proposed revisions and does not detail any portion of the ordinance that was not changed. For a full and complete copy of the Sign Ordinance, please contact the Chamber office.

Please support this effort: Attend the City Council Meeting on Wednesday, November 17th, 7:30 p.m.

~~Strikeout~~ = deletion

CAPITAL/BOLD = ADDITION

**PROPOSED NEW SIGN ORDINANCE
CHAPTER 16.42
SIGNS**

Sections:

- 16.42.010 Purpose
- 16.42.015 **Definitions**
- 16.42.020 Construction, Maintenance and Permit Requirements
- 16.42.023 **Administration and Enforcement**
- 16.42.025 Nonconforming Signs
- 16.42.028 **Prohibited or Exempted Signs**
- 16.42.030 Setbacks
- 16.42.050 Street Banners
- 16.42.060 Signs on Trailer or Vehicles
- 16.42.100 Area of Signs Permitted by Zoning District
- 16.42.105 **Signs in Public Rights-of-Way**
- 16.42.110 Sign Enforcement Procedures
- 16.42.120 **Modification of Sign Standards**
- 16.42.130 **Sunset Clause**
- 16.42.140 **Severability**

Chapter 16.42
SIGNS

16.42.010 Purpose

- A. The purpose of this chapter is to help maintain the appearance of the City by encouraging well-designed and wisely located signs which are consistent with the intent and objectives of the Comprehensive Plan.
- B. These regulations are intended to control the size, location, number and type of signs in such a manner as to minimize any adverse effects on the public health, safety, general welfare or overall aesthetic appearance of the City.
- C. Nothing in these regulations is intended to control the construction or location of directional or informational signs installed by the City, County, or State, for the purpose of controlling traffic, indicating street names, or other public purposes.

16.42.015 DEFINITIONS AND INTERPRETATION

WORDS AND PHRASES USED IN THIS CHAPTER SHALL HAVE THE MEANINGS SET FORTH IN THIS SECTION. WORDS AND PHRASES NOT DEFINED IN THIS SECTION BUT DEFINED ELSEWHERE IN THE LAND DEVELOPMENT AND PLANNING ORDINANCE OF THE CITY SHALL BE GIVEN THE MEANINGS SET FORTH IN SUCH ORDINANCE. PRINCIPLES FOR COMPUTING SIGN AREA AND SIGN HEIGHT ARE CONTAINED IN SECTION 16.42.100. ALL OTHER WORDS AND PHRASES SHALL BE GIVEN THEIR COMMON, ORDINARY MEANING, UNLESS THE CONTEXT CLEARLY REQUIRES OTHERWISE. SECTION HEADINGS OR CAPTIONS ARE FOR REFERENCE PURPOSES ONLY AND SHALL NOT BE USED IN THE INTERPRETATION OF THIS ORDINANCE.

BANNER. ANY SIGN OF LIGHTWEIGHT FABRIC OR SIMILAR MATERIAL THAT IS PERMANENTLY MOUNTED TO A POLE OR A BUILDING BY A PERMANENT FRAME AT ONE OR MORE EDGES. NATIONAL FLAGS, STATE OR MUNICIPAL FLAGS, OR THE OFFICIAL FLAG OF ANY INSTITUTION OR BUSINESS SHALL NOT BE CONSIDERED BANNERS.

BEACON. ANY LIGHT WITH ONE OR MORE BEAMS DIRECTED INTO THE ATMOSPHERE OR DIRECTED AT ONE OR MORE POINTS NOT ON THE SAME ZONE LOT AS THE LIGHT SOURCE; ALSO, ANY LIGHT WITH ONE OR MORE BEAMS THAT ROTATE OR MOVE.

CANOPY SIGN. ANY SIGN THAT IS A PART OF OR ATTACHED TO AN AWNING, CANOPY, OR OTHER FABRIC, PLASTIC, OR STRUCTURAL PROTECTIVE COVER OVER A DOOR, ENTRANCE, WINDOW, OR OUTDOOR SERVICE AREA. A MARQUIS IS NOT A CANOPY. ONLY THE AREA OCCUPIED ON THE CANOPY BY LETTERING, SYMBOL, OR LOGO IS TO BE COUNTED WITHIN THE AREA LIMITS OF SECTION 16.42.100.

COMMERCIAL MESSAGE. ANY SIGN WORDING, LOGO, OR OTHER REPRESENTATION THAT, DIRECTLY OR INDIRECTLY, NAMES, ADVERTISES, OR CALLS ATTENTION TO A BUSINESS, PRODUCT, SERVICE, OR OTHER COMMERCIAL ACTIVITY.

FLAG. ANY FABRIC, BANNER, OR BUNTING CONTAINING DISTINCTIVE COLORS, PATTERNS, OR SYMBOLS, USED AS A SYMBOL OF A GOVERNMENT, POLITICAL SUBDIVISION, OR OTHER ENTITY.

PENNANT. ANY LIGHTWEIGHT PLASTIC, FABRIC, OR OTHER MATERIAL, WHETHER OR NOT CONTAINING A MESSAGE OF ANY KIND, SUSPENDED FROM A ROPE, WIRE, OR STRING, USUALLY IN SERIES, DESIGNED TO MOVE IN THE WIND.

PORTABLE SIGN. ANY SIGN NOT PERMANENTLY ATTACHED TO THE GROUND OR OTHER PERMANENT STRUCTURE, OR A SIGN DESIGNED TO BE TRANSPORTED, INCLUDING, BUT NOT LIMITED TO, SIGNS DESIGNED TO BE TRANSPORTED BY MEANS OF WHEELS; SIGNS CONVERTED TO A- OR T-FRAMES; MENU AND SANDWICH BOARD SIGNS; BALLOONS USED AS SIGNS; UMBRELLAS USED FOR ADVERTISING; AND SIGNS ATTACHED TO OR PAINTED ON VEHICLES PARKED AND VISIBLE FROM THE PUBLIC RIGHT-OF-WAY, UNLESS SAID VEHICLES IS USED IN THE NORMAL DAY-TO-DAY OPERATIONS OF THE BUSINESS.

SIGN. ANY DEVICE, FIXTURE, PLACARD, OR STRUCTURE THAT USES ANY COLOR, FORM, GRAPHIC, ILLUMINATION, SYMBOL, OR WRITING TO ADVERTISE, ANNOUNCE THE PURPOSE OF, OR IDENTIFY THE PURPOSE OF A PERSON OR ENTITY, OR TO COMMUNICATE INFORMATION OF ANY KIND TO THE PUBLIC.

SIGN AREA. THE AREA OF A SIGN FACE (WHICH IS ALSO THE SIGN AREA OF A WALL SIGN OR OTHER SIGN WITH ONLY ONE FACE) SHALL BE COMPUTED BY MEANS OF THE SMALLEST SQUARE, CIRCLE, RECTANGLE, TRIANGLE, OR COMBINATION THEREOF THAT WILL ENCOMPASS THE EXTREME LIMITS OF THE WRITING, REPRESENTATION, EMBLEM, OR OTHER DISPLAY, TOGETHER WITH ANY MATERIAL OR COLOR FORMING AN INTEGRAL PART OF THE BACKGROUND OF THE DISPLAY OR USED TO DIFFERENTIATE THE SIGN FROM THE BACKDROP OR STRUCTURE AGAINST WHICH IT IS PLACED, BUT NOT INCLUDING ANY SUPPORTING FRAMEWORK, BRACING, OR DECORATIVE FENCE OR WALL WHEN SUCH FENCE OR WALL OTHERWISE MEETS LAND DEVELOPMENT AND PLANNING ORDINANCE REGULATIONS AND IS CLEARLY INCIDENTAL TO THE DISPLAY ITSELF.

DAILY DISPLAY SIGN, . "DAILY DISPLAY SIGN" MEANS A NONPERMANENT ON-PREMISES SIGN NORMALLY ASSOCIATED WITH BUSINESS ACTIVITY WHICH IS PLACED OUT-OF-DOORS DURING BUSINESS HOURS FOR DISPLAY AND RETURNED INDOORS DURING OFF-HOURS. DAILY DISPLAY SIGNS MAY BE CONSTRUCTED IN A SANDWICH BOARD (A-FRAME) STYLE, MOUNTED ON A SINGLE PEDESTAL, OR OTHER SIMILAR CONSTRUCTION, AND ARE INTENDED TO BE UNLIT AND EASILY MOVED. DOES NOT HAVE A CHANGEABLE READER BOARD.

TEMPORARY SIGN. ANY SIGN THAT IS USED ONLY TEMPORARILY AND IS NOT PERMANENTLY MOUNTED.

WALL SIGN. ANY SIGN ATTACHED PARALLEL TO, BUT WITHIN SIX INCHES OF A WALL, PAINTED ON THE WALL SURFACE OF, OR ERECTED AND CONFINED WITHIN THE LIMITS OF AN OUTSIDE WALL OF ANY BUILDING OR STRUCTURE, WHICH IS SUPPORTED BY SUCH WALL OR BUILDING, AND WHICH DISPLAYS ONLY ONE SIGN SURFACE.

16.42.020 Construction, Maintenance and Permit Requirements

- A. Each sign shall be constructed to meet the requirements of applicable building, electrical and mechanical codes.
- B. All signs and component parts shall be kept in good repair and maintained in a safe, neat, clean and attractive condition.

- C. No sign shall be erected or maintained in such a manner that any portion of its surface or its supports will interfere in any way with the free use of, or any access to, any fire escape, exit or standpipe. No signs shall be erected or maintained so as to obstruct any window so that light or ventilation is reduced below standards required by any applicable law or building code.
- D. It is unlawful to erect or maintain a sign which, by reason of its size, location or placement, creates an immediate danger to the health, safety and welfare of the citizens of the City by blocking vision for either pedestrians or motorists, at public and/or private roadways, intersections, driveways, or railroad crossings.
- E. Other than temporary signs, as defined in Section 16.42.028, all signs which are not permanently affixed to the ground or to a building shall require the issuance of a sign permit within sixty (60) days of the effective date of the ordinance codified in this chapter. In order to secure such a permit, such signs must meet all setback and vision clearance requirements and they must meet the requirements of the Uniform Building Code and Uniform Sign Code for construction.

Section 16.42.023 ADMINISTRATION AND ENFORCEMENT

PERMIT REQUIRED. ALL SIGNS ERECTED AFTER THE EFFECTIVE DATE OF THIS ORDINANCE, OTHER THAN EXEMPT SIGNS, SHALL REQUIRE A SIGN PERMIT. ALL APPLICATIONS FOR SIGN PERMITS SHALL BE SUBMITTED TO, AND IN SUCH FORM AS MAY BE REQUIRED BY, THE CITY PLANNER OR DULY AUTHORIZED REPRESENTATIVE.

PERMIT-FEE. A FEE AS ESTABLISHED BY RESOLUTION OF THE CITY COUNCIL SHALL BE PAID TO THE CITY OF CANBY UPON THE FILING OF AN APPLICATION. SUCH FEES SHALL NOT BE REFUNDABLE.

INTERPRETATION. THIS CHAPTER REGARDING "SIGNS" IS PART OF A 130 PAGE LAND DEVELOPMENT AND PLANNING ORDINANCE, INCLUDING SUBDIVISION AND ZONING REGULATIONS. THE CITY PLANNER WILL GIVE ADVICE AS TO WHICH ADDITIONAL CHAPTERS MAY APPLY TO A SPECIFIC PROJECT.

ENFORCEMENT AUTHORITY. THE CITY PLANNER OR DULY AUTHORIZED REPRESENTATIVE SHALL HAVE THE POWER AND DUTY TO INTERPRET AND ENFORCE THE PROVISIONS OF THIS CHAPTER. AN APPEAL FROM A RULING BY THE CITY PLANNER OR DULY AUTHORIZED REPRESENTATIVE REGARDING A REQUIREMENT OF THIS CHAPTER MAY BE MADE ONLY TO THE PLANNING COMMISSION, WHO SHALL HOLD A PUBLIC HEARING PER THE PROVISIONS OF CODE 16.88.140, THE LAND DEVELOPMENT AND PLANNING ORDINANCE. UPON REQUEST OF THE OWNER, THE CITY PLANNER WILL ISSUE A CERTIFICATE OF INSPECTION LISTING THE SIGNS OF THE BUSINESS, AND NOTING THOSE SIGNS WHICH NEED REPAIR OR MODIFICATION AND THOSE SIGNS WHICH DO NOT CONFORM TO THE PROVISIONS OF THIS CHAPTER.

APPEAL. ANY ACTION OR RULING OF THE PLANNING COMMISSION PURSUANT TO THIS CHAPTER MAY BE APPEALED TO THE CITY COUNCIL PER THE PROCEDURES IN SECTION 16.88.140(E) OF THE LAND DEVELOPMENT AND PLANNING ORDINANCE. AN APPEAL MUST BE MADE IN WRITING TO THE CITY PLANNER WITHIN FIFTEEN (15) DAYS AFTER THE COMMISSION HAS RENDERED ITS DECISION.

PERMIT-EXPIRATION. EVERY PERMIT ISSUED BY THE BUILDING OFFICIAL UNDER THE PROVISIONS OF THIS CHAPTER SHALL EXPIRE BY LIMITATION AND BECOME NULL AND VOID IF THE BUILDING OR WORK AUTHORIZED BY SUCH PERMIT IS NOT COMMENCED WITHIN 180 DAYS FROM THE DATE OF SUCH PERMIT, OR IF THE BUILDING OR WORK AUTHORIZED BY SUCH PERMIT IS SUSPENDED OR ABANDONED AT ANY TIME AFTER THE WORK IS COMMENCED FOR A PERIOD OF 180 DAYS. BEFORE SUCH WORK CAN BE RECOMMENCED, A NEW PERMIT SHALL BE FIRST OBTAINED SO TO DO, AND THE FEE THEREFOR SHALL BE ONE-HALF OF THE AMOUNT REQUIRED FOR A NEW PERMIT FOR SUCH WORK, PROVIDED NO CHANGES HAVE BEEN MADE OR WILL BE MADE IN THE ORIGINAL PLANS AND SPECIFICATIONS FOR SUCH WORK; AND PROVIDED, FURTHER, THAT SUCH SUSPENSION OR ABANDONMENT HAS NOT EXCEEDED ONE YEAR.

PERMIT-SUSPENSION OR REVOCATION. THE CITY PLANNER OR DULY AUTHORIZED REPRESENTATIVE MAY, IN WRITING, SUSPEND OR REVOKE A PERMIT ISSUED UNDER PROVISIONS OF THIS CHAPTER WHENEVER THE PERMIT IS ISSUED ON THE BASIS OF INCORRECT INFORMATION SUPPLIED, OR IN VIOLATION OF APPLICABLE ORDINANCE OR REGULATION OR ANY OF THE PROVISIONS OF THIS CHAPTER.

CONDITIONAL USE SIGNS OR SIGNS UNDER SITE AND DESIGN REVIEW. SIGNS FOR USES REQUIRING CONDITIONAL USE OR SITE AND DESIGN REVIEW SHALL BE REVIEWED BY THE PLANNING COMMISSION REGARDING SIZE, HEIGHT, AND LOCATION AT THE TIME OF CONDITIONAL USE REVIEW OR SITE AND DESIGN REVIEW. IF SIGN REVIEW WAS NOT PART OF THE ORIGINAL CONDITIONAL USE REVIEW OR ORIGINAL SITE AND DESIGN REVIEW, THE APPLICANT MAY APPLY FOR A SIGN PERMIT UNDER THE NORMAL SIGN REVIEW PROCEDURES AND POLICIES PROVIDED THE APPLICATION IS MADE AT LEAST 6 MONTHS AFTER THE ORIGINAL REVIEW.

16.42.025 Nonconforming Signs.

- A. Signs existing on the effective date of the ordinance codified in this chapter which are permanently or can be permanently affixed to a foundation or a building, and which do not meet the requirements of the zoning district in which they are located, shall be deemed to be nonconforming structures or nonconforming uses, as defined in Section 16.04.440 of this title. Except, however, that signs shall not be considered to be nonconforming where the sign, by reason of its size, location, construction, or lack of maintenance creates a public hazard or nuisance. In the case of such public hazard or nuisance, the City may begin immediate abatement procedures, as provided in this chapter and other City ordinances.
- B. Signs which are nonconforming structures or nonconforming uses are subject to the same limitations, regulations and requirements as other nonconforming structures or nonconforming uses as delineated in Chapter 16.52 of this title. Except, however, that signs which are nonconforming structures may be replaced by other signs which are nonconforming structures, subject to the same procedures and requirements for the expansion of nonconforming structures as listed in Section 16.52.040 of this title. Except however, that with a change of ownership, nonconforming signs must be brought into conformance within sixty (60) days after the date of the change of ownership.
- C. Signs for nonconforming structures or uses shall be permitted without the necessity of receiving a permit to expand a nonconforming structure, provided that such signs meet all other requirements of local ordinances and provided that such signs are not less in conformance than the existing structure or use. The burden of establishing a vested interest in a nonconforming structure or use shall be upon the property owner.

EXEMPTED SIGNS OR OTHER FEATURES. THE FOLLOWING SIGNS SHALL REQUIRE A SIGN PERMIT (UNLESS SPECIFICALLY EXEMPTED BELOW) AND SHALL CONFORM TO ALL OTHER APPLICABLE PROVISIONS OF THIS CHAPTER INCLUDING AREA OF SIGN LIMITS FROM SECTION 16.42.100, (UNLESS SPECIFICALLY EXEMPTED) AND SHALL BE PERMITTED IN ALL ZONES, EXCEPT AS OTHERWISE NOTED.

(Note: The lower case typing in this section is from previous original Section 16.42.040)

- A. Temporary Signs - Political campaign signs, real estate or land development signs and temporary signs advertising such things as social events, garage sales, rental vacancies, or farm products are all permitted, provided that they do not exceed the total square footage of allowed sign area per lot by more than fifty percent and provided that they meet all other ordinance requirements, including vision clearance. Except, however, that such temporary signs in residentially zoned areas shall not exceed eight square feet per dwelling unit. This section is not intended to authorize the use of temporary signs for commercial retail business advertising, **EXCEPT AS ALLOWED BY SECTION 16.42.028**. Further, this section does not authorize placement of real estate or land development signs off of the site which they are intended to advertise, except for the placement of temporary "open house" directional signs which may be used between the hours of 8:00 a.m. and 8:00 p.m. daily. Such "open house" signs may be placed within City rights-of-way, but off of the street, on Saturdays and Sundays. However, such "open house" signs may not be placed, even temporarily, within County or State rights-of-way. **(NO SIGN PERMIT IS REQUIRED FOR THESE SIGNS.)**

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

- B. Nameplates - Residential Areas

Nothing in this chapter is intended to preclude or regulate the placement of nameplates or address signs of less than two square feet; provided that such small signs are unlighted and provided that not more than one such nameplate or address sign shall be used for each dwelling unit or occupant. **(NO SIGN PERMITS ARE REQUIRED FOR THESE SIGNS.)**

- C. FOR COMMERCIAL OR INDUSTRIAL ZONED AREAS - ON-PREMISE SIGNS NOT EXCEEDING FOUR SQUARE FEET IN AREA, NON-ILLUMINATED, AND NOT EXCEEDING THREE FEET IN HEIGHT IF GROUND-MOUNTED. SUCH SIGNS MAY INCLUDE PROPERTY ADDRESS OR BUILDING NUMBERS, NAMES OF OCCUPANTS OR PREMISES, PROFESSIONAL OR HOME OCCUPATION NAMEPLATES, ON-SITE DIRECTIONAL, AND SIMILAR SIGNS. (A SIGN PERMIT IS REQUIRED.)
- D. BENCH ADVERTISING SIGNS WHICH COMPLY WITH ALL REGULATIONS OF THE CANBY MUNICIPAL CODE.
- E. BANNERS OR PENNANTS WITH ADVERTISING MESSAGE AND NOT EXCEEDING A TOTAL DISPLAY AREA OF 40 SQUARE FEET PER FACE AND PENNANTS NOT TO EXCEED THE LINEAL FEET OF THE BUILDING EXTERIOR PER SITE, USED ON PREMISES IN CONJUNCTION WITH TEMPORARY EVENTS AND NOT IN PLACE LONGER THAN A PERIOD OF 30 DAYS PER 3 MONTH PERIOD. SUCH BANNERS AND PENNANTS ARE EXEMPT FROM THE AREA LIMITS OF SECTION 16.42.100. (A SIGN PERMIT IS REQUIRED.)
- F. PAINTED WALL DECORATIONS OR EMBELLISHMENTS, OR DECORATED BANNERS, WHICH ARE NOT ACCOMPANIED BY A WRITTEN MESSAGE. THESE ARE EXEMPT FROM THE AREA LIMITS OF SECTION 16.42.100. (NO SIGN PERMITS ARE REQUIRED FOR THESE SIGNS.)
- G. FLAGS - THESE ARE EXEMPT FROM AREA LIMITS OF SECTION 16.42.100. (NO SIGN PERMIT IS REQUIRED FOR THESE SIGNS.)
- H. PENNANTS WITHOUT WRITTEN MESSAGE OR LOGO. THESE ARE EXEMPT FROM AREA LIMITS OF SECTION 16.42.100. (NO SIGN PERMIT IS REQUIRED FOR THESE SIGNS.)
- I. SIGNS CARVED INTO A BUILDING OR WHICH ARE A PART OF MATERIALS WHICH ARE AN INTEGRAL PART OF THE BUILDING SUCH AS CORNERSTONES, BUILDING NAMES, AND SIMILAR SIGNS. THESE ARE EXEMPT FROM AREA LIMITS OF SECTION 16.42.100. (A SIGN PERMIT IS REQUIRED.)
- J. PUBLIC OR LEGAL NOTICES - THESE ARE EXEMPT FROM AREA LIMITS OF SECTION 16.42.100. (NO SIGN PERMIT IS REQUIRED FOR THESE SIGNS.)

- K. WINDOW SIGNS IN COMMERCIAL AND MANUFACTURING ZONES WHICH OCCUPY A TOTAL DISPLAY AREA OF NO MORE THAN 50 PERCENT OF THE WINDOW AREA. WINDOW SIGNS MAY NOT USE MATERIALS SUBJECT TO PROVISIONS OF PROHIBITED SIGNS "A" FROM NEXT SECTION OF THIS CHAPTER. (NO SIGN PERMIT IS REQUIRED FOR THESE SIGNS.)
- L. PAINTED OR PRINTED DISPLAYS IN WINDOWS OF A TEMPORARY NATURE. (NO SIGN PERMIT IS REQUIRED.)
- M. CLOCKS, BARBER POLES, PUBLIC INFORMATION SIGNS, WITHOUT ADVERTISING MESSAGE. (NO SIGN PERMIT IS REQUIRED.)
- N. SIGNS NOT DESIGNED TO BE VIEWED FROM ANY PUBLIC RIGHT-OF-WAY. (NO SIGN PERMIT IS REQUIRED.)
- O. BALLOONS, PROVIDED THEY ARE TEMPORARY AND RELATED TO A SPECIAL EVENT AND EXCEED 10,000 CUBIC FEET IN SIZE [EXEMPT FROM AREA LIMITS OF SECTION 16.42.100]. (A SIGN PERMIT IS REQUIRED.)
- P. NOTHING IN THIS CHAPTER SHALL PREVENT THE ERECTION, LOCATION, OR CONSTRUCTION OF SMALL DIRECTIONAL OR INSTRUCTIONAL SIGNS ON PRIVATE PROPERTY WHEN SUCH SIGNS ARE SOLELY DESIGNED TO DIRECT OR TO GUIDE OR TO INSTRUCT PEDESTRIAN OR VEHICULAR TRAFFIC WHILE ON THE PARCEL OF REAL PROPERTY ON WHICH THE SIGNS ARE LOCATED. (NO SIGN PERMIT IS REQUIRED.)
- Q. NOTHING IN THIS CHAPTER SHALL PREVENT THE ERECTION, LOCATION, OR MAINTENANCE OF SIGNS LOCATED ON PRIVATE PROPERTY THAT ARE NOT VISIBLE FROM A PUBLIC RIGHT-OF-WAY OR OTHER NEARBY PRIVATE PROPERTY, UNLESS THE BUILDING OFFICIAL DEEMS THAT THE CONTINUATION OF SUCH A SIGN CONSTITUTES A SERIOUS AND IMMEDIATE DANGER TO PUBLIC SAFETY AND WELFARE. (NO SIGN PERMIT IS REQUIRED.)

PROHIBITED SIGNS. IT SHALL BE UNLAWFUL FOR ANY PERSON TO ERECT, DISPLAY OR MAINTAIN, AND NO PERMIT SHALL BE ISSUED FOR THE ERECTION, DISPLAY, OR MAINTENANCE OF ANY SIGN OR ADVERTISING STRUCTURE FALLING WITHIN ANY OF THE FOLLOWING DESCRIPTIONS:

(Note: The lower case typing is from previous original Section 16.42.100.

- A. Rotating, moving, flashing, changing, reflecting, or blinking signs are prohibited other than those with white lights indicating the date, time and temperature. No sign or other advertising structure as regulated by this Chapter shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape, or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device; or which makes use of the words "stop," "look," "detour," "danger," or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse motorists. Sign lighting shall be designed and constructed in such a manner as to not create or produce glare on nearby dwellings.
- B. **SIGNS ERECTED WITHIN THE RIGHT-OF-WAY OF ANY STREET, ALONG ANY DRIVEWAY, OR IN ANY OTHER LOCATION WHICH DO NOT MEET THE REQUIREMENTS OF SECTION 16.42.105; OR BY REASON OF THE LOCATION, SHAPE, COLOR, ANIMATION, OR MESSAGE ARE LIKELY TO BE CONFUSED WITH ANY TRAFFIC CONTROL DEVICES; OR CREATE A DISTRACTING OR HAZARDOUS CONDITION FOR MOTORISTS.**
- C. **SUCH ADVERTISING DEVICES AS STRINGS OF LIGHTS, BANNERS, PENNANTS, AND BALLOONS, EXCEPT AS PERMITTED UNDER SECTIONS 16.42.028, Exempted Signs.**
- D. **TEMPORARY SIGNS, EXCEPT AS PERMITTED UNDER SECTIONS 16.42.028, Exempted Signs.**
- E. **NO SIGN SHALL BE ERECTED OR MAINTAINED WHICH BY USE OF LIGHTS, ILLUMINATION, SEQUENTIAL ILLUMINATION, OR OTHER FORM OF TOTAL OR PARTIAL ILLUMINATION CREATES AN UNDULY DISTRACTING OR HAZARDOUS CONDITION TO A MOTORIST OR PEDESTRIAN.**
- F. **OFF-PREMISES SIGNS, EXCEPT AS PERMITTED UNDER SECTIONS 16.42.105 AND BILLBOARDS AS PERMITTED IN C-2 and C-M DISTRICTS.**

- G. NO SIGN OR PORTION THEREOF SHALL BE ERECTED WITHIN FUTURE STREET RIGHT-OF-WAY APPROVED BY CITY COUNCIL UNLESS AND UNTIL AN AGREEMENT IS RECORDED STIPULATING THAT THE SIGN WILL BE REMOVED OR RELOCATED UPON STREET WIDENING AT NO EXPENSE TO THE CITY.
- H. NO SIGN OR PORTION THEREOF SHALL BE PLACED SO THAT IT OBSTRUCTS ANY FIRE ESCAPE, STAIRWAY, OR STANDPIPE; INTERFERES WITH HUMAN EXIT THROUGH ANY WINDOW OR ANY ROOM LOCATED ABOVE THE FIRST FLOOR OF ANY BUILDING; OBSTRUCTS ANY DOOR OR REQUIRED EXIT FROM ANY BUILDING; OR OBSTRUCTS ANY REQUIRED LIGHT OR VENTILATION.
- I. PORTABLE SIGNS, EXCEPT AS PERMITTED UNDER SECTIONS 16.42.105 and 16.42.108, Exempted Signs.
- J. WINDOW SIGNS, WHICH ARE NOT TEMPORARY AND WHICH OBSCURE MORE THAN 50 PERCENT OF THE WINDOW AREA AND ARE NOT SUBJECT TO THE PROVISIONS OF SECTION 16.42.028(L), EXEMPTED SIGNS.
- K. SIGNS AFFIXED TO POWER, UTILITY, OR TRAFFIC CONTROL POLES OTHER THAN CITY-APPROVED TRAFFIC CONTROL SIGNS AND POLE IDENTIFICATION PLACARDS.
- L. SEARCHLIGHTS, EXCEPT FOR TEMPORARY EVENTS SUCH AS GROUND OPENINGS.

Section 16.42.030 Setbacks

- A. Signs are required to meet the setback requirements of the applicable zone district; except, however, that the street yard setback for signs shall be at least fifty percent of that required for other structures in the zone.
- B. Signs shall not be allowed to obstruct a vision clearance area as defined in this title.

Section 16.42.050 Street Banners

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

Section 16.42.060 Signs on Trailers or Vehicles

Except for nameplates or logos indicating the owner's name and place of business, no signs, including temporary signs, shall be displayed from trailers or vehicles parked within any public right-of-way or the required setback area adjoining the right-of-way.

Section 16.42.100 Area of Signs Permitted by Zoning District

Sign area shall be limited to comply with Table 16.42.100.

Section 16.42.105 SIGNS IN PUBLIC RIGHTS-OF-WAY
(INCLUDING DAILY DISPLAY SIGNS)

SIGNS PROHIBITED. SIGNS ARE PROHIBITED WITHIN PUBLIC RIGHTS-OF-WAY, EXCEPT AS ALLOWED BY THIS SECTION.

Signs Located Within City, County, or State Right-of-Way. Except for directional "open house" real estate signs referred to in 16.42.040 OR 16.42.105, any sign located completely or partially within a public right-of-way, or real estate or land development signs located off the site which they are intended to advertise, is in violation of this title, and may be immediately removed and impounded by the City, with or without notice to the owner or resident of the adjacent property. The Chief of Police shall give notice within forty-eight (48) hours after the removal of the sign to the legal owner and residents of the property that such sign has been removed and impounded for storage for violation of this chapter and that such sign shall be deemed to have been abandoned and will thereafter be discarded as junk, or may, at the discretion of the Chief of Police, be sold as surplus property if not claimed within thirty (30) days from the date of such notice. The owner shall be given the right to reclaim such sign by paying all the costs and expenses incurred by the City in the removal and storage of such sign. No sign shall be released, however, until costs and expenses are paid in full.

TABLE 1642.100

Zone	0 to 500	500 to 1000	1000 to 2500	2500 to 4000	4000 to 6000	6000 to 8000	8000 to 10,000	Greater than 10,000
C - 1	40	60	80	100	150	200	250	+25 sq. ft. of sign for each additional 1,000 sq. ft. of area in commercial use, to a maximum of 500 sq. ft.
C - C	20	40	60	60	60	60	60	60
C - R	20	40	60	60	60	60	60	60
R - 1	20	40	60	60	60	60	60	60
R - 1.5	20	40	60	60	60	60	60	60
R - 2	20	40	60	60	60	60	60	60
C - 2 C - M M - 1 M - 2	50	75	100	150	200	250	300	+30 sq. ft. of sign for each additional 1,000 sq. ft. of area in commercial industrial use, to a maximum of 600 sq. ft.

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

Sign area may be increased by as much as sixty (60%) percent for businesses having frontage on more than one street, other than an alley. ***

Sign area in residential zones is intended to apply to schools, churches, and nonconforming uses. It does not apply to home occupations.

**** Billboards having a surface not greater than fifty (50) square feet per side are permitted in C-2 and C-M zones, regardless of the square footage of use.

EXEMPTED SIGNS. AS REFERENCED IN SECTION 16.42.010(C) SIGNS FOR PURPOSES OF PUBLIC DIRECTION AND SAFETY MAY BE ALLOWED WITHIN THE PUBLIC RIGHT-OF-WAY.

- A. SIGN SIZES AND CONFIGURATIONS SHALL BE SUBJECT TO THE GENERAL STANDARDS OF THE OREGON DEPARTMENT OF TRANSPORTATION SIGN POLICY AND GUIDELINES AND THE FEDERAL MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES. SUCH STANDARDS MAY BE DEVIATED BY THE CITY PUBLIC WORKS DIRECTOR OR HIS DESIGNEE UPON DETERMINATION THAT SUCH DEVIATION IS NECESSARY FOR THE PURPOSES OF MESSAGE VISIBILITY, CLEAR VISION MAINTENANCE, OR OTHER SIMILAR FACTORS.
- B. DIRECTION SIGNS SHALL BE GENERIC IN NATURE SO AS NOT TO UNDULY DISTRACT TRAFFIC. SUCH SIGNS MAY INCLUDE, BUT ARE NOT LIMITED TO SIGNS FOR EMERGENCY SERVICES (SUCH AS HOSPITALS, POLICE AND FIRE STATIONS), TRAFFIC CONTROL SIGNS, LEGAL NOTICES, RAILROAD CROSSING SIGNS, SIGNS FOR NONSPECIFIC LOCATIONS (SUCH AS DOWNTOWN, BUSINESS AREA, INDUSTRIAL AREA, FOOD SERVICES, ETC.), DANGER SIGNALS, AND SIMILAR SIGNS.
- C. NON-CITY-OWNED DIRECTION AND SAFETY SIGNS SHALL GET SPECIFIC WRITTEN APPROVAL OF THE PUBLIC WORKS DIRECTOR. MAINTENANCE AND UPKEEP OF SUCH NON-CITY-OWNED DIRECTION AND SAFETY SIGNS SHALL BE THE RESPONSIBILITY OF THE SIGN OWNER. FAILURE TO MAINTAIN SUCH SIGNS MAY BE CAUSE FOR PERMIT REVOCATION AND/OR SIGN REMOVAL.

BENCH ADVERTISING SIGNS. THESE ARE PERMITTED SUBJECT TO THE STANDARDS OF THE CANBY MUNICIPAL CODE.

DAILY DISPLAY SIGNS WITHIN RIGHT-OF-WAY

- A. IN THE DOWNTOWN COMMERCIAL DISTRICT (C-1), DAILY DISPLAY SIGNS ARE PERMITTED AS SPECIFIED BELOW. A DAILY DISPLAY SIGN MAY BE ALLOWED WITHIN THE PUBLIC RIGHT-OF-WAY IN FRONT OF THE PREMISES WITH WHICH IT IS ASSOCIATED, PROVIDED ALL OF THE FOLLOWING CONDITIONS ARE MET:

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1. A CITY RIGHT-OF-WAY PERMIT IS OBTAINED FROM THE CITY PLANNER. THIS PERMIT SHALL BE REVOCABLE IN CASE OF CONDITION NONCOMPLIANCE. SUCH PERMIT SHALL NOT BE APPROVED FOR COUNTY OR STATE RIGHT-OF-WAYS.
2. THE SIGN IS TO BE SET BACK BEHIND THE CURB SO AS NOT TO INTERFERE WITH ON-STREET PARKING, OR A MINIMUM OF TEN FEET FROM THE EDGE OF THE NEAREST STREET TRAVEL LANE WHERE CURBS ARE NOT IN PLACE.
3. THE SIGN IS TO BE PLACED SO AS TO ALLOW AT LEAST FIVE FEET OF UNIMPEDED PEDESTRIAN SIDEWALK MANEUVERING SPACE.
4. THE SIGN IS TO MEET CLEAR VISION REQUIREMENTS AS DEFINED IN SECTION 16.04.670 AND THE SPECIFIC ZONING DISTRICT INVOLVED IN THE SUBJECT SITE.
5. THE SIGN IS PROPERLY MAINTAINED.
6. THE APPLICANT SHALL ASSUME ALL LIABILITY FOR INCIDENTS INVOLVING THE SIGN BY SIGNING A DOCUMENT EXEMPTING THE CITY FROM LIABILITY AND PROVIDING LIABILITY INSURANCE IN THE FORM AND AMOUNT AS REQUIRED BY THE CITY ATTORNEY.
7. SIGN DIMENSION SHALL NOT EXCEED A MAXIMUM WIDTH OF FOUR FEET, NOR A MAXIMUM ABOVE-GROUND LEVEL HEIGHT OF 4.5 FEET.
8. ONE SIGN PER BUSINESS IS ALLOWED.
9. ALL PARTICULAR PROVISIONS OF THE ZONING DISTRICT INVOLVED ARE COMPLIED WITH REGARDING DAILY DISPLAY SIGNS, INCLUDING AREA LIMITS OF SECTION 16.42.100.
10. WIND LOAD REQUIREMENTS OF THE UNIFORM SIGN CODE SHALL BE MET.

Section 16.42.108 - DAILY DISPLAY SIGNS IN THE DOWNTOWN DISTRICT (C-1), HIGHWAY COMMERCIAL DISTRICTS (C-2), AND HEAVY COMMERCIAL/MANUFACTURING DISTRICT (CM)

A DAILY DISPLAY SIGN IS PERMITTED DIRECTLY ON THE PROPERTY WITH WHICH IT IS ASSOCIATED, PROVIDED THAT THE FOLLOWING CONDITIONS ARE MET:

- 1. THE MAXIMUM PERMITTED AREA OF ANY INDIVIDUAL DAILY DISPLAY SIGN SHALL BE 12 SQUARE FEET PER DISPLAY SURFACE AND 24 SQUARE FEET OVERALL, WITH A MAXIMUM HEIGHT LIMIT OF 6 FEET ABOVE GROUND LEVEL.**
- 2. ONE DAILY DISPLAY SIGN IS PERMITTED PER BUSINESS.**
- 3. A DAILY DISPLAY SIGN MUST NOT BE WITHIN THE REQUIRED LANDSCAPED AREAS.**
- 4. WIND LOAD REQUIREMENTS OF THE UNIFORM SIGN CODE SHALL BE MET BY ALL DAILY DISPLAY SIGNS.**
- 5. AREA LIMITS OF SECTION 16.42.100 SHALL APPLY TO THE TOTAL SIGN AREA PER LOT, INCLUDING DAILY DISPLAY SIGNS.**

Section 16.42.110 Sign Enforcement Procedures

- A. Nuisance Declared - Removal Required.** The placement or maintenance of a sign which creates an immediate danger to the health, safety and welfare of the citizenry is declared to be a nuisance. It shall be the duty of the property owner(s) and/or the tenant(s) to remove such sign, or to place such sign in such a manner that it will no longer obstruct the vision of motorists or pedestrians.
- B. Notice to Remove Sign - Time Limit for Compliance.** It shall be the duty of the Chief of Police to give written notice to the legal owner of such property and the present resident of such property upon which a sign is located in violation of the requirements of this title. The notice shall state that the sign must be removed or relocated by the property owner or resident within seventy-two (72) hours from the date of notice. Such notice may be given by personal service or by registered mail with return receipt requested. A copy of the notice shall also be affixed in a conspicuous manner upon the sign.

- C. Failure to Comply with Notice. If notice is given as provided above and the person(s) upon whom such notice is made failed to remove such sign as required by the notice, then such person(s) shall be in violation of this chapter and shall be punished by a fine not to exceed five hundred dollars. Each day a violation exists is a separate offense and may be punished as such.
- D. Removal and Impoundment by City. In addition to the above, the Chief of Police may, after giving notice required above and after waiting seventy-two (72) hours, cause the sign to be removed by City employees, or contractors working for the City, and taken to be stored in a suitable place for storage. Within forty-eight (48) hours after removal and storage of such sign, the Chief of Police shall give notice as provided above to the legal owner and residents of the property that such sign has been removed and impounded for storage for violation of this chapter and that such sign shall be deemed to have been abandoned and will thereafter be discarded as junk, or may, at the discretion of the Chief of Police, be sold as surplus property if not claimed within thirty (30) days from the date of such forty-eight (48) hour notice. The owner shall be given the right to reclaim such sign by paying all the costs and expenses incurred by the City in the removal and storage of such sign. No sign shall be released, however, until costs and expenses are paid in full to the City.

Section 16.42.120 MODIFICATION OF SIGN STANDARDS

AUTHORIZATION TO GRANT OR DENY A MODIFICATION OF STANDARDS. THE PLANNING COMMISSION (OR CITY PLANNER, IN MINOR CASES) MAY AUTHORIZE MODIFICATION OF STANDARDS FROM THE REQUIREMENTS OF THIS CHAPTER WHERE IT CAN BE SHOWN THAT, OWING TO SPECIAL AND UNUSUAL CIRCUMSTANCES RELATED TO A SPECIFIC PIECE OF PROPERTY, STRICT APPLICATION OF THE CHAPTER WOULD CAUSE AN UNDUE OR UNNECESSARY HARDSHIP. IN GRANTING A MODIFICATION OF STANDARD, THE PLANNING COMMISSION (OR CITY PLANNER, IN MINOR CASES) MAY ATTACH CONDITIONS WHICH IT FINDS NECESSARY TO PROTECT THE WELFARE OF THE CITY AND OTHERWISE ACHIEVE THE PURPOSES OF THIS CHAPTER.

PROCEDURE FOR MODIFICATION OF STANDARD. THE FOLLOWING PROCEDURES SHALL BE FOLLOWED IN APPLYING FOR AND ACTING ON A REQUEST FOR MODIFICATION OF STANDARD:

- A. A PROPERTY OWNER MAY INITIATE A REQUEST FOR A MODIFICATION OF STANDARD AS IT MAY APPLY TO A PARTICULAR PARCEL BY FILING AN APPLICATION WITH THE CITY PLANNER OR DULY AUTHORIZED AGENT. THE APPLICATION SHALL BE ACCOMPANIED BY A SITE PLAN DRAWN TO APPROXIMATE SCALE, SHOWING THE STANDARD TO BE MODIFIED AND THE DIMENSIONS AND ARRANGEMENT OF THE PROPOSED SIGN, SUPPORT STRUCTURE, BUILDINGS, AND REAL PROPERTY. THE PLANNING COMMISSION MAY REQUEST OTHER DRAWINGS OR MATERIAL ESSENTIAL TO AN UNDERSTANDING OF THE MODIFICATION REQUESTED.
- B. THE PLANNING COMMISSION SHALL HOLD A PUBLIC HEARING PER THE PROVISIONS OF SECTION 16.88.130 FOR ANY MODIFICATION REQUESTED. MODIFICATION REQUESTS OF LESS THAN 10 PERCENT FROM THE NUMERIC STANDARD REQUIRED SHALL BE REVIEWED BY THE CITY PLANNER PER PROVISIONS REGARDING ADMINISTRATIVE TYPE REVIEW. WITHIN FIVE DAYS AFTER A DECISION HAS BEEN RENDERED WITH REFERENCE TO A REQUEST FOR A MODIFICATION, THE CITY PLANNER, OR DULY AUTHORIZED REPRESENTATIVE, SHALL PROVIDE THE APPLICANT AND LOT OWNERS WITHIN 100 FEET WITH NOTICE OF THE DECISION. A DECISION OF THE CITY PLANNER UNDER ADMINISTRATIVE TYPE REVIEW MAY BE APPEALED TO THE PLANNING COMMISSION UNDER SECTION 16.88.240(E).

CIRCUMSTANCES FOR GRANTING A MODIFICATION OF STANDARD. THE PLANNING COMMISSION (OR CITY PLANNER, IN MINOR CASES), SHALL CONSIDER AND MAKE POSITIVE FINDINGS WITH RESPECT TO ALL OF THE FOLLOWING:

- A. THAT STRICT OR LITERAL INTERPRETATION AND ENFORCEMENT OF THE SPECIFIED REGULATION WOULD RESULT IN PRACTICAL DIFFICULTY OR UNNECESSARY PHYSICAL HARDSHIP INCONSISTENT WITH THE OBJECTIVES OF THE SIGN ORDINANCE. SUCH HARDSHIP OR DIFFICULTY SHALL NOT BE SELF-IMPOSED OR CAUSED BY THE APPLICANT'S EMPLOYEES OR RELATIVES.
- B. THAT THERE ARE EXCEPTIONAL OR EXTRAORDINARY CIRCUMSTANCES OR CONDITIONS APPLICABLE TO THE PROPERTY INVOLVED WHICH DO NOT APPLY GENERALLY TO OTHER PROPERTIES CLASSIFIED IN THE SAME ZONING DISTRICT.

- C. THAT STRICT OR LITERAL INTERPRETATION AND ENFORCEMENT OF THE SPECIFIED REGULATION WOULD DEPRIVE THE APPLICANT OF PRIVILEGES ENJOYED BY THE OWNERS OF OTHER PROPERTIES CLASSIFIED IN THE SAME ZONING DISTRICT.
- D. THAT THE GRANTING OF THE MODIFICATION OF STANDARD WILL NOT CONSTITUTE A GRANT OF SPECIAL PRIVILEGE INCONSISTENT WITH THE LIMITATIONS ON OTHER PROPERTIES CLASSIFIED IN THE SAME ZONING DISTRICT.
- E. THAT THE GRANTING OF THE MODIFICATION OF STANDARD WILL NOT BE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY, OR WELFARE OR BE MATERIALLY INJURIOUS TO PROPERTIES OR IMPROVEMENTS IN THE VICINITY AND WILL BE CONSISTENT WITH THE PURPOSES OF THIS CHAPTER.

TIME LIMIT

- A. AUTHORIZATION OF A MODIFICATION OF STANDARD SHALL BE VOID IF THE BUILDING OR WORK APPROVED BY SUCH MODIFICATION IS NOT COMMENCED WITHIN SIX (6) MONTHS OF THE DATE OF APPROVAL.
- B. THE PLANNING COMMISSION (OR CITY PLANNER, IN MINOR CASES), MAY, UPON RECEIVING A WRITTEN REQUEST FROM THE APPLICANT PRIOR TO THE MODIFICATION OF STANDARD EXPIRATION DATE, EXTEND THE MODIFICATION OF STANDARD TIME LIMIT FOR A PERIOD NOT TO EXCEED ONE YEAR.

APPEALS. APPEALS OF THE PLANNING COMMISSION (OR CITY PLANNER) DECISIONS SHALL FOLLOW THE PROCEDURES OF SECTION 16.88.140 OF THE CANBY LAND DEVELOPMENT AND PLANNING ORDINANCE.

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SECTION 16.42.130 SUNSET CLAUSE

THE ADDITIONS AND DELETIONS PROVIDED FOR IN THIS ORDINANCE SHALL BECOME EFFECTIVE UPON ADOPTION AND SHALL CONTINUE FOR ONE YEAR FROM SUCH EFFECTIVE DATE. SHOULD THE CITY COUNCIL, AFTER PUBLIC HEARING, APPROVE A RESOLUTION CONTINUING THIS ORDINANCE, THE AMENDMENTS SHALL CONTINUE WITH FULL FORCE AND EFFECT BEYOND THE ONE (1) YEAR TERMINATION DATE. PROVIDED THAT NO CONTINUING RESOLUTION IS APPROVED, THE PROVISIONS OF CHAPTER 16.42, SIGNS, SHALL REVERT BACK TO THE LANGUAGE EXISTING PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE NO. . ANY DAILY DISPLAY SIGN THAT RECEIVES CITY PERMIT DURING THE EFFECTIVE PERIOD OF THIS ORDINANCE MAY CONTINUE FOR A MAXIMUM OF SIX MONTHS AFTER THE ORDINANCE'S TERMINATION DATE.

SECTION 16.42.140 SEVERABILITY

INVALIDITY OF A SECTION OF THIS ORDINANCE SHALL NOT AFFECT THE VALIDITY OF THE REMAINING SECTIONS OR PARTS OF SECTIONS.

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