

## PLANNING COMMISSION

### Meeting Agenda

Monday, July 22, 2019

7:00 PM

City Council Chambers – 222 NE 2<sup>nd</sup> Avenue

Commissioner John Savory (Chair)

Commissioner Larry Boatright (Vice Chair)

Commissioner Derrick Mottern

Commissioner Andrey Chernishov

Commissioner J. Ryan Adams

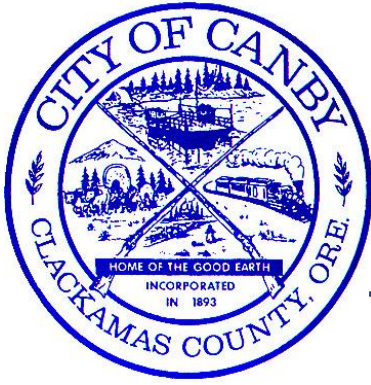
Commissioner Jeff Mills

Commissioner Jennifer Trundy

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1. **CALL TO ORDER**
    - a. Invocation and Pledge of Allegiance
  
  2. **CITIZEN INPUT ON NON-AGENDA ITEMS**

*(This is an opportunity for audience members to address the Planning Commission on items not on the agenda. Each person will be given 3 minutes to speak. You are first required to fill out a testimony/comment card prior to speaking and hand it to the Recording Secretary. These forms are available by the sign-in podium. Staff and the Planning Commission will make every effort to respond to questions raised during citizen input before tonight's meeting ends or as quickly as possible thereafter.)*
  
  3. **MINUTES**
    - a. Approval of Planning Commission Minutes for July 7, 2019.
  
  4. **NEW BUSINESS**
    - a. Use determination in an M-1 Light Industrial Use Zone for a personal mini warehouse.
  
  5. **PUBLIC HEARING - None**
  
  6. **FINAL DECISIONS – None**
  
  7. **ITEMS OF INTEREST/REPORT FROM PLANNING STAFF**
    - a. Next regularly scheduled Planning Commission meeting – Monday, August 12, 2019
      - MLP 19-02 Minor Land Partition to create a flag lot zoned R-1 Low Density Residential
      - TA 19-02 Temporary Vendor Permit – Text Amendment
  
  8. **ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION**
  
  9. **ADJOURNMENT**

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



# City of Canby

## Development Services

**TO:** Chair John Savory and Planning Commission  
**FROM:** Bryan Brown, Planning Director  
**DATE:** July 22, 2019  
**ISSUE:** Personal-Storage Facility in M-1 Zone

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### Background:

An interested party is seeking authorization to develop a personal storage facility on the ±12.31-acre triangular shaped property located east of Sequoia Parkway, north of SE 13<sup>th</sup> Avenue, and west of S. Mulino Road and the logging road trail, otherwise known as Tax Lot 41E03 00102.

The subject property is zoned M-1 Light Industrial, and is within the Canby Pioneer Industrial Park, and thus subject to the standards found within the Industrial Overlay (I-O) zone.

In order to advise the interested persons, staff is seeking direction related to the proposed personal storage facility and if it would be considered a permitted use type within the I-O zone. Staff has consulted the following sections of the City of Canby's Municipal Code:

- Chapter 16.32 M-1 Light Industrial Zone
  - Section 16.32.010 *Uses Permitted outright*
  - Section 16.32.020 *Conditional Uses*
- Chapter 16.35 Canby Industrial Area Overlay (I-O) Zone
  - Section 16.35.020 *Applicability*
  - Section 16.35.030 *Uses Permitted outright*
  - Section 16.35.040 *Conditional Uses; and ,*
  - Section 16.35.045 *Prohibited Uses.*

### Specific Issues:

Section 16.32.010 lists the types of uses permitted outright within the M-1 Light Industrial Zone. Section 16.32.010 (T) indicates that *Warehouse* is a permitted use type within the M-1 zone. However, staff acknowledges that it is not clear if a personal storage facility falls within the category of *Warehouse* as a use type. Storage of items within a structure which is divided into individual, customer-rented units may or may not be considered a warehouse, based on how a

warehouse is defined. Additional storage of vehicles such as recreational vehicles and watercraft are also commonly found at personal storage facilities. Because the proposed *use type* does not appear to be a warehouse in the traditional sense of the word, staff believes the proposal could also fall into the category of Commercial *use type*. With that said, Section 16.32.020 (C) indicates that other heavy commercial or light industrial uses may be considered allowed uses “as determined by the Planning Commission.”

Chapter 16.35, *Canby Industrial Area Overlay (I-O) Zone*, sets forth standards and regulations for development within the Industrial Park. The intent of the I-O zone is “to ensure high-quality industrial development with a mix of employment types and uses.” The overall purpose of the Industrial Park Master Plan, the implementing framework for the I-O zone, is to provide an attractive, efficiently organized industrial employment center within the City of Canby. In regard to the types of projects permitted within the Industrial Park, Section 16.35.020 (B) states that land uses permitted in the I-O zone are those that are permitted outright in the underlying zoning districts of C-M, M-1, and M-2. The proposed personal storage facility is not an outright permitted *use type* in the M-1 zone, nor identified as a *use type* found within the M-1 zone.

Storage, however, is potentially an allowed *use type* in the C-M zone (Heavy Commercial Manufacturing), as found in Section 16.30.010 (L) as determined by the Planning Commission. However, an allowed (or potentially allowed) *use type* found in the C-M zone does not make it allowable in the M-1 zone, even though both zones are found within the Industrial Park. *Storage* as a *use type* is permitted outright only within the C-2 Highway Commercial zone, as indicated in Section 16.28.010 (C) of the code.

Furthermore, Section 16.35.040 specifically indicates that a Conditional Use Permit is necessary for any development within the Industrial Park that employs fewer than 12 employees per developed acre. Lastly, Section 16.35.045 (S) states that in any M-1 or M-2 zone within the Industrial Overlay zone, commercial or retail uses over 50,000 square feet are prohibited. Although staff does not know the specifics as to size of the proposed project, this is something to keep in mind, as personal storage facilities can be quite large in building footprint.

### **Conclusion of Issues:**

Staff would encourage the Planning Commission to take into consideration the overall purpose and goals of the Canby Industrial Park and review the *use types* commonly permitted, permitted with a Conditional Use Permit, or prohibited, as well as consider the long term vision for the Industrial Park.

### **Possible issues and concerns include:**

- Permitting a *use type* (Personal Storage Facility) not explicitly referenced within the M-1 Light Industrial zone.
- Moving away from the intent of the M-1 Light Industrial zoning district, which focuses on providing development for light manufacturing of goods and products.
- Providing for a mix of employment types commonly found within an industrial park.

Possible advantages of a Personal Storage Facility may include:

- Low impact development type compared to heavier industrial uses and uses that generate higher traffic during peak periods.
- Such a facility could provide a visual buffer to the existing single-family development to the west of the subject site across Sequoia Parkway.
- Provide for additional personal storage facilities within Canby, especially as the city continues to experience continued residential growth and development.

**Possible Solutions:**

1. Establish that the *use type* of “personal storage facility” and/or “mini-storage” would be a permitted use within the M-1 zoning district with the approval of a Conditional Use Permit for the current interested party.
2. Provide staff direction to make a permanent text amendment to Section 16.32.010, *Uses Permitted Outright*, or Section 16.32.020, *Conditional Uses*, to permit personal storage facilities within the M-1 zone.
3. Develop standards and guidelines that the Planning Director could use to evaluate future requests of this nature administratively.
4. Establish that personal storage and/or mini-storage facilities are explicitly prohibited in the M-1 Zone.

**Conclusion:**

If the Planning Commission concludes that a personal storage facility would be a permitted use within the M-1 zone with the approval of a Conditional Use Permit, staff will advise the interested party to move forward with the planning process. This process would entail the submittal of pre-application materials to be reviewed and summarized at a scheduled pre-application meeting, followed by the submittal of a Conditional Use Permit application and potential Site and Design Review application, as well as any other land use applications necessary to move the project forward.

**Attachments:**

- Chapter 16.28.C-2 Highway Commercial  
*Section 16.28.010 (C) Uses Permitted Outright*
- Chapter 16.30 C-M Heavy Commercial Manufacturing  
*Section 16.30.010 (L) Similar...as determined by the Planning Commission*
- Chapter 16.32 M-1 Light Industrial Zone  
*Section 16.32.010 Uses Permitted Outright*  
*Section 16.32.020 Conditional Uses*
- Chapter 16.35 Canby Industrial Area Overlay (I-O) Zone  
*Section 16.35.020 Applicability*  
*Section 16.35.030 Uses Permitted outright*  
*Section 16.35.040 Conditional Uses*  
*Section 16.35.045 Prohibited Uses*

## Chapter 16.28

### C-2 HIGHWAY COMMERCIAL ZONE

#### Sections:

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

#### **16.28.010** Uses permitted outright.

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

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

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

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

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

**16.28.020 Conditional uses.**

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

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

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

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

**16.28.030 Development standards.**

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

**A.** Minimum lot area: none;

**B.** Minimum width and frontage: none;

**C.** Minimum yard requirements:

**1.** Street yard: twenty feet where abutting Highway 99-E and S. Ivy Street. Gas station canopies shall be exempted from the twenty foot setback requirements. Remaining property none, except ten feet where abutting a residential zone. Sign setbacks along Highway 99-E and S. Ivy Street are to be measured from the face of the curb rather than the lot line. Where no curb exists, the setback shall be measured from the property line. Other than signs which are nonconforming structures and street banners which have been approved per the requirements of the Uniform Sign Code, no signs will be allowed to be located within or to project over a street right-of-way;

**2.** Interior yard: none, except ten feet where abutting a residential zone;

**D.** Maximum building height:

**1.** Freestanding signs: thirty feet;

**2.** All other structures: forty-five feet.

**E.** Maximum lot coverage: sixty percent;

**F.** Other regulations:

1. Vision clearance distances shall be fifteen feet from any alley or driveway and thirty feet from any other street or railroad;
2. Except in cases where existing building locations or street width necessitate a more narrow design, sidewalks eight feet in width shall be required;
  - a. In those locations where angle parking is permitted abutting the curb, and
  - b. For property frontage along Highway 99-E.
3. All setbacks to be measured from the foundation line of the building. Overhangs shall not exceed two feet. (Ord. 830 section 7, 8, 1989; Ord. 802 section 7 [part], 1987; Ord. 740 section 10.3.28(C), 1984; Ord. 981 section 49, 1997; Ord. 1237, 2007)

## Chapter 16.30

### C-M HEAVY COMMERCIAL MANUFACTURING ZONE

#### Sections:

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

#### **16.30.010** Uses permitted outright.

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

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



**16.30.020 Conditional uses.**

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

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

**16.30.030 Development standards.**

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

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

- a.** In those locations where angle parking is permitted abutting the curb, and
  - b.** For property frontage along Highway 99-E.
- 3. All setbacks to be measured from the foundation line of the building. Overhangs shall not exceed two feet. (Ord 830 section 9, 10, 1989; Ord. 802 section 7 [part], 1987; Ord. 740 section 10.3.29(C), 1984; Ord. 981 section 50, 1997; Ord. 1237, 2007)
- 4. Outside storage areas abutting a residential zone shall be screened from view by a site-blocking fence, landscaping, or berm and shall be of such material and design as will not detract from adjacent residences.

## Chapter 16.32

### M-1 LIGHT INDUSTRIAL ZONE

#### Sections:

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

#### **16.32.010** Uses permitted outright.

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

- A.** Manufacturing, fabricating, processing, compounding, assembling or packaging of products made from previously prepared materials such as cloth, plastic, paper, metal, wood (but not including sawmills or lumber mills), the operation of which will not result in
  1. The dissemination of dusts, gas, smoke, fumes, odors, atmospheric pollutants or noise which exceed Oregon Department of Environmental Quality standards
  2. Danger by reason of fire, explosion or other physical hazard;
  3. Unusual traffic hazards;
- B.** Automobile body shop, or heavy repair shop;
- C.** Contractor's equipment or storage yard;
- D.** Dwelling for watchman or caretaker working on the property;
- E.** Food processing plant;
- F.** Fuel distribution, wholesale or retail;
- G.** Ice or cold storage plant;
- H.** Laundry or dry-cleaning plant;
- I.** Lumber yard;
- J.** Machinery, farm equipment or implement sales, service or rent;
- K.** Motor or rail freight terminal;

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

**16.32.020 Conditional uses.**

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

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

**16.32.030 Development standards.**

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

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

**E.** Maximum lot coverage: no limit.

**F.** Other regulations:

1. Vision clearance distances shall be fifteen feet from any alley or driveway and thirty feet from any other street or railroad.
2. All setbacks to be measured from the foundation line of the building. Overhangs shall not exceed two feet.
3. Prior to issuance of a building permit, wireless/cellular towers require written certification of approval/compliance from the Federal Communications Commission, Federal Aviation Administration and the Oregon Department of Transportation (Department of Aeronautics). (Ord. 890 section 33, 1993; Ord. 830 section 11, 12, 1989; Ord. 740 section 10.3.31(C), 1984; Ord. 955 section 12, 1996; Ord. 981 section 51, 1997; Ord. 1237, 2007)
4. Outside storage areas abutting a residential zone shall be screened from view by a site-blocking fence, landscaping, or berm and shall be of such material and design as will not detract from adjacent residences.

## Chapter 16.35

### CANBY INDUSTRIAL AREA OVERLAY (I-O) ZONE

#### Sections:

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

#### **16.35.010 Purpose.**

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

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

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

#### **16.35.020 Applicability.**

It is the policy of the City of Canby to apply the I-O zone to all lands within the Canby Pioneer Industrial Park Master Plan area and other areas determined by the City, as defined in the Industrial Area Master Plan. The Master Plan area generally includes the area bound by Highway 99E and 1<sup>st</sup> Avenue to the north, Mulino Road to the east, SE 13<sup>th</sup> Avenue to the south, and the Molalla Forest Logging Road Trail to the west. The I-O zone has the following affect with regard to other chapters of this ordinance:

- A.** Incorporates the Canby Industrial Area Master Plan into Title 16. The Master Plans design guidelines, standards, and plan maps are hereby incorporated by reference.
- B.** Permits land uses which are permitted by the underlying zone districts (C-M, M-1, M-2), with some exceptions.

**C.** Replaces selected development standards contained in the C-M, M-1, and M-2 zones, for continuity and quality of site design within the Master Plan area.

**D.** Utilizes the City's processes for development review, including land divisions, conditional uses, and design reviews. Provides a design review matrix (i.e., replacing the table in Chapter 16.49) which is tailored to the Master Plan area.

**E.** Provides additional conditional use standards to ensure development compatibility.

**F.** Lists uses that are prohibited outright due to incompatibility with the goals for the area. (Ord. 1008 section 1 [part], 1998; Ord. 1057 section 2 [part], 2000)

#### **16.35.25 Pre-application review and conditions of approval**

**A.** A pre-application meeting with utility and service providers is required prior to any land use application, building permit application, or business license application in the I-O zone, unless this requirement is waived by the City Planner. The City Planner shall provide application forms for this purpose indicating all required information. The pre-application meeting shall allow utility and service providers to make a detailed assessment of the proposed use prior to forming a recommendation on approval. In addition, this meeting will allow the City to evaluate whether a Conditional Use Permit will be required.

**B.** At the pre-application meeting, the City shall determine the need for a Hazardous Materials Management Plan. If required by the City, the applicant shall prepare a plan meeting the relevant sections of the Oregon Fire Code as determined by the City. The Plan shall allow utility and service providers to review the health and safety impacts of any proposed use and ensure an adequate plan will be in place to address those impacts prior to forming a recommendation on approval.

**C.** The Planning Commission or City Council may impose conditions to protect public health and safety on any discretionary land use application. (Ord. 1057 section 2 [part], 2000; Ord. 1237, 2007)

#### **16.35.030 Uses permitted outright.**

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

#### **16.35.040 Conditional uses.**

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

**A.** Any proposed site development, change in use, land division, or other action that results in any of the following requires conditional use approval in the I-O zone:



1. Less than 12 employees per developed acre. For the purposes of this section only, “developed” means all areas used for buildings, landscaping, vehicle maneuvering and parking areas, outdoor storage, and other areas occupied by the use. For the purposes of this section only, employees means full-time equivalents unless the City specifically allows other interpretations;
2. More than 60 acres total in I-O zoning that is occupied by a single use or business. For the purposes of this section, businesses classified in the same NAICS industry group (four-digit code) are considered to be in the same use. This section is intended to apply cumulatively to all properties in the zone;
3. Utilization of any public service or utility to such an extent that the utility would not be able to supply all other uses projected in its current long-range plans;
4. Uses requiring an H occupancy under the Oregon Structural Specialty Code;
5. In any C-M zoning overlain by I-O zoning, any retail or commercial use with a building footprint exceeding 50,000 square feet;
6. In any M-1 or M-2 zoning overlain by I-O zoning, any retail or commercial use not related to or supportive of the primary industrial use of the park; or
7. In any M-1 or M-2 zoning overlain by I-O zoning, retail areas occupying more than 15% of the building footprint.

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

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

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

**16.35.045 Prohibited uses.**

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

- A.** Slaughter house;

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

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

**16.35.050 Development standards.**

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

- A.** Minimum lot area: none.

**B.** Minimum lot width and frontage: none.

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

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

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

**D.** Maximum building height: 45 feet.

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

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

**G.** Street right-of-way improvements shall be made in accordance with the Canby Transportation System Plan (TSP).

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

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

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

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

**J.** Metal building exteriors are prohibited, except that the Planning Commission may approve architectural metal elements that accent and enhance the aesthetics of building entrances and office areas

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

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

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

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

#### **16.35.060 Design guidelines.**

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

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

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

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

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

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

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

**G.** Use of quality building materials;

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

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

#### **16.35.070 I-O Design review matrix.**

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

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

**Industrial Overlay Design Review Matrix  
Table 16.35.040**

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

<b><u>Transportation/Circulation</u></b>	
Design private, on-site pedestrian pathways: 6' painted ways=0; 6' brick/paver ways=1; 6' brick/paver & raised concrete ways=2	<b>0 1 2</b>
Number of pedestrian connections between the street sidewalk and internal circulation system: One connection = 0 Two or more connections = 1	<b>0 1 2</b>
<b>Minimum Acceptable Score (some provisions may not apply)</b>	<b>2points</b>


<b><u>Landscaping</u></b>	
Trees installed at 3 inch caliper: <25% of trees=0; 25%-50%=1; 50%-	

100%=2.	<b>0 1 2</b>
Usable outdoor amenity provided with development (e.g., water features, plazas, seating areas, and similar features): no=0; yes=1; yes and for public use =2.	<b>0 1 2</b>
Amount of grass (less grass is better) (% of total landscaped area)>50%=0; 25%-50%=1; <25%=2	<b>0 1 2</b>
<b>Minimum Acceptable Score</b>	<b>3 points</b>

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