



AGENDA

CANBY CITY COUNCIL MEETING

September 4, 2019

7:00 PM

Council Chambers

222 NE 2nd Avenue, 1st Floor

Mayor Brian Hodson

Council President Tim Dale

Councilor Trygve Berge

Councilor Traci Hensley

Councilor Greg Parker

Councilor Sarah Spoon

Councilor Shawn Varwig

CITY COUNCIL MEETING – 7:00 PM

1. CALL TO ORDER

- A. Invocation
- B. Pledge of Allegiance
- C. Patriot Day Proclamation Pg. 1
- D. Canby Public Library Day Proclamation Pg. 2

2. COMMUNICATIONS

3. CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS

(This is an opportunity for audience members to address the City Council 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 City Recorder. These forms are available by the sign-in podium. Staff and the City Council will make every effort to respond to questions raised during citizens input before tonight's meeting ends or as quickly as possible thereafter. For Agenda items, please fill out a testimony/comment card and give to the City Recorder noting which item you wish to speak on.)

4. MAYOR'S BUSINESS

5. COUNCILOR COMMENTS & LIAISON REPORTS

6. CONSENT AGENDA

(This section allows the City Council to consider routine items that require no discussion and can be approved in one comprehensive motion. An item may be discussed if it is pulled from the consent agenda to New Business.)

- A. Approval of Minutes of the August 7, 2019 City Council Regular Meeting
- B. Approval of Minutes of the August 21, 2019 City Council Regular Meeting
- C. Appointment to the Heritage and Landmark Commission Pg. 3

7. PUBLIC HEARING

- A. TA 19-02, Amending Title 16 of the Canby Municipal Code Pg. 4

8. RESOLUTIONS & ORDINANCES

- A. Ord. 1514, Amending Canby's Comprehensive Plan and Title 16 of the Canby Municipal Code (**2nd Reading**) Pg. 14
- B. Ord. 1520, Amending Canby Land Development and Planning Ordinance, Title 16, Of the Canby Municipal Code Pg. 351

9. NEW BUSINESS

A. Findings, Conclusion & Final Order CPA/TA 19-01

Pg. 356

B. City Administrator Employment Agreement

Pg. 358

10. CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS

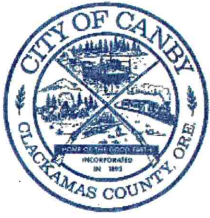
11. CITIZEN INPUT

12. ACTION REVIEW

13. EXECUTIVE SESSION: ORS 192.660(2)(h) Litigation

14. ADJOURN

*The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Joshua Davis at 503.266.0638. A copy of this Agenda can be found on the City's web page at www.canbyoregon.gov. City Council and Planning Commission Meetings are broadcast live and can be viewed on CTV Channel 5. For a schedule of the playback times, please call 503.263.6287.



Office of the Mayor

Proclamation

PATRIOT DAY

WHEREAS, the terrorist attack that occurred on September 11, 2001 changed America forever; and

WHEREAS, thousands of innocent lives were lost in these terrible events, but in no way was this tragic day a defeat for our country; and

WHEREAS, we rededicate ourselves to the ideals that define our country and unite us as one, as we commemorate all the heroes who lost their lives saving others; and

WHEREAS, out of this tragedy flowed generosity, hope and unity while citizens nationwide demonstrated extraordinary bravery and compassion; and

WHEREAS, the people of America gained a new appreciation of what it means to be a hero and a patriot by witnessing the unwavering loyalty of our firefighters, police, medical emergency personnel, first responders and individuals who put the safety of their co-workers and friends above their own; and

WHEREAS, we take time to acknowledge those left behind who have worked diligently to honor the memories of all victims.

NOW, THEREFORE, I, Brian Hodson, by virtue of the authority vested in me as Mayor of the City of Canby, in memory of the heroes whose lives were so tragically lost, and in special recognition of courageous men and women everywhere who selflessly risk their own lives to save others and protect our liberty, do hereby proclaim September 11, 2019 as:

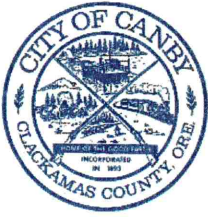
Patriot Day in Canby

and call upon all citizens to observe this day with gratitude and patriotism and to make a personal pledge to honor and cherish the freedom that defines America.

Given unto my hand this 4th day of September 2019.

Brian Hodson
Mayor





Office of the Mayor

Proclamation

CANBY PUBLIC LIBRARY DAY

WHEREAS, the origins of our library reach back to 1937, when three members of the Canby Women's Civic Club went door to door gathering donations and books to start a community library; and

WHEREAS, thanks to their diligent efforts, the Canby Public Library was established in Canby's newly built City Hall on September 16, 1937; and

WHEREAS, since 1937 the library has improved the quality of life in Canby by serving as a center of community life and discourse, offering opportunities for people to enrich their lives through educational, cultural, and artistic experiences; and

WHEREAS, libraries create better citizens and safeguard the future of our community, by enabling individuals to make informed decisions about their self-governance; by promoting unrestricted access to information; by supporting print and technological literacy, lifelong learning, and the free expression of ideas; and

WHEREAS, Over the course of many years, Canby has been well-served by its public library, which continues to make Canby a great place to live and work.

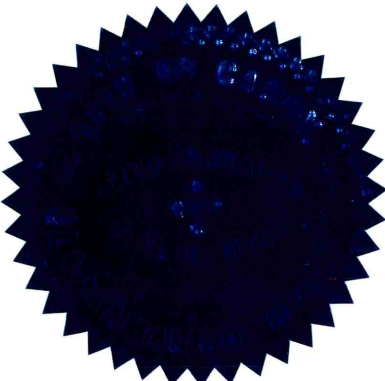
NOW, THEREFORE, I, Mayor Hodson, by virtue of the authority vested in me as Mayor of the City of Canby, do hereby proclaim September 16, 2019 as

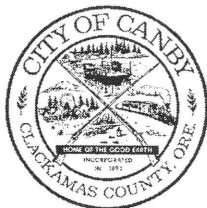
Canby Public Library Day

and encourage all residents to take advantage of the many resources the library offers, and to take part in the many activities being held to commemorate Canby Public Library Day.

Given unto my hand this 4th day of September 2019.

Brian Hodson
Mayor





Term Ending June 30, 2021

**CITY OF CANBY
COMMITTEE, BOARD, &
COUNCIL APPOINTMENT APPLICATION**



Date: 8/15/19 Position Applying For: Heritage and Landmark Commission

Name: Rachel Swanson Occupation: Associate Director

Home Address: [REDACTED]

Employer: [REDACTED] Position: [REDACTED]

Daytime Phone: [REDACTED] Evening Phone: [REDACTED]

E-Mail Address: [REDACTED]

What are your community interests (committees, organizations, special activities)?

I am a leader with the Clackamas County 4H organization, I am an avid knitter and love to take classes and trainings to further my knowledge.

What are your major interests or concerns in the City's programs?

I don't have any concerns, but I would love to become more involved and part of the planning of further city projects. I happen to be a member of the Mayflower Society and am very interested in history and preserving historic landmarks.

Reason for your interest in this position:

My interest in the position is purely selfish in that I want to get more involved with city planning and business. I believe that being involved and part of the decision making gives you a sense of ownership.

Experience and educational background:

I have a Bachelors' of Science in Business Administration from Warner Pacific College

List any other City or County positions on which you serve or have served:

None, although I recently applied and interviewed for the vacant City Councilor position.

Referred by (if applicable): n/a

Please return to:

**City of Canby - Attn: City Recorder
PO Box 930, 222 NE 2nd Avenue, Canby, OR 97013
Phone: 503.266.0733 Fax: 503.266.7961 Email: cityrecorder@canbyoregon.gov**

Note: Information on this form may be available to anyone upon a Public Records Request and may be viewable on the City's web page. 5/2017

Date Received: 8/22/19 Date Appointed: Term Expires:
Date Resigned: Destruction Date:



City of Canby

MEMORANDUM

DATE: *Prepared: August 23, 2019 for September 4, 2019 Council Hearing*

TO: *Mayor and City Council*

FROM: *Sandy Freund, AICP, Senior Planner*

RE: *Text Amendment (File No. TA 19-02)*

Background Summary:

At their August 12, 2019 meeting, the Canby Planning Commission recommended that text amendment (File TA 19-02) be approved by the City Council.

Discussion:

The specific request is to amend the *Duration* of a Temporary Vendor permit. Temporary vendors are typically folks within Canby seeking to establish their business on a temporary basis in order to see if their business is sustainable over the long term. An opportunity provided to these small business owners is a Temporary Vendor permit, issued in conjunction with a city business license, prior to the vendor opening for business.

Currently, a Temporary Vendor permit may be granted for up to 90 consecutive days, with a one-time renewal of 90 days, thus giving the holder of the permit a total of 180 days to conduct their business from an identified location within the city. The proposal is to amend the language to grant an additional 90 day duration, thereby allowing the permit holder to conduct their business on a temporary basis for a total of 270 days within one calendar year (12 consecutive months) rather than the current 180 days. It is a goal of the Comprehensive Plan's Economic Development Element, to encourage economic development within the city by providing goods and services which are consumed by the local market.

Planning Commission Recommendation:

The Planning Commission found that the text amendment review criteria had been met, and therefore recommended that the City Council:

1. Approve Text Amendment TA 19-02

Recommended Council Motion: I move to approve Text Amendment File TA 19-02 pursuant to the recommendation forwarded by the Planning Commission.

Attachments:

- Planning Commission Staff Report TA 19-02
- Planning Commission Final Findings
- Proposed Text Amendment to Section 16.08.140 *Temporary Vendor (C) Duration*
- Planning Commission Public Hearing Approved Minutes for 8.12.19
- City Council Final Findings
- Ordinance 1520



City of Canby

File # TA 19-02 – Chapter 16.08 Temporary Vendor Permit Text Amendment Staff Report

HEARING DATE: August 12, 2019
STAFF REPORT DATE: August 2, 2019
TO: Planning Commission
STAFF: Sandy Freund, AICP, Senior Planner

I. Overview

City Staff is requesting consideration of a legislative text amendment to update Chapter 16.08 *General Provisions*, Section 16.08.140 *Temporary Vendor* of the Canby *Land Development and Planning Ordinance* Title 16 Canby Municipal Code (CMC). Specifically to amend the duration applicable to a Temporary Vendor Permit, as well as renewal of said permit. Currently, a Temporary Vendor Permit may be granted for a site for up to 90 consecutive calendar days, with a one-time renewal of an additional 90 days. This amendment proposes an additional 90 day duration, as well as a second 90 day renewal opportunity for a permit holder. This proposed change would thus allow for a total of 270 days rather than the current 180 days for a permit holder to conduct temporary business in a designated location with an approved business license.

II. Applicable Regulations

The following section of Canby *Land Development and Planning Ordinance* sets forth the decision making procedure assigned to the permit *type* which then informs the decision-making process for that permit. Amendments to the text of the *Planning Ordinance* follow the Type IV permit process. More specifically:

Section 16.89.060 Type IV decision

- 16.89.060 (E)(3): The written decision shall explain the relevant criteria and standards, state the facts relied upon in rendering the decision, and justify the decision according to the criteria, standards, and facts.

III. Applicable Criteria & Findings

Section 16.88.160 Amendments to text of title. This section of the Canby *Land Development and Planning Ordinance* sets forth the review procedures for an amendment to the text of the *Ordinance* as well as the standards and criteria that shall be considered by the decision making body.

16.88.160 (D) Standards and Criteria. In judging whether or not this title should be amended or changed, the Planning Commission and City Council shall consider:

- 1. The Comprehensive Plan of the city, and the plans and policies of the county, state, and local districts, in order to preserve functions and local aspects of land conservation and development.**

Findings:

Public Facilities and Services: N/A

Transportation Element: N/A

Land Use Element: N/A

Economic Element:

The goals of this element are to encourage commercial and industrial development within the city. And, although it does not mention specifically business enterprises operating in a temporary fashion, it does speak to the *non-basic* segment of the local economy. This is the segment of the local economy that deals with the goods and services which are consumed totally by the local market, i.e. the local community members, as opposed to the *basic* segment, which deals with exporting product out of the city.

Temporary vendors are often those folks within Canby looking to establish their businesses on a temporary basis in order to see if they could maintain a sustainable business moving forward. It is a good way to see how their product will sell over a period of 180 days within one calendar year. This text amendment is supportive of the goals and policies found within the economic element.

Staff concludes that the proposed Text Amendment of proposing an additional 90-days' time frame, as well as renewal of twice within one (1) calendar year to the Temporary Vendor permit, will provide an opportunity for vendors to establish whether or not their business model is successful or needs reworking in order to be sustainable over the long term. Staff finds the Text Amendment is consistent with the above criteria.

- 2. A Public need for change.**

Findings:

The change will provide an additional time period not currently available for vendors within the city to capture the full extent of their business efforts at their desired location. Currently, a Temporary Vendor permit is good for 90-days with a one-time renewal option available for an additional 90-days in a 12-month period. The proposed additional time of 90-days could boost the viability of a business person or persons seeking to grow their business within the City. Staff finds this criterion has been met.

3. Whether the proposed change will serve the public need better than any other change which might be expected to be made.

Findings:

No other proposed changes are anticipated at this time. Therefore, staff finds this criterion has been met.

4. Whether the change will preserve and protect the health, safety and general welfare of the residents in the community.

The proposed changes to the Temporary Vendor permit will continue the practice of issuing a permit for temporary uses, as well as regulate the time for which a temporary vendor is located in the same location within twelve (12) consecutive months. The permit issuance is part of the larger permitting system in place for the protection of the public health, safety and general welfare of the residents of the community. Therefore, staff finds this criterion has been satisfied.

5. Statewide planning goals.

The following Statewide Planning Goals apply to this application:

Goal 1: Citizen Involvement.

The Planning Commission will make a recommendation to the City Council on this application in a public hearing which was noticed in the Canby Herald.

Goal 9: Economic Development.

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens. The proposed changes to allow a temporary vendor more time to carry out their business in the same location for up to 270 days, would be helpful in determining if the vendor has a viable and sustainable business in which to sell their product(s) and/or conduct their specialized business.

Findings:

Staff concludes the proposed text amendment complies with Statewide Planning Goals 1 and 9. Therefore staff finds this criterion has been met.

IV. RECOMMENDATION

Based on the findings and conclusions presented in this report, and without benefit of a public hearing, staff recommends that the Planning Commission advance a recommendation of approval on to the City Council the changes as outlined in TA 19-02.

V. ATTACHMENTS:

A. Proposed Text Amendment *(Please see "C. Duration")*

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – Monday, August 12, 2019
City Council Chambers – 222 NE 2nd Avenue

PRESENT: Commissioners John Savory, Larry Boatright, Andrey Chernishov, Jeff Mills, Jennifer Trundy, and Ryan Adams

ABSENT: Commissioner Derrick Mottern

STAFF: Sandy Freund, Senior Planner, and Laney Fouse, Recording Secretary

OTHERS: Martin Clark

CALL TO ORDER

Chair Savory called the meeting to order at 7:00 p.m.

CITIZEN INPUT ON NON-AGENDA ITEMS – None

MINUTES: July 22, 2019 Planning Commission meeting.

Motion: A motion was made by Commissioner Trundy and seconded by Commissioner Mills to approve the July 22, 2019 Planning Commission minutes. Motion passed 6/0.

PUBLIC HEARING

(To testify, please fill out a testimony/comment card and give to the Recording Secretary.)

- a. To consider a Minor Land Partition application. Applicant proposes to partition an existing 0.49-acre parcel (21,344 square feet), located at 1225 S. Fir Street, into two parcels of 11,966 square feet (Parcel 1), and 8,542 square feet (Parcel 2), respectively. (MLP 19-02 Martin Clark)

Chair Savory opened the public hearing and read the public hearing format. He asked if any Commissioner had ex parte contacts or conflicts of interest to declare. There were none.

Sandy Freund, Senior Planner, entered her staff report into the record. This was a request for a minor land partition on S Fir Street. The property was zoned R-1, low density residential, and was adjacent to R-1 zoned properties. The site included one single family residence and a detached structure. The proposal was to partition the property into two parcels, creating a flag lot. There would also be a 20 foot wide access easement to access the new parcel. The 20 foot wide access was required by the Fire Department so they could have access to the parcel in case of an emergency. The existing parcel had a carport and the eaves of the carport would be encroaching into the 20 foot wide access. Staff had proposed two options for the applicant. The carport could be reduced in size by three feet or the new parcel could be increased in size so the access easement could be reduced to 12 feet wide. She reviewed the applicable criteria. Staff recommended approval of MLP 19-02 with conditions. An email had been received from the property owner to the south of this site expressing concern about his driveway width, which was only ten feet wide. He had issues with paramedics being able to pull into the driveway and he would like to make his driveway wider. She had let him know that the issue was not related to

the proposal tonight. When his flag lot was created in 1977, it predated the current minimum 12 foot width requirement. She suggested getting his property surveyed to see if the property boundaries could be moved two feet or he could see if the neighboring property owners would be agreeable to him purchasing two feet for the driveway.

Martin Clark, applicant, stated the people currently living in the existing home were out of town, and he did not know if they would be willing to take three feet off their carport. He would like to increase the size of the second parcel, but would have to work with the current residents and find out how they could reconfigure the lot.

There was discussion regarding the carport and whether it could be a variance. There was further discussion about continuing the hearing to give the applicant time to address the driveway issue.

Mr. Clark would prefer approval tonight with the two options in the condition so he could get started on the project. He understood that if the condition was not met, then the project wouldn't work.

Chair Savory closed the public hearing.

Motion: A motion was made by Commissioner Boatright, seconded by Commissioner Adams, to approve MLP 19-02 Martin Clark with conditions. Motion passed 5/1 with Commissioner Trundy opposed.

- b. City Staff is requesting consideration of a legislative text amendment to update Chapter 16.08 General Provisions, Section 16.08.140 Temporary Vendor of the Canby Land Development and Planning Ordinance Title 16 Canby Municipal Code. (TA 19-02).

Ms. Freund entered her staff report into the record. This was a proposed text amendment to the Municipal Code to update the language for Temporary Vendor Permits. Currently a Temporary Vendor Permit was for 90 days with the option to renew it once for another 90 days in a 12 month period. Staff was suggesting changing that to allowing renewal twice, which would allow permits for 270 days in a 12 month period. They would have to get a business license for an approved location. One example of the reason for the change was Pioneer Chapel where someone did weddings and had a tent and was under a Temporary Vendor Permit. Another example was someone with an outdoor storage shed that was set up for truck sales, rentals, and repairs and was under a Temporary Vendor Permit. These vendors would like more time to see if the business would work. There were only about six of these types of permits per year. She also discussed a wording error to be fixed and how it should say "jointly and severally".

Chair Savory discussed the reasons previous Commissions had not approved food carts in the City. His experience with food carts was that they produced a lot of trash and garbage. He did not want this to be a backdoor for food carts to come to the City.

Commissioner Trundy did not think 270 days was temporary. Ms. Freund said these were 90 day renewals and if there was a problem, they would not get the renewal. Regarding food trucks, if they wanted to allow them in the City, it would take a code amendment. That would be a public process and she assured the Commission that was not the intention. Food carts would be a much bigger discussion with the creation of standards.

Ms. Freund explained from the code who could apply for a Temporary Vendor Permit.

Commissioners Mills and Boatright were in favor of the proposed amendment.

Motion: A motion was made by Commissioner Adams and seconded by Commissioner Chernishov to approve TA 19-02 and to direct staff to confirm the edit with the City Attorney. Motion passed 6/0.

7. FINAL DECISIONS

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

a. Minor Land Partition (MLP 19-02)

Motion: A motion was made by Commissioner Boatright to approve the final findings for MLP 19-02. Motion passed 5/1 with Commissioner Trundy opposed.

b. Legislative Text Amendment, Chapter 16.08 General Provisions, Section 16.08.140 Temporary Vendor of the Canby Land Development and Planning Ordinance Title 16 Canby Municipal Code. (TA 19-02)

Motion: A motion was made by Commissioner Mills and seconded by Commissioner Trundy to approve the final findings for TA 19-02 with the edit to be reviewed by the City Attorney. Motion passed 6/0.

8. ITEMS OF INTEREST/REPORT FROM PLANNING STAFF

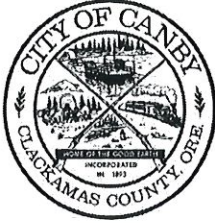
- ### **a. Next regularly scheduled Planning Commission meeting – Monday, August 26, 2019**
- New Cell Tower
 - Housing Needs Assessment

Ms. Freund discussed the items on the next agenda.

9. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION

There was discussion regarding HB 2001, especially in how it would change the nature of the community in Canby.

10. ADJOURNMENT – A motion was made by Commissioner Trundy and seconded by Commissioner Mills to adjourn the meeting. Motion passed 6/0. Meeting was adjourned at 7:52 pm.



BEFORE THE PLANNING COMMISSION
OF THE
CITY OF CANBY

A LEGISLATIVE AMENDMENT TO AMEND
CHAPTER 16.08 GENERAL PROVISIONS OF
THE PLANNING ORDINANCE, TITLE 16 OF
THE CANBY MUNICIPAL CODE

FINDINGS, CONCLUSION, & FINAL ORDER
TA 19-02

(City of Canby)

NATURE OF APPLICATION

This is a legislative amendment to Chapter 16.08 General Provisions, Section 16.08.140 Temporary Vendor of the *Canby Land Development and Planning Ordinance Title 16 Canby Municipal Code (CMC)* (TA 19-02). The amendment proposes to amend the duration of a Temporary Vendor Permit from a total of 180 consecutive calendar days to 270 consecutive calendar days, with the appropriate renewal fee.

HEARINGS

The Planning Commission considered Text Amendment TA 19-02 after the duly noticed public hearing held on August 12, 2019, at which time provisions of this text amendment application were considered.

CRITERIA AND STANDARDS

In judging whether or not to approve amendments to the *City of Canby Land Development and Planning Ordinance*, the Planning Commission determines whether criteria from the *Land Development and Planning Ordinance* are met, or can be met by observance of conditions. Applicable criteria and standards were reviewed in the Planning Commission staff report dated and presented at the August 12, 2019 public hearing of the Planning Commission.

FINDINGS AND REASONS

The Planning Commission considered application TA 19-02 at public hearing held on August 12, 2019 during which time the staff report was presented. Staff recommended that the Planning Commission forward a recommendation of approval to the City Council for the proposed text amendment.

CONCLUSION

The Planning Commission of the City of Canby concludes that based on public testimony, the recommendations and conclusions contained in the staff report and based on the Commission deliberations that the proposal to amend Chapter 16.08 General Provisions, Section 16.08.140 Temporary Vendor in Chapter 16 of the Canby Municipal Code is in conformance with the applicable criteria suitable for amendment as proposed.

ORDER

THE PLANNING COMMISSION of the City of Canby recommends that the City Council **approve** Text Amendment TA 19-02 as indicated with the *Findings* noted herein.

I CERTIFY THAT THIS ORDER approving TA 19-02 Amend Chapter 16.08 General Provisions of the Planning Ordinance, Title 16 of Canby Municipal Code, was presented to and APPROVED FOR RECOMMENDATION TO THE CITY COUNCIL by the Planning Commission of the City of Canby.
DATED this 12th day of August, 2019.

[Redacted]
John Savory
Planning Commission Chair

[Redacted]
Bryan Brown
Planning Director

[Redacted]
Laney Fouse, Attest
Recording Secretary

ORAL DECISION: August 12, 2019

Name	Aye	No	Abstain	Absent
John Savory	✓			
Larry Boatright	✓			
Derrick Mottern				✓
Andrey Chernishov	✓			
J. Ryan Adams	✓			
Jennifer Trundy	✓			
Jeff Mills	✓			

WRITTEN DECISION: August 12, 2019

Name	Aye	No	Abstain	Absent
John Savory	✓			
Larry Boatright	✓			
Derrick Mottern				✓
Andrey Chernishov	✓			
J. Ryan Adams	✓			
Jennifer Trundy	✓			
Jeff Mills	✓			

TA 19-02 Legislative Text Amendment Chapter 16.08 General Provisions Findings, Conclusion and Final Order
Signature Page

ORDINANCE NO. 1514

AN ORDINANCE AMENDING CANBY'S COMPREHENSIVE PLAN AND TITLE 16 OF THE CANBY MUNICIPAL CODE.

WHEREAS, the City Council previously acted to deny a quasi-judicial land use application for which the provisions of Special Area "K" pertained, causing the specific designation which applied to that property to no longer have relevance; therefore staff proposed deleting reference to Special Area "K" from the Comprehensive Plan and to change the Comprehensive Plan Map from the existing RC-Residential Commercial land use designation to the LDR-Low Density Residential land use designation in order to be consistent with the existing zoning of the property as R-1 Low Density Residential; and

WHEREAS, city staff proposes a legislative text amendment to streamline, clarify, and update minor portions of 32 chapters and the Table of Contents of the Land Development and Planning Ordinance in Chapter 16 of the Canby Municipal Code; and

WHEREAS, the Canby Planning Commission, after holding five Work Study Sessions from January through April, 2019, then after providing appropriate public notice conducted a public hearing on said Comp Plan and Land Development Code Amendments on June 10, 2019 and continued said public hearing to a date certain on July 8, 2019, during which the citizens of Canby were given the opportunity to submit written comments for consideration at the Work Sessions and to come forward to present written comments and provide testimony at the public hearings on these proposed changes; and

WHEREAS, the Planning Commission found that the standards and criteria of Section 16.88.160 and 16.88.180 of the Land Development and Planning Ordinance concerning Text Amendments and Comprehensive Plan Amendments were met, and recommended approval to the City Council on a 4-1 vote the proposed changes as specified in their Findings and Final Order; and

WHEREAS, the City Council, after reviewing the record of the Canby Planning Commission regarding the subject amendments, concluded that the Planning Commission's findings of fact and the amendments are appropriate as recommended; therefore

THE CANBY CITY COUNCIL ORDAINS AS FOLLOWS:

- (1) CPA/TA 19-01 is hereby approved and are hereby amended as detailed in Exhibit A for the Comprehensive Plan text and Special Areas of Concern Map, Exhibit B for the Comprehensive Plan Map, Exhibit C for Land Development and Planning Ordinance amendments (as directed to be modified by the Planning Commission written findings and final orders or as directed by the City Council findings and final order);

2nd Reading

SUBMITTED to the Council and read the first time at a regular meeting thereof on August 7, 2019, ordered posted in three (3) public and conspicuous places in the City for a period of five (5) days, as authorized by the Canby City Charter; and to come up for final reading and action by the Canby City Council at a regular meeting thereof on August 21, 2019, commencing after the hour of 7:00 p.m., in the Council Chambers located at 220 NE 2nd Avenue, Canby, Oregon.

Rick Robinson,
City Recorder Pro-Tem

PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on August 21, 2019 by the following vote:

YEAS _____ NAYS _____

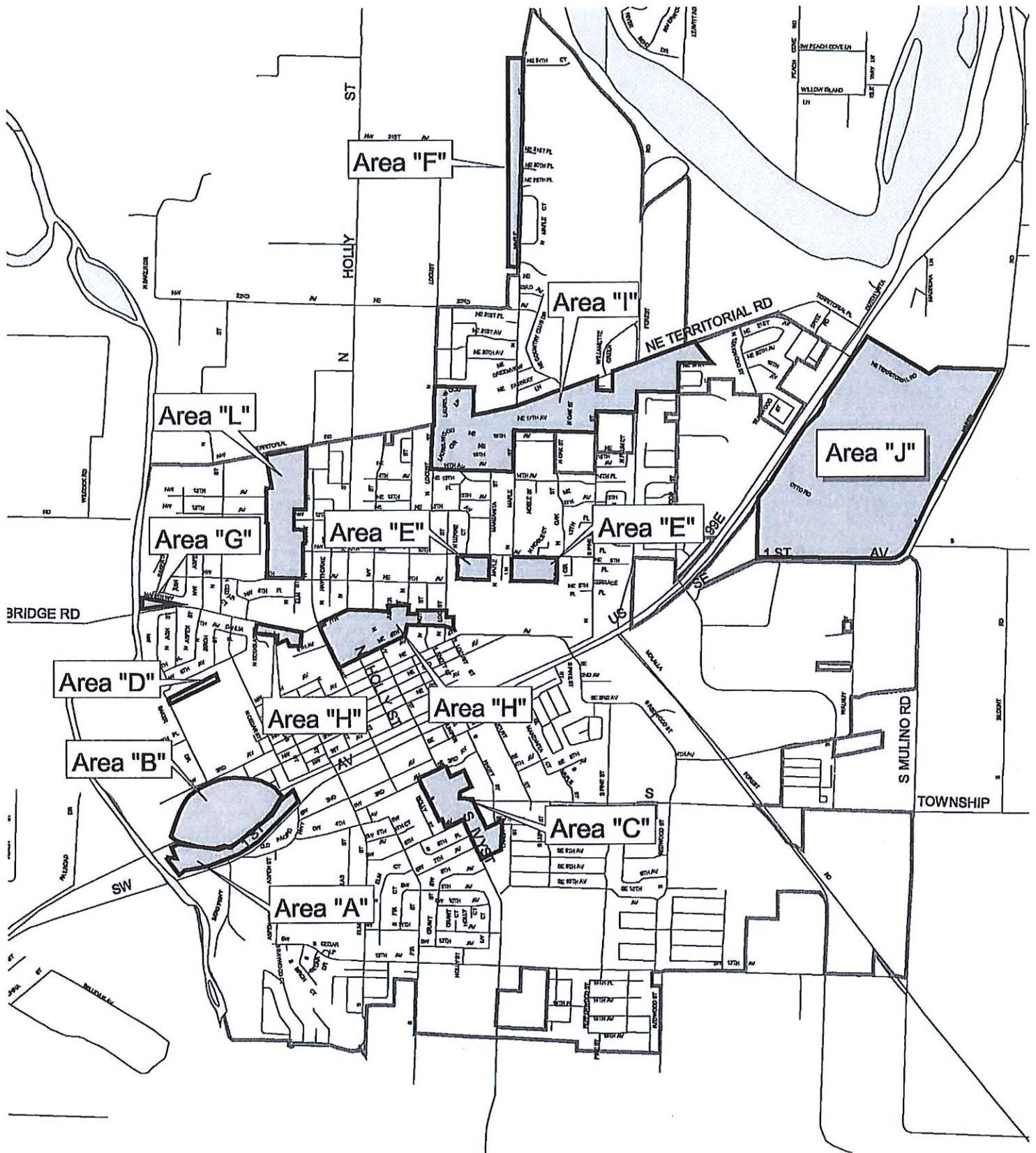
Brian Hodson, Mayor

ATTEST:

Rick Robinson,
City Recorder Pro-Tem

of the area obviates any need for an immediate zone change at this time. Any proposals for new development or redevelopment of the area, other than for one single-family dwelling, per lot, will require prior upzoning to R-2.

9. *Area "I"* consists of a wide strip of property bordering N.E. Territorial Road. It includes properties which are planned for medium density residential use and properties planned for high density residential use. Present development in the area includes apartments, condominiums, single-family dwellings, and vacant lots. Present zoning includes some R-2 areas and a predominance of R-1 areas. Street dedications and, in some cases, street improvements are needed to make some of the properties suitable for higher density development. New developments, other than one single-family dwelling per lot, will require prior upzoning to either R-1.5 or R-2, as appropriate.
10. *Area "J"* is a large area of multiple owners bounded on the west side by Highway 99E, SE 1st Avenue to the South, Haines Road to the East, and the Urban Growth Boundary to the north. The area contains numerous single family homes, a pub (The Spinning Wheel), several churches, and significant open space and natural features, the most notable is a large, man-made lake located in the approximate center of the area. Because of the existing mix of uses, this area presents a unique opportunity for the City to master plan the area and create appropriate zoning language and/or zoning overlays to encourage a mixed density neighborhood. Until a master plan is adopted, this area should be held in reserve and properties in this area should remain a low priority for annexation. The creation of this master plan should be high on the priority list for long-range planning project for the City. Through the 2002-2003 public process to locate appropriate areas for Medium and High Density Residential Land, this area was found to be appropriate for the equivalent of a minimum of 12 acres of High Density Residential Development and a minimum of 15 acres of Medium Density Development. During the master planning process, these numbers should be used as a guideline, but could be increased if, through a public input process, more is deemed desirable, especially if it is to protect existing open spaces, natural features, or other desirable elements for the area. Development of the master plan should concentrate on protecting the special natural and physical characteristics of the area
11. *Area "K"* – Removed by Ord. 1514, 2019).
12. *Area "L"* comprises approximately 30 acres of parcels zoned for low density residential development. The parcels have been farmed for many years and were outside the Urban Growth Boundary of the City until 2003.

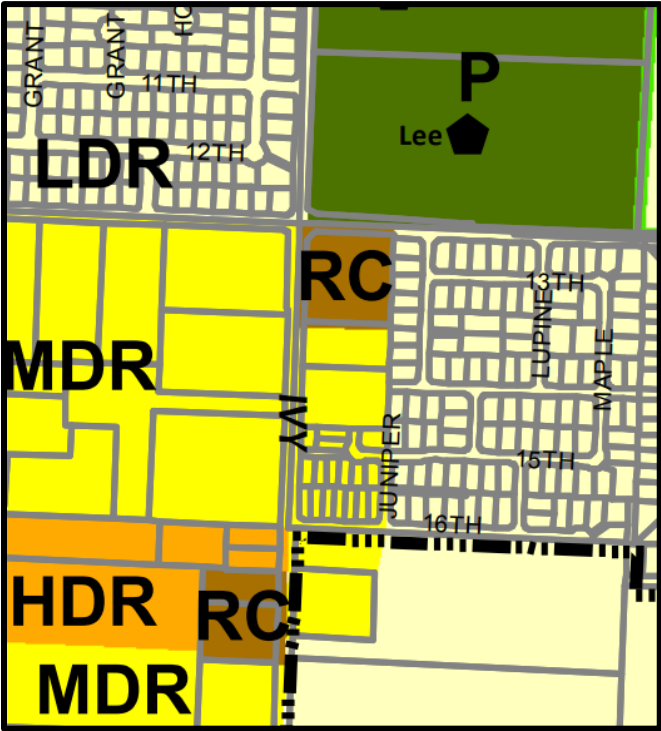


City of Canby

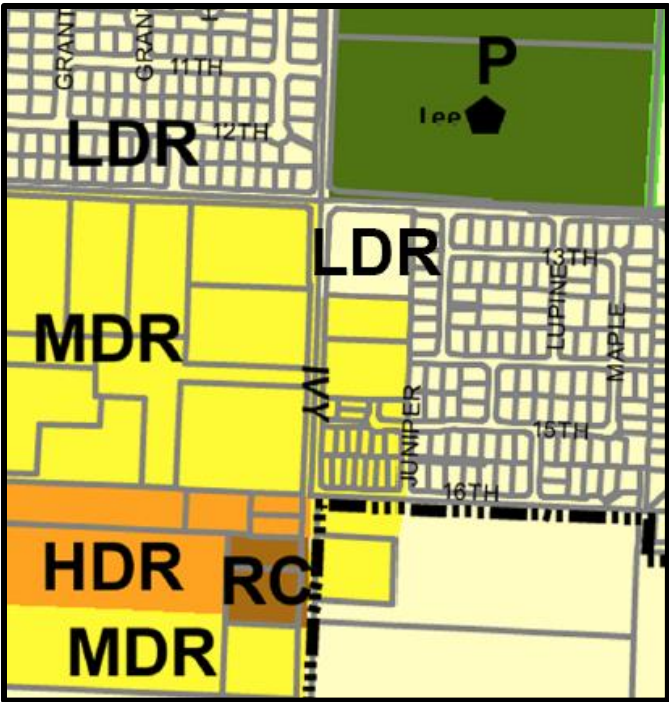
Areas of Special Concern



Existing Comprehensive Plan Designation:
RC – Residential-Commercial



Proposed Comprehensive Plan Re-Designation:
LDR Low Density Residential



TITLE 16

PLANNING AND ZONING

October 2019

Remove = ~~Strikethrough and Bold~~

Additions = **Bold and Underline**

Comments = *Italics and Underline*

Chapters:

Division I. General Provisions

- 16.02 Title
- 16.04 Definitions
- 16.05 Interpretations

Division II. Planning Commission

- 16.06 Planning Commission

Division III. Zoning

- 16.08 General Provisions
- 16.10 Off-street Parking and Loading
- 16.12 Classification of Zones
- 16.13 Plan Districts
- 16.14 ~~**AG. Agricultural Zone**~~ **Repeal** *There is no Agricultural Zoned property in Canby*
- 16.16 R-1 Low Density Residential Zone
- 16.18 R-1.5 Medium Density Residential Zone
- 16.20 R-2 High Density Residential Zone
- 16.21 Residential Design Standards
- 16.22 C-1 Downtown Commercial Zone
- 16.24 C-R Residential/Commercial Zone
- 16.26 ~~**C-C Convenience/Commercial Zone**~~ **Repeal** *There is no CC zoned property in Canby*
- 16.28 C-2 Highway Commercial Zone
- 16.30 C-M Heavy Commercial/Manufacturing Zone
- 16.32 M-1 Light Industrial Zone
- 16.34 M-2 Heavy Industrial Zone
- 16.35 Canby Industrial Area Overlay (I-O) Zone
- 16.36 Planned Unit Development Overlay Zone (PUD)
- 16.37 Riparian Overlay Zone
- 16.38 Historical Protection Overlay Zone (A)
- 16.39 Wetland Overlay Zone
- 16.40 Hazard Overlay Zone (H)
- 16.41 Downtown Canby Overlay (DCO) Zone
- 16.42 Signs

- 16.43 Outdoor Lighting Standards
- 16.44 Manufactured and Mobile Homes and Trailer Parks
- 16.46 Access Limitations
- 16.48 Site Plan Review
- 16.49 Site and Design Review
- 16.50 Conditional Uses
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- 16.53 Variance
- 16.54 Amendments to Zoning Map

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- 16.56 General Provisions
- 16.58 Lot Line Adjustments
- 16.60 Major or Minor Partitions
- 16.62 Subdivisions - Applications
- 16.64 Subdivisions - Design Standards
- 16.66 ~~Subdivisions - Planning Commission Action~~ **Repeal**

This chapter was deleted under Ord 1237, 2007 with TA 07-01 because it duplicated provisions in Chapter 16.89.

- 16.68 Subdivisions - Final Procedures and Recordation

Division V. Planned Unit Development and Condominium Regulations

- 16.70 General Provisions
- 16.72 Applications
- 16.74 Uses Permitted
- 16.76 Requirements
- 16.78 Condominium Project Involving New Construction of Six or Fewer Units
- 16.80 Manufactured and Mobile Home Subdivisions
- 16.82 Special Housing Projects for the Elderly or Handicapped

Division VI. Annexations

- 16.84 Regulations

Division VII. Street Alignments

- 16.86 Regulations

Division VIII. General Standards and Procedures

- 16.88 ~~General Standards and Procedures;~~
General, Text Amendments, Comprehensive Plan Amendments, and Transportation Planning *Retitled for clarification*
- 16.89 Application and Review Procedures

Division X. Historic Preservation

- 16.110 General Provisions

Division XI. Park, Open Space and Recreation Land

16.120 General Provisions

Division XII. Riparian Preservation

16.130 General Provisions

Division XIII. Wetland Preservation

16.140 General Provisions

Chapter 16 was updated by the City of Canby City Council on 9/17/14 with Ord. 1398, 2/20/2013 with Ord. 1369, 7/16/08 with Ord. 1286, 9/3/08 with Ord. 1294 and 10/1/08 with Ord. 1296, 10/21/15 with Ord. 14.

Chapter 16.04

DEFINITIONS

Remove = ~~Strikethrough and Bold~~

Additions = **Bold and Underline**

Comments = *italics and underlined*

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16.04.035 Acceptable site.
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16.04.037 Access classification.
16.04.038 Access connection.
16.04.039 Access management.
16.04.040 Accessory Dwelling Unit.
16.04.040 043 Accessory structure or use.
16.04.045 Accessway.
16.04.050 Agriculture.
16.04.060 Alley.
16.04.061 Antenna.
16.04.063 Application.
16.04.064 Attached WTS facility.
16.04.065 Backhaul network.
16.04.066 Bed and Breakfast.
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16.04.110 Central business district (CBD).
16.04.120 City.

16.04.125 City Planner.
16.04.127 Collocation.
16.04.128 Commercial Recreation Uses.
16.04.130 Commission.
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16.04.140 Council.
16.04.145 Cross access.
16.04.150 Curb line.
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16.04.160 Development plan.

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16.04.180 Dwelling, multi-family.
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16.04.195 Dwelling, townhouse.
16.04.200 Dwelling unit.
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 16.04.275 Lattice tower.
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16.04.400 Manufactured (mobile) home park.
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 16.04.420 Modular home.
 16.04.425 Monopole.
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16.04.670 Vision clearance area.
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16.04.676 Wireless telecommunications systems (WTS).
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16.04.690 Yard, interior.
16.04.700 Yard, rear.
16.04.710 Yard, street.
16.04.715 Zero-lot line development.

16.04.010 Grammatical interpretation.

As used in this title, the masculine includes the feminine and the neuter, and the singular includes the plural with no preference or prejudice intended or implied. (Ord. 740 section 10.1.20 (A), 1984)

16.04.020 Generally.

Unless the context requires otherwise, the words and phrases set out in this chapter shall mean as follows. (Ord. 740 section 10.1 .20(B)[part], 1984)

16.04.030 Abutting-adjoining-adjacent.

Abutting, adjoining or adjacent means physically touching, having at least one common point or lots separated only by a public street, public right-of-way, or railroad right-of-way. (Ord. 890 section 3, 1993; Ord. 740 section 10.1.20(B)[part], 1984)

16.04.035 Acceptable site.

For purposes of siting wireless telecommunications systems facilities, any land planned and zoned Highway commercial or Commercial-Manufacturing. (Ord. 981 section 17, 1997)

16.04.036 Access.

Access means a way or means of approach to provide pedestrian, bicycle, or motor vehicle entrance or exit to a property. (Ord. 1043 section 3, 2000).

16.04.037 Access classification.

Access classification means a ranking system for roadways used to determine the appropriate degree of access management. Factors considered include functional classification, the appropriate local government's adopted plan for the roadway, subdivision of abutting properties, and existing level of access control. (Ord. 1043 section 3, 2000)

16.04.038 Access connection.

Access connection means any driveway, street, turnout or other means of providing for the movement of vehicles to or from the public roadway system. (Ord. 1043 section 3, 2000)

16.04.039 Access management.

Access management means the process of providing and managing access to land development while preserving the regional flow of traffic in terms of safety, capacity, and speed. (Ord. 1043 section 3, 2000)

16.04.040 Accessory Dwelling.

Accessory dwelling is an interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.

16.04.040 043 Accessory structure or use.

Accessory structure or use means a detached structure or use not intended for human habitation, incidental and subordinate to the main use of the property and which is located on the same lot with the main use such as, but not limited to, garage, carport, tool shed, private greenhouse or utility building. (Ord. 740 section 10.1.20(B)[part], 1984)

16.04.045 Accessway.

Accessway means a walkway that provides pedestrian and bicycle passage either between streets or from a street to a building or other destination such as a school, park, or transit stop. Accessways generally include a walkway and additional land on either side of the walkway, often in the form of an easement or right-of-way, to provide clearance and separation between the walkway and adjacent uses. Accessways through parking lots are generally physically separated from adjacent vehicle parking or parallel vehicle traffic by curbs or similar devices and include landscaping, trees, and lighting. Where accessways cross driveways, they are generally raised, paved, or marked in a manner that provides convenient access for pedestrians. (Ord. 1043 section 3, 2000)

16.04.050 Agriculture.

Agriculture means the tilling of the soil, the raising of crops, silviculture and horticulture. (Ord. 740 section 10.1.20(B)[part], 1984)

16.04.060 Alley.

Alley means a narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting another street. (Ord. 740 section 10.1.20(B)[part], 1984)

16.04.061 Antenna.

The specific device used to capture an incoming and/or transmit an outgoing radio-frequency signal. This definition shall include omni-directional (whip) antennas; directional (panel) antennas; parabolic (microwave dish) antennas; and ancillary antennas (i.e., GPS). All other transmitting or receiving equipment not specifically described herein shall be regulated in conformity with the type of antenna described herein which most closely resembles such equipment. (Ord. 981 section 17, 1997)

16.04.063 Application.

Application for a land use permit (site and design review, conditional use permit, annexation, zone change, subdivision, etc.) means a package of information that includes:

- A. The application form filled out and signed by the owner;
- B. Site plan and/or narrative describing the proposal;
- C. List of property owners on mailing labels (1" x 2 5/8"); and

D. The application fee. (Ord. 981 section 1, 1997)

16.04.064 Attached WTS facility.

An existing pole, tower or other structure capable of accommodating a WTS facility antenna, whether originally intended for such use or not. (Ord. 981 section 17, 1997)

16.04.065 Backhaul network.

The land lines that connect a WTS provider's radio signals to one or more cellular telephone switching offices and/or local or long distance providers, or the public switched telephone network. (Ord. 981 section 17, 1997)

16.04.066 Bed and Breakfast.

Bed and Breakfast means any single-family residential dwelling having rooms for rent to travelers or transients for a charge or fee paid, for rental or use for a period of less than thirty (30) days. Additionally, such establishment serving only one meal per day prior to the noon hour. (Ord. 890 section 4, 1993; renumbered due to Ord. 981 amendments)

16.04.068 Bicycle facilities.

Bicycle facilities is a general term denoting improvements and provisions made to accommodate or encourage bicycling, including parking facilities and all bikeways. (Ord. 1043 section 3, 2000)

16.04.070 Billboard.

Billboard means a sign which has a surface space upon which advertising may be posted, painted, or affixed, and which is generally, although not necessarily, designed for the rental or lease of such sign space for advertising not relating to the use of the property upon which the sign exists. (Ord. 740 section 10.1.20 (B)[part], 1984)

16.04.080 Boarding, lodging or rooming house.

Boardinghouse, lodging house or rooming-house means a building where lodging with or without meals is provided for compensation for at least four, but not more than ten guests. Board and care, foster care and similar accommodations are considered boardinghouses for the purposes of this title. (Ord. 740 section 10.1.20(B)[part], 1984)

16.04.090 Building.

Building means a structure built for the shelter or enclosure of persons, animals, chattels or property of any kind. (Ord. 740 section 10.1.20(B)[part], 1984)

16.04.100 Building line.

Building line means a line on a plat indicating the limit beyond which buildings or structures may not be erected. (Ord. 740 section 10.1.20 (B)[part], 1984)

16.04.105 Cell.

A geographic area where a single radio transmission sending/receiving station (per provider) and the equipment necessary to connect these radio calls to land lines or other cells are located. (Ord. 981 section 17, 1997)

16.04.110 Central business district (CBD).

Central business district (CBD) means the downtown area of Canby, defined generally by zoning or designation on the Land Use Map of the Comprehensive Plan for downtown commercial development. (Ord. 740 section 10.1.20 (B)[part], 1984)

16.04.120 City.

City means the City of Canby, Oregon. (Ord. 740 section 10.1.20(B)[part], 1984)

16.04.125 City Planner.

City Planner means the person appointed by the city administrator as supervisor of the day-to-day operations of Canby's city planning functions, or another staff person he or she designates for a particular function. Also referred to as "Planning Director." (Ord. 890 section 5, 1993; Ord. 1080, 2001)

16.04.127 Collocation.

Two or more WTS providers utilizing a structure or site specifically designed and/or approved for such multiple use, and including equipment shelters. (Ord. 981 section 17, 1997)

16.04.128 Commercial Recreation Uses.

Commercial recreation uses means uses intended to provide for gymnastics, tennis, racquetball and other sport-related centers that require oversized indoor space and facilities. (Ord. 960, section 1, 12/18/96)

16.04.130 Commission.

Commission means the Planning Commission of the city. (Ord. 740 section 10.1.20(B)[part], 1984)

16.04.135 Conditionally suitable site.

For purposes of siting wireless telecommunications systems facilities, any land planned and zoned Residential/ Commercial, Convenience Commercial, or Downtown Commercial. (Ord. 981 section 17, 1997)

16.04.137 Corner clearance.

Corner clearance means the distance from an intersection of a public or private road to the nearest access connection, measured from the closest edge of the pavement of the intersecting road to the closest edge of the pavement of the connection along the traveled way. (Ord. 1043 section 3, 2000)

16.04.140 Council.

Council means the City Council of Canby, Oregon. (Ord. 740 section 10.1.20(B)[part], 1984)

16.04.145 Cross access.

Cross access means a service drive providing vehicular access between two or more contiguous sites so the driver need not enter the public street system. (Ord. 1043 section 3, 2000)

16.04.150 Curb line.

Curb line means a line along the edge of the curb nearest the street lot line, not necessarily the right-of-way line. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.155 Day care facility.

Day care facility means any facility that provides day care to children, including a day nursery, nursery school group, home of a family day care provider, or similar unit operating under any name, but not including any:

- A. Facility providing care that is primarily educational, unless provided to a preschool child for more than four hours a day.
- B. Facility providing care that is primarily supervised training in a specific subject, including but not limited to dancing, drama, music or religion.
- C. Facility providing care that is primarily an incident of group athletic or social activities sponsored by or under the supervision of an organized club or hobby group.
- D. Facility operated by a school district, political subdivision of this state, or a governmental agency.
- E. Residential facility licensed under ORS 443.400 to 443.455.
- F. Babysitters. (Ord. 890 section 6, 1993)

16.04.158 Detached WTS facility.

A pole, tower or other structure designed and intended to support WTS facility antennas. (Ord. 981 section 17, 1997)

16.04.160 Development plan.

Development plan means any plan adopted by the Planning Commission for the guidance of growth and improvement of the city, including modifications or refinements which may be made from time to time. (Ord. 740 section 10.1.20(B)[part], 1984)

16.04.170 Dwelling, duplex-dwelling, two-family.

Duplex dwelling or two-family dwelling means a building containing two dwelling units **located on the same lot or parcel**. (Ord. 740 section 10.1.20(B)[part], 1984)

16.04.180 Dwelling, multi-family.

Multi-family dwelling means a building containing three or more dwelling units **located on the same lot or parcel**. (Ord. 740 section 10.1.20(B) [part], 1984)

~~16.04.190 Dwelling, single-family.~~

~~Single-family dwelling means a detached building containing one dwelling unit. Attached or common wall single-family dwellings, may also exist provided that each is situated on a separate lot and provided that each such unit shall not contain a common wall with more than one other dwelling unit. Mobile homes shall not be considered to be single-family dwellings for the purposes of this chapter unless found to meet all city building, mechanical, electrical and other construction codes applicable to conventional units built on the site. (Ord. 740 section 10.1.20 (B)[part], 1984)~~

16.04.190 Dwelling, single-family. Single-family dwelling means a detached building containing one dwelling unit. Manufactured homes shall not be considered to be single-family dwellings for the purposes of this chapter unless found to meet all city building, mechanical, electrical and other construction codes applicable to conventional units built on the site. (Ord. 740 section 10.1.20 (B)[part], 1984)

16.04.195 Dwelling, Townhouse (Common Wall). Means single-family attached common wall dwellings with each dwelling unit located on a separate lot. There shall be no more than six attached townhouse dwelling units in a row, and the combined single-family units shall not exceed 120 feet in length.

The above definitions are separated and rewritten for clarity. Common wall single-family dwellings, (townhouses) are not usually limited to "one other dwelling unit" in most jurisdictions. The intent of the R-1.5 and R-2 zone, where this use is allowed, is to increase density and multiple units with common walls are generally allowed in high density zones and permit needed urban housing. The change to six units is consistent with provisions in the code that allow a maximum building width of 120 feet and a minimum lot width of 20 feet.

16.04.200 Dwelling unit.

Dwelling unit means one or more rooms designed for occupancy by one family and not having more than one cooking facility. (Ord. 740 section 10.1.20(B)[part], 1984)

16.04.210 Easement.

Easement means a grant of the right to use an area of land for specific purposes. (Ord. 740 section 10.1 20(B)[part], 1984)

16.04.212 Eco-roof

Eco-roof means a vegetated roof constructed for water quality and quantity control. Eco-roofs are vegetated roof covers with growing media and plants taking the place of bare membrane, gravel ballast, shingles or tiles. The number of layers and the layer placement vary from system to system and roof type, but all eco-roofs include a single

to multi-ply waterproofing layer, drainage, growing media and the plants, covering at least 50% of the roof deck surface. (Ord. 1338, 2010)

16.04.215 Equipment shelters.

For purposes of siting wireless telecommunications systems facilities, the buildings, structures, cabinets or vaults used to house and protect the equipment necessary to connect/relay radio signals from cell site to cell site and to land line systems. Associated equipment such as air conditioning or emergency generators shall be included in this definition of equipment shelters. (Ord. 981 section 17, 1997)

16.04.218 Façade.

Façade means an exterior face of a building. (Ord 1296, 2008)

16.04.220 Family.

Family means an individual or two or more individuals related by blood, marriage, adoption, or legal guardianship living together in a dwelling unit in which meals or lodging may also be provided for not more than two additional individuals excluding servants; or a group of not more than five individuals, excluding servants, who need not be related by blood, marriage, adoption or legal guardianship living together in a dwelling unit. Five or fewer handicapped persons, along with those individuals charged with caring for such persons and sharing a common dwelling unit, shall be considered to be a family for purposes of this title. (Ord. 740 section 10.1.20(B) [part], 1984)

~~16.04.222~~ 16.04.221 Floor area ratio.

Floor area ratio means a method of calculating structural massing on a lot. Floor Area Ratio is expressed as a ratio of x divided by y, where x is equal to the sum of the gross floor area of all stories above grade plane, as measured to the outside surface of exterior walls, and y is equal to the lot area net of any publicly dedicated right-of-way or land. Detached accessory structures and detached or attached parking structures above grade plane are not included in the gross floor area calculation. (Ord 1296, 2008)

16.04.222 Foster Home.

“Foster home” means any home maintained by a person who has under the care of the person in the home any child under the age of 21 years unattended by the child’s parent or guardian, for the purpose of providing the child with care, food and lodging, but does not include items listed in ORS 418.625 a-f,

This definition was added to clarify the difference between foster home, residential home, childcare facility, etc.

16.04.223 Frontage road.

Frontage road means a public or private drive which generally parallels a public street between the right-of-way and the front building setback line. The frontage road provides access to private properties while separating them from the arterial street (see also service roads). (Ord. 1043 section 3,

2000)

16.04.225 FCC.

The Federal Communications Commission; the federal agency that regulates interstate and international communications by radio, television, wire, satellite and cable. (Ord. 981 section 17, 1997)

16.04.228 Grade plane.

Grade plane means the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet from the building, between the building and a point 6 feet from the building. (Ord 1296, 2008)

16.04.230 Height of building.

Height of building means the vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the ~~average~~ height of the highest gable of a pitch or hip roof. (Ord. 740 section 10.1.20(B) [part], 1984)

Changed for clarity and implementation

16.04.240 Home occupation.

Home occupation means a lawful activity commonly carried on within a dwelling by members of the family occupying the dwelling with not more than one non-resident employee being engaged, provided that:

- A.** The residential character of the building is maintained;
- B.** The activity occupies less than one-quarter of the ground floor area of the building;
- C.** The activity is conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term nor infringe upon the rights of neighboring residents to enjoy the peaceful occupancy of their homes. Business visitors to the premises shall not exceed eight (8) per day and delivery trucks shall not exceed one (1) per day;
- D.** The occupation shall not be carried on in an accessory building of the residence where the building is larger than six hundred (600) square feet;
- E.** No signs are permitted, except for a single unilluminated nameplate not to exceed two (2) square feet in area;
- F.** All home occupations require a city business license. (Ord. 890 section 7, 1993; Ord. 830 section 1, 1989; Ord. 740 section 10.1.20(B) [part], 1984)

16.04.250 Hotel.

Hotel means a building in which lodging is provided for more than ten guests for compensation and in which no provision is made for cooking in the rooms. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.253 Impervious surface

Impervious surface means a surface area that creates a barrier to or hinders the entry of water into the soil in comparison with natural conditions prior to development, thus causing water to run off the surface in greater quantities or at an increased rate of flow. Impervious surfaces include, but are not limited to, buildings, paved parking areas and driveways, roads, sidewalks, patios, packed earth, and oiled surfaces. Open, uncovered retention/detention facilities, green roofs, and permeable surfacing materials shall not be considered impervious surfaces. Roof surfaces are also considered 'pervious' when 100% of the annual average roof runoff is captured and reused on-site for irrigation or approved interior uses. (Ord. 1338, 2010)

16.04.255 Infill homes.

Infill homes mean existing and new single family dwellings, manufactured homes, two-family dwellings, duplexes and triplexes on lots that are located in an R-1 or R-1.5 zoning district, and that have existing homes on two adjacent sides. Each adjacent home must be within 25 feet of the common lot line with the infill homes and have pre-existed for at least 5 years (dated from the existing homes final building permit approval). (Ord. 1107, 2002; Ord 1237, 2007; Ord 1323, 2010)

16.04.257 Infiltration

Infiltration means the process or rate at which water percolates from the land surface into the ground. Infiltration is also a general category of best management practices (BMP) designed to collect runoff and allow it to flow through the ground for pollutant removal. (Ord. 1338, 2010)

16.04.260 Intersection.

Intersection means the place where two streets meet or cross. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.265 Joint access (or shared access).

Joint access (or shared access) means a driveway connecting two or more contiguous sites to the public street system. (Ord. 1043 section 3, 2000)

16.04.270 Kennel.

Kennel means a place where four or more dogs more than four months of age are kept on one lot or contiguous lots under one ownership. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.275 Lattice tower.

For purposes of siting wireless telecommunications systems facilities, a WTS support structure which consists of metal crossed strips or bars and which supports antennas and related equipment for one or more WTS provider. (Ord. 981 section 17, 1997)

16.04.280 Loading space.

Loading space means an off-street space for the temporary parking of a commercial vehicle or truck while loading or unloading merchandise or materials and which space has access to a street. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.290 Lot.

Lot means a single parcel or tract of land for which a legal description has been filed in the office of the county recorder or the boundaries of which are shown on a recorded subdivision plat. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.300 Lot area.

Lot area means the total horizontal area within the boundary lines of a lot, excluding the access strip servicing a flag lot. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.310 Lot, corner.

Corner lot means a lot abutting two intersecting streets other than an alley, provided that the streets do not intersect at an angle greater than one hundred thirty-five degrees. (Ord. 740 section 10.1.20 (B) [part], 1984)

16.04.315 Lot depth.

Lot depth means the average distance from the front lot line to the rear lot line. (Ord. 1043 section 3, 2000)

16.04.318 Lot, flag.

A flag lot is a lot that does not meet minimum frontage requirements and where access to the public road is by a narrow, private right-of-way. (Ord. 1043 section 3, 2000)

16.04.320 Lot front.

Lot front means the street lot line on a corner lot which the principal use or structure is facing. If no such use or structure exists, it means the street side having the shorter length. If the sides are of approximately equal length, the City Planner may designate the lot front. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.321 Lot frontage.

Lot frontage means that portion of a lot extending along a street right-of-way line. (Ord. 1043 section 3, 2000)

16.04.330 Lot, interior.

Interior lot means a lot other than a corner lot. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.340 Lot line.

Lot line means the property line bounding a lot. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.350 Lot line, interior.

Lot line, interior means all lot lines which separate one parcel from another, other than street lot lines. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.360 Lot line, street.

Street lot line means a lot line that separates the lot from a street other than an alley. The street lot line is not generally the same as the curb line. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.370 Lot, through.

Through lot means a lot having frontage on two parallel or approximately parallel streets other than alleys. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.380 Lot width.

Lot width means the average width of a lot when measured at the front and rear setback lines for a principal use. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.383 Low impact development

Low impact development (LID) means a stormwater management and land development strategy applied at the parcel, multiple parcel and/or subdivision level that emphasizes conservation and use of on-site natural features integrated with engineered, small-scale controls to more closely mimic predevelopment hydrologic functions. LID tools are designed to reduce environmental impacts of development, such as increased storm water runoff due to impervious areas, poor water quality and inconsistent water quantity in streams and rivers. LID techniques control storm water runoff volume and reduce pollutant loadings to receiving waters. Not all sites are suitable for LID. Considerations such as soil permeability, depth of water table and slope should be considered, in addition to other factors. LID techniques may not completely replace the need for conventional stormwater controls. (Ord 1338, 2010)

16.04.385 Lowest floor.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this title found in Chapter 16.40 (Hazard Overlay Zone). (Ord. 804 section 2(A), 1987)

~~16.04.387 Manufactured home – manufactured housing unit.~~

~~Manufactured home and manufactured housing unit mean a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes only, the term~~

~~manufactured home also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes and for Chapter 16.16, the term manufactured home does not include park trailers, travel trailers and other similar vehicles. For purposes of Chapter 16.16, a manufactured home shall be certified to meet the 1976 HUD Standards, as amended. (Ord. 859 section 1, 1991; Ord. 804 section 2(B), 1987)~~

~~16.04.390 Mobile home.~~

~~Mobile home means a movable structure which is certified to have been designed and constructed in compliance with the 1976 construction standards of the Federal Department of Housing and Urban Development and as may be amended. (Ord. 740 section 10.1.20(B) [part], 1984)~~

16.04.390 Manufactured home (Mobile Home)

“Manufactured home” means a structure constructed for movement on public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction. This definition includes manufactured dwelling, manufactured home, mobile home, and residential trailer as those terms are defined in ORS 446.003. A manufactured home shall be certified to meet the 1976 HUD Standards, as amended. The definition does not include recreational vehicles, travel trailers, park trailers or structures or vehicles which have a state of Oregon or U.S. Government label designating them as a recreational vehicle. It also does not include buildings or structures subject to the Structural Specialty Code adopted pursuant to ORS 455.100 through 455.450.

The above changes are to clarify and update the specifications of a manufactured home and mobile home.

16.04.400 Manufactured (Mobile) home park.

Manufactured (Mobile) home park means a tax lot or lots where two or more manufactured mobile homes are used for human occupancy and where the space is available for rent or lease. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.410 Manufactured (Mobile) home subdivision.

Manufactured (Mobile) home subdivision means a subdivision of property where individual lots are available for the placement of manufactured mobile homes. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.420 Modular home.

Modular home means a residential structure constructed of one or more prefabricated parts which meet all city building, plumbing, mechanical, electrical and other

construction codes applicable to conventional units which might be built on the site. (Ord. 740 section 10.1.20 (B) [part], 1984)

16.04.425 Monopole.

For purposes of siting wireless telecommunications systems facilities, a WTS support structure which consists of a single tapered steel pole and which supports antennas and related equipment for one or more WTS provider. (Ord. 981 section 17, 1997)

16.04.430 Motel.

Motel means a building or group of buildings on the same lot containing guest units with separate and individual entrances and consisting of individual sleeping quarters, detached or in connected rows, with or without cooking facilities, for rental. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.433 Nail Salons.

Establishments primarily engaged in providing nail care services, such as manicures, pedicures, and nail extensions.

This use has increased in popularity and should be clarified.

16.04.435 Neighborhood activity center.

Neighborhood activity center means an attractor or destination for residents of surrounding residential areas. Includes, but is not limited to, existing or planned schools, parks, shopping areas, transit stops, and employment areas. (Ord. 1043 section 3, 2000)

16.04.438 Nonconforming access features.

Nonconforming access features means features of the property access that existed prior to the date of ordinance adoption and do not conform with the requirements of this ordinance. (Ord. 1043 section 3, 2000)

16.04.440 Nonconforming structure, lot or use.

Nonconforming structure, lot or use means a structure, lot or use which lawfully existed prior to the adoption of zoning requirements for the zone in which it is located and with which it does not comply. (Ord. 740 section 10.1.20(B)[part], 1984)

16.04.445 “Nursing home” means any institution or facility defined as a long term care facility for licensing purposes under state statute or the rules of the Department of Human Services, including a long term care facility operated as part of a dual facility. “Dual facility” means a facility that operates both a hospital and a long term care facility on the same campus. (ORS 678.710)

This use was added to clarify the definition from similar uses.

16.04.450 Parent parcel.

Parent parcel means a lot or parcel of land from which other parcels or lots are divided. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.460 Parking space.

Parking space means a rectangle in the dimensions as set forth in Division III of this title together with maneuvering and access space required for a conventional automobile to park within the rectangle. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.470 Partition.

Partition means to divide an area or tract of land into two or three parcels within the calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. Partitioned land does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size.

~~A. Major partition means a partition which includes the creation of a road or street.~~

~~—— B. Minor partition means a partition that does not include the creation of a road or street. (Ord. 740 section 10.1.20(B) [part], 1984)~~

16.04.480 Pedestrian way.

Pedestrian way means a right-of-way for pedestrian traffic. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.490 Person.

Person means an individual, firm, partnership, corporation, company, association, syndicate, or any legal entity, and including any trustee, receiver, assignee, or other similar representative thereof. (Ord. 740 section 10.1.20 (B) [part], 1984)

16.04.500 Planning Commission.

Planning Commission means the Planning Commission of the City of Canby, Oregon. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.510 Plat.

Plat means the map or drawing on which the subdivider's plan of subdivision is presented and which he submits for approval and intends in final form to record. Plat includes preliminary, tentative and final plats. (Ord. 740 section 10.1.20(B)[part], 1984)

16.04.512 Porches, covered.

Covered porches must not be enclosed by walls that are more than 42 inches in height, for 50 percent or more of their perimeter. (Ord. 1107, 2002)

16.04.514 Preapplication conference.

Preapplication conference means a meeting of the representatives of the city departments and other affected agencies, as determined by the City, to review and provide initial input on land use applications or other proposals. (Ord. 1237, 2007)

16.04.515 Preferred site.

For purposes of siting wireless telecommunications systems facilities, any land planned and zoned Light Industrial or Heavy Industrial. (Ord. 981 section 17, 1997)

16.04.516 Public facility, major.

A major public facility is any public service improvement or structure, other than transportation projects, developed by or for a public agency that is not defined as a minor public facility. Transportation projects are covered by Section 16.08.130. (Ord. 1237, 2007)

16.04.517 Public facility, minor.

A minor public facility includes the following public service improvements or structures developed by or for a public agency:

- A. Minor utility structures, except substations, but including poles, lines, pipes, telecommunications facilities or other such facilities.
- B. Sewer, storm drainage, or water system structures except treatment plants or reservoirs, but including pump stations, manholes, valves, hydrants or other portions of the collection, treatment and distribution systems located within public property or public easements.
- C. Street improvements within existing developments including sidewalks, curbs, gutters, catch basins, paving, signs and traffic control devices and street lights.
- D. Transit improvements, such as shelters or pedestrian and bicycle safety improvements, located within public right of way or public easements or on public property.
- E. School improvements which will not increase the capacity of the school nor create significant additional traffic or other impacts on the surrounding neighborhood.
- F. Park improvements which will not create significant additional motor or foot traffic impact on the surrounding neighborhood. (Ord. 1237, 2007)

16.04.519 Reasonably direct.

A reasonably direct route does not deviate unnecessarily from a straight line or is a route that does not involve a significant amount of out-of-direction travel for likely users. (Ord. 1043 section 3, 2000; Ord. 1237, 2007)

16.04.520 Recommendation.

Recommendation includes any staff report or report from the Planning Commission to the City Council. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.525 “Residential facility” means a residential care, residential training or residential treatment facility, as those terms are defined in ORS 443.400, that provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility. (ORS 197.660)(1) Under ORS 197.667(4), the city may require an applicant proposing to site a residential facility to supply the city with a copy of the entire application and supporting documentation for state licensing of the facility except for information that is exempt from public disclosure.

16.04.527 “Residential home” means a residential treatment or training home, as defined in ORS 443.400, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home. (ORS 197.660(2))

The two uses are similar and sometimes lead to confusion and need to be clearly defined.

16.04.530 Right-of-way.

Right-of-way means the area between the boundary lines of a street or other easement. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.540 Roadway.

Roadway means the portion or portions of a street right-of-way developed for vehicular traffic. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.545 Safe and convenient bicycle and pedestrian routes.

Safe and convenient bicycle and pedestrian routes:

A. Are reasonably free from hazards; and

B. Provide a reasonably direct route of travel between destinations, considering that the optimum travel distance is one-half mile for pedestrians and three miles for bicyclists. (Ord. 1043 section 3, 2000)

16.04.547 Self Storage Unit/Ministorage Warehouse (NAICS 531130)

Establishments primarily engaged in renting or leasing space for self-storage. These establishments provide secure space (i.e., rooms, compartments, lockers, containers, or outdoor space) where clients can store and retrieve their goods.

This is a common use that is not defined in the code. It is sometimes confused with an industrial warehouse that serves a different purpose and has a separate definition.

16.04.550 Setback.

Setback means a distance which a structure is required to be set back from a lot line. Where specified in this title, some setbacks are measured from curbs or projected curb lines rather than lot lines. ~~Railing for decks less than~~ **Decks** 30 inches **or less** above grade are exempt from setback standards. (Ord. 830 section 2, 1989; Ord. 740 section 10.1.20(B) [part], 1984; Ord. 955 section 1, 1996)

The above definition was not clear and seems to mean that if the deck does not have a railing it has to meet the setback regardless of the height. The changes reflect how the City and other jurisdiction apply the exemption.

16.04.560 Sidewalk.

Sidewalk means a pedestrian walkway with permanent surfacing to city standards. (Ord. 740 section 10.1.20(B)[part], 1984)

16.04.565 Stealth design.

A variety of techniques used to disguise or mitigate the visual presence of WTS support structures, including, but not limited to screening by mature trees (75 percent or more of the pole beneath the tree canopy), mimicking common features of the urban landscape (light poles, church steeples, trees, etc.), painting antennas to match the color of supporting building walls, or roof mounting behind parapets. (Ord. 981 section 17, 1997)

16.04.567 Story above grade plane.

Story above grade plane means any story having its finished floor surface entirely above grade plane, except that a basement shall be considered as a story above grade plane where the finished surface of the floor above the basement is either (1) more than 6 feet above grade plane, or (2) more than 12 feet above the finished ground level at any point. (Ord 1296, 2008)

16.04.570 Street.

Street means the entire width between the right-of-way line of every way which provides for public use for the purpose of vehicular and pedestrian traffic, and the placement of utilities and including the terms road, highway, lane, place, avenue, alley, or other similar designations.

A. Alley means a narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.

B. Arterial means a street of considerable continuity which is primarily a traffic artery for intercommunication between large areas.

C. Collector means a street supplementary to the arterial street system and a means of intercommunication between this system and smaller areas used to some extent for through traffic and to some extent for access to abutting properties.

D. Neighborhood connector means a street supplementary to the collector street system providing local access to adjacent properties as well as movement into or out of a neighborhood or between neighborhoods.

E. Cul-de-sac (dead-end street) means a short street having one end open to traffic and being terminated by a vehicle turnaround.

F. Half-street means a portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision.

G. Marginal access or frontage street means a minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.

H. Minor street means a street intended exclusively for access to abutting properties. (Ord. 740 section 10.1.20(B) [part], 1984; Ord. 1043 section 3, 2000)

I. Green street means a street that has been designed to integrate a system of stormwater management within its right of way. Green streets are intended to reduce the amount of runoff that is piped directly to the city stormwater system and/or streams and rivers. Green streets make the best use of the street tree canopy and natural filtration and drainage systems for stormwater interception and provide temperature mitigation and air quality improvements. (Ord. 1338, 2010)

16.04.580 Structural alteration.

Structural alteration means any change in the supporting members of a structure, including the supporting parts of foundations, bearing walls or partitions, columns, beams, girders, or the roof. (Ord. 740 section 10.1.20(B)[part], 1984)

16.04.590 Structure.

Structure means that which is built or constructed. Structure means an edifice or building of any kind or any piece of work artificially built up or composed of parts joined in some manner and which requires a location on the ground. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.595 Stub-out (or stub street).

Stub-out (or stub street) means a portion of a street or cross access drive used as an extension to an abutting property that may be developed in the future. (Ord. 1043 section 3, 2000)

16.04.600 Subdivide land.

Subdivide land means to divide a parcel of land into four or more lots in a given calendar year for the purpose of transfer of ownership or building development, whether immediate or future, when such parcel exists as a unit or contiguous units under a single ownership. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.610 Subdivision.

Subdivision means either an act of subdividing land or tract of land subdivided as defined in this chapter. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.615 Traffic Impact Analysis.

Traffic Impact Analysis A comprehensive traffic analysis of a development proposal which includes trip generation, analysis of access/egress, accident analysis, intersection analysis, and traffic flow analysis. (Ord. 1019 section 22, 1999)

16.04.620 Trailer coach.

Trailer coach means a trailer or motor home not certified as meeting the HUD 1976 standards or as may be amended for design and construction of a mobile home. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.630 Trailer park.

Trailer park means a tax lot or lots where space is rented or leased for the location of two or more trailer coaches, or some combination of mobile homes and trailer coaches for human habitation. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.635 Trip generation study.

Trip Generation Study means an analysis of the number of vehicle trips generated by a development proposal. Trip generation for commercial/industrial/residential/ institutional projects are estimated through the Institute of Transportation Engineers' manual. The results of the trip generation study will determine the need for a Traffic Impact Analysis. If the trip generation study determines the use will generate more than 100 vehicle trips per day, the City Traffic Engineer may require a Traffic Impact Analysis. (Ord. 1019 section 23, 1999)

16.04.640 Urban Growth Boundary (UGB)

Urban Growth Boundary (UGB) means the area specifically delineated in the city's comprehensive plan as being already urbanized or available for urban development. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.650 Urbanizable.

Urbanizable is the term applied to property which is within the city's Urban Growth Boundary and which is planned for eventual urban development. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.660 Use.

Use means the purpose for which land or a structure is designed, arranged, or for which it is occupied or maintained. (Ord. 740 section 10.1.20 (B) [part], 1984)

16.04.666 Vicinity.

Vicinity means nearby; within the same neighborhood. It should be noted that in applying the criteria of this chapter, the term vicinity will be applied to a larger area when warranted by a large project or a project which is expected to have an impact on a large area. (Ord. 805 section 1, 1987)

16.04.670 Vision clearance area.

Vision clearance area means the triangle area at the intersection of two streets, a driveway and a street, or a street and a railroad, two sides of which are measured from the corner intersection of the existing or proposed curb lines to a distance specified in this title. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the curb lines at intersections have rounded corners, the curb lines will be extended in a straight line to their points of intersection. No plantings, structures, or temporary or permanent obstructions shall be located within a vision clearance area, extending from two and one-half to ten feet above the curb or street elevation. Except, however, that one tree trunk not greater than eighteen inches in diameter shall be permitted within a vision clearance area. (Ord. 830 section 3, 1989; Ord. 740 section 10.1.20(B) [part], 1984)

16.04.672 Walkway.

Walkway means a hard-surfaced area intended and suitable for pedestrians, including sidewalks and the surfaced portions of accessways. (Ord. 1043 section 3, 2000)

16.04.672 Wireless telecommunications facilities.

The site, structures, equipment and appurtenances used to transmit, receive, distribute, provide or offer wireless telecommunications services. This includes, but is not limited to antennas, poles, towers, cables, wires, conduits, ducts, pedestals, vaults, buildings, electronics and switching equipment. (Ord. 981 section 17, 1997)

16.04.676 Wireless telecommunications systems (WTS).

The sending and receiving of radio frequency transmissions and the connection and/or relaying of these signals to land lines and other sending and receiving stations (cell sites), and including cellular radiotelephone, personal communications services, enhanced/specialized mobile radio, and commercial paging services. (Ord. 981 section 17, 1997)

16.04.680 Yard.

Yard means an open space on a lot which is unobstructed from a point two and one-half feet above the general ground level of the graded lot upward, except as otherwise provided in this title. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.690 Yard, interior.

Interior yard means a yard lying between the nearest point of a building and measured horizontally to an interior lot line. (Ord. 1296; 2008; Ord. 740 section 10.1.20(B) [part], 1984)

16.04.700 Yard, rear.

Rear yard means a yard lying to the rear of the principal building on the lot and generally opposite the lot front. (Ord. 740 section 10.1.20 (B) [part], 1984)

16.04.710 Yard, street.

Street yard means a yard lying between the nearest point of a building and the street and measured horizontally to the street lot line. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.715 Zero-lot line development.

Zero-lot line development means detached dwellings required to have a side yard setback on only one side. (Ord. 1111 section 4, 2003)

DIVISION III. – ZONING

Chapter 16.08

GENERAL PROVISIONS

Remove = ~~Strikethrough and Bold~~

Additions = **Bold and Underline**

Comments = *italics and underline*

Sections:

- 16.08.010 Compliance with title.
- 16.08.020 Zoning map.
- 16.08.030 Zone boundaries.
- 16.08.040 Zoning of annexed areas.
- 16.08.050 Prohibited parking.
- 16.08.070 Illegally created lots.
- 16.08.080 Area and yard reductions.
- 16.08.090 Sidewalks required.
- 16.08.100 Height allowances.
- 16.08.110 Fences.
- 16.08.115 Arbors
- 16.08.120 Siting and review process for
Wireless Telecommunications Systems Facilities.
- 16.08.130 Standard transportation improvements.
- 16.08.140 Temporary vendor.
- 16.08.150 Traffic Impact Study (TIS).
- 16.08.160 Safety and Functionality Standards

16.08.010 Compliance with title.

No building, structure, or land shall hereafter be used or occupied, and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered contrary to the provisions of this title. No lot area, yard, or required off-street parking or loading area existing on or after the effective date of the ordinance codified in this title shall be reduced in area, dimension, or size below the minimums required by this title, nor shall any lot area, yard, or required off-street parking or loading area that is required by this title for one use be used to satisfy the lot area, yard, off-street parking or loading area requirement for any other use, except as may be provided in this title. (Ord. 740 section 10.3.05(A), 1984)

16.08.020 Zoning map.

A. The location and boundaries of the zones designated in this division are established as shown on the map entitled "Zoning Map of the City of Canby" dated with the effective date of the ordinance codified in this title and signed by the Mayor and the city recorder and hereafter referred to as the zoning map.

B. The signed copy of the zoning map shall be maintained on file in the office of the city recorder and is made a part of this title. (Ord. 740 section 10.3.05(B), 1984)

16.08.030 Zone boundaries.

Unless otherwise specified, zone boundaries are lot lines or the centerline of streets, railroad rights-of-way, or such lines extended. Where a zone boundary divides a lot into two or more zones, the entire lot shall be considered to be in the zone containing the greater lot area, provided the boundary adjustment is a distance of less than twenty feet. (Ord. 740 section 10.3.05(C), (1984)

16.08.040 Zoning of annexed areas.

Zoning of newly annexed areas shall be considered by the Planning Commission in its review and by the Council in conducting its public hearing for the annexation. (Ord. 740 section 10.3.05(D), 1984)(Ord. 1294, 2008)

16.08.050 Prohibited parking.

In addition to the provisions of the motor vehicle laws of Oregon regulating parking, no person shall park any vehicle, except an automobile, motorcycle, van or pickup truck rated no larger than one ton, on any public street or alley within any residential zone, except for an emergency or for the purpose of loading or unloading. (Ord. 740 section 10.3.05(E), 1984)

16.08.060

(Ord. 740 section 10.3.05(F), 1984; renumbered as 16.64.040(I)(6) by Ord. 1043 section 3, 2000)

16.08.070 Illegally created lots.

In no case shall a lot which has been created in violation of state statute or city ordinance be considered as a lot of record for development purposes, until such violation has been legally remedied. (Ord. 740 section 10.3.05(G), 1984)

16.08.080 Area and yard reductions.

A. When there are existing dwellings on the lots situated immediately to each side of a given lot and each of those neighboring lots has less than the required street yard depth, the street yard of the subject property may be reduced to the average street yard of those two abutting lots.

B. When there is an existing dwelling situated on a lot immediately to either side of a given lot which fronts on the same street, and such existing dwelling has a street yard which is less than half of that required in the zone, the street yard of the subject property may be reduced to a depth which is halfway between that normally required in the zone and that of the existing dwelling on the neighboring lot.

C. If, on the effective date of the ordinance codified in this title, a lot or the aggregate of contiguous lots held in a single ownership has less than the required area or width, the lot or lots may be occupied by a permitted use subject to the other requirements of the zone; provided that if the deficiency is one of area, residential uses shall be limited to single-family dwellings; and further provided that if the deficiency is one of width, each required interior yard may be reduced by one foot for each four feet of deficient width. In no case, however, shall such reduction result in an interior yard of less than five feet.

D. Where two or more contiguous substandard recorded lots are in common ownership and are of such size to constitute at least one conforming zoning lot, such lots or portions thereof shall be so joined, developed, and used for the purpose of forming an effective and conforming lot or lots. Such contiguous substandard lots in common ownership shall be considered as being maintained in common ownership after the effective date of the ordinance codified in this title for zoning purposes. (Ord. 740 section 10.3.05(H), 1984; Ord. 1237, 2007)

16.08.090 Sidewalks required.

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

B. The Planning Commission may impose appropriate sidewalk and curbing requirements as a condition of approving any discretionary application it reviews. (Ord. 740 section 10.3.05(I), 1984)

16.08.100 Height allowances.

The following types of structures or structural posts are not subject to the building height limitations: chimneys, cupolas, tanks, church spires, belfries, derricks, fire and hose towers, flagpoles, water tanks, elevators, windmills, utility poles and other similar projections. The height of wireless telecommunications systems facilities shall be in accordance with section 16.08.120. (Ord. 740 section 10.3.05(J), 1984; Ord. 981 section 18, 1997)

16.08.110 Fences.

A. Fences not more than three and one-half feet in height may be constructed within the street setbacks of any R-1, R-1.5, R-2 or C-1 zone. Fences not more than six feet in height may be constructed in any interior yard, rear yard, or street yard along an alley; provided, however, that in no case shall a fence be constructed in violation of the requirements of a vision clearance area.

B. On corner lots, the 3.5-foot height limit will apply within the required setback along both street-facing yards.

~~C. Arbors that are added to a fence that is constructed of proper design (height and setbacks) and in accordance with this section (16.08.110), are allowed with the following limitations:~~

- ~~1. The arbor shall not exceed eight (8) feet in height (including the fence and vegetation);~~
- ~~2. The arbor, or any part of the arbor, shall not obstruct the view of drivers or pedestrians navigating the streets and/or sidewalks in the area;~~
- ~~3. Vegetation on the arbor shall not be allowed to grow solid at any time, creating a solid barrier that blocks visibility;~~
- ~~4. If the vegetation becomes too full or too high, the owner is financially responsible to rectify the situation, and to maintain the vegetation, fence, and arbor;~~
- ~~5. Color, construction, and design must be consistent with other like arbors/fences in the immediate area;~~
- ~~6. The arbor shall not block, or in any way impede any present significant vistas enjoyed by neighboring homes and/or other points of interest existing at the time of the building of the fence or arbor;~~
- ~~7. The primary purpose of the arbor is to support and sustain foliage/vegetation.~~

Because of conflicting uses, arbors are separated from fencing and moved, with changes, to 16.08.115 below.

~~D C.~~ No more than one row of fencing is allowed within a required street yard setback.

~~E D.~~ The Planning Commission may require sight-blocking or noise mitigating fences for any development it reviews.

~~F E. The Planning Commission may require~~ Fences of up to eight feet in height are permitted for any development in C-2, C-M, M-1 or M-2, or Planned Unit Development zones.

~~G F.~~ No fence/wall shall be constructed throughout a subdivision, planned unit development or be part of a project that is/was subject to site and design review approval where the effect or purpose is to wall said project off from the rest of the community unless reviewed and approved by the Planning Commission. (Ord. 890 section 8, 1993; Ord. 740 section 10.3.05(K), 1984; Ord. 955 section 2, 1996; Ord. 981 section 43, 1997)

H G. In all zones, private fences along a public pedestrian/bicycle pathway shall comply with the following in order to provide security and visibility for pathway users while maintaining privacy for the residence.

1. Fencing installed as part of a new subdivision shall comply with either (a) or (b) below.
2. Fencing installed by a property owner on an individual lot shall comply with either (a), (b), or (c) below.
 - a. Solid fencing shall be no greater than four (4) feet in height; or
 - b. Fencing shall be constructed with black open wire material, wooden slats, or some other material that allows visual access between the pathway and adjacent uses; or
 - c. Solid fencing shall be set back at least three (3) feet from the property line that abuts the pathway. (Ord 1338, 2010)

H. Use of hazardous materials.

Fences and walls shall not be constructed of or contain any material which will do bodily harm, such as electric or barbed wire, razor wire, broken glass, spikes, or any other hazardous or dangerous material, except as follows:

- a. Barbed wire or electrified fences enclosing livestock are permitted in any zone permitting farm use. Electrified fences shall be posted or flagged at not less than 25-foot intervals with clearly visible warnings of the hazard when adjacent to developed areas.**
- b. In commercial and industrial zones barbed wire is permitted attached to the top of a fence that is at least six foot in height above grade; provided, that barbed wire shall not extend over a street, sidewalk, alley or roadway. The attached barbed wire shall be placed at least six inches above the top of the fence.**

These changes are added to restrict barbed wire and other hazardous fences material in the residential zones and is consistent with Chapter 8, CMC, Health and Safety.

16.08.115 Arbors

A. Arbors that are ~~added to a fence that is~~ constructed of proper design (height and setbacks) and in accordance with ~~this section (16.08.110),~~ **the design standards of the particular zone where it is located** are allowed with the following limitations:

1. ~~The arbor shall not exceed eight (8) feet in height (including the fence and vegetation);~~
Arbors shall be stand-alone structures and shall not be attached to a fence.

2 The arbor shall not exceed eight feet in height and shall maintain a five foot setback from the property line.

- 3.** If the vegetation becomes too full or too high, the owner is financially responsible to rectify the situation, and to maintain the vegetation, **fence**, and arbor;
- 4.** The primary purpose of the arbor is to support and sustain foliage/vegetation, **provide shade, recreational space, and ascetic amenity.**

Arbors, when attached to a fence, have resulted in conflicts with neighboring property owners and enforcement action by city staff. Generally, arbors are not kept up and fall out of compliance with the criteria listed above. If arbors are stand-alone structures limited in height, and maintain a five foot setback from adjacent properties, they are less likely to cause conflicts and still provide a recreational use to a property owner.

16.08.120 Siting and review process for Wireless Telecommunications Systems Facilities.

A. The purpose of this section is to provide standards and review process for wireless telecommunications systems facilities locating within the City of Canby. This purpose shall be realized by implementing new provisions of the Canby Land Development and Planning Ordinance that will:

1. Regulate the placement, appearance and number of wireless telecommunications systems facilities;
2. Ensure that the citizens of Canby will have access to a variety of wireless telecommunications systems and providers;
3. Reduce the visual impact of certain wireless telecommunications systems facilities by encouraging collocation;
4. Establish a graduated system of review that will expedite facilities placement in preferred locations; and
5. Implement the applicable provision of the Federal Telecommunications Act of 1996.

B. The siting and review process for WTS facilities is based on the type of facility (lattice, monopole, attached, stealth design or collocation) and its proposed location in a Preferred Site (M-1 or M-2 zoning districts), Acceptable Site (C-2 or C-M zoning districts), or Conditionally Suitable Site (C-R, C-C or C-1 zoning districts).

C. The development review process for wireless telecommunications systems (WTS) facilities shall be as follows:

1. Building and Electrical Permits only:

- a.** An attached WTS facility (existing structure, including collocation on cell tower), including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment, on a Preferred Site or Acceptable Site, where the height of the attached WTS facility is no more than 10 feet higher than the existing structure.
 - b.** A detached WTS facility (monopole), including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment, on a Preferred Site, set back at least 660 feet from Highway 99E or land either planned or zoned for residential use, and less than 150 feet in height, including antennas.
 - c.** A detached, stealth design WTS facility (monopole), including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment, on an Acceptable Site, set back from all property lines a distance equal to or greater than the height of the tower, and less than 60 feet high.
- 2.** Building and Electrical Permits, and Site and Design Review (16.49):
 - a.** An attached WTS facility (existing structure, including collocation on cell tower), including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment, on a Preferred Site or Acceptable Site, where the height of the attached WTS facility is more than 10 feet higher than the existing structure.
 - b.** A detached WTS facility (monopole), including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment, on a Preferred Site, set back at least 660 feet from Highway 99E or land either planned or zoned for residential use, and equal to or over 150 feet in height, including antennas.
 - c.** A detached WTS facility (monopole), including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment, on a Preferred Site, within 660 feet from Highway 99E or land either planned or zoned for residential use, and under 100 feet in height, including antennas.
 - d.** A detached WTS facility (lattice tower), including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment, on a Preferred Site, set back at least 660 feet from Highway 99E or land either planned or zoned for residential use, and under 150 feet in height, including antennas.
 - e.** A detached, stealth design WTS facility (monopole), including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment, on an Acceptable Site, set back from all property lines a distance equal to or greater than the height of the tower, and less than 100 feet high, including antennas.

- 3.** Building and Electrical Permits, Site and Design Review (16.49), and Conditional Use Permit (16.50):
 - a.** A detached WTS facility (monopole), including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment, on a Preferred Site, within 660 feet from Highway 99E or land either planned or zoned for residential use, and equal to or over 100 feet in height, including antennas.
 - b.** A detached WTS facility (lattice tower), including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment, on a Preferred Site, set back at least 660 feet from Highway 99E or land either planned or zoned for residential use, and equal to or over 150 feet in height, including antennas.
 - c.** A detached, stealth design WTS facility (monopole), including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment, on an Acceptable Site, set back from all property lines a distance equal to or greater than the height of the tower, including, unless it is demonstrated that locating the proposed facility within the required setback area will take advantage of an existing natural or artificial feature to conceal the facility or minimize its visual impacts, and equal to or over 100 feet high, with a maximum height of 130 feet.
 - d.** An attached WTS facility (existing structure, including collocation on cell tower) on a Conditionally Suitable Site, including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment, where the height of the attached WTS facility is no more than 10 feet higher than the existing structure.

D. Standards for siting WTS facilities shall be as follows:

- 1.** Site and Design Review standards and criteria (section 16.49.040) shall apply to all WTS facilities requiring Site and Design approval.
- 2.** Conditional Use Permit standards and criteria (section 16.50.010) shall apply to all WTS facilities requiring Conditional Use Permit approval.
- 3.** All WTS facilities shall observe minimum lot size, lot coverage, building height and building setback requirements of the underlying zoning district unless specifically exempted or otherwise regulated by this section. Underground facilities may encroach upon required yards or may be placed in appropriate easements.
- 4.** All detached WTS facilities shall be landscaped at the base of the towers/poles, and completely around the equipment shelters. The landscaping shall conform to the ODOT standards for plant size and spacing.

5. Lighting for all WTS facilities shall be as required by the FAA or recommended by ODOT Aeronautics Division. All other lighting must be deflected away from adjoining property.

6. All detached WTS facilities shall be screened from the public right-of-way and abutting property by a security fence or wall at least 6 feet in height consisting of chain link fencing with vinyl slats, solid wood fencing, concrete masonry unit block, or brick.

7. Attached WTS facilities shall be painted to match the color of the mechanical screen wall or building to which it is attached.

8. Equipment shelters, buildings and cabinets housing radio electronics equipment shall be concealed, camouflaged or placed underground.

9. Any WTS facility sited on or designed with any of the following attributes shall first receive FCC approval, as specified in FCC Rules 1.1301 - 1.1319, as a condition of city approval prior to construction; Wilderness Area; Wildlife Preserve; Endangered Species; Historical Site; Indian Religious Site; Flood Plain; Wetlands; High Intensity White lights in residential neighborhoods; Excessive radio frequency radiation exposure.

E. Application requirements for WTS facilities shall be as follows:

1. WTS providers whose proposals conforms with the provisions of subsection (C)(1) of this section (16.08.120) shall submit the following information with the application for permits:

a. A copy of that portion of the lease agreement (or lease memo) with the property owner, facility removal within 90 days of the abandonment and a bond to guarantee removal shall be submitted for review prior to development permit approval.

b. A map of the city showing the approximate geographic limits of the cell to be created by the facility. This map shall include the same information for all other facilities owned or operated by the applicant within the city, or extending within the city from a distant location, and any existing detached WTS facilities of another provider within 1,000 feet of the proposed site.

c. A plot plan showing:

i. The lease area;

ii. Antenna structure;

iii. Height above grade and setback from property lines;

iv. Equipment shelters and setback from property lines;

- v.** Access;
 - vi.** Connection point with land line system; and
 - vii.** All landscape areas associated with the WTS facility.
- d.** Anticipated capacity of the WTS facility (including number and types of antennas which can be accommodated).
 - e.** The method(s) of stealth design (where applicable).
 - f.** An engineer's statement that the radio frequency emissions at grade, or at the nearest habitable space when attached to an existing structure comply with FCC rules for such emissions; the cumulative radio frequency emissions if collocated.
 - g.** The radio frequency range in megahertz and the wattage output of the equipment.
 - h.** A description of the type of service offered (voice, data, video, etc.) and the consumer receiving equipment.
 - i.** Identification of the provider and backhaul provider, if different.
 - j.** A facilities maintenance regimen.
 - k.** The zoning and comprehensive plan designation of the proposed site.
 - l.** The FAA determination.
 - m.** The distance from the nearest WTS facility.
- 2.** WTS providers whose proposals conforms with the provisions of subsection (C)(2) and (C)(3) of this section (16.08.120) shall submit, in addition to the requirements of 16.49.035 and/or 16.50.020 of the Land Development and Planning Ordinance, the following additional information:
- a.** Items in section (E) above.
 - b.** Alternatives for locating/relocating support structures within 250 feet of the proposed site.
 - c.** Photo simulations of the proposed WTS facility from the four cardinal compass points and/or abutting right-of-way, whichever provides the most accurate representation of the proposed facility from a variety of vantage points.

- d. An engineer's statement demonstrating the reasons why the WTS facility must be located at the proposed site (service demands, topography, dropped coverage, etc.).
- e. An engineer's statement demonstrating the reasons why the WTS facility must be constructed at the proposed height.
- f. Verification of good faith efforts made to locate or design the proposed WTS facility to qualify for a less rigorous approval process (building permit and/or building permit and site and design review approval).

F. Private amateur radio (HAM) antennas, their support structures, and direct to home satellite receiving antennas are exempt from this section (16.08.120), but shall otherwise comply with the applicable provisions of the underlying zoning district in which they are located to the extent that such provisions comply with Federal Communications Commission policy. (Ord. 981 section 19, 1997)

16.08.130 Standard transportation improvements.

A. Pursuant to the Transportation Planning Rule, projects that are specifically identified in the Canby Transportation System Plan, for which the City has made all the required land use and goal compliance findings, are permitted outright and subject only to the standards established by the Transportation System Plan. This section pertains to additional transportation projects that may not be identified in the Canby Transportation System Plan, and whether the use is permitted outright or permitted subject to the issuance of a conditional use permit.

1. Except where otherwise specifically regulated by this ordinance, the following improvements are permitted outright:

- a. Normal operation, maintenance, repair, and preservation of existing transportation facilities.
- b. Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.
- c. Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.
- d. Landscaping as part of a transportation facility.
- e. Emergency measures necessary for safety and the protection of property.
- f. Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan, except for those that are located in exclusive farm use or forest zones.

g. Construction of a local street or road as part of subdivision or land partition approved consistent with this Ordinance.

2. Except where otherwise specifically regulated by this ordinance, the following improvements are permitted as a conditional use:

a. Construction, reconstruction, or widening, and other projects authorized by the Transportation System Plan but not included in the list of projects in the Transportation System Plan. These projects shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or Environmental Assessment (EA), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

i. The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

ii. The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

iii. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.

iv. The project includes provision for bicycle and pedestrian circulation as consistent with the Comprehensive Plan and other requirements of this ordinance.

b. If review under this section indicates that the use or activity is not clearly authorized by the Transportation System Plan or this ordinance, a plan amendment shall be undertaken prior to or in conjunction with the conditional use permit review. (Ord. 1043 Section 3, 2000)

16.08.140 Temporary vendor.

Any person who exhibits goods or services for sale or for offer in a temporary manner on private property, from a vehicle, trailer, tent, canopy, shipping container, or other temporary structure, or from one's person or displayed on the ground or off the ground, shall first obtain permit approval in compliance with the following standards, and shall operate in compliance with this section and with all other applicable sections of the Canby Municipal Code.

A. Exemptions. The following temporary activities do not require a Temporary Vendor permit, and are exempt from the standards in this section:

1. Any person engaged in the mere delivery of any goods or services to a site, which were purchased from a regular place of business inside or outside the city;

2. Any person engaged in delivery, exhibition, sale or offering of food on a site for a period of time not to exceed 2 hours during any 24 hour period;
3. Any contractor who is engaged in constructing, maintaining, or repairing a structure, utility, equipment, or landscaping on a site; or
4. Any person conducting a garage sale per Section 5.04.020.

B. Permit process.

1. A request for a Temporary Vendor permit shall be processed as a Type I decision pursuant to the procedures set forth in Chapter 16.89. A Temporary Vendor permit applicant shall demonstrate that the proposed activity meets all fire and life safety codes, and is in compliance with this section and with all other applicable sections of the Canby Municipal Code.
2. An application for a Temporary Vendor permit shall include a site plan drawn to scale, which includes all existing lot lines, setbacks, structures, landscaped areas, paved areas, and parking and loading spaces; and illustrates the proposed location and layout of all the Temporary Vendor's structures, equipment, furnishings, signage, and inventory.
3. The Temporary Vendor activity (e.g., retail, restaurant, etc) shall be an outright permitted use in the zoning district in which it is located; Or if the use is conditionally permitted in the zoning district, a Conditional Use Permit approval shall be required prior to issuance of a Temporary Vendor permit.
4. A "Site and Design Review" permit is not required for a permitted Temporary Vendor.
5. Any signage displayed by the Temporary Vendor must be in compliance with Chapter 16.42 sign standards, and all required Sign permits must be obtained.
6. A Temporary Vendor must obtain a City of Canby business license.

C. Duration. A Temporary Vendor permit may be granted for a site for up to 90 consecutive calendar days, and then may be renewed once upon request for an additional 90 days, provided that the temporary vendor activity has been conducted in compliance with all applicable codes, and no public safety incidents have occurred on the site related to the temporary vendor activity. In no case shall a site be permitted to host Temporary Vendor activity for more than 180 days in any 12 month period.

D. A Temporary Vendor shall be located on a paved surface with adequate vehicular and pedestrian ingress and egress, in compliance with Section 16.10.070. Inventory and equipment shall not be displayed or stored in any landscaped areas.

E. A Temporary Vendor shall comply with all required development standards, such as height limitations, setbacks, vision clearance areas, and applicable conditions of any previous land use decisions for the site.

F. Equipment such as trash cans, fuel tanks, or generators shall be screened such that it is not visible from any abutting public right-of-way.

G. A Temporary Vendor shall not displace any vehicle parking spaces that are required to meet the minimum off-street parking requirements of another use on site or on a nearby site. A Temporary Vendor shall not encroach into required loading space areas, driveways, or vehicle maneuvering areas.

H. A Temporary Vendor that displaces one or more vehicle parking spaces is prohibited for any site that:

1. Is non-conforming in terms of meeting minimum required vehicle parking or loading space requirements; or
2. Has been granted a vehicle parking exception, and currently has less than the required minimum number of off-street vehicle parking spaces.

I. The property owner and the temporary vendor permit holder shall be jointly and severably responsible for any violation of this section or other applicable sections of the Canby Municipal Code. Any such violation may result in the immediate revocation or non-renewal of a temporary vendor permit, and may result in the denial of any future temporary vendor permit for the site upon which the violation occurred. (Ord 1315, 2009)

16.08.150 Traffic Impact Study (TIS).

A. Purpose. The purpose of this section of the code is to implement Section 660-012-0045(2)(b) of the State Transportation Planning Rule, which requires the city to adopt a process to apply conditions to development proposals in order to minimize adverse impacts to and protect transportation facilities. This section establishes the standards to determine when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Study must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities: what information must be included in a Traffic Impact Study; and who is qualified to prepare the Study.

B. Initial scoping. During the pre-application conference, the city will review existing transportation data to determine whether a proposed development will have impacts on the transportation system. It is the responsibility of the applicant to provide enough detailed information for the city to make a determination. If the city cannot properly evaluate a proposed development's impacts without a more detailed study, a transportation impact study (TIS) will be required to evaluate the adequacy of the transportation system to serve the proposed development and determine proportionate

mitigation of impacts. If a TIS is required, the city will provide the applicant with a “scoping checklist” to be used when preparing the TIS.

C. Determination. Based on information provided by the applicant about the proposed development, the city will determine when a TIS is required and will consider the following when making that determination.

1. Changes in land use designation, zoning designation, or development standard.
2. Changes in use or intensity of use.
3. Projected increase in trip generation.
4. Potential impacts to residential areas and local streets.
5. Potential impacts to priority pedestrian and bicycle routes, including, but not limited to school routes and multimodal street improvements identified in the TSP.
6. Potential impacts to intersection level of service (LOS).

D. TIS General Provisions

1. All transportation impact studies, including neighborhood through-trip and access studies, shall be prepared and certified by a registered Traffic or Civil Engineer in the State of Oregon.
2. Prior to TIS scope preparation and review, the applicant shall pay to the city the fees and deposits associated with TIS scope preparation and review in accordance with the adopted fee schedule. The city's costs associated with TIS scope preparation and review will be charged against the respective deposits. Additional funds may be required if actual costs exceed deposit amounts. Any unused deposit funds will be refunded to the applicant upon final billing.
3. For preparation of the TIS, the applicant may choose one of the following:
 - a. The applicant may hire a registered Oregon Traffic or Civil Engineer to prepare the TIS for submittal to the city. The city Traffic Engineer will then review the TIS and the applicant will be required to pay to the city any fees associated with the TIS review; or
 - b. The applicant may request that the city Traffic Engineer prepare the TIS. The applicant will pay to the city any fees associated with preparation of the TIS by the city Traffic Engineer.
4. The TIS shall be submitted with a concurrent land use application and associated with application materials. The city will not accept a land use application for process if it does not include the required TIS.

5. The city may require a TIS review conference with the applicant to discuss the information provided in the TIS once it is complete. This conference would be in addition to any required pre-application conference. If such a conference is required, the city will not accept the land use application for processing until the conference has taken place. The applicant shall pay the TIS review conference fee at the time of conference scheduling, in accordance with the adopted fee schedule.
6. A TIS determination is not a land use action and may not be appealed.

E. TIS Scope. The city shall determine the study area, study intersections, trip rates, traffic distribution, and required content of the TIS based on information provided by the applicant about the proposed development.

1. The study area will generally comprise an area within a ½-mile radius of the development site. If the city determines that development impacts may extend more than ½ mile from the development site, a larger study area may be required. Required study intersections will generally include (in addition to the primary access points) collector/collector and above intersections with an anticipated peak hour traffic increase of five-percent from the proposed project.
2. If notice to ODOT or other agency is required pursuant to noticing requirements in Chapter 16.89, the city will coordinate with those agencies to provide a comprehensive TIS scope. ODOT may also require a TIS directly to support an OR 99E approach permit application.

F. TIS Content. A project-specific TIS checklist will be provided to the applicant by the city once the city has determined the TIS scope. A TIS shall include all of the following elements, unless waived by the city.

1. Introduction and Summary. This section shall include existing and projected trip generation including vehicular trips and mitigation of approved development not built to date; existing level and proposed level of service standard for city and county streets and volume to capacity for state roads; project build year and average growth in traffic between traffic count year and build year; summary of transportation operations; traffic queuing and delays at study area intersections; and proposed mitigation(s).
2. Existing Conditions. This section shall include a study area description, including information about existing study intersection level of service.
3. Impacts. This section should include the proposed site plan, evaluation of the proposed site plan, and a project-related trip analysis. A figure showing the assumed future year roadway network (number and type of lanes at each intersection) also shall be provided. For subdivision and other developments, the future analysis shall be for the year of proposed site build-out. For proposed comprehensive plan and/or zoning map amendments, the future

analysis year shall be 20 years from the date of the City's adopted TSP, or 15 years, whichever is greater.

4. Mitigation. This section shall include proposed site and area-wide specific mitigation measures. Mitigation measures shall be roughly proportional to potential impacts. See Subsection K below for rough proportionality determination.
5. Appendix. This section shall include traffic counts, capacity calculations, warrant analysis, and any other information necessary to convey a complete understanding of the technical adequacy of the TIS.

G. TIS Methodology. The City will include the required TIS methodology with the TIS scope.

H. Neighborhood Through-Trip Study. Any development projected to add more than 30 through-vehicles in a peak hour or 300 through-vehicle per day to an adjacent residential local street or neighborhood route will be require assessment and mitigation of residential street impacts. Through-trips are defined as those to and from a proposed development that have neither an origin nor a destination in the neighborhood. The through-trip study may be required as a component of the TIS or may be a stand-alone study, depending on the level of study required in the scoping checklist. The through-trip study shall include all of the following:

1. Existing number of through-trips per day on adjacent residential local streets or neighborhood routes.
2. Projected number of through-trips per day on adjacent residential local streets or neighborhood routes that will be added by the proposed development.
3. Traffic management strategies to mitigate for the impacts of projected through-trip consistent.

If a residential street is significantly impacted, mitigation shall be required. Thresholds used to determine if residential streets are significantly impacted are:

1. Local residential street volumes should not increase above 1,200 average daily trips
2. Local residential street speeds should not exceed 28 miles per hour (85th percentile speed).

I. Mitigation. Transportation impacts shall be mitigated at the time of development when the TIS identifies an increase in demand for vehicular, pedestrian, bicycle, or transit transportation facilities within the study area. Mitigation measures may be suggested by the applicant or recommended by ODOT or Clackamas County in circumstances where a state or county facility will be impacted by a proposed development. The city shall determine if the proposed mitigation measures are

adequate and feasible. ODOT must be consulted to determine if improvements proposed for OR 99E comply with ODOT standards and are supported by ODOT. The following measures may be used to meet mitigation requirements:

1. On-and off-site improvements beyond required standard frontage improvements.
2. Development of a transportation demand management program.
3. Payment of a fee in lieu of construction, if construction is not feasible.
4. Correction of off-site transportation deficiencies within the study area that are substantially exacerbated by development impacts.
5. Construction of on-site facilities or facilities located within the right-of-way adjoining the development site that exceed minimum required standards and that have a transportation benefit to the public.

J. Conditions of Approval. The city may deny, approve, or approve with appropriate conditions a development proposal in order to minimize impacts and protect transportation facilities.

1. Where the existing transportation system will be impacted by the proposed development, dedication of land for streets, transit facilities, sidewalks, bikeways, paths, or accessways may be required to ensure that the transportation system is adequate to handle the additional burden caused by the proposed use.
2. Where the existing transportation system is shown to be burdened by the proposed use, improvements such as paving, curbing, installation or contribution to traffic signals, traffic channelization, construction of sidewalks, bikeways, accessways, paths, or street that serve the proposed use may be required.
3. The city may require the development to grant a cross-over access easement(s) to adjacent parcel(s) to address access spacing standards on arterials and collector roadways or site-specific safety concerns. Construction of shared access may be required at the time of development if feasible, given existing adjacent land use. The access easement must be established by deed.

K. Rough Proportionality Determination. Improvements to mitigate impacts identified in the TIS shall be provided in rough proportion to the transportation impacts of the proposed development.

1. The TIS shall include information regarding how the proportional share of improvements was calculated, using the ratio of development trips to growth trips and the anticipated cost of the full Canby Transportation System Plan. The calculation is provided below:

Proportionate Share Contribution = [Net New Trips/(Planning Period Trips-Existing Trips)] X
Estimated Construction Cost

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- a. Net new trips means the estimated number of new trips that will be created by the proposed development within the study area.
- b. Planning period trips means the estimated number of total trips within the study area within the planning period identified in the TSP.
- c. Existing trips means the estimated number of existing trips within the study area at the time of TIS preparation.
- d. Estimated construction cost means the estimated total cost of construction of identified improvements in the TSP. (Ord 1340, 2011)

16.08.160 Safety and Functionality Standards.

The City will not issue any development permits unless the proposed development complies with the city's basic transportation safety and functionality standards, the purpose of which is to ensure that development does not occur in areas where the surrounding public facilities are inadequate. Upon submission of a development permit application, an applicant shall demonstrate that the development property has or will have the following:

- A. Adequate street drainage, as determined by the city.
- B. Safe access and clear vision at intersections, as determined by the city.
- C. Adequate public utilities, as determined by the city.
- D. Access onto a public street with the minimum paved widths as stated in Subsection E below.
- E. Adequate frontage improvements as follows:
 - 1. For local streets and neighborhood connectors, a minimum paved width of 16 feet along the site's frontage.
 - 2. For collector and arterial streets, a minimum paved width of 20 feet along the site's frontage.
 - 3. For all streets, a minimum horizontal right-of-way clearance of 20 feet along the site's frontage.
- F. Compliance with mobility standards identified in the TSP. If a mobility deficiency already exists, the development shall not create further deficiencies. (Ord 1340, 2011)

Chapter 16.10

OFF-STREET PARKING AND LOADING

Remove = ~~Strikethrough and Bold~~

Additions = **Bold and Underline**

Comments = *italics and underline*

Sections

- 16.10.010 Off-street parking required – exceptions.
- 16.10.020 Definitions.
- 16.10.030 General requirements.
- 16.10.040 Prohibited near intersections.
- 16.10.050 Parking standards designated.
- 16.10.060 Off-street loading facilities.
- 16.10.070 Parking lots and access.
- 16.10.080 ~~Streets.~~ **Street Tree Plan**
- 16.10.090 Drive-up uses.
- 16.10.100 Bicycle parking.

16.10.010 Off-street parking required – exceptions.

A. At the time of establishment of a new structure or use, change in use, or change in use of an existing structure, within any planning district of the city, off-street parking spaces and off-street loading berths shall be as provided in this and following sections, unless greater requirements are otherwise established by the conditional use permit or the site and design review process, based upon clear and objective findings that a greater number of spaces are necessary at that location for protection of public health, safety and welfare. A lesser number of spaces may be permitted by the Planning Commission based on clear and objective findings that a lesser number of parking spaces will be sufficient to carry out the objective of this section.

B. No off-street parking shall be required for any use permitted outright within the C-1 zone in the rectangular area bounded by N. Ivy Street on the east, NW First Avenue on the south, N. Elm Street on the west, and NW Third Avenue on the north.

C. At the time of enlargement of an existing structure or use, the provisions of this section shall apply to the enlarged structure or use only. (Ord. 1304, 2009; Ord. 1237, 2007; Ord. 890 section 9, 1993; Ord. 872, 1992; Ord. 854 section 2, 1991; Ord. 848, Part V, section 1, 16.10.010(A)(B), 1990)

16.10.020 Definitions.

A. Floor Area. Except where otherwise specified, the floor area measured shall be the gross floor area of the building primary to the function of the particular use of the property other than space devoted to off-street parking or loading.

B. Employees. Where employees are specified, the term shall apply to all persons, including proprietors, working on the premises during the peak shift. (Ord. 854 section 2, 1991; Ord. 848, Part V, section 1, 16.10.020(A)(B), 1990)

16.10.030 General requirements.

A. Should the owner or occupant of a structure change the use to which the building is put, thereby increasing parking or loading requirements, the increased parking/loading area shall be provided prior to commencement of the new use.

B. Parking and loading requirements for structures not specifically listed herein shall be determined by the City Planner, based upon requirements of comparable uses listed.

C. In the event several uses occupy a single structure, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately. If the applicant can demonstrate that the uses do not have overlapping parking needs (based on days and hours of operation) and can share parking, the total requirement for combined uses may be reduced by up to 60 percent.

D. Off-street parking spaces for dwellings shall be located on the same lot, or adjacent lot, with the dwelling. Parking spaces located within an on-site garage shall count toward the minimum parking requirement for residential uses. Other required parking spaces may be located on a separate parcel, provided the parcel is not greater than five hundred (500) feet from the entrance to the building to be served, measured along the shortest pedestrian route to the building. The applicant must prove that the parking located on another parcel is functionally located and that there is safe vehicular and pedestrian access to and from the site.

E. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business.

F. Institution of on-street parking shall not be allowed for off-street parking, where none is previously provided, and shall not be done solely for the purpose of relieving crowded parking lots in commercial or industrial planning districts.

G. Parking facilities may be shared by users on adjacent parcels if all of the following standards are met, or the Planning Commission determines a lesser combination meets the intent of the ordinance:

1. One of the parcels has excess parking spaces, considering the present use of the property; and the other parcel lacks sufficient area for required parking spaces. Excess parking spaces can be determined by considering when the uses need the parking spaces, such as time of day or day of week.
2. The total number of parking spaces meets the standards for the sum of the number of spaces that would be separately required for each use. If the applicant can demonstrate that the uses do not have overlapping parking needs (based on days and hours of operation) and can share parking, the total requirement for combined uses may be reduced by up to 60 percent.
3. Legal documentation, to the satisfaction of the City Attorney, shall be submitted verifying present use of the excess parking area on one lot by patrons of the uses deficient in required parking areas.
4. Physical access between adjoining lots shall be such that functional and reasonable access is provided to uses on the parcel deficient in parking spaces.
5. Adequate directional signs shall be installed specifying the joint parking arrangement.

H. The number of vehicular spaces required in Table 16.10.050 may be reduced by up to 10% if one of the following is demonstrated to the satisfaction of the Planning Director or Planning Commission:

1. Residential densities greater than nine units per gross acre (limit parking to no less than one space per unit for multi-family structures); or
2. The proposed development is pedestrian-oriented by virtue of a location which is within convenient walking distance of existing or planned neighborhood activities (such as schools, parks, shopping, etc.) and the development provides additional pedestrian amenities not required by the code which, when taken together, significantly contribute to making walking convenient (e.g., wider sidewalks, pedestrian plazas, pedestrian scale lighting, benches, etc.). (Ord. 890 section 10, 1993; Ord. 854 section 2 [part], 1991; Ord. 848, Part V, section 16.10.030, 1990; Ord. 1043 section 3, 2000; Ord. 1338, 2010)

16.10.040 Prohibited near intersections.

In no case will off-street parking be allowed within a vision clearance area of an intersection. (Ord. 740 section 10.3.10(D), 1984)

16.10.050 Parking standards designated.

The parking standards set out in Table 16.10.050 shall be observed. (Ord. 854 section 2, [part], 1991; Ord. 848 section 1, 16.10.050, 1990; Ord. 740 section 10.3.10(E), 1984; Ord. 981 section 20, 1997)

TABLE 16.10.050

Off-street Parking Provisions - The following are the minimum standards for off-street vehicle parking:

USE	PARKING REQUIREMENT
<i>Residential Uses:</i>	
a. Single-family dwellings	2.00 spaces per dwelling unit for new construction. (Existing single-family dwellings having only a single parking space shall not be considered to be nonconforming.)
b. Two-family dwellings	2.00 spaces per dwelling unit.
c. Multi-family dwellings in complexes with private internal driveways	One space per studio or 1-bedroom unit. 2.00 spaces per 2-bedroom or larger unit. One additional guest parking space shall be provided for every five units for each development often or more units.
d. Retirement/assisted living	1.0 spaces per unit
e. Residential day care facility and	1.00 space per employee
<i>Institutions:</i>	
a. Convalescent home, nursing home or sanitarium	1.00 spaces per two beds for patients or residents, plus 1.00 space per employee
b. Hospital	4.00 spaces per two beds
<i>Places of Public Assembly:</i>	
a. Library, reading room	1.00 space per 400 square feet of public area
b. Nursery, primary/elementary, or junior high school	2.00 spaces per employee
c. Senior high school	1.00 space per classroom, plus 1.00 space per six students
d. Other places of public assembly, including churches	1.00 space per four seats or eight feet of bench length
<i>Commercial Amusement:</i>	
a. Theater	1.00 per six seats
b. Bowling alley	3.0 spaces per 1,000 square feet of floor area
c. Dance hall, skating rink	3.0 spaces per 1,000 square feet of floor area
d. Racquet courts, health clubs	3.0 spaces per 1,000 square feet of floor area
<i>Commercial</i>	
a. Retail shops (under 100,000 sq. ft.	2.00 spaces per 1,000 square feet of floor area
b. Retail store handling exclusively bulky merchandise such as furniture, automobile and service repair shops	1.00 space per 1,000 square feet of sales floor area
c. Shopping center (over 100,000 square feet of gross leasable area)	3.00 spaces per 1,000 square feet of gross leasable area
d. Banks/savings and loans	2.00 spaces per 1,000 gross square feet of floor area
e. Medical/dental offices	3.00 spaces per 1,000 gross square feet of floor area
f. General offices	2.00 spaces per 1,000 gross square feet of floor area
g. Real estate offices	2.00 spaces per 1,000 gross square feet of floor area
h. Government offices	3.50 spaces per 1,000 gross square feet of floor area
i. Restaurant	8.00 spaces per 1,000 gross square feet of floor area
j. Take-out restaurant	8.00 spaces per 1,000 gross square feet of floor area
k. Motel	0.75 spaces per rentable room
l. Residential hotel, rooming house,	0.75 spaces per rentable room
m. Hotel	0.75 spaces per rentable room

n. Club or lodge	1.00 space per 200 square feet of floor area
o. Day care , adult or child care; does not include Family Daycare (12 or fewer children) under ORS 657A.250	1.00 space per 500 square feet of floor area
p. All others	1.00 space per 550 square feet
q. Wireless telecommunication systems	1.00 space per site
<u>r. Self Storage (Mini) Warehouse</u>	<u>2.00 spaces per 1000 gross square feet of office space</u>
<i>Industrial:</i>	
a. Manufacturing	2.00 spaces per 1,000 gross square feet of office space, plus 1.00 space per 1,000 gross square feet of non-office manufacturing space. Minimum of 5 parking spaces overall.
b. Warehousing	2.00 spaces per 1,000 gross square feet of office space, plus 1.00 space per 1,000 gross square feet of non-office warehousing space. Minimum of 5 parking spaces overall.
c. Wholesale establishments	2.00 spaces per 1,000 gross square feet of office space, plus 1.50 spaces per 1,000 gross square feet of non-office wholesale space. Minimum of 5 parking spaces overall.

(Ord 1296, 2008, Ord. 1338, 2010)

16.10.060 Off-street loading facilities

A. The minimum number of off-street loading berths for commercial and industrial uses is as follows:

SQUARE FEET OF FLOOR AREA	NUMBER OF BERTHS
Less than 5,000	0
5000 – 25,000	1
25,000 – 60,000	2
60,000 and over	3

B. Loading berths shall conform to the following minimum size specifications:

1. Commercial uses – 13' x 35'
2. Industrial uses – 12' x 60'
3. Berths shall have an unobstructed minimum height of 14'.

C. Required loading areas shall be screened from public view, from public streets, and adjacent properties by means of sight-site obscuring landscaping, walls or other means, as approved through the site and design review process.

D. Required loading facilities shall be installed prior to final building inspection and shall be permanently maintained as a condition of use.

E. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of a school or day care center having a capacity greater than twenty-five (25) students.

F. The off-street loading facilities shall, in all cases, be on the same lot or parcel as the structure they are intended to serve. In no case shall the required off-street loading spaces be part of the area used to satisfy the off-street parking requirement.

G. The Planning Commission may exempt a building from the loading berth requirement, or delay the requirement, based on findings that loading berths are not needed for a particular building or business. (Ord. 854 section 2[part], 1991; Ord. 848, Part V, section 1, 16.10.060, 1990; Ord. 1237, 2007)

16.10.070 Parking lots and access.

A. Parking Lots. A parking lot, whether as accessory or principal use, intended for the parking of automobiles or trucks, shall comply with the following:

1. Parking lot design shall comply with the dimensional standards set forth in Figure 1 of this section.

2. Parking stalls of eight (8) feet in width and sixteen (16) feet in length for compact vehicles may comprise up to a maximum of thirty (30) percent of the total number of parking stalls. Such parking stalls shall be marked "Compact Parking only" either on the parking surface or on a sign in front of the parking stalls.

3. Areas used for standing or maneuvering of vehicles shall have paved asphalt, concrete, solid concrete paver surfaces, or paved "tire track" strips maintained adequately for all weather use and so drained as to avoid the flow of water across sidewalks or into public streets, with the following exception:

a. The Planning Director or Planning Commission may approve the use of an engineered aggregate system for outdoor storage and/or non-required parking areas provided that the applicant can demonstrate that City Standards related to:

i. minimizing dust generation,

ii. minimizing transportation of aggregate to city streets, and

iii. minimizing infiltration of environmental contaminants including, but not limited to, motor oils, fuels, volatile organic compounds (e.g. benzene, toluene, ethylbenzene, xylene), and ethylene glycol are met.

The decision maker may impose conditions as necessary to meet City Standards.

b. Use of permeable surfacing materials for parking lots and driveways is encouraged whenever site and soil conditions make permeable surfacing

feasible. Permeable surfacing includes, but is not limited to: paving blocks, turf block, pervious concrete, and porous asphalt. All permeable surfacing shall be designed, constructed, and maintained in accordance with the Canby Public Works Design Standards and the manufacturer's recommendations. Maintenance of permeable surfacing materials located on private property are the responsibility of the property owner.

- 4.** The full width of driveways must be paved in accordance with (3) above:
 - a.** For a minimum of 20 feet from the right-of-way line back into the private property to prevent debris from entering public streets, and
 - b.** To within 150 feet of all portions of the exterior wall of the first story of any structure(s) served by the driveway to ensure fire and emergency service provision.
- 5.** Except for parking to serve residential uses, parking areas adjacent to or within residential planning districts or adjacent to residential uses shall be designed to minimize disturbance of residents. Artificial lighting, which may be provided, shall be so deflected as not to shine or create glare in any residential planning district or on any adjacent dwelling, or any street right-of-way in such a manner as to impair the use of such way.
- 6.** Groups of more than four (4) parking spaces shall be so located and served by driveways that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.
- 7.** Off-street parking areas, and the accesses to them, shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and the maximum safety of pedestrian and vehicular traffic on the site and in adjacent roadways. The Planning Director or Planning Commission may require engineering analysis and/or truck turning diagrams to ensure safe and efficient traffic flow based on the number and type of vehicles using the site, the classification of the public roadway, and the design of the parking lot and access drives.
- 8.** Parking bumpers or wheel stops shall be provided to prevent cars from encroaching on the street right-of-way, adjacent landscaped areas, or adjacent pedestrian walkways.
- 9.** Accessible parking shall be provided, constructed, striped, signed and maintained as required by ORS 447.233 and all Oregon Structural Specialty Code requirements.

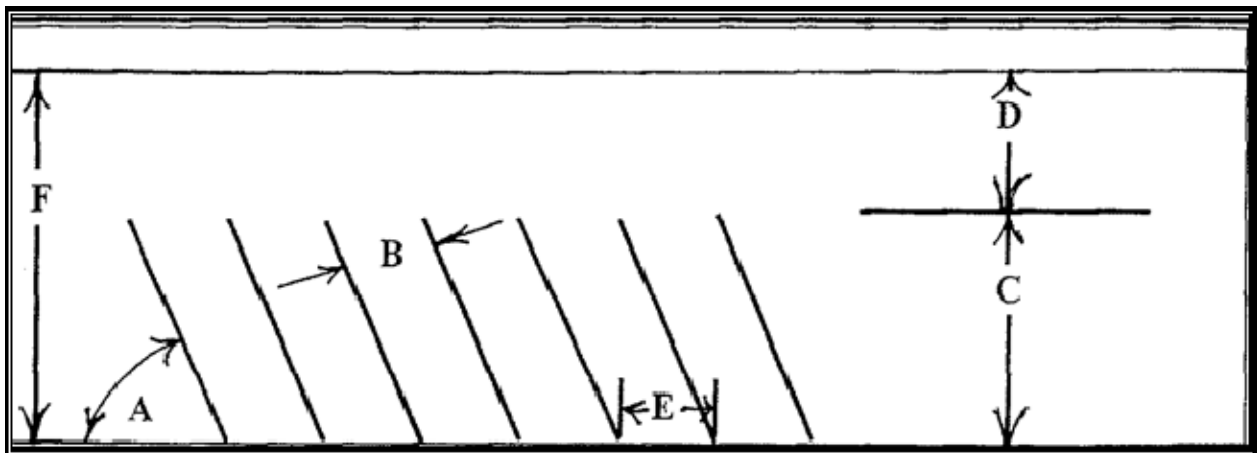
TABLE 16.10.070
Minimum dimensional Standard for Parking

This table and Figure 16.10.070 provide the minimum dimensional standards for parking areas and spaces.

A = Parking angle in degrees
B = Minimum stall width
C = Minimum stall depth

D = Minimum clear aisle width
E = Minimum clear stall distance at bay side
F = Minimum clear bay width

A	B	C	D	E	F
0 (parallel)	8'0"	-	12'0"	22'0"	20'0"
30	8'6"	16'4"	12'0"	17'0"	28'4"
45	8'6"	18'9"	12'6"	12'0"	31'3"
60	8'6"	19'10"	18'0"	9'10"	37'10"
90	8'6"	18'0"	24'0"	8'6"	42'0"



Above Table moved from page 11. Describes parking standards for the above section.

B. Access.

1. The provision and maintenance of vehicular and pedestrian ingress and egress from private property to the public streets as stipulated in this ordinance are continuing requirements for the use of any structure or parcel of real property in the City of Canby. No building permit or other permits shall be issued until scale plans are presented that show how the ingress and egress requirement is to be fulfilled. Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing ingress and egress requirements, it shall be unlawful and a violation of this ordinance to begin or maintain such altered use until the required increase in ingress and egress is provided.
2. The City of Canby encourages joint/shared access. Owners of two (2) or more uses, structures, or parcels of land may agree to, or may be required by the City to, utilized jointly the same ingress and egress when the combined ingress and egress of both uses, structures, or parcels of land satisfies their combined requirements as designed in this ordinance, provided that satisfactory legal evidence is presented to

the City Attorney in the form of deeds, easements, leases or contracts shall be placed on permanent files with the city recorder.

3. All ingress and egress shall connect directly with public streets.

4. Vehicular access for residential uses shall be brought to within fifty (50) feet of the ground floor entrances or the ground floor landing of a stairway, ramp or elevator leading to dwelling units.

5. Required sidewalks shall extend from the ground floor entrances or the ground floor landing of a stairs, ramps or elevators to the sidewalk or curb of the public street or streets that provide the required access and egress.

6. To afford safe pedestrian access and egress for properties within the city, a sidewalk shall be constructed along all street frontages, prior to use or occupancy of the building or structure proposed for said property. The sidewalks required by this section shall be constructed to city standards except in the case of streets with inadequate right-of-way width or where the final street design and grade have not been established, in which case the sidewalks shall be constructed to a design, and in a manner approved by the Site and Design Review Board. Sidewalks approved by Board may include temporary sidewalks and sidewalks constructed on private property; provided, however, that such sidewalks shall provide continuity with sidewalks of adjoining commercial developments existing or proposed. When a sidewalk is to adjoin a future street improvement, the sidewalk construction shall include construction of the curb and gutter section to grade and alignment established by the Site and Design Review Board.

7. The standards set forth in this ordinance are minimum standards for access and egress, and may be increased through the site and design review process in any particular instance where the standards provided herein are deemed insufficient to protect the public health, safety and general welfare. (Ord. 890 section 12, 1993; Ord. 1237, 2007; Ord. 1338, 2010)

Minimum Access Requirements

16.10.070(B)(8): Minimum access requirements for residential uses - ingress and egress for residential uses shall not be less than the following (except that in the case of flag lots, section 16.64.0400) shall apply):

<i>Dwelling units</i>	<i>Minimum number of accesses required</i>	<i>Minimum access width</i>	<i>Sidewalks & Curbs (in addition to driveways)</i>
1 or 2	1	12 feet	none required
3-19	1	20 feet	Minimum of one sidewalk connection to residences and parking areas; curb required if sidewalk adjacent to driveway.
20-49	Option A: 1 access OR	20 feet 12 feet	Minimum of one sidewalk connection to residences and parking areas; curb required if sidewalk adjacent to driveway.

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	Option B: 2 accesses		
50-499	Option A: 1 access OR Option B: 2 accesses	30 feet 20 feet	Curbs required; Minimum of one sidewalk connection to residences and parking areas
Over 500	As required by Site and Design Review Board		As required by Public Works Director
16.10.070(B)(9): Minimum access requirements for commercial or institutional uses - ingress and egress for commercial uses shall not be less than the following:			
Parking spaces required	Minimum number of accesses required	Minimum access width	Sidewalks & curbs (in addition to driveways)
1-4	1	12 feet	None required
5-99	1	20 feet	Curbs required; sidewalk on one side minimum
100-249	2	20 feet	Curbs required; sidewalk on one side minimum
Over 250	As required by Site and Design Review Board	As required by Public Works Director	
16.10.070(B)(10): Minimum access requirements for industrial uses - ingress and egress for industrial uses shall not be less than the following:			
Parking spaces required	Minimum number of accesses required	Minimum access width	Sidewalks & curbs (in addition to driveways)
1-250	1	24 feet	Curbs required; sidewalks on one side minimum
Over 250	As required by Public Works Director		

8. One-Way Ingress or Egress – Way Ingress or Egress – ~~When approved through the site and design review process, one-way ingress or egress may be used to satisfy the requirements of subsection (H), (I) and (J).~~ However, the The hard surfaced pavement of one-way drives shall not be less than twelve (12) feet for multi-family residential, commercial or industrial uses.

There is no subsection (H), (I), (J)

Most of the provisions below are taken from the Public Works Design Standards, Chapter 2 – Streets, starting at Page 2 - 6

9. Driveways:

a. Access to private property shall be permitted with the use of driveway curb cuts. The access points with the street shall be the minimum necessary to provide access while not inhibiting the safe circulation and carrying capacity of the street. Driveways shall meet all applicable guidelines of the Americans with Disabilities Act (ADA). Driveway distance shall be measured from the curb intersection point [as measured for vision clearance area (16.04.670)]. Distances to an intersection shall be measured from the stop bar at the intersection.

b. Driveways shall be limited to one per property except for certain uses which include large commercial uses such as large box stores, large public uses such as schools and parks, drive through facilities, property with a frontage of over 250-feet and similar uses.

c. Double frontage lots and corner lots may be limited to access from a single street, usually the lower classification street. Single family residential shall not have access onto arterials, and shall have access onto collectors only if there is no other option.

d. If additional driveways are approved by the City Administrator or designee, a finding shall be made that no eminent traffic hazard would result and impacts on through traffic would be minimal. Restrictions may be imposed on additional driveways, such as limited turn movements, shared access between uses, closure of existing driveways, or other access management actions.

e. Within commercial, industrial, and multi-family areas, shared driveways and internal access between similar uses are encouraged to reduce the access points to the higher classified roadways, to improve internal site circulation, and to reduce local trips or movements on the street system. Shared driveways or internal access between uses will be established by means of common access easements at the time of development.

f. Driveway widths shall be as shown on the following table.

Driveway Widths (Minimum/Maximum, Ft.)

<u>Street Classification</u>	<u>Res.</u>	<u>Comm.</u>	<u>Ind.</u>
<u>Arterial:</u>	<u>NA (1)</u>	<u>12/36</u>	<u>12/36</u>
<u>Industrial:</u>	<u>NA (1)</u>	<u>12/36</u>	<u>12/36</u>
<u>Collector:</u>	<u>12/24 (2)</u>	<u>12/36</u>	<u>12/36</u>
<u>Neighborhood Route:</u>	<u>12/24 (2)</u>	<u>12/36</u>	<u>12/36</u>
<u>Local:</u>	<u>12/24 (2)</u>	<u>12/36</u>	<u>12/36</u>
<u>Cul-de-sac:</u>	<u>12/24 (2)</u>	<u>12/36</u>	<u>12/36</u>
<u>Public Alley</u>	<u>12/24 (2)</u>	<u>NA</u>	<u>NA</u>

Res. = Residential Zone

Comm. = Commercial Zone
Ind. = Industrial Zone

Notes: (1) Special conditions may warrant access.

(2) 28' maximum width for 3-car garage.

g. Driveway spacing shall be as shown in the following table.

Minimum Driveway Spacing

<u>Street Classification</u>	<u>Intersection</u>	<u>Driveway</u>
<u>Arterial (2)</u>	<u>330' (1)</u>	<u>330' (1)</u>
<u>Industrial Streets (2)</u>	<u>100' (1)</u>	<u>100' (1)</u>
<u>Collector (2)</u>	<u>100' (1)</u>	<u>100' (1)</u>
<u>Neighborhood Route</u>	<u>50' (1)(3)</u>	<u>10'</u>
<u>Local (all)</u>	<u>50' (1)(3)</u>	<u>10'</u>
<u>Cul-de-sac</u>	<u>50' (1)(3)</u>	<u>10'</u>
<u>Public Alley</u>	<u>50' (1)(3)</u>	

Notes: (1) Minimum distance or no closer than 60% of parcel frontage unless this prohibits access to the site, in which case City Administrator or designee may approve a deviation.

(2) Direct access to this street will not be allowed if an alternative exists or is planned.

(3) For single-family residential houses, the minimum distance between driveways and an intersection shall be thirty (30) feet.

h. Curb cuts shall be a minimum of five feet from the property line, unless a shared driveway is installed. Single driveways may be paved up to an adjacent property line but shall maintain a five (5) foot separation from the side property line where the driveway enters the property. Driveways shall not be constructed within the curb return of a street intersection. Deviations may be approved by the City Administrator or designee.

i. For roads with a classification of Collector and above, driveways adjacent to street intersections shall be located beyond the required queue length for traffic movements at the intersection. If this requirement prohibits access to the site, a driveway with restricted turn movements may be permitted.

j. Multi-family access driveways will be required to meet the same access requirements as commercial driveways if the multi-family site generated 100 or more trips per day.

The above provisions are taken from Public Works Design Standards and replaces and sometimes combines the driveway provisions listed below. The two sections of standards are inconsistent and in conflict concerning some items. Planning has already been deferring to the Public Works Design Standards in land use cases because the provisions are more current than what is being removed below.

~~9. Maximum driveway widths and other requirements except for single-family dwellings [see subsection (d) below]:~~

~~a. Unless otherwise herein provided, maximum driveway widths shall not exceed forty (40) feet.~~

~~b. No driveways shall be constructed within five (5) feet of an adjacent property line, except when two (2) adjacent property owners elect to provide joint access to their respective properties as provided by subsection 2.~~

~~c. There shall be a minimum distance of forty (40) feet between any two (2) adjacent driveways on a single property.~~

~~d.k For circular type driveways, the minimum distance between the two driveways driveway curb cuts on one single-family residential lot shall be thirty (30) feet. There is no minimum setback distance between a driveway and the property line for driveways on single-family residential lots.~~

~~10. Distance Between Driveways and Intersections – Except for single-family dwellings [see subsection (f) below] the minimum distance between driveways and intersections shall be as provided below. Distances listed shall be measured from the stop bar at the intersection:~~

~~a. At the intersection of any collector or arterial streets, driveways shall be located a minimum of fifty (50) feet from the intersection.~~

~~b. At the intersection of two (2) local streets, driveways shall be located a minimum of thirty (30) feet from the intersection as provided, the driveway shall be constructed as far from the intersection as possible, while still maintaining the five (5) foot setback between the driveway and property line.~~

~~c. If the subject property is not of sufficient width to allow for the separation between driveway and intersection as provided, the driveway shall be constructed as far from the intersection as possible, while still maintaining the five (5) foot setback between the driveway and property line.~~

~~d. In the case of existing flag lots, it shall be at the discretion of the Site and Design Review Board to determine the best location for driveways.~~

10. e. When considering a public facilities plan that has been submitted as part of site and design review plan in accordance with this ordinance, the city Public Works Supervisor may approve the location of a driveway closer than fifty (50) feet from the intersection of collector or arterial streets, based on written findings of fact in support of the decision. Said written approval shall be incorporated into the recommended decision of the City Planner for the site and design review plan under the process set forth.

~~f. The minimum distance between driveways for single-family residential houses and an intersection shall be thirty (30) feet. The distance shall be measured from the curb intersection point [as measured for vision clearance area (16.04.670)]. (Ord. 890 section 12, 1993; Ord. 872, 1991; Ord. 854 section 2 [part], 1991; Ord. 848, Part V, section 16.10.070 (A)(B) 1990; Ord. 955 section 3 & 4 1996; Ord. 981 section 44, 1997; Ord. 1019 section 5, 1999; Ord. 1237, 2007)~~

11. Where an existing alley is 20 feet or less in width, the property line setback abutting the alley shall increase to provide a minimum of 24 feet for maneuvering and backing movements from, garages, carports, or parking areas.

This provision was added to solve a consistent problem of vehicular maneuvering space in narrow alleys located within the city.

16.10.080 ~~Streets.~~ Street Tree Plan

~~To be established. Street Tree Plan should be incorporated into this section. (Ord. 854, 1991; Ord. 848, Part VI, section 1, 1990)~~

A Street Tree Plan can be provided in lieu of meeting the requirement of planting a tree every 30 lenial feet of street frontage as stated in Ordinance 1385 Exhibit B. The Street Tree Plan can compensate for driveways, utilities, or other obstructions that inhibit the 30 foot spacing requirement. The requirement for the planting of street trees is required under Chapter 12.32 CMC. (Ord. 854, 1991; Ord. 848, Part VI, section 1, 1990)

16.10.090 Drive-up uses.

A. Drive-up uses shall provide a minimum stacking area clear of the public right-of-way or parking lot aisle from the window service to the vehicles as follows:

1. All drive-up uses. – Each lane shall provide a minimum capacity for two (2) to eight (8) automobiles, as determined by the Site and Design Review Board.

2. For purposes of this section, an automobile shall be considered no less than twenty (20) feet in length. The width and turning radius of drive-up aisles shall be approved by the City Public Works Director.

B. The stacking area shall not interfere with safe and efficient access to other parking areas on the property. Traffic aisles shall be wide enough to accommodate backing movements where adjacent to parking stalls. Parking maneuvers shall not occur in the stacking area. (Ord. 848, Part VII, section 16.10.090, 1990)

16.10.100 Bicycle Parking.

Bicycle parking shall be provided for all multi-family residential, institutional, commercial, and industrial uses.

A. Dimensions and characteristics: Bicycle parking spaces shall be a minimum of six (6) feet long and two (2) feet wide, and overhead clearance in covered spaces shall be a minimum of seven (7) feet. A minimum five (5) foot aisle for bicycle maneuvering shall be provided and maintained beside or between each row of bicycle parking. Bicycle racks located on a sidewalk shall provide a minimum of two (2) feet between the rack and a wall or other obstacle, and between the rack and curb face. Bicycle racks or lockers shall be securely anchored to the surface or a structure. Bicycle racks located in the Downtown Commercial Zone shall be of the inverted U style (a.k.a. staple racks). See Figure 20 of the Canby Downtown Plan for correct rack placement.

B. Location: Bicycle parking shall be located in well-lit, secure locations within fifty (50) feet of the main entrance to a building, but not further from the entrance than the closest automobile parking space, and in no case further than 50 feet from an entrance when several entrances are involved.

C. Number of spaces: The bicycle parking standards set out in Table 16.10.100 shall be observed. (Ord. 1019 section 1, 1999; Ord. 1076, 2001)

TABLE 16.10.100 BICYCLE PARKING STANDARD

LAND USE CATEGORY	MINIMUM REQUIRED BICYCLE PARKING SPACES
Residential Multi-family residential, general Multi-family residential, seniors or with physical disabilities	1 space per unit 4, or 1 space per 5 units, whichever is greater
Institutional Schools – Elementary Schools - Jr. High/Middle School Schools - St. High College Transit Centers/Park & Ride Lots Religious Institutions Hospitals Doctor, Dentist Offices Libraries, Museums, etc.	To be determined through design review To be determined through design review To be determined through design review To be determined through design review 5% of auto spaces <i>(or 100% of demand, depending on accessibility to bicyclists)</i> 1 space per 40 seat capacity 1 space per 5 beds 2, or 1 space per 1000 ft ² , whichever is greater 2, or 1 space per 1000 ft ² , whichever is greater

Commercial Retail Sales	0.33 space per 1000 ft ² , whichever is greater
Auto-oriented Services	2, or 0.33 space per 1000 ft ² , whichever is greater
Groceries/Supermarkets	0.33 space per 1000 ft ²
Offices	2, or 1 space per 1000 ft ² , whichever is greater
Restaurants	1 space per 1000 ft ²
Drive-in Restaurants	1 space per 1000 ft ²
Shopping Centers	0.33 space per 1000 ft ²
Financial Institutions	2, or 0.33 space per 1000 ² , whichever is greater
Theaters, Auditoriums, etc.	1 space per 30 seats
Downtown Commercial Zone	4 spaces per block
Industrial Industrial Park	2, or .1 space per 1000 ft ² , whichever is greater
Warehouse	2, or .1 space per 1000 ft ² , whichever is greater
Manufacturing, etc.	2, or .15 space per 1000 ft ² , whichever is greater

NOTES:

Each individual use needs to be evaluated for bicycle parking – e.g., a commercial accessory use in an industrial district may have different requirements than the industrial uses around it. Similarly, in mixed-use developments, the amount of each use and required bicycle parking needs" evaluation. Finally, within each use category one needs to consider the different user categories - residents, employees, customers, etc. - and parking requirements for each.

(Ord. 1019 section I, 1999; Ord. 1043 section 3, 2000; Ord. 1076, 2001)

Chapter 16.12

CLASSIFICATION OF ZONES

Remove = ~~Strikethrough and Bold~~

Additions = **Bold and Underline**

Comments = *italics, underline, and bold*

There is no agriculture zoned property inside the city limits of Canby, and it is not shown on the official City of Canby Zoning Map or the Comprehensive Plan Map. Agriculture activities such as keeping on livestock is in conflict with Title 6, CMC that prohibits keeping of animals other than domestic pets without a special permit from the City Administrator. Agriculture activities preexisting the current zoning can continue as a non-conforming use as permitted under Chapter 16.52. Commercial agriculture uses preexisting the zone or "grandfathered" are generally on larger parcels that are less likely to conflict with the urbanized density currently in residential zones. Personal vegetable gardens etc. are added into residential zone chapters as a permitted use.

Additionally, there is no CC (Convenience Commercial zoned property within the City limits and the zone is not shown on the official Zoning or Comprehensive Plan maps. The CC zone permits commercial uses that are generally offered in the CR zone and is therefore repetitious and should be repealed.

Sections:

16.12.010 Zones designated.

16.12.020 Uses permitted.

16.12.010 Zones designated.

In order to carry out the purposes and provisions of this title, the city is divided into zones designated as follows:

Base Zones	Abbreviation
Agricultural	AG
Low Density Residential	R-1
Medium Density Residential	R-1.5
High Density Residential	R-2
Downtown Commercial	C-1
Residential/Commercial	C-R
Convenience Commercial	C-C
Highway Commercial	C-2
Commercial/Manufacturing	C-M
Light Industrial	M-1
Heavy Industrial	M-2
Overlay Zones	
Planned Unit Development	PUD
Historical Protection	A
Hazard	H
Canby Industrial Area	I-O
Wetland	WO
Riparian	RO

(Ord .890 section 14, 1003; Ord. 740 section 10.3.15 [part], 1984; Ord. 1008 section 1, 1998; Ord 1237, 2007)

16.12.020 Uses Permitted

In each zone, the uses permitted outright or permitted subject to the issuance of a conditional use permit are outlined in the following chapters. (Ord. 740 section 10.3.15 [part], 1984)

Chapter 16.14

AG - AGRICULTURAL ZONE

Sections:

- 16.14.010 Uses permitted outright.**
- 16.14.020 Conditional uses.**
- 16.14.030 Development standards.**

16.14.010 Uses permitted outright.

Uses permitted outright in the AG. Zone shall be as follows:

- A.** Agriculture, including all accessory structures used for and necessary to the conduct of agricultural activity but excluding commercial processing, sales, manufacturing, or packaging plants, except items grown primarily on the premises;
- B.** Accessory structures and uses, including those located on a lot which is adjacent to the lot housing the principal use or structure. (Ord 740 section 10.3.17(A), 1984)

16.14.020 Conditional uses.

Conditional uses in the AG. zone shall be as follows:

- A.** Public building or land use, including public utility;
- B.** Single-family dwelling; one single-family dwelling per lot. (Ord. 740 section 10.3.17(B), 1984)

16.14.030 Development standards.

The following subsections indicate the required development standards of the AG. zone:

- A.** Minimum lot area: five acres;
- B.** Minimum width and frontage: sixty feet; except that the Planning Commission may approve lots having less frontage, subject to special conditions to assure adequate access;
- C.** Minimum yard requirements:
 - 1. Street yard, twenty feet,
 - 2. Interior yard, ten feet;
- D.** Maximum building height: thirty-five feet;

E. Maximum lot coverage: sixty percent;

F. Other regulations: vision clearance distance shall be ten feet from an alley and thirty feet from any other street. (Ord. 740 section 10.3.17 (C), 1984)

REPEAL

Chapter 16.16

R-1 LOW DENSITY RESIDENTIAL ZONE

Remove = ~~Strikethrough and Bold~~

Additions = **Bold and Underline**

Comments = *italics and underline*

Sections:

16.16.010 Uses permitted outright.

16.16.020 Conditional uses.

16.16.030 Development standards.

16.16.010 Uses permitted outright.

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

A. Single-family dwelling; one single-family dwelling per lot;

~~**B. Agriculture, including all accessory structures necessary to the conduct of agricultural activity but excluding commercial processing, sales, manufacturing, or packaging plants except when used primarily for items grown on the premises;**~~

There is no agriculture zoned property inside the city limits of Canby. This use is in conflict with Title 6, CMC that prohibits keeping of animals other than domestic pets without a special permit from the City Administrator. Agriculture activities preexisting the current zoning can continue as a non-conforming use as permitted under Chapter 16.52. Agriculture uses preexisting the zone or "grandfathered" are generally on larger parcels that are less likely to conflict with the urbanized density currently in residential zones. Personal vegetable gardens etc. are added under "B" as a permitted use.

B. Vegetable gardens, orchards and crop cultivation for personal use only, including greenhouses. No large-scale commercial sale of produce is permitted unless continued as a non-conforming use that was in place prior to the existing zoning designation. Keeping of animals other than domestic pets requires a special permit from the City Administrator unless a continuation of a non-conforming agriculture use.

This change allows agriculture activities for property owners that have a lot large enough for gardening, and the continuation of non-conforming farming that was in place prior to the application of non-agriculture zoning.

C. Accessory uses and/or accessory structures;

~~D. Accessory dwellings attached to a primary dwelling (sharing a common wall) are permitted only when approved through administrative review, in conformance with Chapter 16.48. The administrative approval shall be based on findings that all of the following standards are met:~~

- ~~1. Compliance with the Oregon Structural Specialty Code;~~
- ~~2. Attached accessory dwellings are considered to be part of the primary dwelling for the purpose of meeting the development standards in Section 16.16.030;~~
- ~~3. The accessory dwelling does not exceed 800 square feet of floor area;~~
- ~~4. Not more than one accessory dwelling unit per lot;~~
- ~~5. One off-street parking space provided (i.e., in addition to any off-street parking required for other uses on the same lot);~~
- ~~6. Exterior siding and roofing must be similar in color, material and appearance to that used on the primary dwelling. Different siding or roofing may be approved by the planning commission if it finds that the proposed design is more compatible with surrounding residences;~~
- ~~7. The property owner resides on the subject property and uses it as his/her primary residence. It is the property owner's on-going responsibility to provide evidence showing that this standard is met;~~
- ~~8. Utility connections and metering comply with applicable city standards and those of utility providers;~~

D. Accessory dwelling, subject to review and approval through a Type 1 procedure (pursuant to Chapter 16.89.030) and must conform to the following standards:

1. Compliance with the Oregon Structural Specialty Code;
2. A maximum of one accessory dwelling is allowed per legal single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g. above a garage or workshop), or a unit attached or interior to a primary dwelling (e.g. an addition or the conversion of an existing floor).

3. A detached accessory dwelling may not exceed 800 square feet of floor area or 75% of the primary dwelling's floor area, whichever is smaller.
4. Accessory dwellings that result from the conversion of a level or floor (e.g. basement, attic, or second floor) of the primary dwelling may occupy the entire level or floor, even if the floor area of the accessory dwelling would be more than 800 square feet.
5. Accessory dwellings must meet all other development standards (e.g. height, setbacks, lot coverage, etc.) for buildings in the zoning district, except that:
 - a. Conversion of an existing legal non-conforming structure to an accessory dwelling is allowed, provided the conversion does not increase the non-conformity; and
 - b. Chapter 16.21, Residential Design Standards do not apply; and
 - c. An additional on-site parking space shall not be required but may be provided.

Passage of SB 1051 and HB 4031 allowed all accessory dwellings as a permitted use in zones that permit detached single-family dwellings.

- E. Day care facility in a residential home, with twelve (12) or fewer children;
- F. Manufactured and mobile home subdivisions, where developed as planned unit developments, subject to the requirements of Divisions IV and V;
- G. Minor public facilities;
- H. Manufactured home - with the following additional approval criteria:
 1. Must be double-wide or wider and must enclose at least 1,000 square feet.
 2. Must be located not more than twelve (12) inches above grade on an excavated and back-filled masonry foundation which is enclosed at the perimeter.
 3. Must have a pitched roof with a minimum slope of at least a nominal three (3) feet in height for each twelve (12) feet in width.
 4. Exterior siding and roofing must be similar in color, material and appearance to that used on surrounding dwellings within three hundred (300) feet of the lot.
 5. The exterior thermal envelope must meet performance standards equivalent to those required for single family dwellings under the State Building Code.
 6. Must not have bare metal siding or roofing.

I. Home occupations which meet the strict definition of section 16.04.240. (Ord. 890 section 15, 1993; Ord. 859 section 1, 1991; Ord. 740 section 10.3.18(A), 1984; Ord. 1080, 2001; Ord 1237, 2007))

~~J. Residential Facility - for six to fifteen individuals with the filing of a Type I Administrative Review Application and providing copies of appropriate license and/or registration from the Department of Human Services and The Oregon Health Authority. (Per ORS 197.667(4))~~

K.J. Residential Home/Adult Foster Home - for five or fewer individuals. (Per ORS 197.665).

KL. Foster Care Home; as defined in Section 16.04

These uses are permitted in all residential zones or commercial zones that allow residential uses under ORS 197.660 through 667.

16.16.020 Conditional uses.

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

A. Cemetery;

B. Church;

C. Day care facility, other than a residence or caring for more than twelve (12) children;

D. Hospital;

E. Nursing home/~~convalescent home, home for the aged, board and care home, foster care home, etc.;~~

The uses removed are not defined in the ORS. Foster care home is defined separately under Chapter 16.04

F. School;

G. Major public facilities;

H. Golf courses, public or private, with facilities and structures that are associated with the use;

I. Home occupations which otherwise meet the strict definition of section 16.04.240, but which involve the manufacture of products, nonresidential storage of goods, or any activity which is likely to increase traffic;

J. Accessory use or structure (not a dwelling) located on a lot or lots abutting the lot which houses the principal use of the property;

K. Manufactured and mobile home park or trailer park, subject to the criteria of Chapter 16.44;

L. One two-family dwelling (**duplex**) where the lot contains a minimum of twelve thousand square feet. Through the conditional use process, the Planning Commission may require the two dwellings in a duplex to share a common driveway to minimize curb cuts and paving;

M. One duplex on a corner lot that contains a minimum of ten thousand square feet, provided that the building is designed such that vehicle access to the different units is taken from different streets;

N. Bed and Breakfast;

~~O. Accessory Dwelling that is not attached to the primary dwelling. The accessory dwelling shall be separated from the primary dwelling by a minimum of 10 feet and conform to the standards in Section 16.16.010(D)(2). The building height standards in Section 16.16.030(E) shall apply.~~

~~**O. Residential Facility - for six to fifteen individuals with the filing of a Type I Administrative Review Application and providing copies of appropriate license and/or registration from the Department of Human Services and The Oregon Health Authority. (Per ORS 197.667(4) and 443.400 (8))**~~

Accessory dwellings are now a permitted use under SB 1051 and HB 4031.

P. Zero-lot line development for uses otherwise allowed, provided that the minimum side yard setback shall be 7 feet when adjacent to housing with standard setbacks. Prior to building permit approval, the applicant shall submit a copy of a recorded easement for every zero-lot line housing that guarantees rights for the purpose of construction and maintenance of structures and yards. The easement shall stipulate that no fence or other obstruction shall be placed in a manner that would prevent maintenance of structures on the subject lot; and the building placement, landscaping, and/or design of windows shall provide a buffer for the occupants of abutting lots.

Q. Other developments customarily found within a residential zone, as determined by the Planning Commission.

R. Detached accessory structure (not dwelling) up to twenty-two feet high which is located outside the allowed building footprint area for the principal structure and which does not meet the step-up height standard described in 16.16.030(E)(2)(b). (Ord. 890 section 16, 1993; Ord. 740 section 10.3.18(B), 1984; Ord. 1080, 2001; Ord. 1111 section 7, 2003; Ord 1237, 2007)

16.16.030 Development standards.

The following subsections indicate the required development standards of the R-I zone:

A. Minimum and maximum lot area: seven thousand (7,000) square feet minimum, and ten thousand (10,000) square feet maximum, per single-family dwelling. The maximum lot area standard does not apply to single family dwellings existing at the time of subdivision or partition plan approval; and the Planning Commission may approve smaller or larger lots in conformance with subsection B, below. Preexisting, legally created lots of record shall be considered to be legally buildable and separately saleable, provided they contain at least five thousand (5,000) square feet; and further provided, that any new structures on such lots meet the required setbacks ~~from the lot lines which will result when these lots of record are separated. Lot width requirements may be reduced to a minimum of fifty feet, and side yard setbacks reduced to a minimum of five feet for such lots.~~

The above provisions are removed because an existing 5000 square foot lot cannot be further separated when the minimum lot size for a newly created lot is 7000 square feet.

B. Lot area exceptions:

1. The Planning Commission may approve an exception to the minimum and maximum lot area standards in subsection 16.16.030.A as part of a subdivision or partition application when all of the following standards are met:

a. The average area of all lots created through the subject land division, excluding required public park land dedications, surface water management facilities and similar public use areas, shall be no less than seven thousand square feet and no greater than ten thousand square feet. Non-required significant natural resource areas shall be included in the average lot size calculation to enable a transfer of density onto buildable portions of the site. Required areas include identified parks, wetland areas, riparian corridors, and other areas in which building is not permitted under local, state, or federal laws or regulations. For land in the North Redwood DCP area, the Planning Commission may allow public park land dedications to be included in the lot size averaging calculation in order to achieve community development goals and allow protection of natural resources; in this case, the resulting average lot size shall not be less than 5,000 square feet.

b. No lot shall be created that contains less than six thousand square feet, unless the alternative lot layout option provided in Section 16.64.040 is used;

c. The lot area standards for two-family dwellings, as provided in Sections 16.16.010 and 16.16.020, shall be met; and

d. As a condition of granting the exception, the city will require the owner to record a deed restriction with the final plat that prevents the re-division of oversized lots (e.g., ten thousand square feet and larger), when such re-division would violate the average lot area provision in subsection 16.16.030.B.1.a. All lots approved for use by more than one dwelling shall be so designated on the final plat.

2. A public benefit must be demonstrated in order to allow more than ten percent of the lots to be outside of the minimum and maximum lot areas in subsection 16.16.030.A.

3. The Planning Commission may modify the maximum lot area requirements in 16.16.030.A if these cannot be met due to existing lot dimensions, road patterns, or other site characteristics.

C. Minimum width and frontage: sixty feet, except that the Planning Commission may approve lots having less frontage subject to special conditions to assure adequate access.

D. Minimum yard requirements:

1. Street yard: twenty feet on side with driveway; fifteen feet for all other street sides; except that street yards may be reduced to ten feet for covered porches only;

2. Rear yard: all corner lots, ten feet single story or fifteen feet two-story; all other lots, fifteen feet single story or twenty feet two-story. One story building components must meet the single story setback requirements; two story building components must meet the two-story setback requirements;

3. Interior yard: Seven feet, except as otherwise provided for zero-lot line housing.

4. Interior and rear yards may be reduced to three feet, or the width of any existing utility easement, whichever is greater, for detached accessory structures erected sixty feet or more from any street other than an alley. The height limitations noted in subsection E.2 below apply to such structures. Detached accessory dwellings are not eligible for the three foot reduction. Utility easements may only be reduced with the approval of all utility providers.

5. Infill standards may also apply. See CMC 16.21.050.

E. Maximum building height:

1. Principal building: thirty-five feet.

2. Detached accessory structure:

- a. If located inside the allowed building footprint for the principal building, a detached accessory structure may be up to twenty-two feet tall, as measured to the highest point of the roof.
- b. If located outside the allowed building footprint for the principal building, a detached accessory structure is subject to a step-up height standard, and is allowed outright only if it meets this standard. The structure shall not exceed eight feet tall, as measured to the highest point of the roof, at a distance of three feet from the property line. The structure may increase in height by one foot vertically for every one foot horizontally away from the three foot line, up to the maximum height of twenty-two feet.
- c. A conditional use permit is required to locate the structure outside of the allowed building footprint for the principal building in violation of the step-up height standard.
- d. Detached accessory structures over twenty-two feet tall are not permitted.

3. For detached accessory dwellings, the Planning Commission may approve building heights over twenty-two feet through the Conditional Use process, but in no case shall the accessory dwelling be higher than the principal building. The Planning Commission may only approve the use of buildings over twenty-two feet in the case of existing structures where no substantial changes to existing roof lines are proposed.

F. The maximum amount of impervious surface allowed the R-1 zone shall be 60 percent of the lot area.

1. Impervious surface includes all surface areas that create a barrier to or hinder the entry of water into the soil in comparison with natural conditions prior to development. Impervious surfaces include, but are not limited to, buildings, paved parking areas and driveways, roads, sidewalks, patios, packed earth, and oiled surfaces. Open, uncovered retention/detention facilities, green roofs, and permeable surfacing materials shall not be considered impervious surfaces. Roof surfaces are also considered 'pervious' when 100% of the annual average roof runoff is captured and reused on-site for irrigation or approved interior uses.

2. To limit impervious surface, alternative surfacing materials may be used. Alternative surfacing includes, but is not limited to paving blocks, turf block, pervious concrete, and porous asphalt. Other similar approved materials are encouraged. Utilization of alternative surfacing methods shall be subject to review by the City Public Works Department for compliance with applicable regulations and development standards. Maintenance of alternative surfacing materials located on private property are the responsibility of the property owner.

G. Other regulations:

1. Vision clearance distance shall be ten feet from a street to an alley or a street to a driveway, and thirty feet from a street to any other street.
2. All setbacks to be measured from the foundation line of the building; overhangs shall not exceed two feet; mechanical units, used for the heating/cooling of residential units are exempt from interior and/or rear yard setback requirements. **A chimney for a fireplace or stove shall not exceed a two foot projection.**
3. **To provide shade,** required yards on southern and western exposures may be reduced by not more than five feet for eaves, ~~or~~ canopies, **and covered patios if patio posts still comply with required five foot setbacks.** ~~to provide shade.~~
4. Accessory buildings shall not have a larger footprint than the primary building, unless lot area exceeds twelve thousand square feet. (Ord. 890 section 17, 1993; Ord. 740 section 10.3.18(C), 1984; Ord. 955 section 5, 1996; Ord. 981 section 45, 1997; Ord. 1080, 2001; Ord. 1111 section 7, 2003; Ord 1237, 2007; Ord. 1338, 2010)

Chapter 16.18

R-1.5 MEDIUM DENSITY RESIDENTIAL ZONE

Remove = ~~Strikethrough and Bold~~

Additions = **Bold and Underline**

Comments = *italics and underlined*

Sections:

16.18.010 Uses permitted outright.

16.18.020 Conditional uses.

16.18.030 Development standards.

16.18.010 Uses permitted outright.

Uses permitted outright in the R-1.5 zone shall be as follows:

A. Uses permitted outright in the R-1 zone;

B. Two-family or three-family dwellings. One duplex or triplex on each lot. (Ord. 740 sect. 10.3.20 (A), 1984)

C. Single-family **townhouse** dwellings having common wall construction. (Ord. 740 sect. 10.3.20(B), 1984; Ord. 1080, 2001) **The townhouse construction is limited to a maximum grouping of three dwelling units. If more than one group of dwellings is developed then a ten foot distance shall be maintained between an adjacent group of dwelling units.**

16.18.020 Conditional uses.

Conditional uses in the R-1.5 zone shall be as follows:

A. Uses listed as conditional in the R-1 zone; except as modified by Section 16.18.010, above;

B. Four-family dwellings;

~~C. Single-family dwellings having common wall construction. (Ord. 740 sect. 10.3.20(B), 1984; Ord. 1080, 2001)~~

16.18.030 Development standards.

The following subsections indicate the required development standards of the R-1.5 zone:

A. Minimum and maximum lot area:

- 1. For single family dwellings: five thousand (5,000) square feet minimum and six thousand five hundred (6,500) square feet maximum.**
- 2. For townhomes dwelling units having common wall construction: three thousand (3000) square foot minimum lot size.**

Comment: Since townhomes are a permitted use, a minimum lot size should be established outright. Townhome proposals usually result in a partition to create the new lots.

~~**2. For two, three, or four family dwellings: minimum of six units per acre and a maximum of 13 units per acre. Density is calculated by dividing the number of dwelling units by the property area in acres (minus area required for street right-of-way and public park/open space areas). Decimals are rounded to the nearest whole number.**~~

3. Minimum residential density: For two, three, and four family dwellings: new development shall achieve a minimum density of 6 units per acre and a maximum of 13 units per acre. Minimum density for a property is calculated by multiplying its area in acres (minus area required for street right-of-way and public park/open space areas) by the density standard. For example, 0.32 acres x 6 units/acre = minimum of 1.92 units. Decimals are rounded to the nearest whole number (e.g., a minimum of 1.92 units becomes a minimum of 2 units per acre). The Planning Commission may modify the density standard if it cannot be met due to existing lot dimensions, road patterns, or other site characteristics.

The change is to establish a maximum number of units that is less than the 14 unit minimum allowed in the R-2 zone. It also prevents an increase in density that would not be appropriate in the zone. Additionally, an explanation for density calculation is clarified.

4 3. The Planning Commission may approve smaller or larger lots in accordance with subsection B, below.

B. Lot area exceptions:

- 1.** The Planning Commission may approve an exception to the minimum and maximum lot area standards in subsection 16.18.030.A as part of a subdivision or partition application when all of the following standards are met:
 - a.** The average area of all lots and open space tracts created through the subject land division, excluding required public park land dedications, surface water management facilities and similar public use areas, shall be no less than five thousand square feet and no greater than six thousand five hundred square feet. Non-required significant natural resource areas shall be included in the

average lot size calculation to enable a transfer of density onto buildable portions of the site. Required areas include identified parks, wetland areas, riparian corridors, and other areas in which building is not permitted under local, state, or federal laws or regulations. For land in the North Redwood DCP area, the Planning Commission may allow public park land dedications to be included in the lot size averaging calculation in order to achieve community development goals and allow protection of natural resources; in this case, the resulting average lot size shall not be less than 4,000 square feet;

b. No lot shall be created that contains less than four thousand square feet, unless the alternative lot layout option provided in Section 16.64.040 is used; and

c. As a condition of granting the exception, the city will require the owner to record a deed restriction with the final plat that prevents the re-division of oversized lots (six thousand five hundred square feet and larger), when such re-division would violate the average lot size provision in subsection 16.18.030.B.1.a. All lots approved for use by more than one dwelling shall be so designated on the final plat.

2. A public benefit must be demonstrated in order to allow more than ten percent of the lots to be outside of the minimum and maximum lot areas in subsection 16.18.030.B.1.a.

3. The Planning Commission may modify the maximum lot area requirements in subsection 16.18.030.B if these cannot be met due to existing lot dimensions, road patterns, or other site characteristics.

~~4. Lots of three thousand square feet each may be permitted by the Planning Commission for single family dwellings having common wall construction.~~

Moved to section 16.18.020 and rewritten.

5 4. The maximum lot area standard does not apply to dwellings existing prior to subdivision or partition plan approval or to lots designated for open space.

C. Minimum width and frontage: forty feet, except that the Planning Commission may approve lots having less frontage subject to special conditions to assure adequate access. Twenty feet is permitted for single family attached (common wall) housing on interior lots.

D. Minimum yard requirements:

1. Street yard: twenty feet on side with driveway; fifteen feet for all other street sides; except that street yards may be reduced to ten feet for covered porches only.

2. Rear yard: all corner lots, ten feet single story or fifteen feet two-story; all other lots: fifteen feet single story or twenty feet two-story. One story building components must meet the single story setback requirements; two story building components must meet the two-story setback requirements;

3. Interior yard: seven feet, except as otherwise provided for zero-lot line housing.

4. Interior and rear yards may be reduced to three feet, or the width of any existing utility easement, whichever is greater, for detached accessory structures, except accessory dwellings, erected sixty feet or more from any street other than an alley. The height limitations noted in subsection E.2 below apply. Utility easements may only be reduced with the approval of all utility providers.

5. Infill standards may also apply. See CMC 16.21.050.

E. Maximum building height:

1. Principal building: thirty-five feet.

2. Detached accessory structure:

a. If located inside the allowed building footprint for the principal building, a detached accessory structure may be up to twenty-two feet tall, as measured to the highest point of the roof.

b. If located outside the allowed building footprint for the principal building, a detached accessory structure is subject to a step-up height standard, and is allowed outright only if it meets this standard. The structure shall not exceed eight feet tall, as measured to the highest point of the roof, at a distance of three feet from the property line. The structure may increase in height by one foot vertically for every one foot horizontally away from the three foot line, up to the maximum height of twenty-two feet.

c. A conditional use permit is required to locate the structure outside of the allowed building footprint for the principal building in violation of the step-up height standard.

d. Detached accessory structures over twenty-two feet tall are not permitted.

3. For detached accessory dwellings, the Planning Commission may approve building heights over twenty-two feet through the Conditional Use process, but in no case shall the accessory dwelling be higher than the principal building. The Planning Commission may only approve the use of buildings over twenty-two feet in the case of existing structures where no substantial changes to existing roof lines are proposed.

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

1. Impervious surface includes all surface areas that create a barrier to or hinder the entry of water into the soil in comparison with natural conditions prior to development. Impervious surface include, but are not limited to, buildings, parking areas, driveways, roads, sidewalks, patios, packed earth, and oiled surfaces. Open, uncovered retention/detention facilities, green roofs, and permeable surfacing materials shall not be considered impervious surfaces. Roof surfaces are also considered 'pervious' when 100% of the annual average roof runoff is captured and reused on-site for irrigation or approved interior uses.

2. To limit impervious surface, alternative surfacing materials may be used. Alternative surfacing includes, but is not limited to paving blocks, turf block, pervious concrete, and porous asphalt. Other similar approved materials are encouraged. Utilization of alternative surfacing methods shall be subject to review and approval by the City Public Works Department for compliance with other applicable regulations and development standards. Maintenance of alternative surfacing materials located on private property are the responsibility of the property owner.

G. Other regulations:

1. Vision clearance distance shall be ten feet from a street to an alley or a street to a driveway, and thirty feet from a street to any other street.

2. All setbacks to be measured from the foundation line of the building. Overhangs shall not exceed two feet; mechanical units, used for the heating/cooling of residential units are exempt from interior and/or rear yard setback requirements. **A chimney for a fireplace or stove shall not exceed a two foot projection.**

3. **To provide shade,** required yards on southern and western exposures may be reduced by not more than five feet for eaves, ~~or~~ canopies, **and patio covers, if the patio posts still comply with required setbacks.** ~~to provide shade.~~

4. Accessory buildings shall not have a larger footprint than the primary building. (Ord. 890 sect. 19, 1993; Ord. 740 sect. 10.3.20(C), 1984; Ord. 955 sect. 6, 1996; Ord. 981 sect. 46, 1997; Ord. 1019 sect. 8, 1999; Ord. 1080, 2001; Ord 1237, 2007; Ord. 1338, 2010.)

Chapter 16.20

R-2 HIGH DENSITY RESIDENTIAL ZONE

(Ord 890 section 20, 1993)

Remove = ~~Strikethrough and Bold~~

Additions = **Bold and Underline**

Comments = *italics and underlined*

Sections:

16.20.010 Uses permitted outright.

16.20.020 Conditional uses.

16.20.030 Development standards.

16.20.010 Uses permitted outright.

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

A. Uses permitted outright in the R-1.5 zone, subject to the density standards in Section 16.20.030(A);

B. Single family **townhouse** dwellings having common wall construction;

C. Boarding, lodging or rooming house;

D. Multi-family dwelling;

E. Manufactured and mobile home or trailer parks, subject to the criteria of Chapter 16.44;

F. Bed and Breakfast. (Ord. 890 section 21, 1993; Ord. 740 section 10.3.21(A), 1984; Ord. 1019 section 9, 1999; Ord. 1080, 2001)

G. Residential Facility - for six or more individuals. (Per ORS 197.667(4) and 443.400 (8))

16.20.020 Conditional uses.

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

A. A use listed as conditional in the R-1 zone and not listed as permitted outright in section 16.20.010;

B. Uses listed as permitted outright in the C-R zone (Section 16.24.010), not to exceed 3,000 square feet, and only when part of a Planned Unit Development. All such uses shall be subject to site and design review.

C. Zero-lot line development for uses otherwise allowed, provided that the minimum side yard setback shall be 7 feet when adjacent to housing with standard setbacks. Prior to building permit approval, the applicant shall submit a copy of a recorded easement for every zero-lot line housing that guarantees rights for the purpose of construction and maintenance of structures and yards. The easement shall stipulate that no fence or other obstruction shall be placed in a manner that would prevent maintenance of structures on the subject lot; and the building placement, landscaping, and/or design of windows shall provide a buffer for the occupants of abutting lots. (Ord. 890 section 22(A)(B), 1993; Ord. 740 section 10.3.21 (B), 1984; Ord. 1080, 2001)

16.20.030 Development standards.

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

~~**A.** Minimum residential density: New development shall achieve a minimum density of 14 units per acre. Density is calculated by dividing the number of dwelling units by the property area in acres (minus area required for street right-of-way and public park/open space areas). Decimals are rounded to the nearest whole number. The Planning Commission may modify the density standard if it cannot be met due to existing lot dimensions, road patterns, or other site characteristics.~~

A Minimum residential density: New development shall achieve a minimum density of 14 units per acre. Minimum density for a property is calculated by multiplying its area in acres (minus area required for street right-of-way and public park/open space areas) by the density standard. For example, 0.18 acres x 14 units/acre = minimum of 2.52 units. Decimals are rounded to the nearest whole number (e.g., a minimum of 2.52 units becomes a minimum of 3 units). The Planning Commission may modify the density standard if it cannot be met due to existing lot dimensions, road patterns, or other site characteristics.

B. Townhouses with common wall construction must be placed on a maximum 3000 square foot lot in order to meet the density required in this section.

~~**B**~~ **C.** Minimum width and frontage: Twenty feet except that the Planning Commission may require additional width to ensure that all applicable access standards are met.

~~**C**~~ **D.** Minimum yard requirements:

1. Street yard: twenty feet on side with driveway; fifteen feet for all other street sides; except that street yards may be reduced to ten feet for covered porches

only. Street yards for multifamily development (3 or more units located on the same property) located adjacent and on the same side of the street to an R-1 (Low Density Residential) or R-1.5 (Medium Density Residential) zone shall establish a front yard setback that is within 5 feet of the front yard setback of the adjacent home in the R-1 or R-1.5 zone but shall not be less than 10 feet from the property line. This standard does not apply if the closest adjacent home has a front yard setback greater than 30 feet.

2. Rear yard: all corner lots, ten feet single story or fifteen feet two-story; all other lots: fifteen feet single story or twenty feet two-story. One story building components must meet the single story setback requirements; two story building components must meet the two-story setback requirements;

3. Interior yard: seven feet, except as otherwise provided for zero-lot line housing.

4. Interior and rear yards may be reduced to three feet, or the width of any existing utility easement, whichever is greater, for detached accessory structures erected sixty feet or more from any street other than an alley. The height limitations noted in subsection D.2 below apply to such structures. Utility easements may only be reduced with the approval of all utility providers.

5. Multifamily development (3 or more units on the same property) that is adjacent to an R-1 (Low Density Residential) or R-1.5 (Medium Density Residential) zone must provide a minimum 15-foot buffer area between the multifamily development and the R-1 or R-1.5 zoned property. Within this buffer the following applies (see figure 16.20-1):

a. Site obscuring landscaping shall be required. The Planning Commission may require retention of existing vegetation; installation of a 6-foot minimum height site-obscuring fence with shade trees planted a maximum of 30 feet on center; and/or other landscaping to provide visual buffering.

b. No active recreation areas (tot lots, swimming pools, etc.) shall be allowed within the 15-foot buffer (garden spaces shall not be considered active recreation areas);

c. If developing multi-family properties are adjacent to lots currently zoned R-1, but the R-1 zoned properties are designated HDR (High Density Residential) on the Comprehensive Plan Map, and therefore available for future high density development, then the multi-family development is not subject to the 15 foot buffer criteria listed in this section and can use the normal setbacks for the zone.

Comment:

This change was suggested by Jason Bristol. The proposal makes sense because properties that are adjacent to lots designated for future High Density development can also be rezoned high density (R-2) consistent with the Comprehensive Plan designation. This buffer requirement makes the transition or redevelopment of

properties having the HDR designation much less likely to ever occur unless all contiguous properties are rezoned together simultaneously. Correspondingly, protection of the existing low density use will become less likely without the buffer requirement that is currently in place. However, the existing R-1 zone on the properties is inconsistent with the desired future transition to higher density as designated in the Comprehensive Plan and that is the key to allowing the proposed exception for use of the buffer.

6. Infill standards may also apply. See CMC 16.20.030(D)(3) and CMC 16.21.050.

D E. Maximum building height and length:

1. Principal building: thirty-five feet.

2. Detached accessory structure:

- a. If located inside the allowed building footprint for the principal building, a detached accessory structure may be up to twenty-two feet tall, as measured to the highest point of the roof.
- b. If located outside the allowed building footprint for the principal building, a detached accessory structure is subject to a step-up height standard, and is allowed outright only if it meets this standard. The structure shall not exceed eight feet tall, as measured to the highest point of the roof, at a distance of three feet from the property line. The structure may increase in height by one foot vertically for every one foot horizontally away from the three foot line, up to the maximum height of twenty-two feet.
- c. A conditional use permit is required to locate the structure outside of the allowed building footprint for the principal building in violation of the step-up height standard.
- d. Detached accessory structures over twenty-two feet tall are not permitted.

3. Maximum building height for multifamily developments abutting an R-1 (Low Density Residential) or R-1.5 (Medium Density Residential) zone shall not exceed a building height greater than one foot for each foot of distance from the R-1 and/or R-1.5 property line.

4. Maximum building length shall be 120 feet.

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

1. Impervious surface includes all surface areas that create a barrier to or hinder the entry of water into the soil in comparison with natural conditions prior to development. Impervious surfaces includes, but are not limited to, buildings, parking areas, driveways, roads, sidewalks, patios, packed earth, and oiled surfaces. Open, uncovered retention/detention facilities, green roofs, and permeable surfacing materials shall not be considered impervious surfaces. Roof surfaces are also considered 'pervious' when 100% of the annual average roof runoff is captured and reused on-site for irrigation or approved interior uses.

2. To limit impervious surface, alternative surfacing materials may be used. Alternative surfacing includes, but is not limited to paving blocks, turf block, pervious concrete, and porous asphalt. Other similar approved materials are encouraged. Utilization of alternative surfacing methods shall be subject to review and approval by the City Public Works Department for compliance with other applicable regulations and development standards. Maintenance of alternative surfacing materials located on private property are the responsibility of the property owner.

F G. Other regulations:

1. Vision clearance distance shall be ten feet from a street to an alley or a street to a driveway, and thirty feet from a street to any other street.

2. All setbacks to be measured from the foundation line of the building. Overhangs shall not exceed two feet; mechanical units, used for the heating/cooling of residential units are exempt from interior and/or rear yard setback requirements. **A chimney for a fireplace or stove shall not exceed a two foot projection.**

3. **To provide shade,** required yards on southern and western exposures may be reduced by not more than five feet for eaves, ~~or~~ canopies, **and patio covers, if patio posts still comply with required setbacks. to provide shade.**

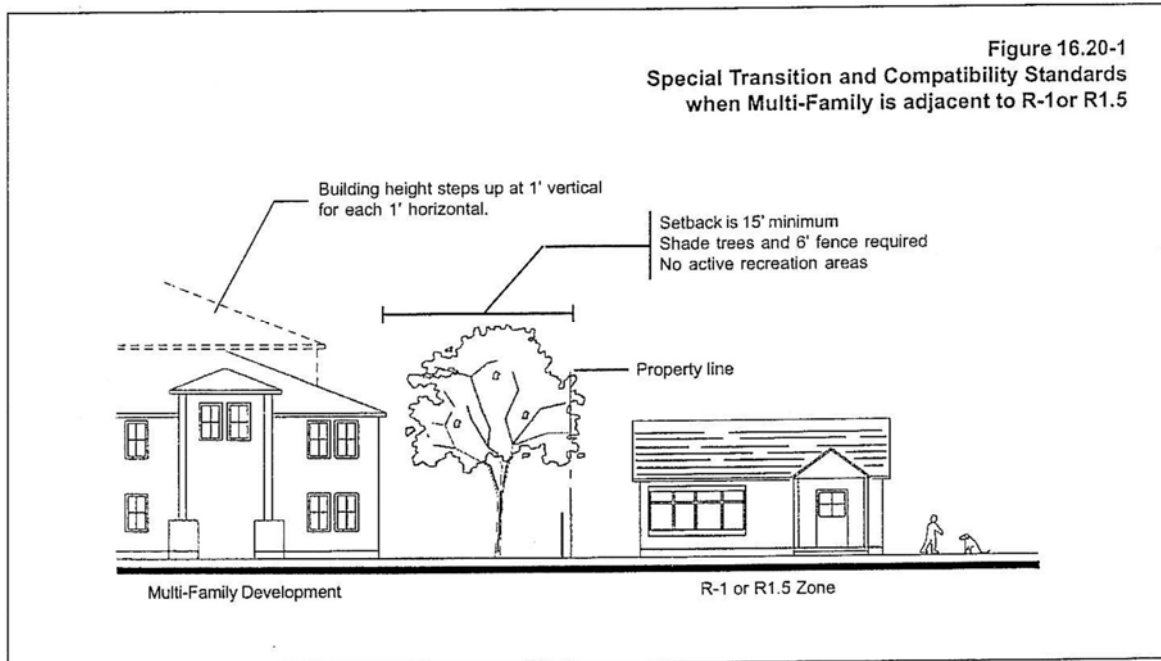
4. Multi-family developments exceeding ten units shall provide 150 square feet of recreation space per dwelling unit. Recreation spaces shall be no less than 1,500 square feet in size.

5. Accessory buildings shall not have a larger footprint than the primary building. (Ord. 890 sect. 23, 1993; Ord. 740 sect. 10.3.21 (C), 1984; Ord. 955 sect. 7, 1996; Ord. 981 sect. 47, 1997; Ord. 1080, 2001; Ord. 1107, 2002; Ord. 1237, 2007; Ord. 1338, 2010)

6. Townhouse (common wall) development shall not exceed six dwelling units as defined in Chapter 16.04.195. Where possible, the six unit development should include the placement of an alley or sidewalk along the rear boundary of the properties for fire and emergency access to the rear of the properties. If more than one group of six dwelling units is constructed, then the groups shall be separated by ten feet of open space.

Comment:

Townhomes fit the trend toward providing higher density develop that is being encouraged at the State legislative level. Requiring a developer to try and place an alley behind the townhouses regardless of the size, shape, or setting of the lot would discourage the property owner from proceeding with the project.



Chapter 16.21

RESIDENTIAL DESIGN STANDARDS

Remove = ~~Strikethrough and Bold~~

Additions = **Bold and Underline**

Comments = *italics, and underlined*

Sections:

- 16.21.010 Purpose.
- 16.21.020 Applicability and review procedure for single and two-family dwellings.
- 16.21.030 Single and two-family dwelling design menus.
- 16.21.040 Main entrances
- 16.21.050 Infill dwellings and lots.
- 16.21.060 Applicability and review procedure for multi-family dwellings.
- 16.21.070 Multi-family design standards.

16.21.010 Purpose.

The purpose of the residential design objectives are to promote:

- A. Community livability through the creation of attractive design housing and streetscapes.
- B. Compatibility (in height, bulk, setback and overall design) between infill housing and adjacent established housing, to the extent practicable. Additionally, the standards are intended to promote compatibility and transitions between multi-family housing and adjacent uses.
- C. Community safety for neighborhood streets and front yards by providing “eyes on the street.”
- D. Community interaction by designing neighborhood streets, front yards and open spaces so that they are attractive and inviting places for neighbors to interact.
- E. Good design at reasonable cost through design standards that improve residential design within reasonable cost parameters, process, and with options for how to meet the standards. (Ord. 1107, 2002)

F. Low impact developments that manage stormwater through the use of on-site features, preserve natural conditions and open space, minimize impervious surfaces, and use land efficiently. (Ord. 1107, 2002; Ord. 1338, 2010)

16.21.020 Applicability and review procedure for single family and two family dwellings.

The standards in sections 16.21.030 through 16.21.050 apply to single family dwellings, manufactured homes, and two family dwellings (duplexes). Where a proposal is for an alteration or addition to a existing development, the standards of this section apply only to the portion being altered or added. If the applicant can demonstrate that implementation of the standards would be impractical due to lot size, shape, slope, or other natural feature of the property that does not generally apply to other properties in the city, the Planning Director may waive any of the standards which are demonstrated to be impractical. (Ord. 1107, 2002)

16.21.030 Single family and two-family dwelling design menu.

A. Purpose: These standards are intended to ensure design of housing that will reinforce and enhance Canby's overall livability and provide options to promote design variety and ease of administration of the standards.

~~B. All new single family dwellings, manufactured homes, and two-family dwellings (duplexes) shall comply with the design features in this section along street facing facades. Additions and alterations that add less than 50% to the existing floor area of the house (not including garage floor area) are exempt from this subsection, unless a new garage is being added. Additions or alterations that are not visible from the street side of the home are exempt. There are two options for complying with these standards. Option 1 is to meet the Garage standards in 16.21.030(C) and four of the design standards in 16.21.030 (D). For homes that do not comply with the Garage standards in 16.21.030(C), Option 2 is to meet six of the design standards in 16.21.030 (D). Homes on corner lots and through lots shall comply with either option 1 or 2 above for the front of the lot (as defined by 16.04.320). The non-front side of the lot shall comply with 3 of the design menu standards in 16.21.030 (D).~~

B. All new single family dwellings, manufactured homes, townhouses, and two-family dwellings (duplexes) shall comply with the design features in this section along street facing facades.

1. Additions and alterations that add less than 50% to the existing floor area of the house (not including garage floor area) are exempt from this subsection, unless a new garage is being added. Additions or alterations that are not visible from the street side of the home are exempt.

Homes on corner lots and through lots shall comply with either option 1 or 2 above for the front of the lot (as defined by 16.04.320). The non-front side of the lot shall comply with 3 of the design menu standards in 16.21.030 (D).

Third paragraph moved to C(3)and C(1)(3) and rewritten

The above paragraphs were separated, moved, or rewritten from "B" above for clarity. The options discussed as 1 and 2 are moved to become criteria in 16.21.030(C)(1) and (2).

C. Garage Standards: These standards are intended to: provide a visual connection between the living area of the residence and the street; prevent garages from obscuring or dominating the main entrance of the house; and, provide for a pleasant pedestrian environment in residential areas. The garage and design standards are:

1. Garage Façade Length Standards:

- a.1. A garage may be up to 50% of the length of the street-facing facade (see figure 16.21-1), shall meet 4 of the design standards in 16.21.030(D) or,**
- b.2. A garage may be up to 60% or more of the length of the facade, if a portion of the garage wall is recessed a minimum of 2 feet from the remaining longest front street facing façade (see figure 16.21-2) shall meet 6 of the design standards in 16.21.030(D).**
- c. On corner lots, the non-front street side of the lot shall comply with 3 of the design menu standards in 16.21.030 (D).**

2. Garage Façade Projection Standards:

- a4. A garage wall that faces the street may be no closer to the street than the longest remaining street-facing wall front façade of the house, except as provided in subsections (b)(1) (5) and or (b)(2) (6) below.**
- b5. A garage may extend up to 6 feet in front of the longest remaining portion of the front facade if:**
 - 1. There is a covered front porch and the garage does not extend beyond the front line of the porch (see figure 16.21-3); or,**
 - 2. The garage is part of a two-level dwelling's multi-gabled façade that and has a window (minimum 6 square feet, with 4" trim or shutters) on the second level above the garage door or placed on another front façade gable that faces the street garage street frontage (see figure 16.21-4).**

The above changes were made to clarify this criteria that was confusing to staff and developers. Moved from B and rewritten.

- 3. On corner lots, and through lots, only one street-facing wall must meet the design standards required in 1 or 2 above for the front of the lot as defined in Section 16.04.320. Homes on corner lots and through lots shall**

~~comply with either option 1 or 2 above for the front of the lot (as defined by 16.04.320).~~

Moved from C(3) and B and rewritten

- 4.** ~~6.~~ Garages may be side-oriented to the front lot line if windows occupy a minimum of 15% of the street-facing wall of the garage (see figure 16.21-5).

Moved form C(6)

5. The garage standards in this section do not apply to “flag lots” when the proposed dwelling cannot be clearly seen from the public street frontage or does not front on a public street.

This comment was added to point out that flag lots are exempt from this section.

D. Design Menu Standards

1. Dormers
2. Gables, hip roof, or gambrel roof form.
3. Recessed entries (minimum 2 foot recess)
4. Covered porch entries (minimum 48 square feet, minimum 4 feet deep)
5. Bay windows
6. Any eaves of 12 inches or greater
7. Off-set of 16 inches or greater on building face or roof
8. Windows and main entrance doors occupy a minimum of 15% of the facade, not including the roof.
9. Window trim (minimum 4-inch) or shutters (minimum 8-inch)
10. Balconies or porch rail
11. Shakes, shingles, brick or other similar decorative materials occupy at least 60 square feet of the street facade. (Ord. 1107, 2002; Ord 1237, 2007)

E. Residential Elevations

1. Residential dwelling permits shall include delineated top of curb elevations at two property corners at the street frontage.

2. Finished floor elevations at the front street side of the dwelling shall not exceed 30 inches above the average of the two measured elevations.

F. Garage Setback

- 1. A minimum 19 foot setback shall be provided from the garage to the sidewalk when the sidewalk is an easement that extends onto private property to prevent vehicles parked in the driveway from protruding into the sidewalk area.**

The above provisions are added to establish residential dwelling criteria to prevent dwellings that, if not regulated, can be elevated above grade to a height that eliminates privacy on adjacent lots and renders privacy fencing useless. Additionally, the 19 foot driveway setback minimum prevents parked vehicles from protruding over the sidewalk when sidewalks are constructed as an easement and impeding pedestrians along the property frontage.

G. Placement of Mobile Homes or Manufactured Homes on a lot in a residential zone, outside of a mobile home park, that is used as the primary residence must construct a carport or garage for at least one vehicle.

This provision is intended to help maintain the residential character of neighborhoods.

16.21.040 Main entrances for single family and two family dwellings.

A. Purpose. These standards are intended to ensure there is a visual connection between the entry of the home and the street, and, provide for a pleasant pedestrian environment in residential areas.

B. At least one main entrance for each structure must:

1. Additions or alterations that are not visible from the street side of the home are exempt. or
2. Be at an angle up to 45 degrees from the street, or
3. Open onto a covered porch on the front or side of the residence that is at least 48 square feet in area and at least 4 feet in depth. (Ord. 1107, 2002)

16.21.050 Infill Homes

A. Purpose. The purposes of these standards are to promote compatibility between new development and existing homes, and, to provide for the efficient use of residential land.

B. Applicability. These standards apply to all new infill homes as defined by 16.04.255. The standards also apply to remodels of existing infill homes where the remodel increases the homes floor area by more than 50%, not including garage area.

C. Standards for Infill Homes (see figure 16.21-6)

1. Lot Coverage - Infill homes exceeding one story shall not exceed a lot coverage of 35%. In this standard, lot coverage applies to portion of the lot covered by structures, not including garage area.
2. Garage Standards - Infill homes must meet the Option 1 garage standards in 16.21.030. The infill home is exempt from garage standards if located on a flag lot, or, if an adjacent home fronting the same street does not comply with the garage standards in 16.21.030(C).
3. Similar Front Setback - Infill homes shall establish a front yard setback that is within 5 feet of the front yard setback for the closest adjacent home on the same side of the street. This standard does not apply if the closest adjacent home has a front yard setback greater than 30 feet.
4. Maximum Height. Infill homes shall have a maximum height of 28 feet.
5. Step-up Standard. At the interior and rear setback line, the infill home shall not exceed a single story exterior wall height (not to exceed 10 feet from finished floor to top plate). The area within a gable is not included in the wall height. Finished vaulted ceilings or unfinished attic spaces without exterior windows are allowed in the gable area. The building may increase in height by one foot vertically for every foot horizontally away from the setback line, up to the maximum height allowed. Building height is measured as defined by the Oregon Structural Specialty Code. The Planning Director or Planning Commission may exempt infill homes from this standard for any yard that abuts a property on which the existing home is greater than one story.

16.21.060 Applicability and review procedure for multi-family dwellings.

The standards in section 16.21.070 apply to multi-family dwellings. Where a proposal is for an alteration or addition to an existing development, the standards of this section apply only to the portion being altered or added. If the applicant can demonstrate that implementation of the standards would be impractical due to lot size, shape, slope, or other natural feature of the property that does not generally apply to other properties in the city, the Planning Director may waive any of the standards which are demonstrated to be impractical. (Ord. 1107, 2002)

16.21.070 Multi-family design standards.

- A. For design review applications for multi-family dwellings (three or more units) or for development that contain 3 or more units on a single lot located in any zone, the menu in Table 16.21.070 shall apply. This menu replaces the general menu contained in Chapter 16.49 for such applications.
- B. A design review application for multi-family dwellings shall be considered to be compatible if
 1. At least five of the Design Elements for Street Facing Facades are achieved.

2. a minimum of 60 percent of the total possible points from the Design Menu are accumulated for the whole development;
3. 10 percent of the points used to meet (2) above are from the LID category; and,
4. the applicant has received a minimum of one point in each applicable category.

C. Those elements that are not applicable to a project shall not be counted toward the total possible points. (Ord. 1338; 2010)

Table 16.21.070 Multi-Family Design Menu

As part of review of multi-family developments, the following menu shall be used as part of the review. In order to “pass” this table 60% of total possible points shall be earned,
(10% of the total possible points must be from LID elements)

Design Criteria	Possible Points				
Parking	0	1	2	3	4
Screening of parking and/or loading facilities from public right-of-way	Not screened	Partially screened	Fully screened	-	-
Parking lot lighting provided	No	Yes	-	-	-
Parking location (behind building is best)	Front	Side	Behind	-	-
Number of parking spaces provided (% of minimum required)	>120%	101-120%	100%	-	-
Tree Retention	0	1	2	3	4
Percentage of trees retained	<10%	10-50%	51-75%	>75%	-
Replacement of trees removed	<50%	≥50%	-	-	-
Building Orientation to the Street	0	1	2	3	4
Primary entrances face the street	Not street-facing	Entrance breezeway faces street	All entrances face the street	-	-
Building Orientation to the Street, cont.	0	1	2	3	4
Site's frontage has buildings within 25 feet of front lot line. (Full points may be given when courtyards are adjacent to the frontage.)	0-25% of street frontage	26-50% of street frontage	≥51% of street frontage	-	-
Screening of Storage Areas and Utility Boxes	0	1	2	3	4
Trash storage is screened from view by solid wood fence, masonry wall or landscaping.	No	Yes	-	-	-

Design Criteria	Possible Points				
Trash storage is located away from adjacent property lines.	0 - 10 feet from adjacent property	11 - 25 feet from adjacent property	>25 feet from adjacent property	-	-
Utility equipment is screened from view.	Not screened	Partially screened	Fully screened	-	-
Prevention of Monotonous and Incompatible Design	0	1	2	3	4
Horizontal length of all buildings is a maximum of 120 feet.	101 - 120 feet	81 - 100 feet	≤80 feet	-	-
Roofs have a gable, hip or gambrel form, minimum pitch of 3 to 12 with at least 6-inch overhang.	No	Yes	-	-	-
A minimum of 15% of street façade areas contains windows or doors. All windows provide trim, recess, or other method of providing shadowing.	No	Yes	-	-	-
Garages are located to minimize their visual impact.	Front of building	Side of building	Back of building	-	-
Exterior design features include offsets, balconies, projections, window reveals, or similar elements to break up large building expanses.	Less than one design feature within every 30 feet of longest façade.	One design feature within every 30 feet of longest façade.	Two or more design features within every 30 feet of longest façade.	-	-
Private Open Space and Landscaping	0	1	2	3	4
Private open space provided in addition to what is required for the base zone.	No additional open space.	Patios or balconies (at least 48 square feet) provided for 50% of units.	Patios or balconies (at least 48 square feet) provided for 51-100% of units.	Sport court, tot lot, pool or community room is provided.	-
Number of non-required trees provided.	-	At least one tree per 500 square feet of landscaping.	-	-	-
Private Open Space and Landscaping, cont.	0	1	2	3	4
Amount of grass (less grass is better) (% of total landscaped area)	>50%	25-50%	<25%	-	-
Street and Block Framework	0	1	2	3	4

Design Criteria	Possible Points				
Multi-family developments 8 acres or larger are developed as a series of complete blocks bounded by a network of public or private streets with sidewalks and street trees.	No blocks or network.	10-50% of units are along a street with sidewalks, street trees, and on-street parking.	51-100% of units are along a street with sidewalks, street trees, and on-street parking.	-	-
Low Impact Development (LID)	0	1	2	3	4
Use of pervious paving materials (% of total paved area)	<10%	-	10-50%	51-75%	>75%
Provision of park or open space area for public use	None	-	Open Space (Generally not for public use)	-	Park (public or privately owned for public use)
Use of drought tolerant species in landscaping (% of total plants)	<25% drought tolerant	-	25-50% drought tolerant	51-75% drought tolerant	>75% drought tolerant
Provision of additional interior parking lot landscaping (% of minimum required)	100%	101-110%	111-120%	>120%	-
Provision of an eco-roof or rooftop garden (% of total roof area)	<10%	-	-	10-50%	>50%
Parking integrated within building footprint (below-grade, structured parking, or tuck-under parking) (% of total on-site parking)	<10%	-	-	10-50%	>50%
Disconnecting downspouts from city stormwater facilities	None	Some downspouts disconnected	All downspouts disconnected	-	-
Shared parking with adjacent uses or public parking structure (% of total required parking spaces)	None	<50%	≥50%	-	-
Provision of rain gardens/bioretention areas for stormwater runoff (% of total landscaped area)	None	-	10-50%	51-75%	>75%
Total Possible Points= 67 60%=40 points (rounding down), 10%=7 points (rounding up)					

(Ord. 1338, 2010)

Figure 16.21-1
Garage Standard 1

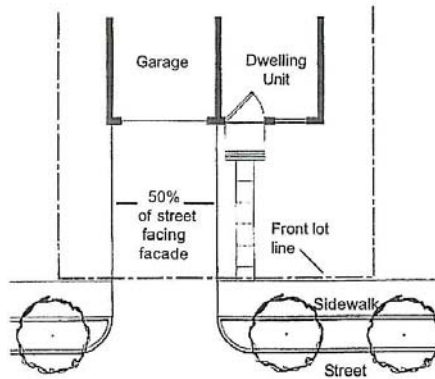


Figure 16.21-2
Garage Standard 2

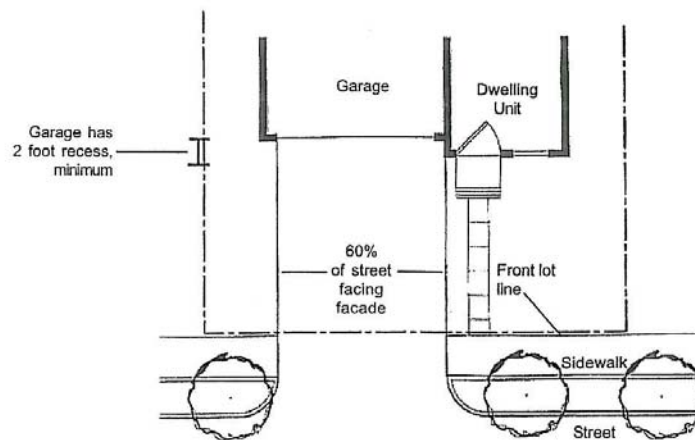


Figure 16.21-3
Garage Standard 5a

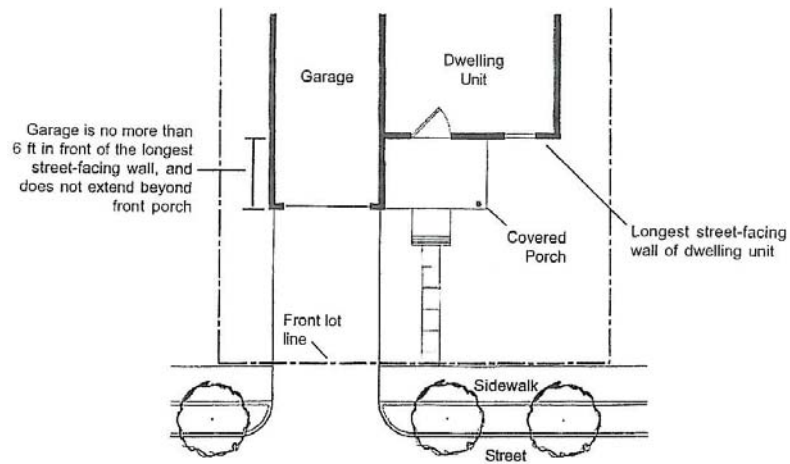


Figure 16.21-4
Garage Standard 5b

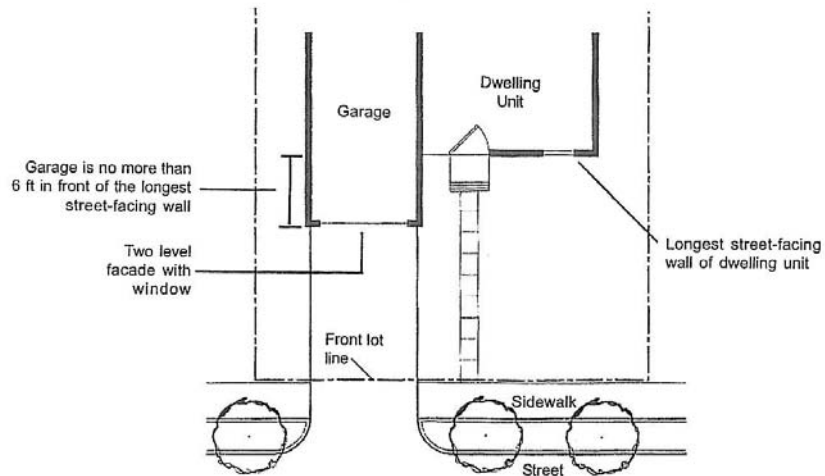


Figure 16.21-5
Garage Standard 6

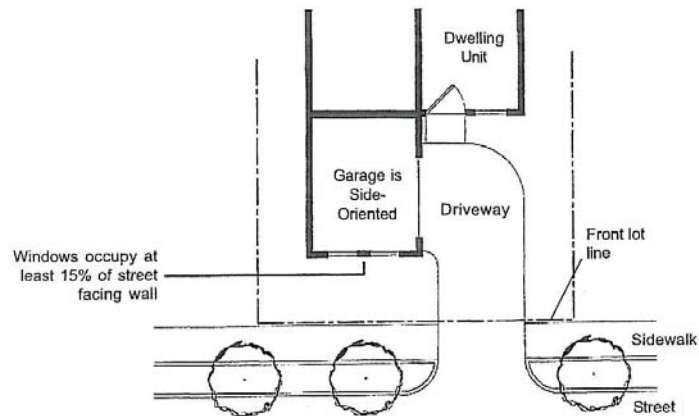
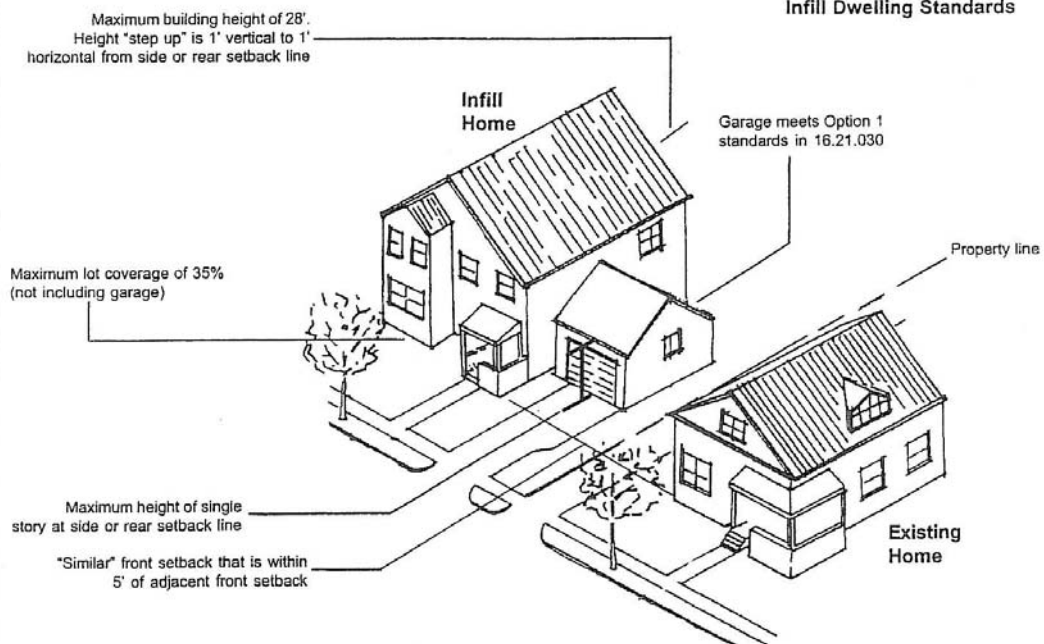


Figure 16.21-6
Infill Dwelling Standards



Chapter 16.22

C-1 DOWNTOWN COMMERCIAL ZONE

Remove = ~~**Strikethrough and Bold**~~

Additions = **Bold and Underline**

Comments = *italics, and underlined*

Sections:

16.22.010 **Uses permitted outright.**

16.22.020 **Conditional uses.**

16.22.030 **Development standards.**

16.22.040 **Design Review Matrix.**

16.22.010 **Uses permitted outright.**

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

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

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

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

b. Parking, garages, and driveways. All off-street vehicle parking intended for residential use, including surface lots and garages, shall be oriented to alleys, placed underground, placed in structures above the ground floor, or located in parking areas behind or to the side of the building; except that side yards facing a street (i.e., corner yards) shall not be used for surface parking. All garage entrances facing a street (e.g., underground or structured parking) shall be recessed behind the front building elevation by a minimum of four (4) feet. On corner lots, garage entrances shall be oriented to a side street when access cannot be provided from an alley.

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

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

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

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

D. Bakery, for retail sale primarily on premises;

~~*Moved to conditional use section below because of potential issues of product being manufactured on the property that could lead to possible adverse impact on surrounding uses due to the type of equipment used, such as high temperature ovens, and issues related to traffic, etc., that should be addressed with conditions of approval.*~~

D. Bakery, for retail sale primarily on premises; Establishments primarily engaged in the retail sale of bakery products. The products may be purchased from others or made on the premises. Provided the manufacturing does not exceed 7000 square feet of floor space. SIC 5461

Moved back from conditional uses with new description

E. Barber or beauty shop, **nail salon;**

- F.** Bank or other financial institution;
- G.** Bed and Breakfast, in an existing residence;
- H.** Bicycle sales, service, or repair;
- I.** Blueprinting, Photostatting, printing or other reproduction process;
- J.** Bus depot;
- K.** Business college;
- L.** Catering establishment;
- M.** Church **or places of worship;**
- N.** Club or lodge hall;
- N.** Day care facility;
- P.** Laundry or cleaning establishment;
- Q.** Frozen food lockers;
- R.** Hardware store, not including lumber or other large building materials requiring on-site outside or warehouse storage;
- S.** Hotel and apartment hotel;
- T.** Laboratory for experimental, photo or electronic testing research;
- U.** Locksmith or gunsmith;
- V.** Magazine or newspaper distribution agency;
- W.** Mortuary **(including those used for pets);**
- X.** Office, business or professional;
- Y.** Pawn shop;
- Z.** Public Transit Center;
- AA.** Restaurant, without drive-in service;
- BB.** Scientific or professional instrument sales or repair;

CC. Sales, rental or repair of small recreational, radio, television, business or household equipment;

DD. Studio, including music, art, dancing, photography or health;

EE. Taxidermy shop;

FF. Telephone or telegraph exchange;

GG. Theater, except drive-in;

HH. Auto parts store and incidental shop facilities;

II. Upholstery shop;

JJ. Watch and clock repair;

KK. Similar commercial uses as determined by the Planning Commission;

LL. Public building or land use such as fire station, city hall, park, playground, library or museum.

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

NN. Drinking Places (alcoholic Beverages) Establishments primarily engaged in the retail sale of alcoholic drinks, such as beer, ale, wine, and liquor, for consumption on the premises. The sale of food frequently accounts for a substantial portion of the receipts of these establishments. SIC 5813

OO and PP new uses moved from conditional uses

OO. Brew Pub: General Manufacturing of products included in SIC 2082: Malt Beverages, provided the manufacturing does not exceed 7,000 square feet of total floor area per development site, and retail sales of the products manufactured is provided on-site, and the sale of food frequently accounts for a substantial portion of the receipts of the establishment.

PP. Confectionary Store: Establishments primarily engaged in manufacturing confectionery for direct sale on the premises to household consumers provided the manufacturing does not exceed 7000 square feet of floor space. SIC 5441

16.22.020 Conditional uses.

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

A. A use listed as conditional in the R-1 zone, except as modified in Section 16.22.010, above;

B. Parking lot or parking structures;

C. Attached WTS facilities (see 16.08.120). (Ord. 890 section 25, 1993; Ord. 740 section 10.3.24(B), 1984; Ord. 981 section 22, 1997; Ord. 1076, 2001; Ord 1237, 2007)

~~D. Brew Pub: General Manufacturing of products included in SIC 2082: Malt Beverages, provided the manufacturing does not exceed 7,000 square feet of total floor area per development site, and retail sales of the products manufactured is provided on-site, and the sale of food frequently accounts for a substantial portion of the receipts of the establishment.~~

~~E. Confectionary Store: Establishments primarily engaged in manufacturing confectionery for direct sale on the premises to household consumers provided the manufacturing does not exceed 7000 square feet of floor space. SIC 5441~~

~~F. Bakery, for retail sale primarily on premises; Establishments primarily engaged in the retail sale of bakery products. The products may be purchased from others or made on the premises. Provided the manufacturing does not exceed 7000 square feet of floor space. SIC 5461~~

16.22.030 Development standards.

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

A. Minimum lot area: none;

B. Minimum width and frontage: none;

C. Minimum yard requirements:

1. Street yard: none, except ten feet where adjoining a residential zone.

2. Interior yard: none.

3. Rear yard: none

D. Maximum building height:

1. Freestanding signs: thirty feet;

2. All other structures: forty-five feet.

E. Maximum lot coverage: no limit;

F. Other regulations:

1. Vision clearance distances shall be ten feet from an alley and fifteen feet from any other street.
2. Sidewalks a minimum of eleven (11) feet in width shall be required in commercial locations unless existing building locations or street width necessitate a more narrow design.
3. All setbacks to be measured from the foundation line of the building. Overhangs shall not exceed two feet (not including awnings); mechanical units, used for the heating/cooling of residential units, are exempt from interior and/or rear yard setback requirements.
4. New commercial buildings, particularly retail shopping and offices, shall be oriented to the street, near or at the setback line. A main entrance shall be oriented to the street.
5. Off-street motor vehicle parking for new commercial developments shall be located at the side or behind the building(s). (Ord 740 section 10.3.24(C), 1984; Ord. 981 section 48, 1997; Ord. 1043 section 3, 2000; Ord. 1076, 2001; Ord 1237, 2007)

16.22.040 Design Review Matrix.

- A. For design review applications located in the C-1 zone the following matrix shall apply. This matrix replaces the general matrix contained in Chapter 16.49 for such applications.
- B. A design review application in the C-1 zone shall be considered to be compatible if a minimum of 65 percent of the total possible points (not including bonuses) are accumulated for the whole development, and if the applicant has received a minimum of one point in each applicable category. (Ord. 1076, 2001; Ord. 1080, 2001)

TABLE 16.22.040

CRITERIA	POSSIBLE SCORES		
Building Location and Orientation			
Building located at front of property line: Parking in front = 0; 50% of building front at property line = 1; 100% of building front at property line = 2.	0	1	2
Building oriented to street: No = 0; Yes = 2.	0		2
Entrances			
Major retail entrance on street: No = 0; Yes = 2	0		2
Corner building entrances on corner lots: No = 0; Yes = 1	0	1	
Entrance inset (not more than 3 feet behind front glass line except at corner entries): No = 0; Yes = 2.	0		2
Windows			
Regularly spaced and similar-shaped windows – around 70% of storefront area is glass (includes doors). (No mirrored glass): <50% = 0; 50% to 70% = 1; >70% = 2.	0	1	2
Second story windows (where applicable): No = 0; Yes = 2.	0		2
Architectural Details			
Blade sign or painted wall sign (no internally illuminated box signs): No = 0; Yes = 2	0		2
Brick, stucco, and horizontal lap or ship lap painted wood siding; concrete wood or wood siding = 0; concrete masonry, stucco, or similar material = 1; brick or similar appearance = 2.	0	1	2
Colors from recommended color palettes (on file with the City of Canby), or as otherwise approved: No = 0; Yes = 2.	0		2
Cornice treatments to emphasize building tops at parapet-type buildings: flat roofs behind parapets acceptable, otherwise visible roofs should be pitched: no treatment = 0; pitched roof = 1; parapet roof = 2.	0	1	2
All walls have doors, widows, or display windows (no blank walls). Murals, art niches, benches, or light sconces at blank walls where windows are not feasible: no treatment = 0; mural or other treatment = 1; windows or display windows = 2.	0	1	2
Awnings and rain protection of durable canvas, vinyl, glass or acrylic. No awning slope over 45 degrees, with flat or semi-flat awnings along First Avenue and at buildings with windows above entries. Awnings are discontinuous, with lengths generally under 30 linear feet for longer buildings: no awnings = 0; awnings meet criteria = 2.	0		2
Parking			
Off-street parking (if required) located behind or to side of building: No = 0; side = 1; behind = 2	0	1	2
Bonus Points			
Provide usable pedestrian space such as plaza, outdoor seating, or extra-wide pathway/sidewalk near one or more building entrances: No = 0; Yes = 1.	0	1	
Planters and window boxes: No = 0; Yes = 1.	0	1	
Public art (e.g., fountain, sculpture, etc.): No = 0; Yes = 1.	0	1	
Second story residential or office: No = 0; Yes = 1	0	1	

Chapter 16.24

C-R RESIDENTIAL/COMMERCIAL ZONE

Remove = ~~Strikethrough and Bold~~

Additions = **Bold and Underline**

Comments = *italics and underlined*

Sections:

16.24.010 Uses permitted outright.

16.24.020 Conditional uses.

16.24.030 Development standards.

16.24.010 Uses permitted outright.

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

A. Uses permitted outright in the R-1.5 zone, conforming to the development standards of the R-1.5 zone;

B. Parking lots or parking structures;

~~**C.** Bakery, for retail sale on premises only;~~

C. Bakery, for retail sale primarily on premises; Establishments primarily engaged in the retail sale of bakery products. The products may be purchased from others or made on the premises. Provided the manufacturing does not exceed 7000 square feet of floor space. SIC 5461

Rewritten for clarity.

D. Barber or beauty shop;

E. Bicycle service and repair shop with all business and storage conducted within an enclosed building;

F. Church **or places of worship;**

G. Ceramic, arts, crafts, or hobby shop, provided that adequate parking exists for any classes given;

- H. Day care center serving fifteen or fewer children or adults;
- I. Locksmith shop;
- J. Magazine or newspaper distribution agency;
- K. Sales, rental or repair of small recreational, radio, television, business or household equipment;
- L. Studio, including music, art, dance, photography or health;
- M. Upholstery shop;
- N. Watch or clock repair;
- O. Business or professional offices;
- P. Rooming or boarding houses;
- Q. Shoe repair;
- R. Dwelling units attached to any use allowed in the C-R zone. (Ord. 890 section 26, 1993; Ord. 740 section 10.3.25(A), 1984)

S. Brew Pub: General Manufacturing of products included in SIC 2082: Malt Beverages, provided the manufacturing does not exceed 7,000 square feet of total floor area per development site, and retail sales of the products manufactured is provided on-site, and the sale of food frequently accounts for a substantial portion of the receipts of the establishment.

T. Confectionary Store: Establishments primarily engaged in manufacturing confectionery for direct sale on the premises to household consumers provided the manufacturing does not exceed 7000 square feet of floor space. SIC 5441

16.24.020 Conditional uses.

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

- A. Uses listed as conditional in R-1 or R-1.5 zones, and not listed as permitted in section 16.24.010; residential development shall conform to the development standards of the R-2 zone.
- B. Uses listed as permitted outright in R-2 zones, and not listed as permitted in section 16.24.010. Such uses shall conform to the development standards of the R-2 zone.
- C. Motels or hotels.
- D. Attached WTS facilities (see 16.08.120).

E. Food services, excluding auto-oriented uses. (Ord. 890 section 27, 1993; Ord. 740 section 10.3.25(B), 1984; Ord. 981 section 23, 1997; Ord. 1080, 2001; Ord 1237, 2007)

F. Self Storage/Miniwarehouse Units. As defined in 16.04.547

This use is listed in the NAICS (North American Industrial Classification System) and classified under "Lessors of Miniwarehouses and Self-Storage Units" while other warehouse uses such as general warehousing and other specific warehousing is listed under "Transportation and Warehousing," which is a different classification. The use has aspects that are more commercial or retail in nature and could be considered for some commercial zones. Because of the residential use allowed in the C-R zone, the self-storage use should be permitted with a conditional use application.

16.24.030 Development standards.

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

A. Minimum lot area: seven thousand square feet, except for residential development. The minimum lot area for residential development shall be according to 16.18.030(A) for residential uses permitted outright, and shall be according to 16.20.030(A) for residential uses permitted conditionally;

B. Minimum width and frontage: sixty feet except that the Planning Commission may approve lots having less frontage, subject to special conditions to assure adequate access;

C. Minimum yard requirements:

1. Street yard: twenty feet;

2. Interior yard: none, except ten feet where adjoining a residential zone. May be reduced to three feet for detached accessory structure not exceeding one story and erected sixty feet or more from all streets other than an alley;

3. Rear yard: none, except ten feet where adjoining a residential zone. May be reduced to three feet for detached accessory structure not exceeding one story and erected sixty feet or more from all streets other than an alley.

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 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. (Ord. 830, 1989; Ord. 740 section 10.3.25(C), 1984; Ord. 955 section 9, 1996; Ord 1237, 2007)

Chapter 16.26

C-C CONVENIENCE/COMMERCIAL ZONE

There is no land zoned C-C in the City limits and the zone is not shown on the City Zoning Map or the Comprehensive Plan Map. The C-R zone has generally the same uses and the zone is somewhat of a duplication. However, the zone is mentioned in the Comprehensive and must be addressed with a plan amendment.

Sections:

16.26.010 Uses permitted outright.

16.26.020 Conditional uses.

16.26.030 Development standards.

16.26.010 Uses permitted outright.

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

A. Convenience commercial enterprises having no more than four thousand square feet of floor area including:

1. Retail stores;
2. Barber or beauty shop;
3. Service station not operating after ten p.m. or before six a.m.;
4. Similar appropriate commercial uses as determined by the Planning Commission.

B. Minor public facilities. (Ord 740 section 10.3.26(A), 1984; Ord 1237, 2007)

16.26.020 Conditional uses.

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

A. Other commercial uses;

B. Dwelling units;

C. Attached WTS facilities (see 16.08.120).

D. Major public facilities. (Ord. 740 section 10.3.26(B), 1984; Ord. 981 section 24, 1997; Ord. 1237, 2007)

16.26.030 Development standards.

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

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- A.** Minimum lot area: none;
- B.** Minimum width and frontage: none;
- C.** Minimum yard requirements:
 - 1. Street yard: twenty feet.
 - 2. Interior yard: none, except ten feet where adjoining 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 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 5, 1989; Ord. 802 section 7 [part], 1987, Ord. 740 section 10.3.26 (C), 1984; Ord 1237, 2007)

Chapter 16.28

C-2 HIGHWAY COMMERCIAL ZONE

Remove = ~~Strikethrough and Bold~~

Additions = **Bold and Underline**

Comments = *italics and underlined*

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)

T. Self Storage/Miniwarehouse Units. As defined in 16.04.547

This use is listed in the NAICS (North American Industrial Classification System) and classified under "Lessors of Miniwarehouses and Self-Storage Units" while other warehouse uses such as general warehousing and other specific warehousing is listed under "Transportation and Warehousing." The use has aspects that are more commercial or retail in nature and could be considered for some commercials zones.

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.

3. Rear yard: none, except ten feet where abutting a residential zone.

Interior yard generally refers to side yards only. Rear yard is added for clarification.

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

Remove = ~~Strikethrough and Bold~~

Additions = **Bold and Underline**

Comments = *italics, underlined*

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~~ **tracks** 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)

O. Self-Storage/Mini-Warehouse Units. As defined in 16.04.547

This use is listed in the NAICS (North American Industrial Classification System) and classified under “Lessors of Miniwarehouses and Self-Storage Units” while other warehouse uses such as general warehousing and other specific warehousing is listed under “Transportation and Warehousing.” The use has aspects that are more commercial or retail in nature but would fit into a commercial zone and should be listed separately for clarity.

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 99E 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. Properties not fronting on Highway 99E or S. ivy Street shall maintain a 10 foot street yard setback.** 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.

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

3. Rear 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

Remove = ~~**Strikethrough and Bold**~~

Additions = **Bold and Underline**

Comments = *italics, underline*

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~~ tracks 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)

EE. Brewery: General Manufacturing of products included in SIC 208: Beverages.

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 99E 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.~~ **Properties not fronting on Highway 99E or S. Ivy Street shall maintain a 10 foot street yard setback.** 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

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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.

3. Rear yard: none, except ten feet where abutting a residential zone.

A minimum front street setback should be imposed to prevent sight vision issues along the street frontage and to provide open space and areas for landscaping. Under current provisions large industrial/manufacturing buildings can be constructed to the property line along the street frontage.

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 16.34

M-2 HEAVY INDUSTRIAL ZONE

Remove = ~~Strikethrough and Bold~~

Additions = **Bold and Underline**

Comments = *italics, underline*

Sections:

16.34.010 Uses permitted outright.

16.34.020 Conditional uses.

16.34.030 Development standards.

16.34.010 Uses permitted outright.

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

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

16.34.020 Conditional uses.

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

A. Aggregate removal operations;

B. All other uses when evaluated on the standards and criteria specified in Chapter 16.50 and the point system set out in Table 16.34.020 for evaluating heavy industrial development proposals.

C. Detached WTS facilities (monopole), equal to or over 100 feet in height and less than 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120).

D. Detached WTS facilities (lattice tower), equal to or over 150 feet in height and at least 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120). (Ord. 740 section 10.3.33(B), 1984; Ord. 981 section 33, 1997)

16.34.030 Development standards.

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

A. Minimum lot area: five thousand square feet;

B. Minimum width and frontage: fifty feet.

C. Minimum yard requirements:

1. Street yard: **ten feet**, twenty feet where abutting a residential zone;
2. Interior yard: none, except twenty feet where abutting a residential zone.
3. **Rear yard: none, except twenty feet where abutting a residential zone.**

A minimum front street setback should be imposed to prevent sight vision issues along the street frontage and to provide open space and areas for landscaping. Currently, large industrial buildings can be constructed along the street frontage property line.

D. Maximum building height:

1. Freestanding signs: thirty feet;
2. All other structures: forty-five feet.

E. Maximum lot coverage: no limit.

F. Other regulations:

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

**M-2 Conditional Use Review Matrix
Table 16.34.020**

Explanation: When considering conditional use applications for the M-2 Zone, each of the following characteristics will be evaluated by the Planning Commission and assigned a certain number of points (positive and negative). A net point total of "0" will be considered to be the prerequisite for approval of an M-2 conditional use. In entering its findings of fact for its decision, the Commission shall indicate its findings regarding the following:

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

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

Chapter 16.35

CANBY INDUSTRIAL AREA OVERLAY (I-O) ZONE

Remove = ~~Strikethrough and Bold~~

Additions = **Bold and Underline**

Comments = *italics, underlined, and bold*

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 1st Avenue to the north, Mulino Road to the east, SE 13th 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~~ **3** 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;

The standard of 12 employees per developed acre is in conflict with almost every use that has been proposed in the Industrial Park over the past few years. The types of uses are warehouses, distribution, multi-use industrial buildings or other proposals have all required less than 12 employees and have been approved by the Planning Commission through the Conditional Use Permit process.

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.

3. Rear 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)

O. Open storage or “laydown yards” shall be screened by a six foot site-obscuring fence or hedge-type vegetation that would become a solid site obscuring barrier within three years of planting.

Based on advice of a nationwide industrial site selector, who visited Canby and stated that quality industry parks throughout the country screen outdoor storage areas, this provision should be added as a development standard. Also, the standard should be placed in fairness to existing surrounding business operations that have maintained landscaping over the years to enhance their business location. Additionally, screening would maintain the quality of the industrial park in order to attract future high-end industrial uses to Canby.

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:

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- A.** Flexibility to align local streets based on parcelization and development requirements;
- B.** Tree retention, planting of large (3-inch) caliper trees, and use of lawn/ground cover planting in front yard setbacks;
- C.** Placement of buildings at or near the setback line;
- D.** Placement of parking areas to the side or rear of buildings;
- E.** Placement of smaller commercial buildings at or near the street;
- F.** Building entries visible from the street with direct pedestrian connections;
- G.** Use of quality building materials;
- H.** Architectural detail to break up and articulate large surfaces and volumes, and to accentuate building entries; and
- I.** Open space retention and trail connections, as designated by the Master Plan. (Ord. 1008, section 1[part], 1998)

16.35.070 I-O Design review matrix.

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

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

Industrial Overlay Design Review Matrix
Table 16.35.040

CRITERIA	Possible Scores
<u>Parking</u>	
Parking areas located to the side or rear of buildings as viewed from public right-of-way: <50% of parking spaces=0; 50%-75%=1; 75%-100%=2.	0 1 2
Increase minimum interior parking lot landscape over the base 15%: 15%-18%=0; 18%-22%=1; >22%=2.	0 1 2
Increase the 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)	0 1 2

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)	0 1 2
Minimum Acceptable Score	4 points

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

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

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

Chapter 16.41

DOWNTOWN CANBY OVERLAY (DCO) ZONE

Remove = ~~Strikethrough and Bold~~

Additions = **Bold and Underline**

Comments = *italics and underline*

Sections

- 16.41.010 Purpose.**
- 16.41.020 Applicability.**
- 16.41.030 Uses permitted outright.**
- 16.41.040 Conditional uses.**
- 16.41.050 Development standards.**
- 16.41.060 DCO site and design review guidelines.**
- 16.41.070 DCO site and design review standards.**

16.41.010 Purpose.

The purpose of the Downtown Canby Overlay (DCO) zone is to:



Figure 1
Commercial development example concept



Figure 2
Cohesive architectural elements create a human-scale environment

A. Encourage more intense development in the Core Commercial area and allow for more intensive development in the Transitional Commercial area over time. Intensity of development and the relationship between setbacks, lot coverage and floor area ratio address this objective. Floor area ratios (FAR) are intended to work with building height and setback standards to control the overall bulk of the building. The proposed FAR in conjunction with the maximum lot coverage ensures that the development will be a minimum of two floors along the street in the C-1 portion of the Core Commercial area.

B. Create a pedestrian friendly environment in the Core Commercial and Transitional Commercial areas while allowing for a more auto-oriented focus in the Outer Highway Commercial area. A comfortable pedestrian-oriented environment and limited setbacks are important in the Core Commercial and



Figure 3
A high degree of transparency (windows) helps create a sense of interaction between activities inside and outside the building



Figure 4
More auto-oriented uses in the Outer Highway Commercial area



Transitional Commercial areas. In the Outer Highway Commercial area, a portion of development should be closer to the road to provide visual connection and signal that drivers are entering an urban area. Larger setbacks in the Outer Highway Commercial area also allows for more landscaping, access and other improvements between buildings and street.

C. Ensure that building sizes reflect desired uses in the Core Commercial and Transitional Commercial areas. Requirements limit the size of the building footprint to 40,000 square feet in these areas. For the purpose of understanding the scale of development, the proposed maximum allows for the creation of a high end grocery store (e.g., New Seasons, Whole Foods or Zupans). The proposed maximum differentiates developments in this area from those in the Outer Highway Commercial area. Maximum building footprints are much larger in the Outer Highway Commercial area.

D. Ensure compatibility among adjacent uses within the Transitional Commercial area as it changes over time. Requirements for massing and form will help ensure compatibility if uses in this area increase over time, while allowing for a broader range of building sizes than currently exists.

E. Maintain an attractive, visually pleasing environment that is relatively free of structures or activities that detract from it. Most buildings have areas devoted to services and equipment. These uses can be noisy, noxious and unsightly. Screening requirements reduce the impact of these structures and activities. Placement on an alley also may be an option. Furthermore, limitations on exterior storage and display will help reduce visual clutter while allowing flexibility for retail merchants and eating and drinking establishments.

Figure 5

Smaller-scale commercial use in the Transitional Commercial area

F. Ensure adequate accessibility to and within sites by a variety of travel modes, along with attractively designed parking and loading areas. Parking standards for automobiles and bicycles are intended to allow for ready access to commercial uses by all modes and create attractive “green” sites that enhance human and environmental health. (Ord 1296, 2008)

16.41.020 Applicability.

A. It is the policy of the City of Canby to apply the DCO zone to all lands located within the boundaries illustrated on the Downtown Canby Framework Diagram; the boundaries of the overlay district, and boundaries of the three sub-areas, are as shown in this chapter, Figure 11. The three sub-areas are established as follows:



Figure 6

Example of high-quality screening design



Figure 7

Example of well-planned landscaping

1. Core Commercial Area. This area straddles Highway 99E and includes portions of both the C-1 and C-2 zones and forms the densest commercial area of the city, as well as the city’s primary community facilities – city hall, police station, library, etc.

2. Transitional Commercial Area. This is the transitional area that lies between the more intense Downtown Core Commercial area and the established single-family neighborhoods to the north and northeast. The two Transitional Commercial nodes are tucked between 3rd and 4th and Fir and Douglas on the west side of Downtown, and 3rd and 4th and Holly and Knott on the east side.

3. Outer Highway Commercial Area. The Outer Highway Commercial area extends along Highway 99E both south of Elm Street and north of Locust Street. This area is quite different from the Core Commercial and Transitional Commercial areas, by nature of its highway access and orientation. The design focus in this area is less about creating a high-quality pedestrian experience, and more about

ensuring that automobile-oriented design is built to the highest standard possible.

B. The DCO zone has the following effect with regard to other chapters of this ordinance:

1. Permits land uses which are permitted by the underlying zone districts, with some exceptions, as set forth in Sections 16.41.030 and 16.41.040.
2. Replaces selected development standards in the underlying zone districts, as set forth in Section 16.41.050.
3. Sets forth alternative design review standards and criteria tailored to implement the goals of the overlay zone, as set forth in Section 16.41.060. (Ord. 1296, 2008)

C. The DCO does not apply to approved Public Art Murals as defined in CMC Chapter 2.80.020. (Ord. 1341, 2011)

16.41.030 Uses permitted outright.

Unless modified pursuant to the following Subsection, uses permitted outright in the underlying base zones are permitted outright in the DCO zone, subject to the respective zone district boundaries.

A. Uses permitted in the C-1 zone are permitted in the DCO zone, except in the Transitional Commercial (TC) sub-area, the following residential uses are also permitted, provided they meet all R-2 development standards in Chapter 16.20:

1. Single-family dwelling having common wall construction;
2. Two-family dwelling;
3. Multi-family dwelling;



Figure 8
These buildings in the commercial core illustrate desired design features in that area



Figure 9
Examples of less intensive development in the Transitional Commercial area



Figure 10

Examples of development in the Outer Highway Commercial area

4. Accessory dwelling attached to a primary dwelling (sharing a common wall);

5. Boarding, lodging or rooming house;

6. Nursing home; as defined in Section 16.04 ~~convalescent home, home for the aged, board and care home, foster care home, etc;~~

The terms for the uses removed seem to be outdated and did not appear in the ORS. Convalescent home is synonymous with Nursing Home. Foster care home is defined separately under Chapter 16.04 and added under "9" below.

7. Zero-lot line development for uses otherwise allowed, provided that the minimum side yard setback shall be 7 feet when adjacent to housing with standard setbacks;

8. Accessory uses. (Ord 1296, 2008)

9. Foster Care Home; as defined in Section 16.04

16.41.040 Conditional uses.

Unless modified pursuant to the following Subsection, conditional uses in the underlying base zones are conditionally permitted in the DCO zone, subject to the respective zone district boundaries.

A. Uses conditionally permitted in the C-1 zone are conditionally permitted in the DCO zone, except in the Transitional Commercial (TC) sub-area, any use listed above in 16.41.030 is permitted outright. (Ord. 1296, 2008)

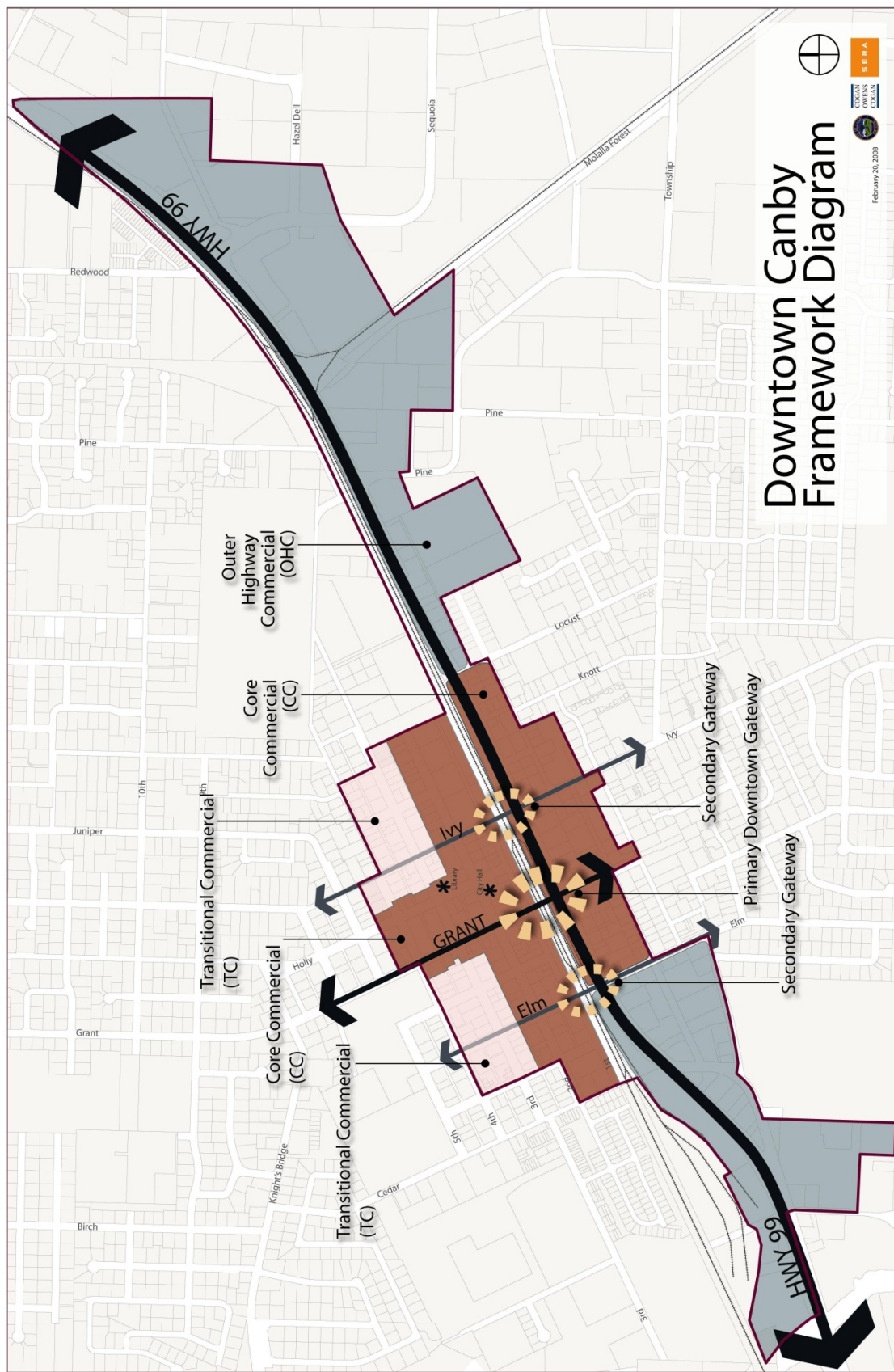


Figure 11 Downtown Canby Overlay Zone

16.41.050 Development standards.

The following subsections indicate development standards required in the DCO zone. These standards supplement, and in some cases replace, the development standards in the underlying base zones. Where the standards set forth in the following subsections conflict with standards in the underlying base zone, the DCO development standards set forth below supersede the base zone standards.

A. Setbacks, Floor Area Ratio, Building Footprint and Height Requirements.

1. Setbacks. Minimum and maximum setbacks for each DCO subarea are described in Table 1 and must meet the following requirements:

a. Mechanical units used for the heating/cooling of dwelling units are exempt from interior yard and rear yard setback requirements.

b. At least x% of the length of each lot frontage shall be developed with a building(s) built at the minimum setback from the street lot line (see Table 1 and 2 and Figure 12). **The remainder of the building frontage shall be setback no more than the maximum setback listed in Table 1 below.**

Buildings located in the OHC and intended for uses that require a “drive through” and are permitted outright in the zone can increase the setback to a 20 foot maximum from the street lot line frontage.

These changes are for clarity of the provision and to allow additional space for drive through businesses that could not otherwise meet the setback criteria.

c. Where feasible, buildings should be located at one or both street-facing corners of a lot.

d. At the street intersections identified as gateways in Figure 11 (Downtown Canby Overlay Zone Map), any new building shall be located at the corner of the lot facing the intersection.

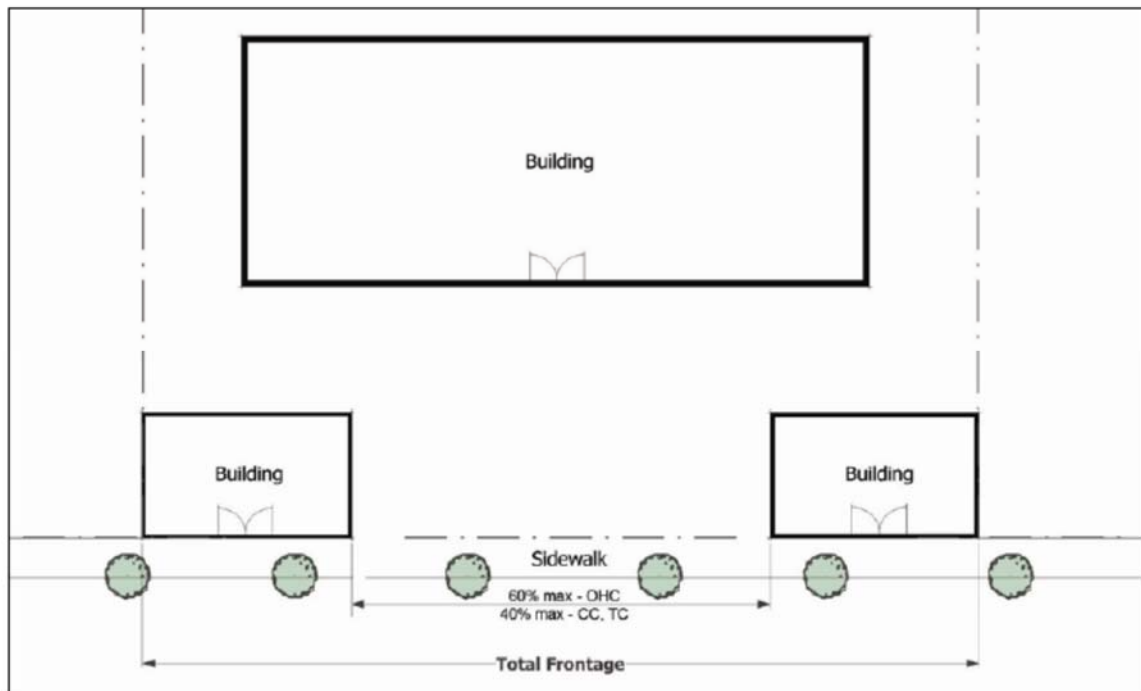
Table 1. Setback Requirements

Standards	CC subarea	TC subarea	OHC subarea
Minimum setback	0 feet	0 feet	10 feet
Maximum setback from street lot lines	10 feet	15 feet	--

Table 2. Street Lot Minimum Setback Requirements

Standards	CC subarea	TC subarea	OHC subarea
Minimum percentage (x)	60%	60%	40%

Figure 12 Illustration of Building Façade Requirements



2. Floor area ratio, building footprint, and building height. Minimum floor area ratio, maximum building footprint, and maximum building height requirements for each DCO subarea are described in Table 3 and illustrated in Figures 13, 14, and 15. Footprints are exclusive of exterior displays or merchandise (e.g., garden centers).

Table 3. Floor Area Ratio Requirements

Standards	CC subarea	TC subarea	OHC subarea
Minimum floor area ratio	0.8, C-1 zone only	0.4	<u>0.15</u> 0.25
Maximum building footprint (square feet)	30,000 total	20,000 total	80,000 per use 100,000 all uses within footprint if more than 1 use (see Figure 13)
Maximum building height (see Figure 14)	60 feet	45 feet	45 feet

Based on a number of cases that have been processed, it is apparent that the 0.25 minimum floor area ratio for the OHC is too high. These applications for retail uses did not meet this standard. Businesses that are common in OHC subarea include buildings of around 6000 square feet that cluster assorted businesses and shopping

plazas. A lower ratio is more appropriate for the uses that occur along Highway 99E and on other lots that are intended for highway oriented businesses.

Figure 13 Building Footprint for Multi-Use Structure

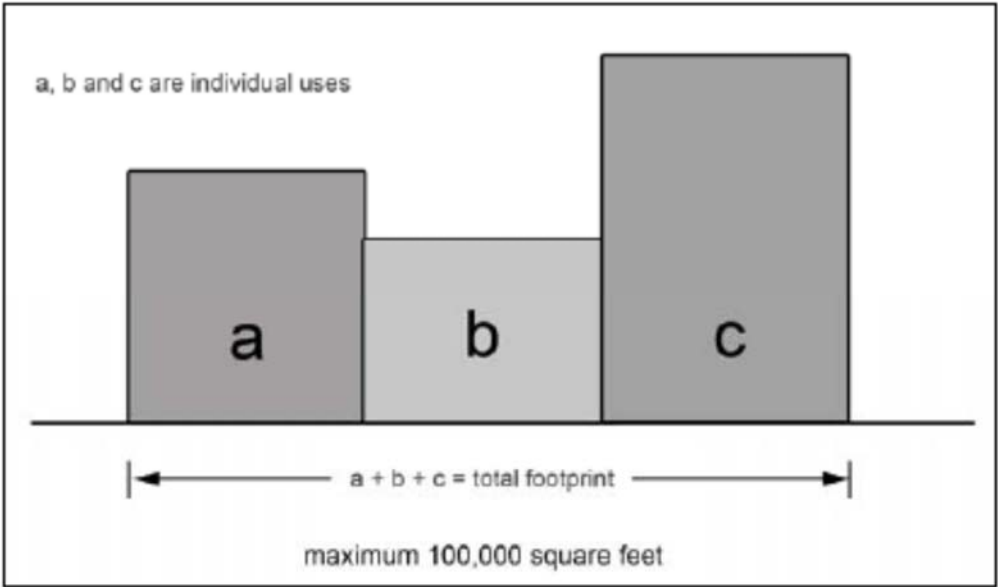


Figure 14 Building Height Limitations

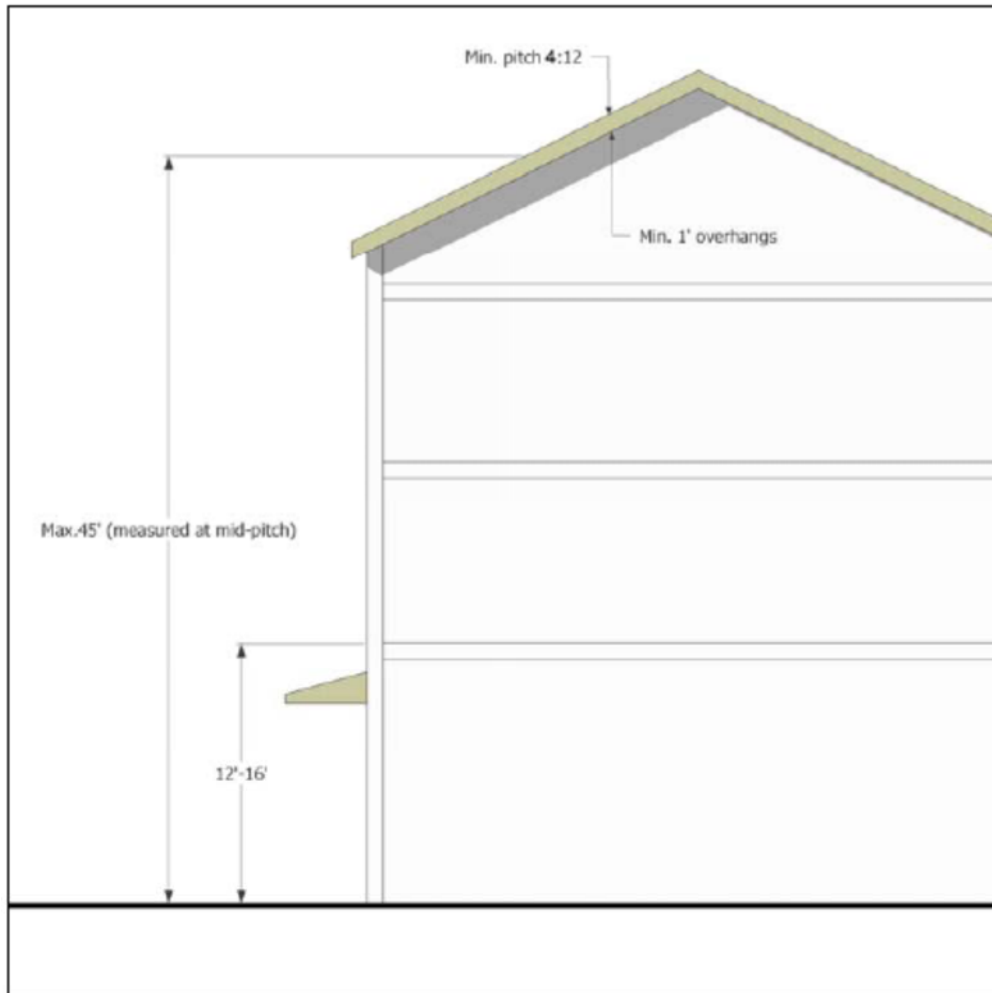
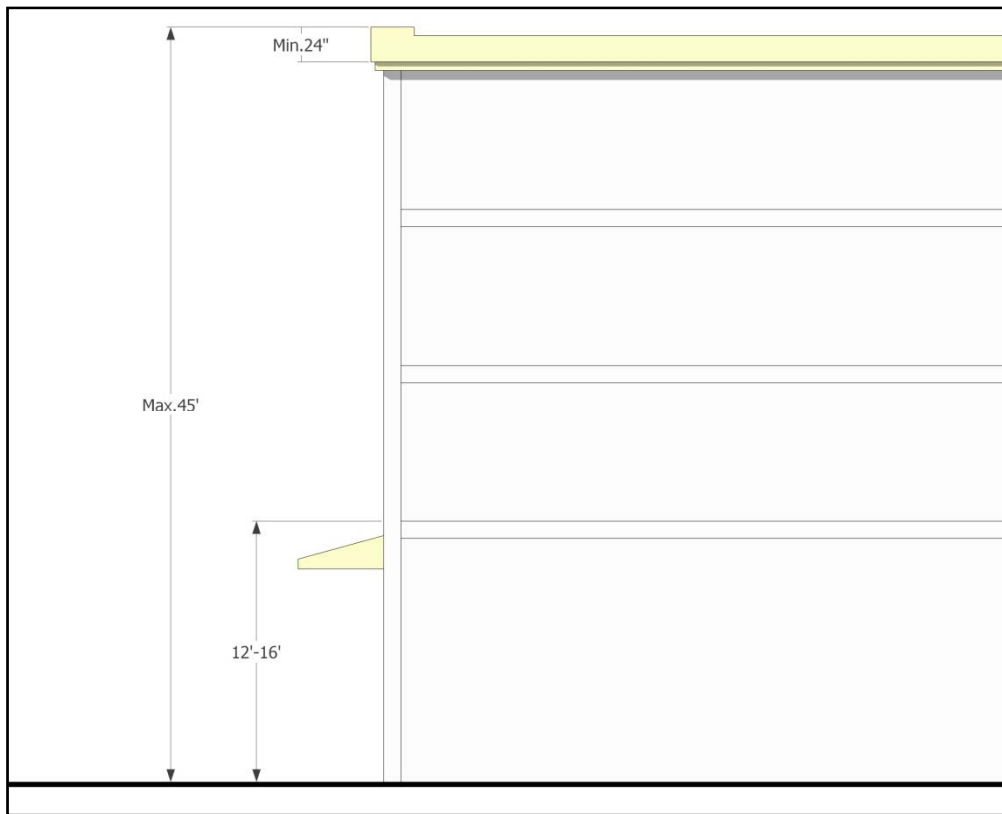


Figure 15 Building Height Limitations (continued)



3. Screening. All exterior garbage collection areas, recycling collection areas and mechanical equipment shall be screened with a site obscuring fence, landscaping on all sides, wall, other enclosure, or architectural element per the requirements below (see Figure 16 for examples of good screening design). All non-conforming/non-screened exterior garbage collection areas, recycling collection areas and mechanical equipment may be brought into conformance.

a. Location. Wherever possible, locate screened areas away from the street away from public view. Shared garbage/recycling collection areas are encouraged.

b. Materials. Materials used to construct screening structures shall be consistent and compatible with the exterior materials on adjacent buildings located on the same lot as the screened area or located on a contiguously-owned abutting lot, and shall be consistent with the material requirements of Section 16.41.070.E and 16.41.070.F.

c. Buffering. Screening structures shall be buffered from surrounding areas on all sides with landscaping or other buffering elements.

d. Rooftop structures. Rooftop mechanical structures shall be screened and not visible from any visible public right-of-way at the same elevation as, or lower than, the base of the building. Screening structures should be compatible with the overall building design and may include the following elements or approaches:



Figure 16
Screening examples

- (1) By providing parapets as tall as the tallest part of the equipment with a minimum height of 3 feet and 6 inches;
- (2) By incorporating an architectural screen around all sides of the equipment;
- (3) By setting the equipment back from the building edge with a setback of at least 3 feet for every 1 foot of building height.

4. Parking. Parking areas shall meet the following standards in addition to all other applicable requirements.

a. Location. In the CC and TC subareas, parking and vehicle maneuvering areas shall not be located between a building and the street. This standard applies to primary street facing facades and secondary street facing facades, as defined in Sections 16.41.060.C.

b. Side of building parking areas. In the CC, TC, and OHC subareas, parking shall be permitted between a building and an interior lot line that is not a rear lot line, provided the following standards are met:

- (1) Parking and maneuvering areas shall be set back a minimum of 15 feet from the front lot line;
- (2) A minimum 5 foot wide landscaped strip shall surround and abut the perimeter of the parking and maneuvering area, except where vehicular driveways and pedestrian accessways are permitted to interrupt the landscaped strip, and except where the parking and maneuvering area is part of a larger parking area in which case a perimeter landscaping strip is not required between the side of building parking area and the remainder of the parking area;
- (3) Parking and maneuvering areas, including accessways and driveways, must not exceed 40 percent of a lot frontage in the TC and CC subareas, or 60 percent of a lot frontage in the OHC subarea;
- (4) On lots greater than 120,000 square feet, side parking areas shall be broken up into multiple smaller parking areas rather than

concentrated in one portion of the lot. This may be done through the use of landscaping or the location of multiple buildings on a lot.

c. Off-street vehicle parking space reduction. The minimum number of off-street vehicle parking spaces required for all uses located on a lot, as set forth in Chapter 16.10, may be reduced by the total number of on-street vehicle parking spaces located within the width of the frontage of the lot on which the use or uses are located. Such reduction shall be calculated on a one-for-one basis, and shall include only parking spaces located on the same side of the street as the lot frontage. Where an on-street parking space is located adjacent the frontage of two abutting lots, only the lot adjacent the larger portion of the parking space may count the entirety of the parking space towards its off-street parking requirement. (Ord. 1296, 2008)

16.41.060 DCO site and design review guidelines.

A. Findings and objectives.

1. The City Council finds that physical appearance and design of buildings in the city's primary commercial areas has a strong impact on the community's economic well-being, quality of life and sense of character and identity. High-quality design of these buildings, with special attention to the relationship between buildings, people and the surrounding physical space will help spur investment in the city; enhance use and value of land and improvements; improve the stability and value of property; and generally improve the experience of residents and visitors who use these commercial areas.

2. Administration of design standards should be efficient and effective and provide a level of certainty for property and business owners, as well as other community members. It is important to provide a set of clear and objective standards that may be administered relatively quickly and easily for most applicants. At the same time, it is important to provide an alternative path that provides flexibility for applicants that may want to take a more innovative approach which meeting the intent of the clear and objective standards.

3. The objectives of the design standards in this section include the following:

a. Create a pedestrian-oriented environment through design of ground floors. Fostering interaction between activities within buildings and activities within the public realm (the sidewalk and street) is crucial to



Figure 17

A high degree of transparency (windows) helps create a sense of interaction between activities inside and outside the building



Figure 18
Cohesive visual elements like columns and lighting improve the pedestrian experience

creating a vibrant and interesting built environment. A high degree of transparency between the two realms creates visual interest for the pedestrian on the sidewalk, and promotes a more active, engaging pedestrian experience. Design of ground floor windows and building entries is important to achieving this goal. In addition, courtyards, arcades and special paving enhance the pedestrian environment by providing pleasing, semi-public transitions between the public and private realms, effectively creating a “threshold” between the sidewalk and the building (see Figure 17).

b. Establish cohesive architectural elements. Well-designed, repetitive building elements tend to create a strong sense of place and leave a lasting physical memory. Cohesive and repetitive architectural “bays” along the street-facing ground floor of a building create a pleasing sense of rhythm for the pedestrian, and help to scale and order the built environment as it is experienced from the sidewalk and street (see Figure 18).



Figure 19
Design details such as a recessed entry, columns and decorative transom windows help articulate the ground floor and distinguish it from the upper floors

c. Ensure that buildings have a unified design. Providing clear distinctions between different portions of a building is important for the building’s appearance, consistency of design within a larger area and the ability of people to read or understand how the building functions. Building facades should have a clear and distinct base, middle, and top (Figure 19), utilizing horizontal bands and changes in color and / or material / or building massing and form to differentiate these breaks. The base of the building typically extends from the sidewalk to the bottom of the second story or the belt course / string course that separates the ground floor from the middle of the building (see Figure 19).

Given Canby’s desire to create a thriving pedestrian and business district, it is important that uses above the ground floor encourage housing and allow for commercial uses. Upper floor windows should reflect this change in use (see Figure 20). The middle of the building often contains smaller, vertically-oriented windows to reflect changes in use on upper floors. Finally, the top of the building contains a “capping” element which visually terminates the façade and creates visual interest at the top of the building.



Figure 20

Upper stories on these uses allow for non-retail uses which are reflected in differing window treatments and other design



Figure 21

The chamfered entry on this building reinforces the corner



Figure 22

Use of materials such as stone and stucco add to a feeling of permanence

d. Reinforce the appearance and function of corners within core commercial area. Incorporating strong architectural elements where streets intersect not only results in a more visually interesting built environment, but enhances the way pedestrians “read” and understand city blocks by creating recognizable and memorable design elements at the corner of each block. For this reason, buildings on corner lots should be designed to not only address, but celebrate the corner (see Figure 21).

e. Use materials that reflect the character and values of Canby. Materials evoke emotions among visitors and residents and help define the character of the community. On the positive side, they can evoke a sense of timelessness, permanence, quality, strength and creativity. On the negative side, they may connote feelings of transience, incongruity or inconsistency, weakness or tedium. Standards for materials are important to reflect and enhance the community’s values and quality of life (see Figure 22).

B. Applicability.

1. General applicability.

a. Subsection 16.41.060.C and section 16.41.070 define how and where different types of standards apply.

b. Design standards apply only to the following: (1) new developments; (2) remodels which represent 60 percent tax assessed or more of the value of the existing building; (3) façade improvements that would alter the exterior structure of the building.

c. Design standards do not apply to the following:

(1) Interior remodels not combined with exterior changes and valued at less



Figure 23

These buildings in the commercial core illustrate desired design features in



Figure 24

The Canby Herald Building in the commercial core incorporates many good design elements including a recessed entry, sign frieze, engaged columns and decorative lighting

than 60 percent of the total improvement value of the property;

(2) Repair and maintenance of buildings, accessory structures, parking lots and pedestrian areas that present an immediate or potential risk of public safety;

(3) Normal or routine maintenance and repair of existing structures;

(4) Any type of construction that does not require a building permit;

(5) Temporary structures and emergency structures permitted pursuant to applicable code standards.

2. Sub-Areas. Site and design review standards are applied differently within the three sub-areas described below (see Figure 11).

a. Core Commercial Sub-Area (CC). The “downtown” portion of this area extends primarily along 1st and 2nd Avenues between Cedar and Knott Streets, and extends northward, away from Highway 99E along Grant and Holly, past Wait Park to 4th Avenue. This area is the “heart” of Canby. Here one will find the City’s more historic, traditional commercial structures. The built environment is characterized by one to two story buildings with commercial storefronts, built up to the sidewalk, and containing a more or less solid “building wall.” The result is a more active and vibrant street life than may be found elsewhere in the City. Future development in this area should continue this trend, designing commercial and mixed-use buildings that adequately address the sidewalk and create an engaging experience for pedestrians (see Figures 23 and 24).

The inner highway portion of the Core Commercial area spans the length of Highway 99E between Elm and Locust. In



Figure 25
Example of “cottage commercial” design in the Transitional Commercial sub-area



Figure 26
Example of commercial development in the Transitional Commercial sub-area

many ways, it serves as an extension of the Downtown Core, just across the highway. Because this area serves as a “gateway” from Highway 99E into the traditional downtown and serves many of the same purposes and types of uses, buildings here should be appropriately scaled, inviting to pedestrians, and demonstrate high-quality architectural design. As a result, architectural standards for this area and the downtown are identical, although some development standards differ as described in section 16.41.050.

b. Transitional Commercial Sub-Area (TC). This area is characterized by a mix of single-family homes and smaller-scaled commercial developments, which often take the form of conversions of existing single-family homes. Larger front setbacks and landscaping (including front yards) characterize the area. The future of this area will likely include commercial storefronts that address the sidewalk, albeit less intense than those in the Core, and residential developments. The overall result will be a truly mixed-use neighborhood, less intense than the Commercial Core, and with more greenscape and residential uses. Over time, commercial uses in portions of the Transitional Commercial district may transition to more intensive uses similar to the core downtown area and over time the relative boundaries between the two zones may shift somewhat. Requirements within the Transitional Commercial zone allow for this flexibility, while ensuring appropriate transitions between this area and the Core Commercial sub-area, as well as between buildings within the Transitional Commercial sub-area (see Figures 25 and 26).

c. Outer Highway Commercial Sub-Area (OHC). The design focus in this area is less about creating a high-quality



Figure 27
Examples of development in the Outer Highway Commercial sub-area

pedestrian experience, and more about ensuring that automobile-oriented design is built to the highest standard possible. While this goal will be largely accomplished through the development standards (i.e., locating parking lots next to and behind building and the street, requiring high quality landscaping, particularly in front setbacks and around parking areas, and requiring that buildings orient to walkways), architectural design standards will also aid in this effort. The result will be automobile-oriented highway uses that demonstrate high-quality design and that evoke a sense of permanence (see Figure 27).

C. Definitions.

1. Arcade – An exterior covered passageway along a building façade that is open to the street frontage (see Figure 28).



Figure 28
Arcade example

2. Awning – An overhead cover extending above the sidewalk (usually above windows and doors) as a shelter and/or sunshade.

3. Band – Any horizontal flat member or molding or group of moldings projecting slightly from a wall plane and usually marking a division in the wall.

4. Bay – (a) Within a structure, a regularly repeated spatial element defined by beams or ribs and their supports (see Figure 29). (b) A protruded structure with a bay window.

5. Belt Course – A horizontal band or molding set in the face of a building as a design element (also called a string course).



Figure 29
Repeating bays with a continuous awning



Figure 30
Chamfered corner entry



Figure 31
Cornice details near the top of building

6. Bulkhead – The section of a building between the sidewalk and first story window sill.

7. Canopy – A covered area which extends from the wall of a building, protecting an entrance or loading dock.

8. Cap – Usually the topmost member of any vertical architectural element, often projecting with a drip as protection from the weather. The upper member of a column, pilaster, cornice, molding, or the like.

9. Chamfer – To cut off the edge or corner of (see Figure 30).

10. Clerestory – The upper level of a room that extends beyond the single-story height; often penetrated by windows.

11. Column – In structures, a relatively long, slender structural compression member such as a post, pillar, or strut; usually vertical, supporting a load which acts in (or near) the direction of its longitudinal axis.

12. Cornice – Decorative projection or crown along the top of a wall or roof (see Figure 31).

13. Eaves – The lower edge of a sloping roof; that part of a roof of a building which projects beyond the wall.

14. Entry – The space comprising a door and any flanking or transom windows associated with a building.

15. Frieze – A decorative horizontal band, as along the upper part of a wall in a room; often used for signage in modern buildings, but derived from classical architectural principles.

16. Marquee – A permanent roof-like shelter over an entrance to a building.



Figure 32
Top of building features a parapet



Figure 33
Building entry features a transom window above the door

17. Medallion – A decorative element set into the upper portion of a building façade periodically, typically aligning with columns or pilaster.

18. Mullion – A vertical post or upright element dividing a window or other opening into two or more sections.

19. Parapet – A low, solid, protective screening or decorative wall as an extension of exterior building walls beyond the roof or deck level (see Figure 32).

20. Primary Street Facing Façade – The façade of the building facing the primary (east-west) adjacent street. These streets include Highway 99E, and North and South 1st, 2nd, 3rd, and 4th Avenues.

21. Secondary Street Facing Façade – The façade of the building facing the secondary (north-south) adjacent street. These streets include Birch, Cedar, Douglas, Elm, Fir, Grant, Holly, Ivy, Juniper, Knott, and Locust Streets.

22. String Course – A horizontal band or molding set in the face of a building as a design element (also called a belt course).

23. Transom – A horizontal glass plane, typically encased in a wood or metal frame that separates the storefront from the upper façade (see Figure 33).

24. Turret – A very small and slender tower attached to a larger building.

25. Visible Transmittance – A measure of the amount of visible light transmitted through a material (typically glass). Information about visible transmittance typically is or can be provided by window manufacturers. (Ord 1296, 2008)

16.41.070 DCO site and design review standards.

The following design standards provide a framework for how a building should look, function, and feel. The standards are organized by topic and consist of the following elements:

- Intent Statement - the big idea or the goal to be accomplished (ex. “protect pedestrians from sun, wind, and rain”). In addition to providing context for specific standards, these statements are used to evaluate applications as part of an alternative review process administered by the City’s Design Review Board (see Section 16.49.035).
- Standards which provide clear, objective guidance related to specific design elements, in many cases providing options for how to meet a specific goal, and varying by sub-area.
- Illustrative graphics, including photos and diagrams, with an emphasis on examples of good design found in Canby and other communities.

A. Pedestrian oriented ground floor design standards.

1. Intent. Design standards in this section are intended to help create an active, inviting street and sidewalk-facing storefronts and entryways that are friendly and easily accessible to passersby. They also will help ensure that the ground floor promotes a sense of interaction between activities in the building and activities in the public realm.

2. Design standards and applicability.

Standards	Applicability
1. Ground floor windows	
a. Visible transmittance. All commercial ground floor windows must have a Visible Transmittance (VT) of 0.6 or higher, with the exception of medical and dental offices which may have tinted windows.	CC, TC, OHC
b. Primary Street facing façade – primary façade coverage. Transparent windows shall be used along a minimum of x% of the length of the ground-level primary street-facing façade, and along x% ground-level primary street-facing wall area (See Figure 34). Ground level walls include all exterior wall areas up to 10 feet above the finished grade. Primary and secondary street facing facades are defined in section 16.41.060.	CC: x=60% TC: x=50% OHC: x=50% for buildings with less than 6,000 square feet of floor area and 25% for buildings with more than 6,000 square feet of floor area or located more than 75 feet from a lot line.
c. Secondary Street facing façade – secondary façade coverage. Transparent windows shall be used along a minimum of x% of the length of the ground-level secondary street-facing façade, and along x% of the overall secondary street-facing wall	CC: x=50% TC: x=45% OHC: x=40% for buildings with less than 6,000 square feet of floor area;

area (See Figure 35). Ground level walls include all exterior wall areas up to 10 feet above the finished grade.	25% for buildings with more than 6,000 square feet of floor area or located more than 75 feet from a lot line.
d. Alley facing façade coverage. Facades facing alleys shall provide windows along x% of the length of the alley-facing façade and along y% of the overall wall area of the alley-facing façade. Wall area shall be measured to a height of 10'-0" above the finished grade.	CC, TC: x=50%; y=25% OHC: x=30%; y=20%

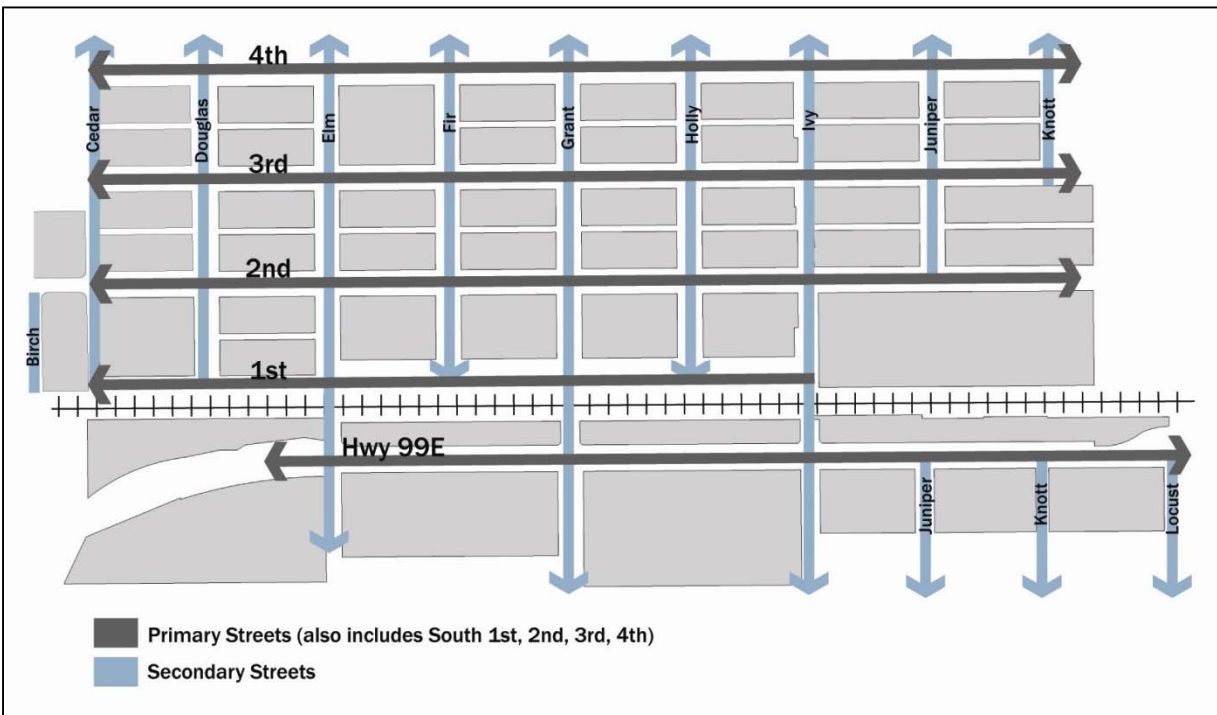


Figure 34 Primary and secondary street façade definition



Figure 35 Illustration of percent transparency requirement

Standards	Applicability
2. Building entries and doors	
a. Orientation. All buildings shall have a prominent entry oriented to and directly connected to the sidewalk. When buildings are set back from the sidewalk, a direct, perpendicular connection between the building and the sidewalk is required. Additional customer entries may be provided and serve as principal entries (e.g., oriented to parking areas to the side or rear of buildings) and treatment of these entrances with awnings, lighting, signage, etc. is required. (See Figure 36)	CC, TC
b. Transparency. The street-facing building entry door on all buildings should be comprised of at least 40% transparent glass. The entry door includes any flanking or transom windows. (See Figure 37)	CC, TC, OHC
c. Flanking or transom windows. Commercial and mixed-use building doors shall include flanking glass windows on either side of the principal door and/or clerestory/transom windows. (See Figure 38).	CC, TC, OHC
d. Design features. Commercial and mixed-use building entries must comply with at least x of the following: (1) Recessed entries. If recessed, principal entries shall be recessed a minimum of 3 feet into the building façade (see Figure 39). (2) Awnings or canopies. These may be used to provide weather protection and a visual element and meet standards (see Figure 40). (3) Architectural features. Principal entries may be reinforced with prominent architectural features such as towers, turrets, increased heights, articulated parapets, large storefront windows and doors, or entry awnings (see Figure 41). (4) Decorative features. Entries may be reinforced through the use of decorative exterior light fixtures (i.e., wall sconces) or decorative features (see Figure 42). (5) Engaged columns or piers may be used to reinforce and highlight entries (see Figure 43). (6) Use of blade signs.	CC: x=3; TC: x=2; OHC: x=2

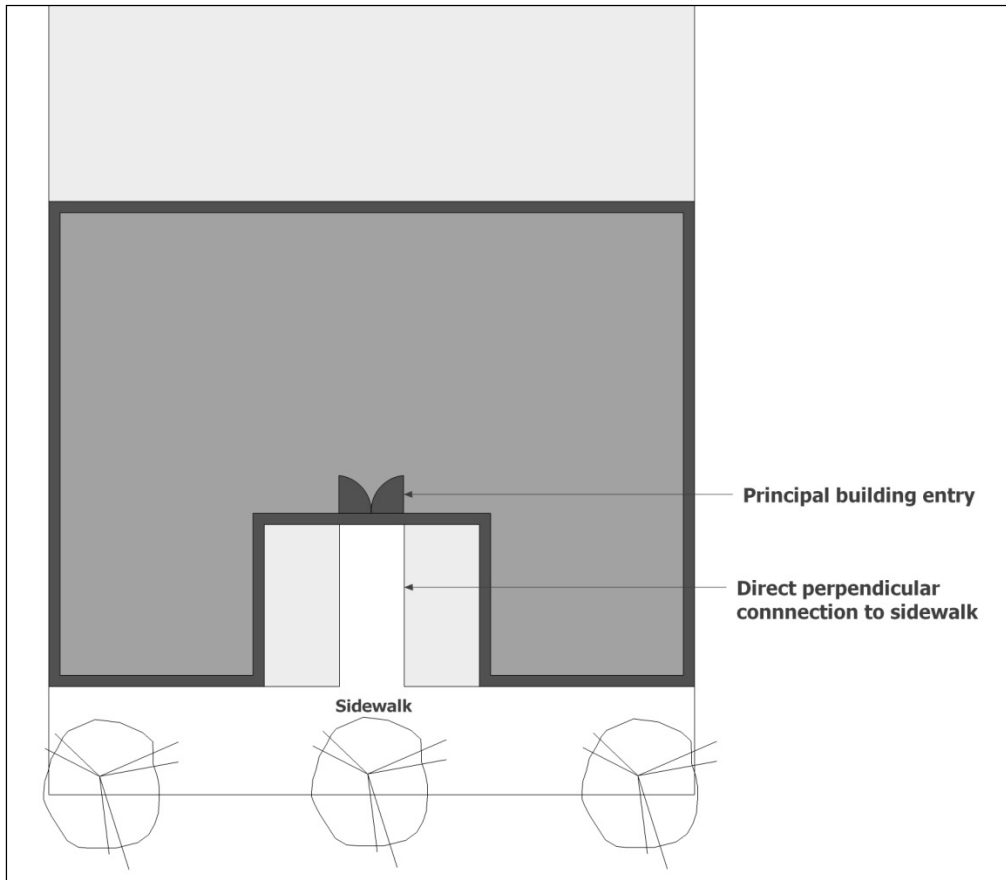


Figure 36 Example of principal entry with direct sidewalk connection



Figure 37 Example of entry that meets transparency standards



Figure 38 Example of entry with transom and flanking glass

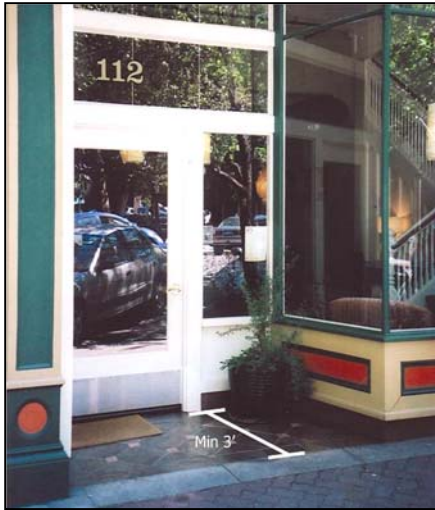


Figure 39 Recessed entry



Figure 41 Entry with awning and increased mass/decorative features



Figure 43 Entry flanked by engaged columns and lighting

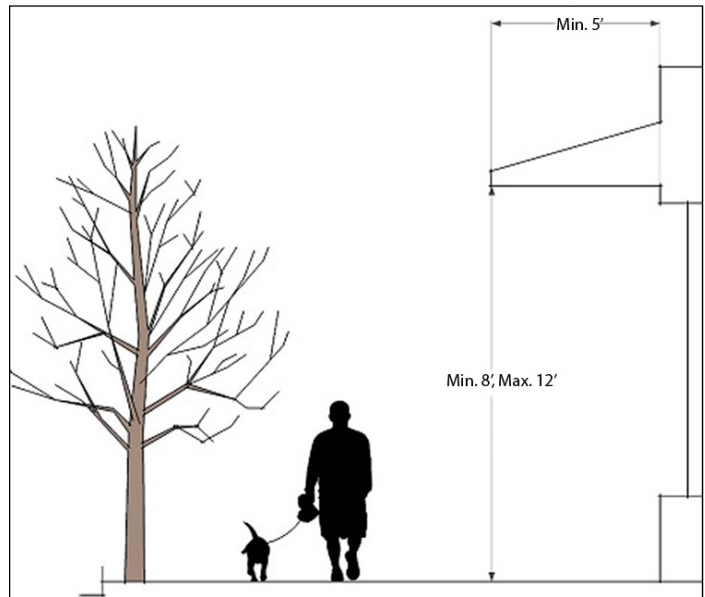


Figure 40 Awning or canopy



Figure 42 Recessed entry with lighting and accent material

Standards	Applicability
<p>3. Transition areas. One of the following design elements (a or b) is required for buildings that span more than 75% of a city block or 350 feet. The City encourages smaller property owners to work together to collaboratively provide similar features in other areas.</p>	<p>CC only; Encouraged but not required in the TC or OHC</p>
<p>a. Arcades as defined in section 16.41.060 and that meet all of the following standards:</p> <ul style="list-style-type: none"> (1) Front entries must be set back a minimum of 6' (clear) behind an arcade that is located at the front property line or the adjusted property line. (2) Spacing between columns and/or posts along building be a minimum of 10' (clear) and a maximum of 25' (clear). (See Figure 44) 	
<p>b. Courtyards or plazas that meet all of the following standards (see Figure 45):</p> <ul style="list-style-type: none"> (1) Courtyards or plazas shall be located along the sidewalk-facing façade of the building within the front setback. Internal courtyards may be provided but will not satisfy these requirements. (2) Courtyard-facing facades shall include windows along a minimum of 50% of the length of the ground level courtyard-facing façade, and along 25% of the overall courtyard-facing wall area. (3) Courtyards/ plazas shall incorporate special paving (see Figure 46) and/or landscaping. (4) Courtyards/plazas shall provide seating, including but not limited to benches, tables, planter boxes, and other design elements. 	

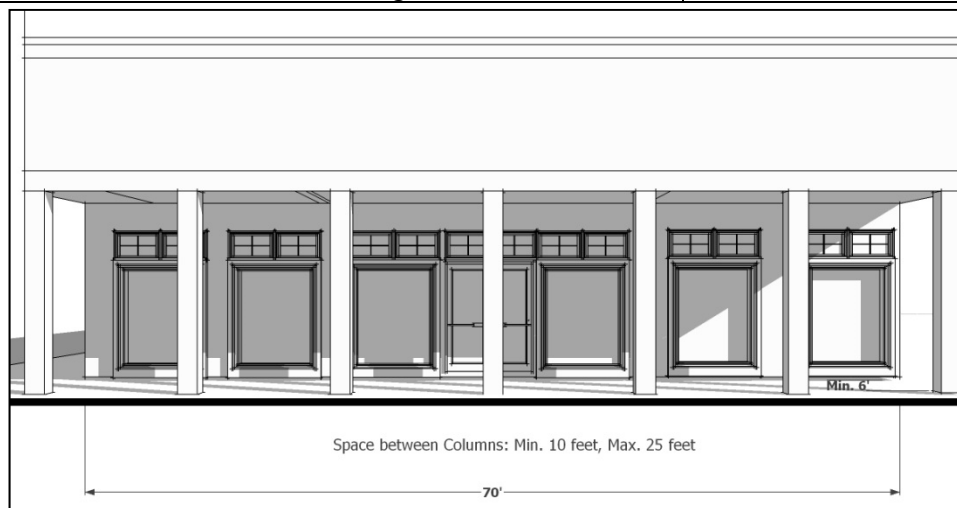


Figure 44 Arcades create a semi-public transition from the sidewalk to the building



Figure 45 Courtyards or plazas



Figure 46 Entry with special paving

Standards	Applicability
4. Additional standards for residential-only buildings.	TC
a. Weather protected entries. Residential only buildings with ground floor units must provide covered, weather-protected front entries for individual units on the ground floor. Weather-protected entries may take the form of awnings,	

Standards	Applicability
canopies, or building overhangs such as eaves extending over front doors, covered front porches, or inset front doors (see Figure 47). Awnings or canopies must be a minimum of 5 feet deep.	
b. Entries or porches. Ground floor units in residential buildings shall include individual entry or porches for each unit which are oriented to the sidewalk.	
c. Connection to sidewalk. Ground floor residential units must include a direct, perpendicular pedestrian connection to the sidewalk.	
d. Lobby entrances. All lobbies leading to residential units must orient the principal lobby entrance to the sidewalk, and maintain a direct perpendicular connection to the sidewalk.	
e. Window coverage. Transparent windows shall be used along a minimum of 50% of the length of the ground-level primary and secondary street-facing façades, and along 50% of the overall street-facing wall area. Ground level walls include all exterior wall areas up to 10 feet above the finished grade.	

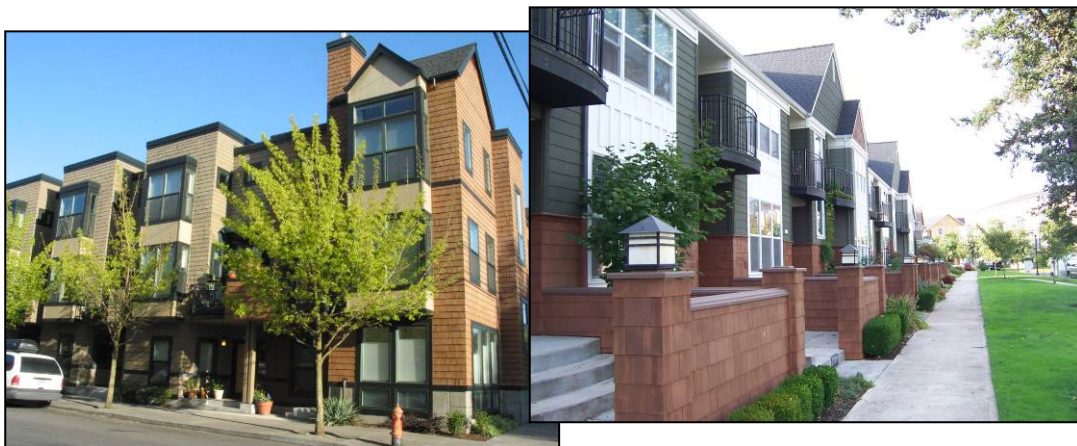


Figure 47 Residential development that conforms to design standards

B. Cohesive architectural elements standards.

1. Intent. Build upon downtown Canby's traditional architectural vernacular by incorporating cohesive and repetitive architectural elements into the ground floor of street facing facades.
2. Design standards and applicability.

Standards	Applicability
1. Architectural bays	
a. Bay divisions. Ground floors of commercial and mixed-use buildings shall be divided into distinct street-facing architectural bays that are no more than x feet on center. (See Figure 48). For the purpose of this standard, an architectural bay is defined as the zone between the centerlines of two columns. Applicants are encouraged (but not required) to divide the ground floor into an odd (rather than even) number of architectural bays.	CC, TC: x=30; OHC: x=50
b. Height of bays. For large single-story buildings (greater than 6,000 square feet), taller than 16 feet, design and decorative elements required in sections 3, 4 and 5 will extend to the top of the ground floor (i.e., just below the roof, cornice or parapet).	OHC
c. Design elements. Each architectural bay within a commercial or mixed-use building shall incorporate at least x of the following elements (see Figure 49): (1) Engaged columns or piers. (2) Transom windows over doorways. (3) Storefront cornice or beltcourse (4) Canopies, awnings, or overhangs provided along a minimum of 50 percent of the overall street-facing building length. (5) Storefront frieze or sign band. (6) Bulkheads.	CC: x=3; TC: x=2; OHC: x=2
d. Decorative accents. Each architectural bay within a commercial or mixed-use building shall incorporate at least x of the following elements (See Figure 50): (1) Projecting window sills (12 to 24 feet above grade). (2) Window mullions. (3) Building lighting (minimum of 2 lights), including wall sconces, pendants, gooseneck fixtures, or lighting recessed into awnings. Wall-mounted fluorescent lights and internally lit awnings are not permitted. (4) Medallions (minimum of 2). (5) Projecting or blade signs (8 to 12 foot clearance from bottom of sidewalk).	CC: x=3; TC: x=2; OHC: x=2



Figure 48 Illustration of replicating bays



Figure 49 Design elements for bays



Figure 50 Decorative accents in bays

C. Integrated building façade standards.

1. Intent. Build upon Canby's traditional downtown architecture by creating an attractive and unified building façade that celebrates ground floor activities, the top of the building (where the edifice meets the sky), and everything in between.

2. Design standards and applicability.

Standards	Applicability
<p>1. Distinct base, middle, and top of building</p> <p>a. All buildings (regardless of height or number of stories) shall have a clear and distinct base, middle and top to break up vertical mass. (See Figure 51). Buildings must utilize horizontal bands and/or changes in color, material, form and/or pattern to differentiate the base, middle, and top of the building subject to the following requirements. These elements are required on all street facing facades and the side of the building on which the primary entrance is located if it does not face a street.</p> <p>(1) Horizontal bands or other changes in pattern or material shall be a minimum of 8 inches high (the length of a standard brick), and must project a minimum of 3/4 to one inch from the building face.</p> <p>(2) Changes in building massing and form may also be used to differentiate a building's base, middle, and top. This may include architectural setbacks or projections, measuring a minimum of 3 inches (see Figure 52).</p>	<p>CC, TC, OHC</p>
<p>2. Ground floor design elements</p>	
<p>a. The ground floor of the building shall range from 12 feet to 16 feet in height and shall be broken up into three distinct areas – a base/bulkhead, middle, and top (See Figure 53). This requirement applies to all street facing facades and the side of the building on which the primary entrance is located if it does not face a street.</p>	<p>CC, TC; (commercial and mixed use buildings only)</p>
<p>b. Ground floor “bulkhead/base”. The “base” of the ground floor facade extends from the top of the finished grade or sidewalk to the bottom of the window sill. It shall contain at least x of the following elements (See Figure 54): This requirement applies to all street facing facades and the side of the building on which the primary entrance is located if it does not face a street.</p> <p>(1) Projected window sills, 12 to 24 inches above.</p> <p>(2) Bulkhead (the area directly below the projected window sill) should typically be constructed of concrete, brick, or stone. This</p>	<p>CC: x=2; TC: X=1; (commercial and mixed use buildings only)</p>

Standards	Applicability
<p>element serves to anchor the facade to the ground, and with the exception of the entry door, this element usually extends the length of the elevation.</p>	
<p>c. Ground floor “middle”. The middle of the ground floor is typically comprised of storefront windows and shall contain at least x of the following elements (see Figure 55): This requirement applies to all street facing facades and the side of the building on which the primary entrance is located if it does not face a street.</p> <ul style="list-style-type: none"> (1) Integrated window mullions. (2) Window plant box (minimum of one pair). (3) Decorative building light fixtures, sconces, or medallion (minimum of one pair). 	<p>CC: x=2; TC: x=1; (commercial and mixed use buildings only)</p>
<p>d. Ground floor “top”. For a multi-story building, the “top” of the ground floor facade is the area between the storefront and the upper stories of the building and shall contain at least x of the following elements (See Figure 56): This requirement applies to all street facing facades and the side of the building on which the primary entrance is located if it does not face a street.</p> <ul style="list-style-type: none"> (1) A marquee or projecting or blade sign that extends in a minimum of 5 feet perpendicular manner from the building façade (the bottom of the marquee or sign shall be 8 to 12 feet above grade). (2) Sign frieze. (3) Storefront awning or canopy. The bottom of the awning or canopy shall be 8 to 12 feet above grade. (4) Storefront cornice or belt course. (5) Transom window(s). 	<p>CC: x=3; TC: x=2; (commercial and mixed use buildings only)</p>
<p>3. Middle of building design elements</p>	
<p>a. The middle of the building should be differentiated from the bottom and top by at least x of the following design elements (see Figure 57):</p> <ul style="list-style-type: none"> (1) Residential windows, which are smaller than ground floor windows, and oriented vertically at a ratio of approximately 2:1. Individual vertical windows may be organized into larger window assemblies. (2) Balcony. (3) Step back. 	<p>CC: x=2; TC: x=1; (buildings of 2 or more stories only)</p>

Standards	Applicability
(4) Signage band.	
4. Top of building design elements.	
a. Roof forms may be flat or sloped. Requirements for chosen roof forms are as follows:	CC, TC, OHC
<p>b. Flat roofs. All flat roofs shall employ a detailed, projecting cornice or projecting parapet to visually “cap” the building and meet all of the following requirements:</p> <p>(1) Cornices shall project horizontally a maximum of 3 feet (see Figure 58).</p> <p>(2) Parapets must be a minimum of 24 inches in height. Parapets must include a cornice, molding, trim, or variations in brick coursing (see Figure 59).</p> <p>(3) Cornices and parapets shall wrap around all sides of the building visible from any adjacent street or parking area.</p>	CC; TC; OHC
<p>c. Sloped roofs must meet all of the following requirements:</p> <p>(1) All sloped roofs shall provide a minimum 1-foot overhang.</p> <p>(2) All sloped roofs must have a minimum slope of 4:12 (see Figures 14 and 60).</p>	CC; TC; OHC
<p>d. Roof top gardens are encouraged on flat roofs, as they help to manage stormwater run-off that would otherwise go into storm sewers, and eventually rivers and streams. Roof gardens with plant materials that are visible from the sidewalk and the street are particularly encouraged. (See Figure 61).</p>	CC; TC; OHC



Figure 51 Example of distinct bottom, middle & top of building



Figure 52 Example of change in height of roofline or top of building

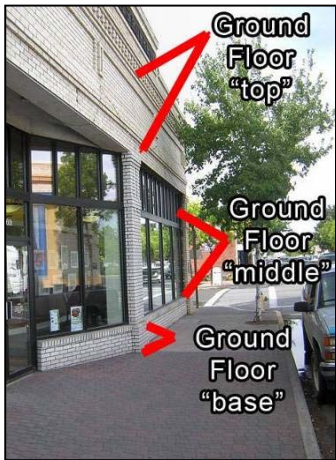


Figure 53 Elements of the bottom of the building



Figure 54 Building base elements



Figure 55 Middle and top of ground floor elements



Figure 56 Top of building elements and treatments



Figure 57 Middle of building elements



Figure 58 Cornice used on flat roof



Figure 59 Parapet used on flat roof



Figure 60 Varying sloped rooflines are used on this building



Figure 61 Examples of rooftop gardens

D. Corner intersection standards.

1. Intent. Create a strong architectural statement at street corners to create a strong identity. Establish visual landmarks and enhance visual variety.

2. Design standards and applicability.

Standards	Applicability
<p>1. Corners</p> <p>a. Commercial and mixed-use buildings located on corner lots must address the corner by employing one of the following:</p> <p>(1) Chamfer the corner of the building (i.e., cut the building at a 45 degree angle for a minimum of 10 feet) (see Figure 62).</p> <p>(2) Incorporate an arcade at the corner as a way of creating a semi-public zone (see Figure 62).</p> <p>(3) Using special paving, plantings, or lighting, create a formal gathering space at the corner by notching the building so it operates as an extension of the sidewalk (see Figure 63).</p> <p>(4) Employ prominent architectural elements within 25 feet of the corner to highlight the corner of the building, such as increased building height or massing, turrets, cupolas, a pitched roof, or other prominent features (see Figure 63).</p>	CC

Figure 62 Corner options

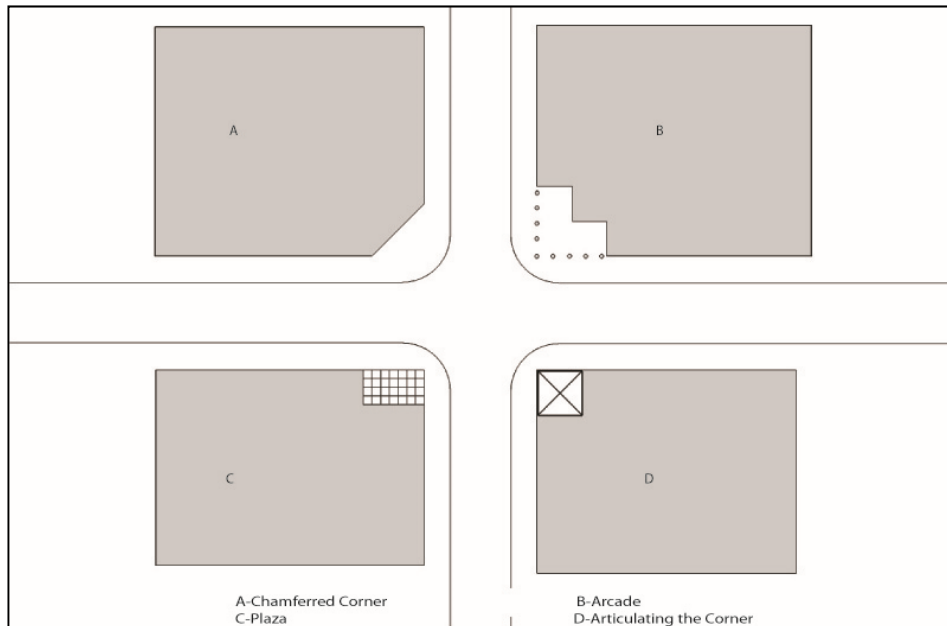




Figure 63 Corner of building elements

E. Materials standards.

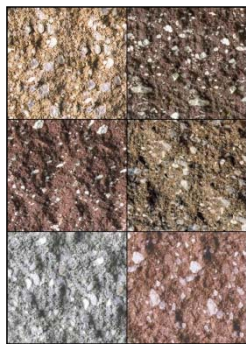
1. Intent. Use building materials that evoke a sense of permanence and are compatible with Canby's business areas and the surrounding built environment.
2. Design standards and applicability. Materials allowed in the CC, TC and OHC sub-areas are summarized in the following table in terms of primary, secondary and accent materials. Other materials may be permitted through the design review process described in Chapter 16.49.

Standards	CC	TC	OHC
Primary materials – 70% or more of building façade, excluding windows and transparent doors.	Brick Stone Stucco EIFS	Brick Stone Stucco EIFS Wood siding Hardy Plank	Brick Stone Stucco EIFS Wood siding Hardy Plank Split-face CMU Tilt-up concrete Spandrel glass curtain walls
Secondary materials – up to 25% of building façade, excluding windows and	Brick Stone Stucco EIFS CMU (split and ground face) Concrete	Brick Stone Stucco EIFS CMU (split and ground face) Concrete	Brick Stone Stucco EIFS CMU (split and ground face) Concrete

Standards	CC	TC	OHC
transparent doors.	Wood siding Hardy Plank Spandrel glass curtain walls	Wood siding Hardy Plank Spandrel glass curtain walls	Wood siding Hardy Plank Spandrel glass curtain walls
Accent materials – up to 10% of building façade, excluding windows and transparent doors.	Brick Stone Stucco/EIFS CMU (split and ground face) Concrete Wood siding Hardy Plank Spandrel glass curtain walls Metal Ceramic tile Wood, vinyl and/or metal for trim	Brick Stone Stucco/EIFS CMU (split and ground face) Concrete Wood siding Hardy Plank Spandrel glass curtain walls Metal Ceramic tile Wood, vinyl and/or metal for trim	Brick Stone Stucco/EIFS CMU (split and ground face) Concrete Wood siding Hardy Plank Spandrel glass curtain walls Metal Ceramic tile Wood, vinyl and/or metal for trim
Roof materials (sloped roofs only)	Metal Wood shingles Tile	Metal Wood shingles Tile Asphalt shingles	Metal Wood shingles Tile



Brick



Tinted CMU



Concrete



HardiPlank



Metal siding



Stone



Stucco



Wood siding

F. Color palette

1. Intent. Use colors on buildings that are generally compatible with Canby's business areas and the surrounding built environment.
2. Design standards and applicability. Applicants are strongly encouraged to use colors from, or consistent with, the Sherwin-Williams Arts and Crafts color palette (i.e. with the same paint color codes). Additional information about this color palette is available from the City of Canby, Canby Business Development and/or the Sherwin-Williams Web site. (Ord. 1296, 2008)

Chapter 16.42

SIGNS

Remove = ~~**Strikethrough and Bold**~~

Additions = **Bold and Underline**

Comments = *italics and underline*

Sections:

- 16.42.010 Purpose.
- 16.42.015 Definitions and interpretation.
- 16.42.020 Administration and permit requirements.
- 16.42.025 General sign standards.
- 16.42.030 Temporary community event sign plan.
- 16.42.040 Design standards for signs.
- 16.42.045 Permanent signs permitted in the right-of-way
- 16.42.050 Size, type, and location of signs permitted by zoning district and use.
- 16.42.060 Automobile service station sign standards.
- 16.42.070 Measurements.
- 16.42.140 Severability.

16.42.010 Purpose.

A. The purpose of this chapter is to:

1. Protect the health, safety, property and welfare of the public;
2. Provide a neat, clean, orderly and attractive appearance in the community;
3. Encourage well-designed and wisely located signs;
4. Provide for safe construction, location, erection and maintenance of signs;
5. Prevent proliferation of signs and sign clutter, minimize adverse visual safety factors to travelers in the public right-of-way;
6. Facilitate economic development and enhance the city's ability to retain and attract businesses and customers;
7. Contribute to a simple and efficient regulatory process; and

8. Achieve these purposes consistent with state and federal constitutional limits on the regulation of speech.

B. To achieve this purpose, it is necessary to regulate the design, quality of materials, construction, location, electrification, illumination, and maintenance of signs that are visible to the public.

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, providing legal or public notice, or other public purposes.

(Ord 1299, 2008; Ord. 955 sections 13-16, 1996; Ord. 913 section 1, 1994; Ord. 830 section 13, 1989; Ord. 740 section 10.3.10(A), 1984)

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 16.42.070. 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.

A. A-Frame Sign. A double-faced temporary sign composed of two sign boards attached at the top and separate at the bottom, not permanently attached to the ground.

B. Abandoned Sign. An abandoned sign has one or more of the following characteristics:

- a. A sign or sign structure that has been damaged, and in which repairs and restoration are not started within 90 days of the date the sign was damaged, or are not diligently pursued once started.
- b. A sign which no longer correctly directs or exhorts any person, advertises a business, lessor, property/space for sale/lease, owner, products, or activity conducted on the premises where such sign is displayed.

C. Alter. To make a change to a sign or sign structure, including but not limited to, changes in area, height, projection, illumination, shape, materials, placement and location on a site. Altering a sign does not include ordinary maintenance or repair, repainting an existing sign surface, including changes of message or image, or exchanging the display panels of a sign.

D. Automobile Service Station. A retail place of business engaged primarily in the sale of motor fuels.

E. Awning Sign. A sign attached to or incorporated into an overhead cover extending

above the sidewalk or ground (usually above windows and doors).

F. Balloon Sign. A sign consisting of a membrane that relies on internal gaseous pressure or a semi-rigid framework for maintaining its form.

G. Banner Sign. A sign made of fabric or other non-rigid material with no enclosing framework. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

H. Beacon. Any light, excluding street lights and traffic signals, 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.

I. Bench Sign. A sign on an outdoor bench.

J. Blade/Overhang Sign. A sign, other than a wall sign, that projects from, and is supported by or attached to a roof or wall of a building or structure.

K. Building Elevation Area. The area of a single side of a building, measured in square feet and calculated by multiplying the length of the side of the building by the height of the building to the roof line. If the roof line height varies along the side of the building, the average of the lowest and highest roof line height on that side shall be used in the calculation.

L. Building Frontage, Primary. The ground floor lineal length of a building wall that faces a street, driveway, parking lot, courtyard or plaza and has an entrance or exit open to the general public.

M. Building Frontage, Secondary. The ground floor lineal length of a building wall that faces a street, driveway, parking lot, courtyard or plaza and does not have an entrance or exit open to the general public.

N. Bulletin Board. A board that provides information in a horizontal linear format, that can be changed either manually through placement of letters or symbols on tracks mounted on a panel, or electronically through use of an array of lights in a dot matrix configuration. A bulletin board is not a sign in itself, but rather is an element that is allowed as part of a monument sign, pole sign, marquee sign, blade/overhang sign, or wall sign.

O. Business Complex. A site consisting of one or more lots sharing appurtenant facilities, such as driveways, parking and pedestrian walkways.

1. Minor Business Complex. A site proposed for or consisting of multiple uses and/or multiple tenants, where the building(s) contain a maximum of 14,999 square feet in gross floor area.

2. Major Business Complex. A site proposed for or consisting of multiple uses and/or multiple tenants, where the building(s) contain 15,000 to 99,999 square feet in gross floor area.

3. Industrial/Research Business Complex. A site proposed for or consisting of multiple uses and/or multiple tenants, where the building(s) contain a minimum of 100,000 square feet in gross floor area.

P. Canopy Sign. A sign that is a part of or attached to a permanent roofed structure which may be freestanding or attached to a building and is not a completely enclosed structure.

Q. Community Event Sign Plan. A sign plan approved by City Council which permits temporary banners or seasonal holiday decorations to extend over a street, over a private road providing vehicle access into a property, or to be attached to utility or streetlight poles.

R. Directory Signs. Directory signs include signs that are attached to the building and are a directory of the occupants of the building, signs that provide vehicular clearance information, signs that identify parking lot sections or direct vehicles in a parking lot, and similar signs as determined by the City Planner. The sign face of each directory sign shall not exceed two (2) square feet, or in the case of an occupant directory, shall not exceed one (1) square foot per occupant listed on the directory sign.

S. Electronic Message Board. A board that, through the use of moving structural elements, flashing or sequential lights, or lights in a dot matrix or LED configuration which may be changed intermittently or by other automated method, results in a message or image display that changes, moves or appears to move. An electronic message board is not a sign in itself, but rather is an element that is allowed as part of a monument sign, pole sign, marquee sign, blade/overhang sign, or wall sign.

T. Flag. A rectangular piece of fabric of distinctive design that is displayed hanging free from a staff, halyard or building to which it is attached. A flag is often used to display the symbol of the United States, a nation, state, or other governmental entity.

U. Flashing Sign. A sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source.

V. Grade. For freestanding signs, "grade" is the average level of the ground measured five feet from either end of the base of the sign, parallel to the sign face. For signs mounted on buildings, the grade is the average level of the sidewalk, alley or ground below the mounted sign measured five feet from either end of the sign face.

W. Illuminated Sign. A sign illuminated by an internal light source or an external light source primarily designed to illuminate the sign. The illumination is "external" when the

light source is separate from the sign surface and is directed to shine upon the sign and “internal” when the light source is contained within the sign, but does not include signs where the text or image is composed of dot matrix or LEDs. External illumination is “direct” when the lamp fixture is directly seen by the public, such as a floodlight, and “indirect” when the source of light is not directly seen by the public, such as cove lighting.

X. Lawn Sign. A temporary freestanding sign that is supported by a frame, pole, or other structure placed directly in or upon the ground without other support or anchor.

Y. Maintenance. Normal care or servicing needed to keep a sign functional or perpetuate its use, such as cleaning, changing light bulbs, and replacing or repairing a part made unusable by ordinary wear.

Z. Marquee Sign. A sign that is a permanent roof-like structure attached to and projecting from a building, that is used in part to display changeable sign copy.

AA. Menu Board Sign. A sign not designed to be viewed from any public right-of-way, and is placed near the public entrance to, or near the drive-up service lane of, a food service establishment. A menu board sign shall not exceed 12 feet in height.

BB. Monument Sign. A freestanding sign that is placed on a solid-appearing base that extends a minimum of 12 inches above the ground and extends at least 75 percent of the length and width of the sign. The above ground portion of the base is considered part of the total allowable height of a monument sign.

CC. Name Plate. A wall sign less than 2 square feet in size, permanently affixed to the front façade of a residential structure.

DD. Neon Sign. A sign internally illuminated by a light source consisting of neon or other gas contained in a tube, except for fluorescent lights.

EE. Owner. The person owning title to real property on which a sign is located, or the contract purchaser of the real property. “Owner” also includes the owner of a sign who has a continuing lease of the real property on which the sign is located.

FF. Pennant. A sign device made from a strip of flexible material intended to wave in the wind.

GG. Pole Sign. A sign that is a freestanding sign connected to the ground by one or more supports with the lower edge of the sign physically separated from the ground (in contrast to a monument sign).

HH. Portable Sign. A sign which is not affixed to a building, other permanent structure, or to the ground in a permanent manner, and which is designed to be moved from place to place.

II. Principal Use. The purpose for which land or a structure is designed, arranged, or for which it is occupied or maintained. Multiple principal uses may be located on a lot, a site, or in a business complex.

JJ. Public Sign. A sign erected, constructed, or placed within the public right-of-way or on public property by or with the approval of the governmental agency having authority over, control of, or ownership of the right-of-way or public property.

KK. Repair. Mending or replacing broken or worn parts with comparable materials.

LL. Roof Line. The top edge of a roof or a building parapet, whichever is higher, excluding any cupolas, chimneys or other minor projections.

MM. Seasonal Holiday Decorations. Every type of decoration displayed during and around a federally recognized holiday or on a seasonal basis, whether illuminated or not, and whether attached to utility poles, buildings or any other structure.

NN. Sign. Any writing, video projection, illumination, pictorial representation, illustration, decoration, emblem, symbol, design, trademark, banner, flag, pennant, captive balloon, streamer, spinner, ribbon, sculpture, statue, or any other figure or character that:

1. Is a structure or any part thereof (including the roof or wall of a building); or
2. Is written, printed, projected, painted, constructed, or otherwise placed or displayed upon or designed into a structure or an outdoor screen or monitor, or a board, plate canopy, awning, marquee, or a vehicle, or upon any material object, device, or surface whatsoever; and
3. Communicates, or is designed to communicate on any subject whatsoever. points of a sign, but excluding essential sign structure, foundations, or supports.

OO. Sign Copy. The message or image conveyed by a sign:



PP. Sign Face. The sum of the surfaces of a sign face as seen from one plane or elevation included within the outer dimensions of the sign board, frame or cabinet.

QQ. Site. The area, parcel, or lot of land owned by or under the lawful control of an owner. Abutting lots shall be considered one site when they share appurtenant facilities, such as driveways, parking and pedestrian walkways.

RR. Street Frontage. The length or width of a site, measured along the lot line separating the site from a street.

SS. Supporting Structure. A structure specifically intended for supporting or containing a sign.

TT. Temporary Sign. A sign that is temporarily attached or tethered to a building, structure, or the ground. Temporary signs include, but are not limited to, A-frames, banners, flags, pennants, balloons, blimps, streamers, lawn signs and portable signs.

UU. Utility Sign. A sign constructed or placed by a public utility on or adjacent to a pole, pipe, or other type of utility facility within a public right-of-way or utility easement.

VV. Vehicle Sign. A sign placed in or attached to a motor vehicle, trailer, or rail car that is parked on public or private property in a publicly visible location for more than 72 consecutive hours, the principal purpose of which is to display signage rather than to use the vehicle for transportation purposes. This is not meant to include signs and logos attached to any vehicle that is regularly used in the normal course of business for transportation purposes.

WW. Video Sign. A sign providing information in both a horizontal and vertical format (as opposed to linear), through use of pixel and sub-pixel technology having the capacity to create continuously changing sign copy in a full spectrum of colors and light intensities.

XX. Wall Sign. A sign that is painted on the wall of a building, or a sign attached to the wall of a building and extending no more than twelve inches from a wall, or attached to or erected against a roof with a slope not more than 20 degrees from vertical, with the exposed face of the sign in a plane that is vertical or parallel to the plane of that roof, and which does not project more than 18 inches from the wall or roof.

YY. Window Sign. A sign attached to, or painted on a window, or displayed inside the building in a manner so that it is clearly viewable from outside the building. (Ord. 913 section 1[part], 1994; Ord. 955 sections 13-16, 1996; Ord. 1299, 2008)

16.42.020 Administration and permit requirements.

A. Permit Required. All signs erected after the effective date of this chapter, other than signs exempt from permit requirements per 16.42.025, shall require a sign permit. Application shall be made on forms provided by the Planning Director. Sign permits issued for signs which encroach into the public right-of-way are subject to the standards of 16.42.045.

B. 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.

C. Construction and Maintenance. Each sign shall be constructed to meet the requirements of applicable building, electrical, and mechanical codes.

1. All signs and component parts shall be kept in good repair and maintained in a safe, neat, clean and attractive condition.

2. 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.

3. 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.

D. Appeal. Appeals are governed by the procedures set forth in Chapter 16.89.

E. 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 to do so, and the fee therefore 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.

F. 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.

G. Variance. The procedures which allow variations from the strict application of the regulations of this Title, by reason of exceptional circumstances and other specified conditions, are set forth in Chapter 16.53.

H. Conditional Use Signs or Signs under Site and Design Review. Signs proposed at the time of a conditional use application or site and design review application 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 six (6) months after the original review. In conditional use signs or signs reviewed under design review, provisions of this chapter shall apply.

- I. Nonconforming Signs. Provisions for nonconforming signs are set forth in Chapter 16.52.
- J. Oregon Motorist Information Act Requirements. The Oregon Motorist Information Act (OMIA) provides the Oregon Department of Transportation purview over the approval of any signage which is “visible” to a State highway running through a community. In addition to being subject to provisions of this chapter, all such signs are subject to requirements identified in Oregon Revised Statutes (ORS) ORS 377.700 – 377.840 and ORS 377.992.

(Ord. 1237, 2007; Ord. 955 section 19, 1996; Ord. 913 section 1[part], 1994; Ord. 830 section 13[part], 1989; Ord. 740 section 10.3.40 (B), 1984; Ord 1299, 2008; Ord. 1339, 2010)

16.42.025 General sign standards.

A. Prohibited Signs. Except for legal nonconforming signs, the following signs are unlawful and are nuisances:

1. Abandoned signs. A sign that has been abandoned for 30 days or more shall have the *sign copy area* removed by the property owner on or prior to 30 days after abandonment.
2. Vehicle sign.
3. Video sign.
4. Sign that may be confused as a traffic control device.
5. Signs that impede movement or create a physical hazard.
6. Signs with rotating or other moving parts, except barber shop poles and clocks.
7. Signs illuminated by flashing lights.
8. Searchlights or beacons, except for temporary events such as grand openings, in which case a permit is required.
9. Signs affixed to power, utility, or traffic control poles, or other public utility structures, other than city-approved traffic control signs, utility signs, and pole identification placards.

B. Exempt Signs. The following signs are exempt from the provisions of this Chapter,

except as specified below, and shall not be counted towards the amount or type of signage otherwise allowed by this Chapter. Such signs shall conform to all other applicable provisions of this title.

1. All signs which are placed inside a structure or building, and which are either not visible through windows or building openings, or are not intended to be visible from outside the structure or building, as determined by the City Planner.
2. Bench signs as defined in 16.42.015, provided that the bench sign copy does not exceed 15 square feet and the bench sign is approved by the bench owner.
3. Signs attached to mass transit shelters which are approved by the mass transit agency and the transit shelter owner.
4. Directory signs as defined in 16.42.015.
5. Menu board signs as defined in 16.42.015.
6. Nameplate signs as defined in 16.42.015.
7. Utility signs as defined in 16.42.015.
8. Flags as defined in 16.42.015.
9. Approved Public Art Murals as defined in CMC Chapter 2.80.020.

C. Temporary Signs. The following temporary signs do not require a sign permit, shall not be counted towards the amount or type of signage otherwise allowed by this Chapter, and may be displayed only in compliance with the following standards. Such signs shall conform to all other applicable provisions of this title. Except as may be approved in accordance with 16.53.015, Minor Sign Variance, temporary signs in excess of the standards of this section are not permitted.

1. Except as approved in a Community Event Sign Plan, as set forth in 16.42.030, no temporary sign shall be internally illuminated or be illuminated by an external light source primarily intended for the illumination of the temporary sign.
2. A temporary sign shall be attached to a site or constructed in a manner that both prevents the sign from being easily removed by unauthorized persons or being blown from its location, and allows for the easy removal of the sign by authorized persons. Except as approved in a Community Event Sign Plan, as set forth in 16.42.030, temporary signs shall not be attached to trees, shrubbery, utility poles or traffic control signs or devices.
3. No temporary sign shall be erected or maintained that, by reason of its size, location or construction, constitutes a hazard to the public.

4. Temporary Signs Allowed in Residential Zones ~~and Agricultural Zone~~ (R-1, R-1.5, R-2, **A).**

a. One or more temporary signs no taller than 4 feet in height, and not exceeding 6 square feet in area each, may be displayed on a lot during the period from 120 days before a public election or the time the election is called, whichever is earlier, to five days after the public election.

b. One temporary sign no taller than 4 feet in height, and not exceeding 6 square feet in area, may be displayed on a lot for a maximum of 8 days in any calendar month, provided it is removed by sunset on any day it is erected.

c. One temporary sign no taller than 5 feet in height, and not exceeding 6 square feet in area, may be displayed on a lot during the time the property, or building or dwelling thereon, is for sale or lease, provided that the sign is removed within 14 days after the sale or lease is completed.

d. One temporary sign not exceeding 6 square feet in area may be displayed on a lot during the time that construction activities are occurring on site, provided that the sign is removed within 7 days of the completion of the construction activities. If the site has frontage on more than one street, one additional sign of the same size may be displayed facing the second street frontage, provided the signs are not visible simultaneously from either street. On lots of more than 2 acres, the sign area may be increased to no more than 32 square feet. In no case shall such sign be displayed for more than 12 months.

e. On property that has received tentative subdivision or partition approval from the City, from the time of that approval until issuance of a building permit for construction on the last lot, one temporary sign no taller than 8 feet in height, and not exceeding 32 square feet in area, may be displayed on a site less than 4 acres in size. If the site is greater than 4 acres in size, two temporary signs no taller than 8 feet in height, and not exceeding 64 square feet each, may be displayed.

f. Banner or Balloon Signs Allowed Twice Per Year for no Longer Than 30 Days Each Occurrence. On a lot used for a permitted or conditional use other than a single-family dwelling, one banner sign or balloon sign may be displayed up to 30 consecutive days only twice during a calendar year. A banner sign may not exceed 50 square feet in size. A balloon sign may not exceed 80 cubic feet in size.

Temporary banner and balloon signs do not require a sign permit, but must be registered with the Planning Department, specifying the sign-owner's Canby business license number (if applicable), the start and stop dates, sign area and proposed location of each temporary banner or balloon sign. Temporary banner and balloon signs regulated by this subsection shall display a weatherproof label from the City that such sign is registered. Temporary banner and balloon signs displayed beyond dates provided to the City shall be in violation of this code.

5. Temporary Signs Allowed in Commercial and Industrial Zones (C-R, C-1, C-2, ~~C-C~~, C-M, M-1, M-2).

a. One or more temporary signs no taller than 5 feet in height, and not exceeding 32 square feet in area each, may be displayed on a lot during the period from 120 days before a public election or the time the election is called, whichever is earlier, to five days after the public election.

b. One temporary sign no taller than 8 feet in height, and not exceeding 32 square feet in area, may be displayed on a lot during the time the property, or building or dwelling thereon, is for sale or lease, provided that the sign is removed within 14 days after the sale or lease is completed.

c. One temporary sign no taller than 8 feet in height, and not exceeding 32 square feet in area, may be displayed on a lot during the time that construction activities are occurring on site, provided that the sign is removed within 7 days of the completion of the construction activities. If the site has frontage on more than one street, one additional sign of the same size may be displayed facing the second street frontage, provided the signs are not visible simultaneously from either street. In no case shall such sign be displayed for more than 12 months.

d. One temporary sign not exceeding 32 square feet in area may be displayed on a lot during the period of a charitable fundraising event being conducted on the site where the sign is displayed. The sign shall not be displayed more than 7 days prior to the event, and must be removed within 2 days following the event.

e. Banner or Balloon Signs Allowed Four Times Per Year for no Longer Than 30 Days Each Occurrence. One banner sign or balloon sign may be displayed on a lot by each business license holder who operates their business at that location per City business license records. A banner sign may not exceed 50 square feet in size. A balloon sign may not exceed 80 cubic feet in size. A balloon sign may not be taller than the maximum allowed height of a pole sign permitted in the same zone as prescribed in Section 16.42.050, Tables 1 through 7 of this code. Each business license holder may display such signage up to 30 consecutive days only four times during a calendar year. Temporary banner and balloon signs do not require a sign permit, but must be registered with the Planning Department, specifying the sign-owner's Canby business license number (if applicable), the start and stop dates, sign area and proposed location of each temporary banner or balloon sign. Temporary banner and balloon signs regulated by this subsection shall display a weatherproof label from the City that such sign is registered. Temporary banner and balloon signs displayed beyond dates provided to the City shall be in violation of this code.

f. Miscellaneous Small Signs. Miscellaneous small signs, such as those indicating hours of operation, with an aggregate area not to exceed 3 square feet

and located either within a window or within 5 feet of an entrance to a building.

6. Temporary Signs Allowed in Right-of-Way in All Zones.

a. No temporary sign in the right-of-way shall interrupt the normal flow of vehicle, pedestrian or bicycle traffic, and shall provide for a minimum of 5 feet of clear passage for pedestrians on a sidewalk where a sidewalk exists. No temporary sign shall encroach into a vision clearance area.

b. As referenced in 16.42.010.C, signs installed by the city, county, or state for public purposes are allowed in the public right-of-way.

c. Temporary safety and directional signs installed by non-governmental persons, such as those displayed at or in close proximity to a road crew or construction project, shall get specific written approval from the Public Works Director prior to erecting the signs. Such signs shall be removed after the construction activity is complete.

d. A-frame signs and lawn signs no taller than 3 feet in height, and not exceeding 6 square feet in area, may be displayed by real estate brokers only on weekends and holidays in the right-of-way in relative close proximity to a property where an open house is being held for the sale or lease of the property.

e. Miscellaneous Small Signs. Miscellaneous small signs, such as those indicating hours of operation, with an aggregate area not to exceed 3 square feet and located either within a window or within 5 feet of an entrance to a building.

7. Temporary Signs Allowed in Right-of-Way Only in Commercial and Industrial Zones (C-R, C-1, C-2, C-C, C-M, M-1, M-2). A-frame signs may be displayed on public sidewalks provided they comply with the following standards:

a. A-frame sign dimensions shall not exceed a maximum width of 3 feet, nor a maximum above-ground height of 4 feet. Each sign face shall not exceed 12 square feet.

b. One A-frame sign per business license holder may be displayed on a public sidewalk in the right-of-way abutting the physical address that is on file with the City as the location where that business license holder operates the business. A weatherproof label which displays the sign-owner's Canby business license number shall be affixed to the backside of the A-frame sign. The business license must be current, and City personnel must be able to read the business license number upon inspection at all times.

c. A-frame signs shall be displayed only during the business hours of the responsible enterprise.

d. A-frame signs shall be placed so as to allow at least 5 feet of unimpeded pedestrian sidewalk maneuvering space. A-frame signs shall not encroach into any required vision clearance area. A-frame signs shall be set back from the curb so as not to interfere with on-street parking, or shall be set back a minimum of 10 feet from the edge of the street travel lane where no curb exists.

e. The owner of the property abutting the right-of-way on which an A-frame sign is placed assumes all liability for incidents involving the sign.

(Ord. 1237, 2007; Ord. 1111 section 7, 2003; Ord. 1076, 2001; Ord. 955 section 17, 1996; Ord. 913 section 1[part], 1994; Ord. 830 section 13[part], 1989, Ord. 802 4, 1987; Ord. 740 section 10.3.40(C), 1984; Ord. 1299, 2008; Ord. 1339, 2010; Ord. 1341, 2011)

16.42.030 Temporary community event sign plan.

Temporary banners or seasonal holiday decorations which extend over a street, over a private road providing vehicle access into a property, or are attached to utility or streetlight poles, shall be permitted only after the City Council has approved a Community Event Sign Plan.

A. Application for approval of a Community Event Sign Plan shall be made on forms provided by the Planning Director, and shall be accompanied by all required information and fees.

B. Applicant shall obtain all encroachment permits and other agency approvals required, prior to submitting an application for a Community Event Sign Plan. If signage is proposed within a right-of-way controlled by another agency, the applicant shall provide written consent from the appropriate agency regarding the signage prior to submitting an application for a Community Event Sign Plan. The consent shall identify any restrictions desired by the owner of the right-of-way.

C. 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 required by the City Attorney and in an amount not less than the current tort liability limitations.

D. Applications for permanent geographic identification banners or signage which extend over a street, over a private road providing vehicle access into a property, or are attached to utility or streetlight poles, shall be submitted following the same application procedures as described for temporary signage, and shall be submitted by a neighborhood association that is officially recognized by the City, or shall be accompanied by a petition indicating the consent of at least 51 percent of the property owners in the geographic area delineated on the Sign Plan application.

E. Except for permanent banners or signage identifying a geographic area or district of the City, all banners and signage approved in a Community Event Sign Plan shall be removed within 2 days after the associated event or activity has ended, or no later than directed by City Council in the Sign Plan approval, whichever date is later.

16.42.040 Design standards for signs.

The following standards apply to signs in all zone districts.

A. Setbacks. Signs are required to meet the setback requirements of the applicable zone district, except however the street yard setback for signs may be reduced to fifty (50) percent of that required for other structures in the zone. Signs shall not obstruct a vision clearance area required in the applicable zone district.

B. Illumination.

1. External illumination is allowed. The external illumination may be either “direct” or “indirect”, provided that the source of light (e.g., bulb) is shielded such that it is not directly seen by the public. External light sources shall be carefully located, directed, and shielded in order to avoid direct illumination of any off-site object or property.

2. Internal illumination is allowed.

3. External or internal sign illumination shall not result in glare onto neighboring properties or onto public right-of-way, such that due to level of brightness, lack of shielding, or high contrast with surrounding light levels, the sign illumination results in discomfort or visual disability for persons.

4. Sign illumination shall not appear to flash, undulate, pulse, or portray explosions, fireworks, flashes of light, or blinking or chasing lights.

C. Monument signs.

1. Monument signs shall have a distinct base, middle, and top. These elements of the sign shall vary from one another in terms of their thickness, materials, or color.

2. Monument signs shall incorporate the following materials, unless otherwise approved pursuant to subsection 4 of this section.

a. The base and top shall be constructed of stone, brick, or wood.

b. The middle shall be constructed of stone, brick, wood, metal with a matte/non-reflective finish, vinyl, or other materials as noted in subsection c.

c. Other materials may be used for bulletin board or electronic message board components in the middle portion of a monument sign, as needed to allow the bulletin board or electronic message board to function.

3. Monument signs shall provide street addresses when street addresses are not visible from the street.

4. A monument sign which does not meet one or more of the standards detailed above in subsections 1 through 3, may be approved by the Planning Director pursuant

to the Type II land use application procedures set forth in Chapter 16.89. A discretionary monument sign application may be approved if the applicant demonstrates compliance with all of the following criteria:

- a. The overall design of the sign exhibits a sense of structure; and
- b. Timeless materials, similar to stone, brick, or wood are used; and
- c. The proposed sign is in conformance with all other applicable city ordinances concerning its location, construction, and design.

D. A-Frame signs.

1. A-frame signs shall be constructed of wood, plastic, or metal with a matte/non-reflective finish.
2. A-frame signs shall not include any parts or attachments that extend beyond the edge of the sign dimensions established in Section 16.42.025.C.
3. A-frame signs shall not incorporate reflective materials.
4. A-frame sign structure shall not incorporate any neon colors.
5. An A-frame sign which does not meet one or more of the standards detailed above in subsections 1 through 4, may be approved by the Planning Director pursuant to the Type II land use application procedures set forth in Chapter 16.89. A discretionary A-frame sign application may be approved if the applicant demonstrates compliance with all of the following criteria:
 - a. The proposed materials, colors, and dimensions of the A-frame sign do not pose a hazard or nuisance to persons; and
 - b. The proposed sign is in conformance with all other applicable city ordinances concerning its location, construction, and design.

E. Blade/Overhang signs.

1. Blade/overhang sign shall not extend more than 8 feet from the building face.
2. The outer edge of a blade/overhang sign shall be set back a minimum of 2 feet from a curb.
3. A minimum 8 foot clearance shall be provided between grade and the bottom of a blade/overhang sign. Blade/overhang signs which extend over the public right-of-way are subject to the standards of 16.42.045.

F. Wall signs. A wall sign shall not project more than 18 inches from the wall to which it is attached (or 12 inches from a wall directly abutting an alley). Wall signs which extend over the public right-of-way are subject to the standards of 16.42.045..

G. Bulletin boards and electronic message boards are only allowed as part of a blade/overhang sign, marquee sign, monument sign, pole sign, or wall sign.

1. The rate of change for sign copy on a bulletin or electronic message board from one message to another message shall be no more frequent than every 8 seconds. Once changed, copy shall remain static until the next change.

2. Displays may travel horizontally or scroll vertically onto electronic message boards, but must hold in a static position after completing the travel or scroll.

3. Sign copy shall not appear to flash, undulate, pulse, or portray explosions, fireworks, flashes of light, or blinking or chasing lights. Copy shall not appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist, or otherwise portray graphics or animation as it moves onto, is displayed on, or leaves the electronic message board.

4. No electronic message board may be illuminated to a degree of brightness that is greater than necessary for adequate visibility.

(Ord. 1111 section 7, 2003; Ord. 913 section 1[part], 1994; Ord. 830 section 13[part] 1989; Ord. 802 4, 1987; Ord. 740 section 10.3.40(C), 1984; Ord 1299, 2008; Ord. 1339, 2010)

16.42.045 Permanent Signs Allowed in Right-of-Way.

A. Except as allowed by this section, no permanent signs requiring sign permits shall be located within the public right-of-way.

B. Awning, canopy, marquee, blade/overhang and wall signs proposed in compliance with this chapter may be permitted to extend over an existing or future public sidewalk provided they comply with the criteria below:

1. The sign shall be placed so as to not to interfere with use of the public property for walkway, roadway, existing or proposed utilities, and other authorized uses.

2. The sign complies with all applicable city codes with regard to structural safety, traffic, and fire safety requirements.

3. The sign will not cause an adverse impact on adjoining properties.

4. The sign will be maintained in good order.

5. No encroachment permit shall be required; however, in requesting a sign permit for a sign which extends over an existing or future public sidewalk, the applicant acknowledges that:

a. Permission to allow the sign to extend over the public sidewalk shall be revocable by the city at any time the revocation would be in the public interest and that no grant of any permit, expenditure of money in reliance thereon or lapse of time shall give the permittee any right to the continued existence of an encroachment or to any damages or claims against the city arising from a revocation.

b. Upon revocation, the permittee or any successor permittee shall, at the permittee's own cost, remove the permitted sign within 30 days after written notice has been provided by the city, unless a shorter period is specified in the notice of revocation due to an emergency situation.

c. If the permittee does not remove the encroachment and return the right-of-way easement or public property area to a condition satisfactory to the Director, the city may do so and the costs of returning the right-of-way, easement or public property to a satisfactory condition, shall be imposed as a lien upon the property on the city lien docket.

d. The permittee, and owner of the benefited property if different than the permittee, shall be liable to indemnify and defend any claim or legal action brought against the city by reason of the existence of any approved right-of-way, easement or public property encroachment. (Ord. 1339, 2010)

16.42.050 Size, type, and location of signs permitted by zoning district and use.

In addition to the design standards for signs in Section 16.42.040, Table 16.42.050 sets forth standards for type, size, and location of permanent signs that are allowed in specific zoning districts. The table is arranged by section as follows:

Table 1	Residential Zones and Agricultural Zone (R-1, R-1.5, R-2, A , C-R)
Table 2	Industrial Zones and Heavy Commercial Manufacturing Zone (M-1, M-2, C-M)
Table 3	Highway Commercial Zone (C-2) and Outer Highway Commercial Area in the Downtown Canby Overlay Zone (DCO-ohc)
Table 4	Downtown Commercial Zone (C-1) and Core Commercial Area in the Downtown Canby Overlay Zone (DCO-cc)
Table 5	Core Highway Frontage Sign Overlay Zone (CHFS)
Table 6	Residential/Commercial Zone and Convenience Commercial Zone (C-R, C , C), and Transitional Commercial Area in the Downtown Canby Overlay Zone (DCO-TC)
Table 7	Canby Industrial Area Overlay Zone (I-O)

A. Where the standards in a base zoning district conflict with the standards in an overlay district, the standards in the overlay district prevail.

B. Where the standards in the Canby Industrial Area Overlay (I-O) district conflict with the standards in another overlay district, the standards in the Canby Industrial Area Overlay (I-O) district prevail.

C. Where the standards in the Core Highway Frontage Sign Overlay (CHFS) district

conflict with the standards in another overlay district, the standards in the Core Highway Frontage Sign Overlay (CHFS) district prevail.

D. Where an automobile service station is located on a lot, regardless of zoning district, the sign standards set forth in 16.42.060 apply.

TABLE 16.42.050



Table 1. Residential Zones and Agricultural Zone (R-1, R-1.5, R-2, A, C-R)		
<u>Monument Sign</u>		
A. Use on site: Property has been subdivided into more than 20 lots.		
Size: maximum 16 square feet per sign face.	Maximum Height: 7 feet.	Location/Number: Maximum two signs; One sign may be located on either side of a public street or private street entrance to the subdivided property.
B. Use on site: Multi-family development.		
Size: maximum 16 square feet per sign face.	Maximum Height: 7 feet.	Location/Number: One sign may be located adjacent to the primary street frontage, on either side of a vehicle accessway; AND one sign may be located adjacent to a collector or arterial street frontage if it is not the primary street frontage, on either side of a vehicle accessway.
C. Use on site: church, school, public/semi-public facility, or privately-owned community center.		
Size: maximum 40 square feet per sign face.	Maximum Height: 7 feet.	Location/Number: Maximum one sign; No specific location requirement.
D. Use on site: all other uses.		
Size: not allowed.	Maximum Height: n/a.	Location/Number: n/a.
<u>Pole Sign</u>		



Table 1. Residential Zones and Agricultural Zone (R-1, R-1.5, R-2, A, C-R)		
A. Use on site: church, school, public/semi-public facility, or privately-owned community center.		
Size: maximum 40 square feet per sign face.	Maximum Height: 8 feet.	Location/Number: One sign may be located adjacent each street frontage.
B. Use on site: all other uses.		
Size: not allowed.	Maximum Height: n/a.	Location/Number: n/a.
<u>Wall Sign</u>		
A. Use on site: church, school, or public/semi-public facility.		
Size: maximum 8 percent of building elevation area, with a maximum sign face of 60 square feet on a primary frontage or 30 square feet on a secondary frontage.	Maximum Height: shall not project above the roof line or top of the parapet wall, whichever is higher.	Location/Number: One sign per building frontage.
B. Use on site: home occupation or permitted commercial use other than those listed above in subsection A.		
Size: maximum sign face of 2 square feet.	Maximum Height: shall not project above the roof line or top of the parapet wall, whichever is higher.	Location/Number: Maximum one sign; No specific location requirement.
C. Use on site: all other uses.		
Size: not allowed.	Maximum Height: n/a.	Location/Number: n/a.
<u>Blade/Overhang Sign</u>		
A. Use on site: home occupation or permitted commercial use.		




Table 1. Residential Zones and Agricultural Zone (R-1, R-1.5, R-2, A, C-R)		
Size: maximum 2 square feet per sign face.	Maximum Height: shall not project above the roof line or top of the parapet wall, whichever is higher.	Location/Number: One sign per building frontage.
B. Use on site: all other uses.		
Size: not allowed.	Maximum Height: n/a.	Location/Number: n/a.
<u>Bulletin Board</u>		
A. Use on site: church, school, or public/semi-public facility.		
Size: bulletin board may encompass up to 75 percent of sign face area.	Maximum Height: determined by height of sign.	Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2.
B. Use on site: all other uses.		
Size: bulletin board may encompass up to 50 percent of sign face area.	Maximum Height: determined by height of sign.	Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2.
<u>Electronic Message Board</u>		
A. Use on site: all uses.		
Size: electronic message board may encompass up to 25 percent of sign face area.	Maximum Height: determined by height of sign.	Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2.
<u>Awning Sign or Canopy Sign</u>		



Table 1. Residential Zones and Agricultural Zone (R-1, R-1.5, R-2, A, C-R)		
A. Use on site: not permitted for any use.		
<u>Marquee Sign</u>		
A. Use on site: not permitted for any use.		
<u>Window Sign</u>		
A. Use on site: all uses.		
Size: maximum 15 percent of total window area.	Maximum Height: determined by height of window.	Location/Number: Only allowed in ground floor or 2nd floor windows.


Table 2. Industrial Zones and Heavy Commercial Manufacturing Zone (M-1, M-2, C-M)		
<u>Monument Sign</u>		
A. Use on site: Church, school, or public facility.		
Size: maximum 48 square feet per sign face (up to two faces).	Maximum Height: 9 feet.	Location/Number: One sign may be located adjacent each street frontage.


Table 2. Industrial Zones and Heavy Commercial Manufacturing Zone (M-1, M-2, C-M)		
B. Use on site: Minor business complex.		
Size: maximum 100 square feet per sign face (up to two faces).	Maximum Height: 9 feet.	Location/Number: One sign; except on a site abutting a collector or arterial street one sign may be located adjacent each collector/arterial street frontage; except on a site larger than 10 acres a total of two signs are allowed.
C. Use on site: Major business complex.		
Size: maximum 150 square feet per sign face (up to two faces).	Maximum Height: 9 feet.	Location/Number: One sign; except on a site abutting a collector or arterial street one sign may be located adjacent each collector/arterial street frontage; except on a site larger than 10 acres a total of two signs are allowed.
D. Use on site: all other uses on a site that is less than or equal to 5 acres in size.		
Size: maximum 48 square feet per sign face (up to two faces).	Maximum Height: 9 feet.	Location/Number: One sign; except on a site abutting a collector or arterial street one sign may be located adjacent each collector/arterial street frontage.
E. Use on site: all uses on a site greater than 5 acres.		
Size: maximum 150 square feet per sign face (up to two faces).	Maximum Height: 9 feet.	Location/Number: One sign; except on a site abutting a collector or arterial street one sign may be located adjacent each collector/arterial street frontage; except on a site larger than 10 acres a total of two signs are allowed.
<u>Pole Sign</u>		
A. Use on site: church, school, or public facility.		
Size: maximum 48 square feet per sign face (up to two faces).	Maximum Height: 18 feet.	Location/Number: One sign may be located adjacent each street frontage.
B. Use on site: Minor business complex.		
Size: maximum 100 square feet per sign face (up to two faces).	Maximum Height: 20 feet.	Location/Number: One sign; except on a site with more than one street frontage one sign may be located adjacent each collector or arterial street frontage that is at least 500 feet in length. Where more than one sign is permitted on a site, the signs must be separated by at least 300 feet.


Table 2. Industrial Zones and Heavy Commercial Manufacturing Zone (M-1, M-2, C-M)		
C. Use on site: Major business complex.		
Size: maximum 130 square feet per sign face (up to two faces).	Maximum Height: 26 feet.	Location/Number: One sign; except on a site with more than one street frontage one sign may be located adjacent each collector or arterial street frontage that is at least 500 feet in length. Where more than one sign is permitted on a site, the signs must be separated by at least 300 feet.
D. Use on site: All other uses on a site that is less than or equal to 5 acres in size.		
Size: maximum 48 square feet per sign face (up to two faces).	Maximum Height: 18 feet.	Location/Number: One sign; except one sign may be located adjacent each collector or arterial street frontage.
E. Use on site: All uses on a site greater than 5 acres.		
Size: maximum 130 square feet per sign face (up to two faces).	Maximum Height: 18 feet.	Location/Number: One sign; except one sign may be located adjacent each collector or arterial street frontage; except if the use is a church, school, or public facility one sign may be located adjacent each street frontage.
<u>Wall Sign</u>		
A. Use on site: All uses.		
<p>Size: The maximum sign face area of all wall signage allowed on a primary building frontage is 8 percent of the building elevation area of the primary building frontage. Except as allowed below, each sign is limited to a maximum of 120 square feet.</p> <p>The maximum sign face area of all wall signage allowed on a secondary building frontage is 6 percent of the building elevation area of the secondary building frontage.</p>	Maximum Height: shall not project above the roof line or top of the parapet wall, whichever is higher.	Location/Number: One sign per building frontage for each business license on file with the City at that location.




Table 2. Industrial Zones and Heavy Commercial Manufacturing Zone (M-1, M-2, C-M)		
<p>Except as allowed below, each sign is limited to a maximum of 60 square feet.</p> <p>If the building elevation area of a primary or secondary building frontage exceeds 5,000 square feet, the maximum sign face area of each sign allowed on that frontage is 190 square feet.</p>		
<u>Blade/Overhang Sign</u>		
A. Use on site: All uses.		
Size: Each sign shall have a maximum sign face area of 48 square feet.	Maximum Height: shall not project above the roof line or top of the parapet wall, whichever is higher.	Location/Number: One sign per building frontage for each business license on file with the City at that location.
<u>Bulletin Board</u>		
A. Use on site: church, school, or public/semi-public facility.		
Size: bulletin board may encompass up to 75 percent of sign face area.	Maximum Height: determined by height of sign.	Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2.
B. Use on site: all other uses.		
Size: bulletin board may encompass up to 50 percent of sign face area.	Maximum Height: determined by height of sign.	Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2.
<u>Electronic Message Board</u>		



Table 2. Industrial Zones and Heavy Commercial Manufacturing Zone (M-1, M-2, C-M)		
A. Use on site: all uses.		
Size: electronic message board may encompass up to 25 percent of sign face area.	Maximum Height: determined by height of sign.	Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2.
<u>Awning Sign or Canopy Sign</u>		
A. Use on site: all uses.		
Size: Signs on awnings shall not cover more than 25 percent of the main area of the awning or exceed 25 square feet in size, whichever is smaller.	Maximum Height: shall not project above the roof line.	Location/Number: One sign per awning or canopy. Sign shall not project above the roof line. Sign shall not extend more than 8 feet from the building face. Outer edge of sign shall be set back a minimum of 2 feet from a curb. A minimum 8 foot clearance shall be provided between grade and bottom of sign.
<u>Marquee Sign</u>		
A. Use on site: not permitted for any use.		


Table 2. Industrial Zones and Heavy Commercial Manufacturing Zone (M-1, M-2, C-M)		
<u>Window Sign</u>		
A. Use on site: all uses.		
Size: maximum 15 percent of total window area.	Maximum Height: determined by height of window.	Location/Number: Only allowed in ground floor or 2nd floor windows.


Table 3. Highway Commercial Zone (C-2) and Outer Highway Commercial Area in the Downtown Canby Overlay Zone (DCO- and <u>OHC</u>)		
<u>Monument Sign</u>		
A. Use on site: Church, school, or public facility.		
Size: maximum 48 square feet per sign face (up to two faces).	Maximum Height: 9 feet.	Location/Number: One sign may be located adjacent each street frontage.
B. Use on site: Minor business complex.		
Size: maximum 100 square feet per sign face (up to two faces).	Maximum Height: 12 feet.	Location/Number: One sign; except on a site abutting a collector or arterial street one sign may be located adjacent each collector/arterial street frontage.
C. Use on site: Major business complex.		
Size: maximum 150 square feet per sign face (up to two faces).	Maximum Height: 12 feet.	Location/Number: One sign; except on a site abutting a collector or arterial street one sign may be located adjacent each collector/arterial street frontage.

Table 3. Highway Commercial Zone (C-2) and Outer Highway Commercial Area in the Downtown Canby Overlay Zone (DCO-ohc OHC)


D. Use on site: all other uses.		
Size: maximum 48 square feet per sign face (up to two faces).	Maximum Height: 9 feet.	Location/Number: One sign; except on a site abutting a collector or arterial street one sign may be located adjacent each collector/arterial street frontage.
<u>Pole Sign</u>		
A. Use on site: church, school, or public facility.		
Size: maximum 48 square feet per sign face (up to two faces).	Maximum Height: 18 feet.	Location/Number: One sign may be located adjacent each street frontage.
B. Use on site: Minor business complex.		
Size: maximum 100 square feet per sign face (up to two faces).	Maximum Height: 20 feet.	Location/Number: One sign; except on a site with more than one street frontage one sign may be located adjacent each collector or arterial street frontage that is at least 500 feet in length. Where more than one sign is permitted on a site, the signs must be separated by at least 300 feet.
C. Use on site: Major business complex.		
Size: maximum 130 square feet per sign face (up to two faces).	Maximum Height: 26 feet.	Location/Number: One sign; except on a site with more than one street frontage one sign may be located adjacent each collector or arterial street frontage that is at least 500 feet in length. Where more than one sign is permitted on a site, the signs must be separated by at least 300 feet.
D. Use on site: All other uses.		
Size: maximum 48 square feet per sign face (up to two faces).	Maximum Height: 18 feet.	Location/Number: One sign; except one sign may be located adjacent each collector or arterial street frontage.

Table 3. Highway Commercial Zone (C-2) and Outer Highway Commercial Area in the Downtown Canby Overlay Zone (DCO-ohc OHC)



<u>Wall Sign</u>		
A. Use on site: All uses.		
<p>Size: The maximum sign face area of all wall signage allowed on a primary building frontage is 8 percent of the building elevation area of the primary building frontage. Except as allowed below, each sign is limited to a maximum of 120 square feet.</p> <p>The maximum sign face area of all wall signage allowed on a secondary building frontage is 6 percent of the building elevation area of the secondary building frontage. Except as allowed below, each sign is limited to a maximum of 60 square feet.</p> <p>If the building elevation area of a primary or secondary building frontage exceeds 5,000 square feet, the maximum sign face area of each sign allowed on that frontage is 190 square feet.</p>	<p>Maximum Height: shall not project above the roof line or top of the parapet wall, whichever is higher.</p>	<p>Location/Number: One sign per building frontage for each business license on file with the City at that location except that one major tenant per location may up to two signs. For the purposes of the standard, a “major tenant” shall have more than 20,000 square feet of gross floor area.</p>
<u>Blade/Overhang Sign</u>		
A. Use on site: All uses.		
<p>Size: Each sign shall have a</p>	<p>Maximum Height:</p>	<p>Location/Number: One sign per building</p>



Table 3. Highway Commercial Zone (C-2) and Outer Highway Commercial Area in the Downtown Canby Overlay Zone (DCO-ohc OHC)		
maximum sign face area of 48 square feet.	shall not project above the roof line or top of the parapet wall, whichever is higher.	frontage for each business license on file with the City at that location.
<u>Bulletin Board</u>		
A. Use on site: church, school, or public/semi-public facility.		
Size: bulletin board may encompass up to 75 percent of sign face area.	Maximum Height: determined by height of sign.	Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2.
B. Use on site: all other uses.		
Size: bulletin board may encompass up to 50 percent of sign face area.	Maximum Height: determined by height of sign.	Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2.
<u>Electronic Message Board</u>		
A. Use on site: all uses.		
Size: electronic message board may encompass up to 25 percent of sign face area.	Maximum Height: determined by height of sign.	Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2.

Table 3. Highway Commercial Zone (C-2) and Outer Highway Commercial Area in the Downtown Canby Overlay Zone (DCO-øhø OHC)




<u>Awning Sign or Canopy Sign</u>		
A. Use on site: all uses.		
Size: Signs on awnings shall not cover more than 25 percent of the main area of the awning, or exceed 25 square feet in size, whichever is smaller.	Maximum Height: shall not project above the roof line.	Location/Number: One sign per awning or canopy. Sign shall not project above the roof line. Sign shall not extend more than 8 feet from the building face. Outer edge of sign shall be set back a minimum of 2 feet from a curb. A minimum 8 foot clearance shall be provided between grade and bottom of sign.
<u>Marquee Sign</u>		
A. Use on site: all uses.		
Size: The maximum sign face area for marquee signs is 120 square feet.	Maximum Height: shall not project above the roof line or parapet wall, whichever is higher; however, the blade/overhanging portion of the sign may extend above the roof line or parapet wall.	Location/Number: One sign per primary building frontage. Outer edge of sign shall be set back a minimum of 2 feet from a curb. A minimum 8 foot clearance shall be provided between grade and bottom of sign.
<u>Window Sign</u>		
A. Use on site: all uses.		

Table 3. Highway Commercial Zone (C-2) and Outer Highway Commercial Area in the Downtown Canby Overlay Zone (DCO-ohc <u>OHC</u>)		
Size: maximum 15 percent of total window area.	Maximum Height: determined by height of window.	Location/Number: Only allowed in ground floor or 2nd floor windows.


Table 4. Downtown Commercial Zone (C-1) and Core Commercial Area in the Downtown Canby Overlay Zone (DCO-cc <u>CC</u>)		
<u>Monument Sign</u>		
A. Use on site: Church, school, or public facility.		
Size: maximum 40 square feet per sign face (up to two faces).	Maximum Height: 9 feet.	Location/Number: One sign may be located adjacent each street frontage.
B. Use on site: Minor business complex.		
Size: maximum 50 square feet per sign face (up to two faces).	Maximum Height: 12 feet.	Location/Number: One sign; except on a site abutting a collector or arterial street one sign may be located adjacent each collector/arterial street frontage.
C. Use on site: Major business complex.		
Size: maximum 65 square feet per sign face (up to two faces).	Maximum Height: 12 feet.	Location/Number: One sign; except on a site abutting a collector or arterial street one sign may be located adjacent each collector/arterial street frontage.
D. Use on site: all other uses.		
Size: maximum 40 square feet per sign face (up to two faces).	Maximum Height: 9 feet.	Location/Number: One sign; except on a site abutting a collector or arterial street one sign may be located adjacent each collector/arterial street frontage.

Table 4. Downtown Commercial Zone (C-1) and Core Commercial Area in the Downtown Canby Overlay Zone (DCO-~~CC~~-CC)


<u>Pole Sign</u>		
A. Use on site: church, school, or public facility.		
Size: maximum 40 square feet per sign face (up to two faces).	Maximum Height: 12 feet.	Location/Number: One sign may be located adjacent each street frontage.
B. Use on site: Minor business complex.		
Size: maximum 50 square feet per sign face (up to two faces).	Maximum Height: 18 feet.	Location/Number: One sign; except on a site with more than one street frontage one sign may be located adjacent each collector or arterial street frontage that is at least 500 feet in length. Where more than one sign is permitted on a site, the signs must be separated by at least 300 feet.
C. Use on site: Major business complex.		
Size: maximum 65 square feet per sign face (up to two faces).	Maximum Height: 18 feet.	Location/Number: One sign; except on a site with more than one street frontage one sign may be located adjacent each collector or arterial street frontage that is at least 500 feet in length. Where more than one sign is permitted on a site, the signs must be separated by at least 300 feet.
D. Use on site: All other uses.		
Size: maximum 40 square feet per sign face (up to two faces).	Maximum Height: 12 feet.	Location/Number: One sign; except one sign may be located adjacent each collector or arterial street frontage.

Table 4. Downtown Commercial Zone (C-1) and Core Commercial Area in the Downtown Canby Overlay Zone (DCO-CC)



<u>Wall Sign</u>		
A. Use on site: All uses.		
<p>Size: The maximum sign face area of all wall signage allowed on a primary building frontage is 8 percent of the building elevation area of the primary building frontage. Each sign is limited to a maximum of 60 square feet.</p> <p>The maximum sign face area of all wall signage allowed on a secondary building frontage is 6 percent of the building elevation area of the secondary building frontage. Each sign is limited to a maximum of 30 square feet.</p>	<p>Maximum Height: shall not project above the roof line or top of the parapet wall, whichever is higher.</p>	<p>Location/Number: One sign per building frontage for each business license on file with the City at that location except that one major tenant per location may have up to two signs. For the purposes of this standard, a “major tenant” shall have more than 20,000 square feet of gross floor area.</p>
<u>Blade/Overhang Sign</u>		
A. Use on site: All uses.		
<p>Size: Each sign shall have a maximum sign face area of 20 square feet.</p>	<p>Maximum Height: shall not project above the roof line or top of the parapet wall, whichever is higher.</p>	<p>Location/Number: One sign per building frontage for each business license on file with the City at that location.</p>

Table 4. Downtown Commercial Zone (C-1) and Core Commercial Area in the Downtown Canby Overlay Zone (DCO-CC-CC)






<u>Bulletin Board</u>			
A. Use on site: church, school, or public/semi-public facility.			
Size: bulletin board may encompass up to 75 percent of sign face area.	Maximum Height: determined by height of sign.	Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2.	
B. Use on site: all other uses.			
Size: bulletin board may encompass up to 50 percent of sign face area.	Maximum Height: determined by height of sign.	Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2.	
<u>Electronic Message Board</u>			
A. Use on site: all uses.			
Size: electronic message board may encompass up to 25 percent of sign face area.	Maximum Height: determined by height of sign.	Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2.	
<u>Awning Sign or Canopy Sign</u>			
A. Use on site: all uses.			
Size: Signs on awnings shall not cover more than 25 percent of the main area of the awning, or exceed 25 square feet in size, whichever is smaller.	Maximum Height: shall not project above the roof line or parapet wall, whichever is	Location/Number: One sign per awning or canopy. Sign shall not project above the roof line. Sign shall not extend more than 8 feet from the building face. Outer edge of sign shall be set back a minimum of 2 feet from a curb. A	

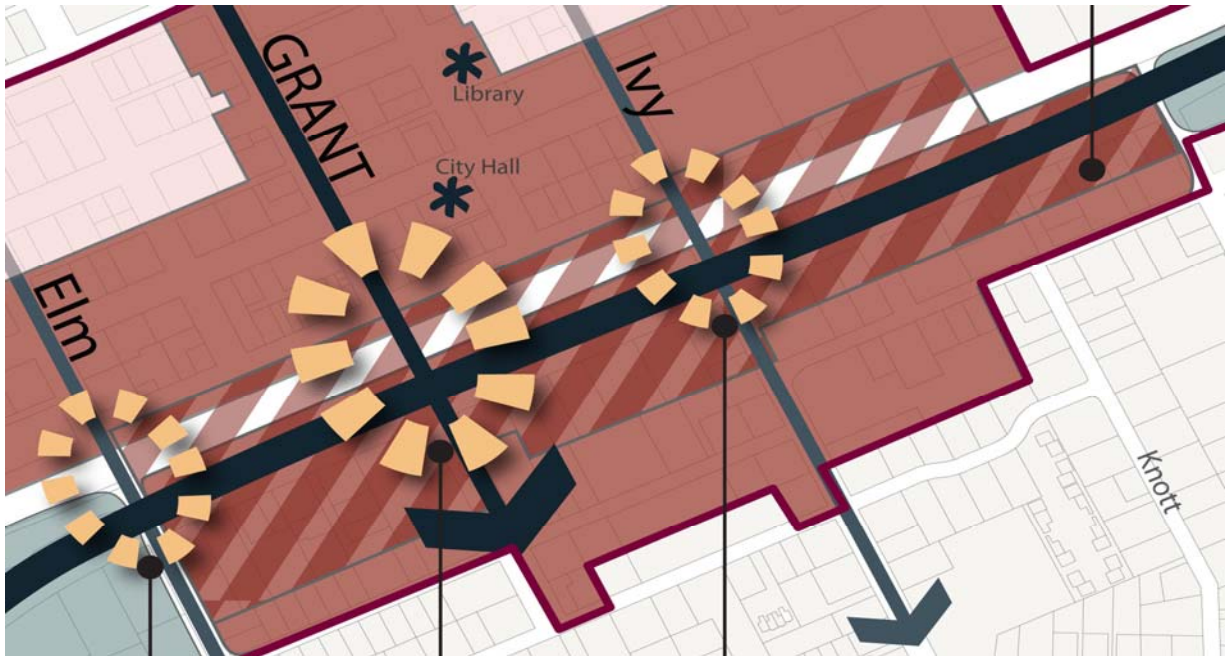
Table 4. Downtown Commercial Zone (C-1) and Core Commercial Area in the Downtown Canby Overlay Zone (DCO-CC-CC)		
	higher.	minimum 8 ½ foot clearance shall be provided between grade and bottom of sign.
<u>Marquee Sign</u>		
A. Use on site: all uses.		
Size: The maximum sign face area for marquee signs is 120 square feet.	Maximum Height: shall not project more than 8 feet above the roof line or parapet wall, whichever is higher. The blade/overhang portion of the sign may extend above the roof line or parapet wall.	Location/Number: One sign per primary building frontage. Outer edge of sign shall be set back a minimum of 2 feet from a curb.
<u>Window Sign</u>		
A. Use on site: all uses.		
Size: maximum 15 percent of total window area.	Maximum Height: determined by height of window.	Location/Number: Only allowed in ground floor or 2nd floor windows.

<u>Table 5. Core Highway Frontage Sign Overlay Zone (CHFS)</u>

Table 5. Core Highway Frontage Sign Overlay Zone (CHFS)

A. The purpose of the Core Highway Frontage Sign Overlay is to have sign standards that are particularly applicable to properties in the Core Commercial sub-area of the Downtown Canby Overlay Zone that are located in close proximity to Hwy 99 E.

B. A Core Highway Frontage Sign Overlay Zone is established as illustrated by the striped pattern on the following map, and encompasses the following area:



Monument Sign



A. Use on site: Church, school, or public facility.

Size: maximum 48 square feet per sign face (up to two faces).

Maximum Height: 9 feet.

Location/Number: One sign may be located adjacent each street frontage.

B. Use on site: Minor business complex.

Size: maximum 100 square feet per sign face (up to two faces).

Maximum Height: 12 feet.

Location/Number: One sign; except on a site abutting a collector or arterial street one sign may be located adjacent each collector/arterial street frontage.

C. Use on site: Major business complex.


Table 5. Core Highway Frontage Sign Overlay Zone (CHFS)		
Size: maximum 130 square feet per sign face (up to two faces).	Maximum Height: 12 feet.	Location/Number: One sign; except on a site abutting a collector or arterial street one sign may be located adjacent each collector/arterial street frontage.
D. Use on site: all other uses.		
Size: maximum 48 square feet per sign face (up to two faces).	Maximum Height: 9 feet.	Location/Number: One sign; except on a site abutting a collector or arterial street one sign may be located adjacent each collector/arterial street frontage.
<u>Pole Sign</u>		
A. Use on site: church, school, or public facility.		
Size: maximum 48 square feet per sign face (up to two faces).	Maximum Height: 18 feet.	Location/Number: One sign may be located adjacent each street frontage.
B. Use on site: Minor business complex.		
Size: maximum 100 square feet per sign face (up to two faces).	Maximum Height: 20 feet.	Location/Number: One sign; except on a site with more than one street frontage one sign may be located adjacent each collector or arterial street frontage that is at least 500 feet in length. Where more than one sign is permitted on a site, the signs must be separated by at least 300 feet.
C. Use on site: Major business complex.		
Size: maximum 130 square feet per sign face (up to two faces).	Maximum Height: 26 feet.	Location/Number: One sign; except on a site with more than one street frontage one sign may be located adjacent each collector or arterial street frontage that is at least 500 feet in length. Where more than one sign is permitted on a site, the signs must be separated by at least 300 feet.
D. Use on site: All other uses.		
Size: maximum 48 square feet per sign face (up to two faces).	Maximum Height: 18 feet.	Location/Number: One sign; except one sign may be located adjacent each collector or arterial street frontage.

Table 5. Core Highway Frontage Sign Overlay Zone (CHFS)



<p><u>Wall Sign</u></p>	
<p>A. Use on site: All uses.</p>	
<p>Size: The maximum sign face area of all wall signage allowed on a primary building frontage is 8 percent of the building elevation area of the primary building frontage. Each sign is limited to a maximum of 60 square feet.</p> <p>The maximum sign face area of all wall signage allowed on a secondary building frontage is 6 percent of the building elevation area of the secondary building frontage. Each sign is limited to a maximum of 30 square feet.</p>	<p>Maximum Height: shall not project above the roof line or top of the parapet wall, whichever is higher.</p> <p>Location/Number: One sign per building frontage for each business license on file with the City at that location except that one major tenant per location may have up to two signs. For the purposes of this standard, a “major tenant” shall have more than 20,000 square feet of gross floor area.</p>
<p><u>Blade/Overhang Sign</u></p>	
<p>A. Use on site: All uses.</p>	
<p>Size: Each sign shall have a maximum sign face area of 20 square feet.</p>	<p>Maximum Height: shall not project above the roof line or top of the parapet wall, whichever is higher.</p> <p>Location/Number: One sign per building frontage for each business license on file with the City at that location.</p>




Table 5. Core Highway Frontage Sign Overlay Zone (CHFS)		
<u>Bulletin Board</u>		
A. Use on site: church, school, or public/semi-public facility.		
Size: bulletin board may encompass up to 75 percent of sign face area.	Maximum Height: determined by height of sign.	Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2.
B. Use on site: all other uses.		
Size: bulletin board may encompass up to 50 percent of sign face area.	Maximum Height: determined by height of sign.	Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2.
<u>Electronic Message Board</u>		
A. Use on site: all uses.		
Size: electronic message board may encompass up to 25 percent of sign face area.	Maximum Height: determined by height of sign.	Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2.
<u>Awning Sign or Canopy Sign</u>		
A. Use on site: all uses.		
Size: Signs on awnings shall not cover more than 25 percent of the main area of the awning, or exceed 25 square feet in size, whichever is smaller.	Maximum Height: shall not project above the roof line or parapet wall, whichever is higher.	Location/Number: One sign per awning or canopy. Sign shall not project above the roof line. Sign shall not extend more than 8 feet from the building face. Outer edge of sign shall be set back a minimum of 2 feet from a curb. A minimum 8 foot clearance shall be provided between grade and bottom of sign.

Table 5. Core Highway Frontage Sign Overlay Zone (CHFS)



<u>Marquee Sign</u>			
A. Use on site: all uses.			
Size: The maximum sign face area for marquee signs is 120 square feet.	Maximum Height: shall not project above the roof line or parapet wall, whichever is higher. The blade/overhang portion of the sign may extend above the roof line or parapet wall.	Location/Number: One sign per primary building frontage. Outer edge of sign shall be set back a minimum of 2 feet from a curb. A minimum 8 foot clearance shall be provided between grade and bottom of sign.	
<u>Window Sign</u>			
A. Use on site: all uses.			
Size: maximum 25 percent of total window area.	Maximum Height: determined by height of window.	Location/Number: Only allowed in ground floor or 2nd floor windows.	

Table 6. Residential/Commercial Zone and Convenience Commercial Zone (C-R, C-C), and Transitional Commercial Area in the Downtown Canby Overlay Zone (DCO-tc TC)

<u>Monument Sign</u>		or
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Table 6. Residential/Commercial Zone and Convenience Commercial Zone (C-R, C-G), and Transitional Commercial Area in the Downtown Canby Overlay Zone (DCO-tc TC)



		
A. Use on site: Church, school, or public facility.		
Size: maximum 32 square feet per sign face (up to two faces).	Maximum Height: 7 feet.	Location/Number: One sign may be located adjacent each street frontage.
B. Use on site: all other uses.		
Size: maximum 32 square feet per sign face (up to two faces).	Maximum Height: 7 feet.	Location/Number: One sign; except on a site abutting a collector or arterial street one sign may be located adjacent each collector/arterial street frontage.
<u>Pole Sign</u> 		
A. Use on site: church, school, or public/semi-public facility.		
Size: maximum 32 square feet per sign face (up to two faces).	Maximum Height: 8 feet.	Location/Number: One sign may be located adjacent each street frontage.
B. Use on site: all other uses.		
Size: maximum 32 square feet per sign face (up to two faces).	Maximum Height: 8 feet.	Location/Number: One sign; except on a site with more than one street frontage one sign may be located adjacent each collector or arterial street frontage.

Table 6. Residential/Commercial Zone and Convenience Commercial Zone (C-R, C-G), and Transitional Commercial Area in the Downtown Canby Overlay Zone (DCO-tc TC)


<u>Wall Sign</u>		
A. Use on site: church, school, or public/semi-public facility.		
<p>Size: The maximum sign face area for each wall sign is 60 square feet on a primary building frontage.</p> <p>The maximum sign face area for each wall sign is 30 square feet on a primary building frontage.</p>	<p>Maximum Height: shall not project above the roof line or top of the parapet wall, whichever is higher.</p>	<p>Location/Number: One sign per building frontage.</p>
B. Use on site: All other uses.		
<p>Size: The maximum sign face area of all wall signage allowed on a primary building frontage is 6 percent of the building elevation area of the primary building frontage. Each sign is limited to a maximum of 16 square feet.</p> <p>The maximum sign face area of all wall signage allowed on a secondary building frontage is 4 percent of the building elevation area of the secondary building</p>	<p>Maximum Height: shall not project above the roof line or top of the parapet wall, whichever is higher.</p>	<p>Location/Number: One sign per building frontage for each business license on file with the City at that location. A wall sign shall not project more than 18 inches from the wall to which it is attached (or 12 inches from the wall on a building frontage abutting an alley).</p>

Table 6. Residential/Commercial Zone and Convenience Commercial Zone (C-R, C-G), and Transitional Commercial Area in the Downtown Canby Overlay Zone (DCO-tc TC)




frontage. Each sign is limited to a maximum of 8 square feet.		
<u>Blade/Overhang Sign</u>		
A. Use on site: All uses.		
Size: Each sign shall have a maximum sign face area of 6 square feet.	Maximum Height: shall not project above the roof line or top of the parapet wall, whichever is higher.	Location/Number: One sign per building frontage for each business license on file with the City at that location.
<u>Bulletin Board</u>		
A. Use on site: church, school, or public/semi-public facility.		
Size: bulletin board may encompass up to 75 percent of sign face area.	Maximum Height: determined by height of sign.	Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2.
B. Use on site: all other uses.		
Size: bulletin board may encompass up to 50 percent of sign face area.	Maximum Height: determined by height of sign.	Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2.
<u>Electronic Message Board</u>		

Table 6. Residential/Commercial Zone and Convenience Commercial Zone (C-R, C-G), and Transitional Commercial Area in the Downtown Canby Overlay Zone (DCO-tc TC)



A. Use on site: all uses.		
Size: electronic message board may encompass up to 25 percent of sign face area.	Maximum Height: determined by height of sign.	Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2.
<u>Awning Sign or Canopy Sign</u>		
A. Use on site: commercial use, church, school, or public/semi-public facility.		
Size: Signs on awnings shall not cover more than 25 percent of the main area of the awning, or exceed 25 square feet in size, whichever is smaller.	Maximum Height: shall not project above the roof line or parapet wall, whichever is higher.	Location/Number: One sign per awning or canopy. Sign shall not extend more than 8 feet from the building face. Outer edge of sign shall be set back a minimum of 2 feet from a curb. A minimum 8 foot clearance shall be provided between grade and bottom of sign.
B. Use on site: all other uses.		
Size: not allowed.	Maximum Height: n/a.	Location/Number: n/a.
<u>Marquee Sign</u>		
A. Use on site: all uses.		
Size: not allowed.	Maximum	Location/Number: n/a.

Table 6. Residential/Commercial Zone and Convenience Commercial Zone (C-R, C-G), and Transitional Commercial Area in the Downtown Canby Overlay Zone (DCO-tc TC)

		Height: n/a.	
<u>Window Sign</u>			
A. Use on site: all uses.			
Size: maximum 15 percent of total window area.	Maximum Height: determined by height of window.	Location/Number: Only allowed in ground floor or 2nd floor windows.	

Table 7. Canby Industrial Area Overlay Zone (I-O)



<u>Monument Sign</u>		
A. Use on site: all uses in the M-1 zone or M-2 zone.		
Size: may not exceed 32 square feet per sign face, or 64 square feet total.	Maximum Height: 6 feet.	Location/Number: One sign.
B. Use on site: all uses in the C-M zone.		
Size: may not exceed 150 square feet per sign face, or 300 square feet total.	Maximum Height: 30 feet.	Location/Number: One monument sign is allowed for a site up to 10 acres in size. Sites over 10 acres in size may be permitted a maximum of 2 signs, provided that only one sign per street frontage is allowed.
<u>Pole Sign</u>		



Table 7. Canby Industrial Area Overlay Zone (I-O)		
A. Use on site: all uses.		
Size: not allowed.	Maximum Height: n/a.	Location/Number: n/a.
Wall Sign		
A. Use on site: all uses.		
Size: The maximum sign face area of all wall signage allowed on a primary building frontage is 8 percent of the building elevation area of the primary building frontage. Each sign is limited to a maximum of 300 square feet. The maximum sign face area of all wall signage allowed on a secondary building frontage is 6 percent of the building elevation area of the secondary building frontage. Each sign is limited to a maximum of 190 square feet.	Maximum Height: shall not project above the roof line or top of the parapet wall, whichever is higher.	Location/Number: Painted wall signs are prohibited. Internally illuminated box-style signs, also called can signs, are prohibited. For other types of wall signs, one sign is permitted per building frontage for each business license on file with the City at that location.
Blade/Overhang Sign		






Table 7. Canby Industrial Area Overlay Zone (I-O)		
A. Use on site: All uses.		
Size: Each sign shall have a maximum sign face area of 48 square feet.	Maximum Height: shall not project above the roof line or top of the parapet wall, whichever is higher.	Location/Number: One sign per building frontage for each business license on file with the City at that location.
<u>Bulletin Board</u>		
A. Use on site: All uses.		
Size: bulletin board may encompass up to 50 percent of sign face area.	Maximum Height: determined by height of sign.	Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2.
<u>Electronic Message Board</u>		
A. Use on site: all uses.		
Size: electronic message board may encompass up to 25 percent of sign face area.	Maximum Height: determined by height of sign.	Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2.
<u>Awning Sign or Canopy Sign</u>		
A. Use on site: all uses.		
Size: Signs on awnings shall not cover more than 25 percent of the main area of the awning, or exceed 25 square feet in size, whichever is smaller.	Maximum Height: shall not project above the roof line or parapet wall, whichever is higher.	Location/Number: One sign per awning or canopy. Sign shall not extend more than 8 feet from the building face. Outer edge of sign shall be set back a minimum of 2 feet from a curb. A minimum 8 foot clearance shall be provided between grade and bottom of sign.

Table 7. Canby Industrial Area Overlay Zone (I-O)		
The maximum sign face area of all signage allowed on a secondary building frontage is 8 percent of the building elevation area of the secondary frontage, up to a maximum of 60 square feet.		
<u>Marquee Sign</u>		
A. Use on site: all uses.		
Size: not allowed.	Maximum Height: n/a.	Location/Number: n/a.
<u>Window Sign</u>		
A. Use on site: all uses.		
Size: maximum 15 percent of total window area.	Maximum Height: determined by height of window.	Location/Number: Only allowed in ground floor or 2nd floor windows.

(Ord 1299, 2008; Ord. 1339, 2010)

16.42.060 Automobile service station sign standards.

The purpose of service station sign requirements is to control sign clutter for service stations so the traveling public can clearly identify the service station and the services and goods it offers.

A. No sign other than detailed in this Section shall be displayed on a lot on which an automobile service station is located. In the event that a conflict exists between this Section and the sign standards set forth in other sections of this Chapter, the standards in this section shall prevail.

1. Permitted signage includes one of the following combinations:

- a.** One pole sign or one monument sign, plus one wall sign, plus window signs and temporary signs; or

- b. Two wall signs, plus window signs and temporary signs.
- 2. Pole sign standards:
 - a. Maximum area: 48 square feet total for a single-faced sign; 96 square feet total for a double-faced sign.
 - b. Maximum height: 18 feet.
 - c. A bulletin board or electronic message board may encompass up to 75 percent of the sign face area of a pole sign.
- 3. Wall sign standards:
 - a. Maximum area: 120 square feet per sign.
 - b. Maximum height: Sign shall not project above the roof line or parapet wall, whichever is higher.
 - c. A bulletin board or electronic message board may encompass up to 25 percent of the sign face area of a wall sign.
 - d. The fascia of the gas station canopy is considered building frontage and can be utilized to calculate size standards for wall signage.**
- 4. Window sign standards: Maximum of 25 percent of total window area.
- 5. Temporary sign standards: Except during a service station grand opening, which may occur only once during a single ownership, and for a period of time not to exceed 30 consecutive days, pennants, streamers, or lawn signs shall not be permitted. Other types of temporary signs are permitted as set forth in Section 16.42.025.C. (Ord. 1299, 2008)

16.42.070 Measurements.

The requirements described in the following subsections are illustrated further in Figures 1 through 8.

A. Area.

- 1. Sign area shall be measured within lines drawn between the outermost dimensions of the frame or cabinet surrounding the display area containing the sign copy.
- 2. When signs are not framed or on a base material, and are inscribed, painted, printed, or otherwise placed upon, or attached to a structure, the sign area is the smallest possible space enclosing the sign copy that can be constructed with straight lines.

3. Where a sign is of a three-dimensional, round, or irregular solid shape, the largest cross-section shall be used in a flat projection for the purpose of determining sign area.

4. Where signs are constructed in multiple separate pieces containing sign copy, sign face area for each piece is determined by a perimeter drawn in straight lines, as small as possible, around all pieces. The sum of the area of the separate pieces shall constitute the sign area.

B. Height. The height of a sign above grade is measured from the average level of the grade below the sign to the topmost point of the sign, including support structure.

C. Clearance. Clearance is measured from the average grade below the sign to the lowermost point of the sign.

D. Spacing. For the purposed of applying spacing requirements, distances shall be measured parallel to the centerline of the adjacent street or highway. (Ord 1299, 2008)

Figure 1

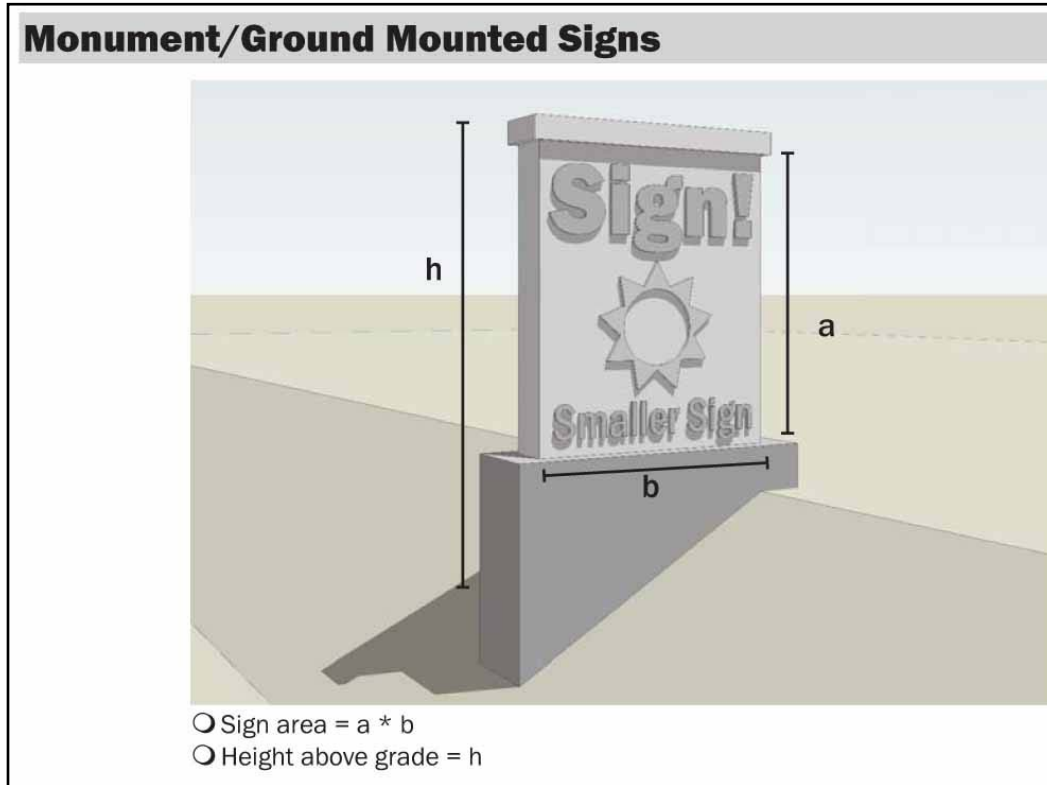


Figure 2

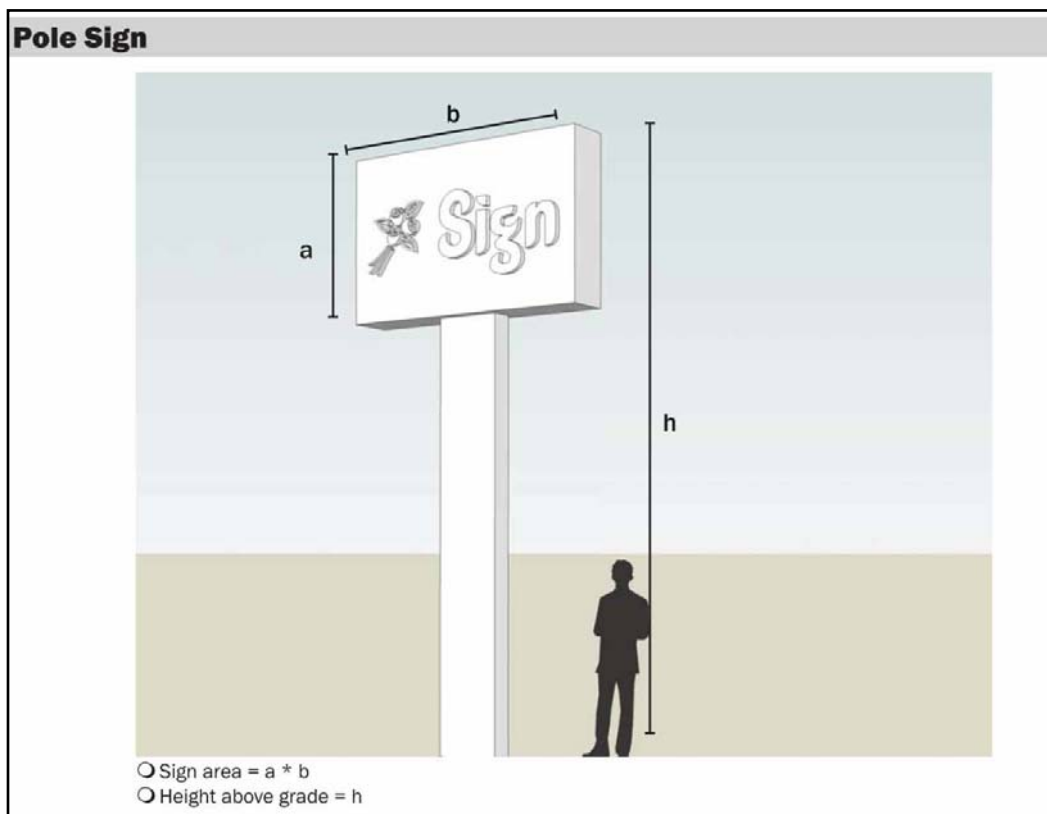


Figure 3



Figure 4

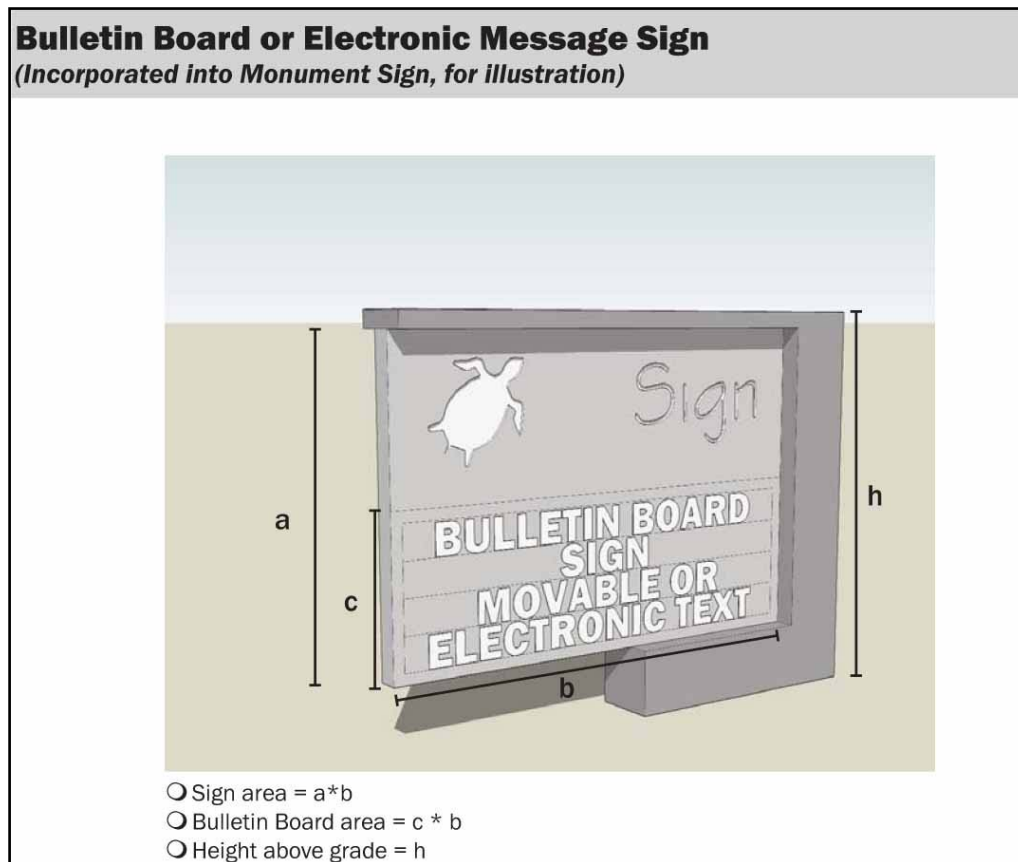


Figure 5

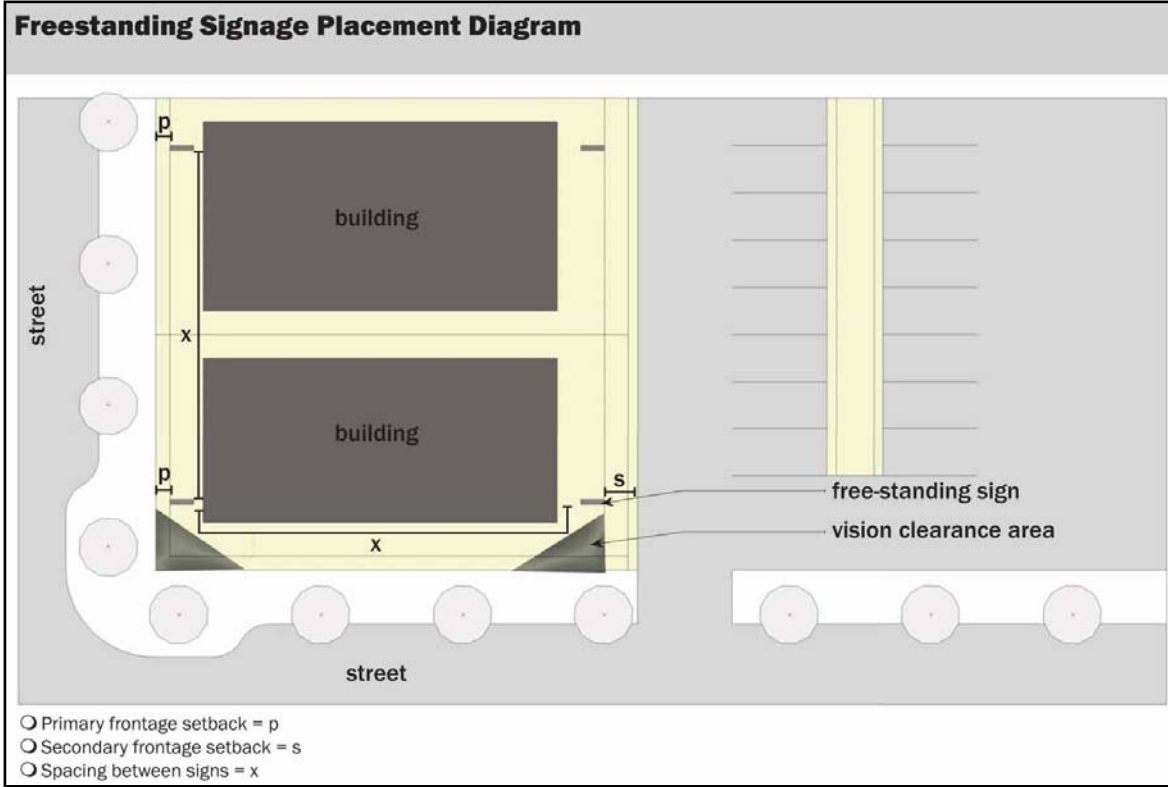


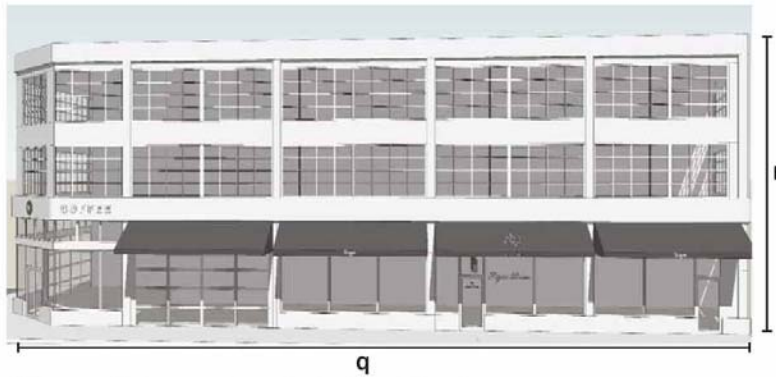
Figure 6



Figure 7



- Awning Sign Area = $(c*d) + (e*f)$
- Minimum awning height above grade = h
- Minimum height of Overhanging/Blade Sign = p



- Frontage (Primary or Secondary) Building Elevation = $q*r$
- Total Awning Sign Area = sum of all awning signs on frontage

Window and Wall Signs

The diagram illustrates the calculation of wall and window sign areas on a building facade. It includes a detailed view of a building facade with various signs and dimensions, and a perspective view of the building facade with overall dimensions.

Dimensions and Labels:

- Wall Sign:** Dimensions a (height) and b (width). Area = $a \times b$.
- Sign Band:** The horizontal band above the window.
- Blade/Overhanging Sign:** The sign on the left side of the facade.
- Window Sign:** Dimensions c (height) and d (width). Area = $c \times d$.
- Window Dimensions:** w_1, w_2, w_3, w_4 (widths) and x_1, x_2, x_3, x_4 (heights).
- Overall Dimensions:** q (width) and r (height).

Formulas:

- Wall Sign Area = $a \times b$
- Height of Wall Sign above grade = h
- Window Sign area = $(c \times d) + (e \times f)$
- Total window area = $w_1 \times x_2 + w_2 \times x_2 + w_3 \times x_3 + w_4 \times x_4 \dots$
- Frontage (Primary or Secondary) Building Elevation = $q \times r$
- Total Wall Sign Area = sum of all wall signs on frontage

(Ord. 913 section 1[part], 1994; Ord. 830 section 13[part], 1989; Ord. 802 section 5, 1987; Ord. 840 section 10.3.40(J), 1984; Ord. 1299, 2008)

16.42.140 Severability

Invalidity of a section of this ordinance shall not affect the validity of the remaining sections or parts of sections. (Ord. 913 section 1[part], 1994; Ord 1237, 2007; Ord. 1299, 2008)

Chapter 16.44

~~MANUFACTURED AND (MOBILE) HOMES AND TRAILER PARKS~~

(Ord. 890 section 42, 1993)

MANUFACTURED (MOBILE) HOME PARKS AND RV AND MANUFACTURED HOMES USES OUTSIDE OF PARKS

Criteria listed after 16.44.060 has nothing to do with manufactured home parks. Subsequently, staff added to the above title to clarify that information is contained in this chapter that addresses RV's and manufactured homes outside of parks.

Remove = **~~Strikethrough and Bold~~**

Additions = **Bold and Underline**

Comments = *italics and underline*

Sections:

- 16.44.010 Regulations generally.
- 16.44.020 Plot plans.
- 16.44.030 Standards and criteria.
- 16.44.040 Parking space for mobile home or travel trailer.
- 16.44.050 Special conditions imposed by Commission.
- 16.44.060 RV and Manufactured (Mobile) Home Uses Outside of Parks**
- ~~16.44.060~~ **065** Compliance.
- 16.44.070 Time limits.
- 16.44.080 Parking in right-of-way.
- 16.44.090 Approval of permit.
- 16.44.100 Temporary permits hardship situations.
- 16.44.110 Temporary permits caretakers or watchmen.
- 16.44.120 Application for Special Permits (16.44.090-16.44.110)

16.44.010 Regulations generally.

The following regulations shall be applied to manufactured and mobile home parks or trailer parks, temporary permits for the location of trailers, mobile homes or motor homes, and other regulations applying to such units. These regulations shall guide the staff in the process of conducting site plan reviews, and shall guide the Planning Commission in the process of considering conditional use permits. (Ord. 890 section 39, 1993; Ord. 802 section 2, 1987; Ord. 740 section 10.3.45[part], 1984)

16.44.020 Plot plans.

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

- A.** Locations, number and general design of pads, or stalls where units are to be located;
- B.** Locations and designs of streets, private drives and parking areas;
- C.** Locations and basic designs of any structures which are to be permanently situated on the property and an indication of the use of such buildings;
- D.** Locations and design of exterior storage areas, with an indication of whether vehicles are to be stored;
- E.** Locations, with calculations of area, of each of the recreation open spaces or landscaped areas. (Ord. 740 section 10.3.45(A), 1984)

16.44.030 Standards and criteria.

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

- A.** Maximum density shall be as follows:
 - 1. R-1 zone: a maximum of seven units/acre is permitted;
 - 2. R-1.5 zone: a maximum of ten units/acre is permitted;
 - 3. R-2 zone and other zones listing mobile home or trailer parks as conditional or permitted uses: a minimum density of twelve units/acre is required.
- B.** Density figures may be increased by not more than two units per acre for trailer parks providing spaces for overnight camping facilities.
- C.** The setback requirements of the zone shall be applied to the locations of mobile homes or trailers, except that in no case shall such units be placed less than fifteen feet from any interior lot line nor less than twenty-five feet from any public street.
- D.** The access requirements of Chapter 16.46 shall be utilized to determine the permitted number of units.
- E.** Paved pedestrian paths or walkways shall be provided along at least one side of each private road and between each unit and any outbuilding provided to serve that unit. Such paths are to be a minimum of three feet in width and designed to prevent drainage water from passing over such walkways.
- F.** A minimum of fourteen feet of separation shall be maintained between individual units, as well as between units and permanent buildings.

G. A concrete patio area or wood deck of at least one hundred fifty square feet, and no more than five hundred square feet, shall be provided for each unit.

H. Recreation and open space areas shall be provided and specified on the plan, and suitable equipment for such purposes shall be specified. Such areas shall be protected from streets, drives, and parking areas. A minimum of one hundred and fifty (150) square feet of recreation and open space areas for each mobile home space shall be provided in one or more locations within the mobile home park. The minimum size of each such recreation and open space shall be three thousand seven hundred and fifty (3,750) square feet, except, however, that those requirements may be reduced by as much as fifty (50) percent if the Planning Commission finds that such reduction is justified because of indoor recreation facilities which are provided.

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

J. A sight-blocking fence which is not less than four, nor more than six, feet in height shall be provided along the perimeter of the development, except where reduced fence height is required for vision clearance along street frontage. The requirement for a fence may be modified by the Planning Commission based on clear findings that the modification will be sufficient to carry out the objectives of this section. (Ord. 890 section 40, 1993; Ord. 740 section 10.3.45(B), 1984; Ord. 1080, 2001)

16.44.040 Parking space for mobile home or travel trailer.

No mobile home or travel trailer will be allowed to remain in a mobile home or trailer park unless a parking space or previously approved storage area has been provided for that purpose. Mobile homes or travel trailers which are parked in storage areas shall not be occupied. (Ord. 740 section 10.3.45(C), 1984)

16.44.050 Special conditions imposed by Commission.

When reviewing a conditional use permit application for the development or expansion of a mobile home park or trailer park, the commission may impose special conditions of approval for the perimeter of the park to assure that its outward appearance does not conflict with the surrounding uses or activities. The commission shall not, however, interpret the requirements of Chapter 16.50 as allowing the denial of a mobile home park development because of the nature of surrounding residential development. (Ord. 740 section 10.3.45[part], 1984)

Criteria listed after 16.44.060 has nothing to do with manufactured home parks. Subsequently, staff added the above title and the section below to clarify that information is contained in this chapter that addresses RV's and manufactured homes outside of parks.

16.44.060 RV and Manufactured (Mobile) Home Uses Outside of Parks.

16.44.065 Compliance.

Manufactured (Mobile) homes, motor homes or travel trailers, other than in approved mobile home parks or subdivisions, shall not be inhabited or used except as provided in sections 16.44.070 through 16.44.110, or as may otherwise be specified in this title. (Ord. 740 section 10.3.50[part], 1984)

16.44.070 Time limits.

No camper, trailer, motor home, or **manufactured** (mobile) home may be used or inhabited on a lot, or an adjacent lot, for more than seven consecutive days or a total of fourteen days, within a sixty day period unless such placement, use or habitation conforms with the requirements of this title. **If the recreational vehicle or manufactured structure is occupied in violation of these provisions, the violation shall be resolved in accordance with this title and in compliance with any other applicable ORS. The property owner shall make a reasonable effort to resolve the violation in conjunction with the City's enforcement action.** (Ord. 890 section 41, 1993; Ord. 740 section 10.3.50 (A), 1984)

16.44.080 Parking in right-of-way.

Parking or placement of such vehicles or structures within any public right-of-way is subject to the enforcement provisions of city ordinances governing nuisances and traffic violations. (Ord. 740 section 10.3.50(B), 1984)

16.44.090 Approval of permit.

A. The Planning Director may, after receiving a properly filed application and report from the Fire Marshal, approve a permit to allow the use of a travel trailer, mobile home, or motor home, for a period not to exceed six months.

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

C. Any permit issued pursuant to the terms of this chapter may be revoked by the City Council on twenty-four hours' notice upon finding that the use is a menace to public health or is resulting in a public nuisance. (Ord. 740 section 10.3.50(C), 1984; Ord. 1237, 2007)

16.44.100 Temporary permits – **medical** hardship situations.

The Planning Director may also issue temporary permits for the use and occupancy of travel trailers or motor homes in special **medical** hardship situations, subject to the following:

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

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

C. Prior to final issuance of the permit, the applicant shall sign an affidavit agreeing to

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

D. Applications for temporary **medical** hardship permits under this section shall be processed using the Type II procedure **with an Administrative Review Application**. Application procedures shall be as described in Chapter 16.89.

E. A decision on an application for a temporary **medical** hardship permit shall be based upon the following standards and criteria:

1. No significant adverse impacts on the value or appropriate development of nearby properties will result.
2. The subject property contains sufficient vacant area to allow for the placement of the temporary unit without overcrowding the lot or the vicinity overall and will result in a reasonable amount of open space in the area.
3. The temporary unit will be connected to all required utilities in a manner which meets Code requirements.
4. The placement of the unit will meet the setback requirements of the zone.
5. The hardship situation is legitimate and clearly necessitates the issuance of a temporary permit as an alternative to having all of the affected persons share a single dwelling unit on the property.

F. The City may establish requirements as a condition of approving such an application which are necessary to assure compliance with the intent of this chapter and to minimize adverse impacts on the surrounding neighborhood. (Ord. 740 section 10.3.50(D), 1984; Ord. 1237, 2007)

16.44.110 Temporary permits - Caretakers or watchmen.

The City Council may issue temporary permits for the use and occupancy of mobile homes, travel trailers, or motor homes for the purpose of housing caretakers or watchmen subject to the following:

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

B. Such temporary permits may only be issued for industrial areas, large commercial tracts, public ownership, or for short terms at construction sites.

C. Prior to final issuance of the permit, the applicant shall sign an affidavit agreeing to remove the mobile home, travel trailer, or motor home upon the expiration of the permit.

D. A decision on a permit authorized subject to this section shall be based upon the following standards and criteria:

1. No significant adverse impacts on the value or appropriate development of nearby properties will result;
2. The subject property contains sufficient vacant area to allow for the placement of the temporary unit without overcrowding the lot or the vicinity overall and will result in a reasonable amount of open space in the area;
3. The temporary unit will be connected to all required utilities in a manner which meets code requirements;
4. The placement of the unit will meet the setback requirements of the zone.

E. The City Council may establish requirements as a condition of approving such an application which are necessary to assure compliance with the intent of this chapter and to minimize adverse impacts on the surrounding neighborhood. (Ord. 740 section 10.3.50(E), 1984)

16.44.120 Application for Special Permits (16.44.090-16.44.110)

An application for a special permit under sections 16.44.090 - 16.44.110 shall be made on forms provided by the Planning Director. The application shall be accompanied by all required information and fees. A preapplication meeting and/or neighborhood meeting may be required by the Planning Director. (Ord. 1237, 2007)

Chapter 16.46

ACCESS LIMITATIONS ON PROJECT DENSITY

Remove = ~~Strikethrough and Bold~~

Additions = **Bold and Underline**

Comments = *italics and underline*

Sections:

- 16.46.010 Number of units in residential development.
- 16.46.020 Ingress and egress.
- 16.46.030 Joint and cross access.
- 16.46.040 Access connection.
- 16.46.050 Nonconforming access features.
- 16.46.060 Amount of access points.
- 16.46.070 Exception standard.
- 16.46.080 State highway standards.
- 16.46.090 Shared access onto state highway.

16.46.010 Number of units in residential development.

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

A. Single-family residential access, public and private roads:

1. Roads shall be a minimum of 28 feet in width with parking restricted to one side only, or a minimum of ~~36~~ 34 feet in width with no parking restriction.
2. The number of units permitted are as follows:
 - One access: 30 units
 - Two accesses: 132 units
 - Three accesses: 207 units

For more than three accesses, use the following formula: # of units permitted = $(60 \times (1 + (.05 \times \text{\# of access points}))) \times (\text{\# of access points})$

B. Single ownership developments (condominiums, townhouses, manufactured homes, multi-family developments, etc.).

1. Two lane access roads/drives shall be a minimum width of 20 feet with no parking permitted, or 28 feet with parking restricted to one side only, or ~~36~~ **34** feet with no parking restrictions. Three lane access roads/drives shall be a minimum width of 32 feet with no parking permitted, or 40 feet with parking restricted to one side.

Changes reflect current standards

2. The number of units permitted are as follows:

<u>Two lane access road/drive</u>		<u>Three lane access road/drive</u>	
One access:	30 units	One access:	30 units
Two accesses:	165 units	Two accesses:	220 units
Three accesses:	258 units	Three accesses:	345 units

For more than three accesses on a two lane access road/drive, use the following formula:

of units permitted = $(75 \times (1 + (.05 \times \# \text{ of access points}))) \times (\# \text{ of access points})$
(round down to the nearest whole number)

For more than three accesses on a three lane access road/drive, use the following formula:

of units permitted = $(100 \times (1 + (.05 \times \# \text{ of access points}))) \times (\# \text{ of access points})$

C. The Planning Commission may allow increases beyond the maximum number of units listed in subsections A and B. Such increases shall be based upon findings that no unwarranted problems for the public street system or emergency service provision will result.

D. All turnaround systems shall meet or exceed the requirements of the parking provisions of Chapter 16.10.

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

F. N. Maple Street, north of NE 23rd Avenue, and S. Elm Street, south of SW 13th Avenue, shall be exempt from the residential unit restrictions for single access roads, provided that legally binding alternative emergency vehicle access is available. Road width requirements for these roads shall remain in effect.

G. Public roads accessing any development shall be a minimum of two travel lanes (twenty-four (24) feet of paved width) to the nearest improved collector or arterial street, provided that any required improvement to provide additional pavement width

to access a development meets both of the following conditions:

1. An essential nexus is proven, whereby the required improvement is directly related to the proposed development; and
2. Rough proportionality is proven, whereby the cost of the required improvement is roughly proportional to the impact that the development will have on the infrastructure. Specific findings are required for each of the conditions listed above. If either of the two conditions are not met, the infrastructure is considered to be inadequate, and conditioning approval of a development on the widening of the access to the development is considered to be inappropriate. (Ord. 955 section 22, 1996; Ord. 1019 section 21, 1999; Ord. 1237, 2007)

16.46.020 Ingress and egress.

Ingress and egress to any lot or parcel, the creation of which has been approved by the Planning Commission, shall be taken along that portion fronting on a public street unless otherwise approved by the Planning Commission. (Ord. 740 section 10.3.62, 1984)

A. Vision Clearance:

Vision clearance distance shall be ten feet from a street to an alley or a street to a driveway and thirty feet from a street to any other street.

This section is copied from the residential chapters. Access Limitations is a more logical location for this criteria and should be the first place to look.

B. Where an existing alley is 20 feet or less in width, the setback abutting the alley shall increase to provide a minimum of 24 feet for maneuvering and backing movements from, garages, carports, or parking areas.

This addition is to solve a consistent problem of vehicular maneuvering space in narrow alleys located within the city.

16.46.030 Access connection.

A. Spacing of accesses on City streets. The number and spacing of accesses on City streets shall be as specified in Table 16.46.030. Proposed developments or land use actions that do not comply with these standards will be required to obtain an access spacing exception and address the joint and cross access requirements of this Chapter. (Ord. 1043 section 3, 2000; Ord. 1076, 2001; Ord. 1237, 2007)

TABLE 16.46.30

Access Management Guidelines for City Streets*

Street Facility	Maximum spacing** of roadways	Minimum spacing** of roadways	Minimum spacing** of roadway to driveway***	Minimum Spacing** driveway to driveway***
Arterial	1,000 feet	660 feet	330 feet	330 feet or combine
Collector	600 feet	250 feet	100 feet	100 feet or combine
Neighborhood/Local	600 feet	150 feet	50 feet****	10 feet

- * Exceptions may be made in the downtown commercial district, if approved by the City Engineering or Public Works Department, where alleys and historic street grids do not conform to access spacing standards.
- ** Measured centerline on both sides of the street
- *** Private access to arterial roadways shall only be granted through a requested variance of access spacing policies when access to a lower classification facility is not feasible (which shall include an access management plan evaluation).
- **** Not applicable for single-family residential driveways; refer to section 16.10.070(B)(10) for single-family residential access standards

Note: Spacing shall be measured between access points on both sides of the street. (Ord. 1340, 2011)

16.46.035 Restricted access.

The City may allow an access to a City street that does not meet the spacing requirements of Table 16.46.030 if the proposed access is restricted (prevents certain turning movements). The City may require an applicant to provide an engineered traffic study, access management plan, or other information as needed to demonstrate that the roadway will operate within the acceptable standards with the restricted access in place. (Ord. 1237, 2007). Access to OR 99E shall be regulated by ODOT through OAR 734.51. (Ord. 1340, 2011)

16.46.040 Joint and cross access.

Any developments requiring site plan review that do not meet access spacing requirements are subject to these requirements. In these cases, the following information shall be shown on the site plan.

- A.** Adjacent commercial or office properties classified as major traffic generators (e.g. shopping plazas, office parks), shall provide a cross access drive and pedestrian access to allow circulation between sites.
- B.** A system of joint use driveways and cross access easements shall be established wherever feasible and shall incorporate the following:
 - 1.** A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards;
 - 2.** A design speed of 10 mph and a minimum width of 20 feet to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles;
 - 3.** Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive;
 - 4.** A unified access and circulation system plan for coordinated or shared parking areas is encouraged.

C. Shared parking areas may be permitted a reduction in required parking spaces if peak demands do not occur at the same time periods.

D. Pursuant to this section, property owners shall:

1. Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive;

2. Record an easement with the deed that remaining access rights along the roadway will be dedicated to the city and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;

3. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.

E. The City may reduce required separation distance of access points where they prove impractical, provided all of the following requirements are met:

1. Joint access driveways and cross access easements are provided in accordance with this section.

2. The site plan incorporates a unified access and circulation system in accordance with this section.

3. The property owner enters into a written agreement with the city, recorded with the deed, that pre-existing connections on the site will be closed and eliminated after construction of each side of the joint use driveway.

F. The Planning Department may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make a development of a unified or shared access and circulation system impractical. (Ord. 1043 section 3, 2000)

16.46.050 Nonconforming access features.

Legal access connections in place as of April 19, 2000 that do not conform with the standards herein are considered nonconforming features and shall be brought into compliance with applicable standards under the following conditions:

A. When new access connection permits are requested; or

B. Change in use or enlargements or improvements that will significantly increase trip generation. (Ord. 1043 section 3, 2000)

16.46.060 Amount of access points.

In the interest of promoting unified access and circulation systems, the number of access points permitted shall be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements, and stipulations shall be met. This shall also apply to phased development plans. The owner and all lessees within the affected area are responsible for compliance with

the requirements of this ordinance and both shall be cited for any violation. (Ord 1043 section 3, 2000)

16.46.070 Exception standards.

A. An exception may be allowed from the access spacing standards if the applicant can provide proof of unique or special conditions that make strict application of the provisions impractical. Applicants shall include proof that:

1. Indirect or restricted access cannot be obtained;
2. No engineering or construction solutions can be reasonably applied to mitigate the condition; and
3. No alternative access is available from a street with a lower functional classification than the primary roadway.

B. Access Management Plan Required. An applicant requesting an access exception may be required to submit an access management plan. The access management plan shall explain the need for the modification and demonstrate that the modification maintains the classified function and integrity of the facility. An access management plan shall be prepared and certified by a traffic or civil engineer registered in the State of Oregon. An access management plan shall at minimum contain the following:

1. The minimum study area shall include the length of the site's frontage plus the distance of the applicable access spacing standard, measured from each property line or access point(s), whichever is greater. For example, a property with 500 feet of frontage on an arterial (required 660 foot access spacing standard) shall have a minimum study area which is 1,820 feet in length.
2. The potential safety and operational problems associated with the proposed access point. The access management plan shall review both existing and future access for all properties within the study area as defined above.
3. A comparison of all alternatives examined. At a minimum, the access management plan shall evaluate the proposed modification to the access spacing standard and the impacts of a plan utilizing the City standard for access spacing. Specifically, the access management plan shall identify any impacts on the operations and/or safety of the various alternatives.
4. A list of improvements and recommendations necessary to implement the proposed access modification, specifically addressing all safety and operational concerns identified.
5. References to standards or publications used to prepare the access management plan.

C. The granting of the exception shall be in harmony with the purpose and intent of these regulations and shall not be considered until every feasible option for meeting access standards is explored.

D. No exception shall be granted where such hardship is self-created.

E. Reasons for denying access spacing exception applications include, but are not limited to, traffic safety concerns, expected or planned traffic increases due to development or road construction, and emergency service provision issues. (Ord. 1043 section 3, 2000; Ord 1237, 2007; Ord. 1340, 2011)

16.46.080 State highway standards.

A. Refer to the Motor Vehicle Chapter of the Transportation System Plan. ODOT regulates access to OR 99E. ODOT shall review and process applications for approaches to OR 99E consistent with *Oregon Highway Plan* standards and OAR 734.51 procedures. An ODOT permit to operate and maintain a State Highway Approach must be approved prior to site occupancy.

16.46.090 Shared access onto state highway.

A. Subdivisions with frontage on the state highway system shall be designed into shared access points to and from the highway. Normally, a maximum of two accesses shall be allowed regardless of the number of lots or businesses served. If access off of a secondary street is possible, then access should not be allowed onto the state highway. If access off of a secondary street becomes available, then conversion to that access is encouraged, along with closing the state highway access.

B. New direct accesses to individual one and two family dwellings shall be prohibited on all state highways, unless doing so would deny reasonable access to an existing legal lot of record. (Ord 1043 section 3, 2000)

Chapter 16.48

SITE PLAN REVIEW

Remove = ~~Strikethrough and Bold~~

Additions = **Bold and Underline**

Comments = *italics and underline*

Sections:

- 16.48.010 Required prior to plan check.
- 16.48.020 Information required.
- 16.48.030 Plot plans - review by planner.
- 16.48.040 Plot plans - notation of corrections.
- 16.48.050 Standards and criteria for site plan review.
- 16.48.060 Standards and criteria on appeal.
- 16.48.070 Procedure for additions to existing buildings.

16.48.010 Required prior to plan check.

Prior to undergoing a plan check for construction, all proposed commercial, industrial and ~~multiple-family~~ residential development projects ~~(having greater than two dwelling units)~~ shall undergo a site plan review to be conducted by the staff. This review is intended to focus on Code compliance and the mitigation of potential health and safety hazards rather than on architectural or aesthetic design features. Additional to the requirements imposed as a result of a site plan review the staff may also make certain recommendations which are not binding upon the applicant but which are intended to improve the overall quality or appearance of the development. A site plan review shall also be conducted by staff for any residential structure including, but not limited to, manufactured homes, whether new or previously occupied, which are proposed to be moved onto a site. This review is intended to focus on Code compliance and mitigation of safety hazards as well as to insure near like-new or historically restored condition of building exterior. (Ord 858 section 1, 1991; Ord. 740 section 10.3.70[part], 1984)

Comment:

The provision did not allow for site plan review for single-family dwellings or two-family (duplex) residential use that require setback and design review as listed in Chapter 16.21 (Residential Design Standards). Site Plan Review Applications are a means to implement the standards listed in the chapter as well as other applicable chapters in the code.

16.48.020 Information required.

Application procedures for site plan review shall be as described in Chapter 16.89. (Ord. 740 section 10.3.70(A), 1984; Ord. 981 section 3, 1997; Ord. 1043 section 3, 2000; Ord. 1080, 2001)

16.48.030 Plot plans - review by planner.

The City Planner and other appropriate staff persons shall review the plans and may make field inspections of the site to determine whether the proposed development conforms with applicable city ordinances. (Ord. 740 section 10.3.70(B), 1984)

16.48.040 Plot plans - notation of corrections.

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

B. If the corrections, additions or deletions are relatively minor, the building permit may be issued upon completion of the normal building permit process.

C. In the case of major modifications to the design, however, the City Planner or Building Official may require that the plot plan be redrawn and resubmitted for review prior to issuance of the building permit. (Ord. 740 section 10.3.70(C), 1984)

16.48.050 Standards and criteria for site plan review.

The staff shall utilize the following standards and criteria in conducting a site plan review:

A. Compliance of the proposal with all applicable city ordinance requirements;

B. A determination that the proposal will result in no unusually hazardous conditions for motorists, bicyclists, pedestrians or other users of the site;

C. A determination that exterior lighting will not result in a glare on neighboring properties or a hazard to motorists;

D. A finding that any previously established conditions of approval (for a variance, conditional use permit, etc.) have been met.

E. For residential structures moved onto the site including, but not limited to, manufactured homes, a determination shall be made by staff that a near like-new or historically restored condition of building exterior shall exist prior to occupancy. This determination shall include an evaluation of color, materials and appearance of siding, roofing and appurtenances, as determined by evidence of recent painting, new construction, or replacement or repair of weathered, damaged or deteriorated materials or surfaces. (Ord. 858 section 2, 1991; Ord. 740 section 10.3.70(D), 1984)

16.48.060 Standards and criteria on appeal.

On appeal of a staff decision regarding a site plan review, the commission shall utilize the same standards and criteria as are required of the staff. (Ord. 740 section 10.3.70(E), 1984)

16.48.070 Procedure for additions to existing buildings.

On additions to existing buildings the site plan review shall be conducted only on those portions of the project affected by the additions, except where potential hazards may result from the design, in which case the review may be expanded to include any portions of the total development where such hazardous conditions may exist. (Ord. 740 section 10.3.70(F), 1984)

Chapter 16.49

SITE AND DESIGN REVIEW

Remove = ~~Strikethrough and Bold~~

Additions = **Bold and Underline**

Comments = *italics and underline*

Sections:

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

16.49.010 Findings and objectives.

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

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

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1. Encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design of said development.
2. Discourage monotonous, unsightly, dreary and inharmonious development.
3. Promote the city's natural beauty and visual character and charm by insuring that structures, signs and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping, and that proper attention is given to exterior appearances of structures, signs and other improvements.
4. Protect and enhance the city's appeal to tourists and visitors and thus support and stimulate business and industry and promote the desirability of investment and occupancy in business, commercial and industrial properties.
5. Stabilize and improve property values and present blighted areas and thus increase tax revenue.
6. Achieve the beneficial influence of pleasant environments for living and working on behavioral patterns and thus decrease the cost of governmental services.
7. Foster civic pride and community spirit so as to improve the quality and quantity of citizen participation in local government and in community growth, change and improvement.
8. Sustain the comfort, health, tranquility and contentment of residents and attract new residents by reason of the city's favorable environment and thus promote and protect the peace, health, and welfare of the city.
9. Determine the appropriate yard setbacks, building heights, minimum lot sizes and sign sizes, when authorized to do so by city ordinance.
10. Encourage the use of Low Impact Development (LID) techniques to manage stormwater through the use of natural features, protect native vegetation, preserve and create open space, and minimize impervious surfaces. (Ord.. 848, Part I, section 1, 1991, Ord.. 1338; 2010)

C. Alternatives for how the Design Review Board or a Design Review Committee is organized give the City the flexibility to use several options, including a Design Review Board that consists of Planning Commission members only, or a Board with a broader representation that can be expanded when appropriate. Provisions also allow for creation of a Design Review Committee which would be strictly advisory in nature. (Ord. 1296, 2008)

16.49.020 Establishment of the Site and Design Review Board.

A. The City may establish a Site and Design Review Board whose members, terms of office and manner of transacting business shall be as prescribed in the following subsections:

1. The Board shall be responsible for reviewing and commenting upon the following applications which may be directed to it through the development process: those portions of proposed site and design review plans which pertain to architectural features, applications concerning historic structures and sign applications under the following circumstances:

- a.** Where the applicant has elected not to go through an administrative (Type II) review process;
- b.** Where the proposal does not meet the City's administrative (Type II) architectural design standards;
- c.** Where administrative (Type II) design review standards do not exist for the project; or
- d.** Where an administrative (Type II) design review decision has been appealed.

If no Site and Design Review Board is established, the Planning Commission is responsible for reviewing all applicable land use applications and is responsible for the above duties of the Site and Design Review Board.

2. Other duties. The City Council may, by Ord.er, direct the Board to review and comment on other matters which the Council determines are or may be within the Board's areas of expertise.

3. Qualifications of members. The Board shall consist of at least four and up to seven members of the Canby City Planning Commission, and one member from the City Council pro-tem (temporary) non-voting; and up to four additional individuals who represent interests or expertise related to development, architectural design, business or other viewpoints related to the design and development process. These provisions allow the Board to consist of Planning Commission members only, if desired.

4. Appointment and term. Members of the Planning Commission shall be appointed as required by section 16.06.030. Non-Planning Commission members shall be appointed by the City Council.

5. Vacancies and removal. Vacancies on the Design Review Board or removal of Design Review Board members shall be governed by section 16.06.030.

6. Chairman. The duly appointed chairman of the Planning Commission shall also serve as chairman for site and design review applications in accordance with

Chapter 16.06 if the Planning Commission Chairperson serves on the Design Review Board. If the Planning Commission Chairperson does not serve on the Board, a Design Review Board Chairperson will be selected by a majority of Design Review Board members.

7. Voting. A quorum for the transaction of business shall be a simple majority of Design Review Board members. The chairperson shall be counted to determine a quorum and shall have the same voting powers as other members of the Board. Each member shall have one vote. A majority vote of the members shall be required for all Board actions.

8. Meetings and records. The Board shall hold regular meetings as required. Site and design review applications will be reviewed as a regular agenda item.

9. Rules. The Board may adopt and amend rules to govern the conduct of its business, consistent with the provisions of this Code. (Ord. 1296, 2008)

16.49.025 Establishment of a site and design review committee.

A. The City Council may appoint a design review committee to provide additional guidance related to design review applications.

1. The committee shall be responsible for reviewing and commenting upon the following applications which may be directed to it through the development review process: those portions of proposed site and design review plans which pertain to architectural features, and applications concerning historic structures under the following circumstances:

- a. Where the applicant has elected not to go through an administrative (Type II) review process;
- b. Where the proposal does not meet the City's administrative (Type II) architectural design standards;
- c. Where administrative (Type II) design review standards do not exist for the project; or
- d. Where an administrative (Type II) design review decision has been appealed.

2. Nature of committee's review. The committee's review and recommendations are strictly advisory to Planning Department staff and the City's Design Review Board.

3. Qualifications of members. The Committee shall consist of at least five and up to seven members, including individuals who represent interests or expertise

related to development, architectural design, business or other viewpoints related to the design and development process.

4. Appointment and term. Members of the Design Review Committee shall be appointed by the City Council, considering recommendations of the Planning Director.

5. Vacancies and removal. Vacancies on the Design Review Committee and removal of Design Review Committee members shall be approved by the City Council.

6. Meetings and records. The committee shall hold regular meetings, which shall conform with all legal requirements of the Oregon public meetings law. Site and design review applications will be reviewed as a regular agenda item.

7. Rules. The committee may adopt and amend rules to govern the conduct of its business, consistent with the provisions of this Code and Oregon public meetings law. (Ord. 1296, 2008)

16.49.030 Site and design review plan approval required.

A. The following projects require site and design review approval, except as exempted in B below:

1. All new buildings.
2. All new mobile home parks.
3. Major building remodeling above 60% of value.
4. Addition of more than 5,000 square feet of additional gross floor area in a one year period.
5. Construction activity which causes a decrease in pervious area in excess of 2,500 square feet in a one year period.

None of the above shall occur, and no building permit for such activity shall be issued, and no sign permit shall be issued until the site and design review plan, as required by this Ordinance, has been reviewed and approved by the Board and their designees for conformity with applicable criteria.

B. The following are exempt from site and design review (but still may require a site plan review and/or building permit):

1. Signs that are not a part of a reviewable development project. Signs that are a part of a reviewable development project, and that are proposed more than two (2) years beyond the final occupancy of the reviewed development.

2. Alterations or remodeling that do not change the exterior of the building.
3. Temporary public structures which will be removed within two (2) years of placement.
4. Commercial and industrial accessory structures under 500 square feet.
5. Temporary commercial tent/canopy structures, which meet the Uniform building or Fire Code, and which will be removed within thirty (30) days of placement.
6. Temporary Vendor activity permitted pursuant to Section 16.08.140.
7. Parking lot or paving projects. If no buildings or structures are involved, paving or parking lot development in excess of 2,500 square feet of impervious surface is exempted from a Type III site and design review. However, parking lot and paving projects in excess of 2,500 square feet of impervious surface require Type I site plan review. All new paved areas and parking lots in excess of 2,500 square feet must meet the requirements of Section 16.49.150.
8. Single family or two-family dwellings and their accessory structures, and any alterations or remodeling thereof.
9. Minor public facilities.
10. Approved Public Art Murals as defined in CMC Chapter 2.80.020.

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

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

16.49.035 Application for Site and Design Review

A. For site and design review projects in the Downtown Canby Overlay Zone (DCO), applicants may choose one of the following two processes:

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

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

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

16.49.040 Criteria and standards.

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

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

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

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

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

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

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

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

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

6. Street lights installation may be required on any public street or roadway as part of the Design Review Application.

This provision should be included in the chapter to notify the applicant of possible streetlight requirements.

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

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

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

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

Table 16.49.040 Site Design Review Menu

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

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

Pedestrian walkways from parking lot to building entrance.	No walkways	Walkway next to building only	Walkways connecting all parking areas to building entrances		.
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Design Criteria	Possible Points				
Tree Retention	0	1	2	3	4
Percentage of trees retained	<10%	10-50%	51-75%	>75%	-
Replacement of trees removed	<50%	≥50%	-	-	-
Signs	0	1	2	3	4
Dimensional size of sign (% of maximum permitted)	>75%	50-75%	<50%	-	-
Similarity of sign color to building color	Not similar	Somewhat similar	Similar	-	-
Pole sign used	Yes	No	-	-	-
Building Appearance	0	1	2	3	4
Style (similar to surroundings)	Not similar	Somewhat similar (1 or 2 points possible depending on level of similarity)		-	-
Color (subdued and similar to surroundings is better)	Neither	Similar or subdued	Both	-	-
Material (concrete, wood and brick are best)	Either 1 or 2 points may assigned at the discretion of the Site and Design Review Board				
Size of building (smaller is better)	>20,000 square feet	≤20,000 square feet	-	-	-
Provision of public art (i.e. murals, statues, fountains, decorative bike racks, etc.)	No	-	-	-	Yes
Landscaping	0	1	2	3	4
Number of non-required trees provided	-	At least one tree per 500 square feet of landscaping.	-	-	-
Amount of grass (less grass is better) (% of total landscaped area)	>50%	25-50%	<25%	-	-
Low Impact Development (LID)	0	1	2	3	4
Use of pervious paving materials (% of total paved area)	<10%	-	10-50%	51-75%	>75%

Provision of park or open space area	None	-	Open space (Generally not for public use)	-	Park (public or privately owned for public use)
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Design Criteria	Possible Points				
Use of drought tolerant species in landscaping (% of total plants)	<25% drought tolerant	-	25-50% drought tolerant	51-75% drought tolerant	>75% drought tolerant
Provision of additional interior parking lot landscaping (% of minimum required)	100%	101-110%	111-120%	>120%	-
Provision of an eco-roof or rooftop garden (% of total roof area)	<10%	-	-	10-50%	>50%
Parking integrated within building footprint (below-grade, structured parking, or tuck-under parking) (% of total on-site parking)	<10%	-	-	10-50%	>50%
Disconnecting downspouts from city stormwater facilities	None	Some downspouts disconnected	All downspouts disconnected	-	-
Shared parking with adjacent uses or public parking structure (% of total required parking spaces)	None	<50%	≥50%	-	-
Provision of rain gardens/bioretention areas for stormwater runoff (% of total landscaped area)	None	-	10-50%	51-75%	>75%
	Total Possible Points = 71, 60%=42.6 points, 10%=7.1 points				

(Ord. 1296, 2008; Ord. 1338, 2010)

16.49.050 Conditions placed on site and design review approvals.

A. A site and design review approval may include restrictions and conditions. These restrictions and conditions shall be reasonably conceived to:

1. Protect the public from the potentially deleterious effects of the proposal; and/or
2. Fulfill the need for services created, increased or in part attributable to the proposal; and/or
3. Further the implementation of the requirements of the Canby Municipal Code.

B. The following types of conditions may be contemplated, and the listing below is intended to be illustrative only and not to be construed as a limitation of the authority granted by this section.

1. Development Schedule. A reasonable time schedule may be placed on construction activities associated with the proposed development, or any portion thereof.
2. Dedications, Reservation. Dedication or reservation of land, or fee in lieu thereof for park, open space purposes, rights-of-way, bicycle or pedestrian paths, green way, riverbank or easements; the conveyance of title or easements to a homeowners' association.
3. Construction and Maintenance Guarantees. Security from the property owners in such an amount that will assure compliance with approval granted.
4. Plan Modification. Changes in the design or intensity of the proposed development, or in proposed construction methods or practices, necessary to assure compliance with this Ordinance.
5. Off-Site Improvements. Improvements in public facilities, including public utilities, not located on the project site where necessary to assure adequate capacity and where service demand will be created or increased by the proposed development. The costs of such improvements may be paid for in full while allowing for recovery of costs from users on other development sites, or they may be pro-rated to the proposed development in proportion to the service demand projected to be created on increases by the project. If determined appropriate by the city based on specific site conditions, off-site roadway improvements may be required to accommodate bicycle and pedestrian travel consistent with the TSP and applicable sections of this code.
6. Other Approvals. Evaluation, inspections or approval by other agencies, jurisdictions, public utilities or qualified consultants may be required for all or any part of the proposed development.
7. Access Limitation. The number, location and design of street accesses to a proposed development may be limited or specified where necessary to maintain the capacity of streets to carry traffic safely, provided that sufficient access to the

development is maintained. (Ord.. 890 section 44, 1993; Ord.. 848, Part III, section 3, 1991; 1340, 2011)

8. Screening. The Planning Commission may require additional screening with landscaping, decorative fencing, decorative walls, or other means in Order to screen outdoor storage areas, rooftop/ground mechanical equipment, garbage/recycling areas, or other visual clutter.

16.49.055

(Ord.. 1019 section 4, 1999; del. by Ord.. 1111, 2003)

16.49.060 Time limit on approval.

Site and Design Review Board approvals shall be void after twelve (12) months unless:

A. A building permit has been issued and substantial construction pursuant thereto has taken place, as defined by the state Uniform Building Code; or

B. The Planning Department finds that there have been no changes in any Ordinances, standards, regulations or other conditions affecting the previously approved project so as to warrant its resubmittal. (Ord. 848, Part III, section 4, 1091)

16.49.065 Bicycle and pedestrian facilities.

Developments coming under design review shall meet the following standards:

A. The internal walkway system shall be extended to the boundaries of the property to adjoining properties developed or zoned for commercial, public, or multi-family uses. The walkway shall connect to an existing walkway system on adjoining property or be located so as to provide for development of a logical connection in the future when the adjoining property is developed or redeveloped.

B. On-site facilities shall be provided to accommodate safe and convenient pedestrian and bicycle access within new subdivisions, multi-family developments, planned development, shopping centers, and commercial districts, and connecting to adjacent residential areas and neighborhood activity centers. Residential developments shall include streets with sidewalks and accessways.

C. For new office parks and commercial development:

1. At least one sidewalk connection between the proposed development and each abutting commercial or office property shall be provided. One connection shall also be provided to each neighborhood.

2. Walkways shall be provided to the street for every 300 feet of developed frontage.

3. Walkways shall be direct with minimal driveway crossings.

4. Walkways shall be linked to the internal circulation of the building.

5. Walkways shall be at least five feet wide and shall be raised, or have different paving materials when crossing driveways or other vehicle maneuvering areas. (Ord. 1043 section 3, 2000)

D. Use of permeable surfacing materials for walkways is encouraged whenever site and soil conditions make it feasible. Permeable surfacing includes, but is not limited to, paving blocks, turf blocks, and porous asphalt. All permeable surfacing shall be designed, constructed, and maintained in accordance with the Canby Public Works Design Standards. (Ord. 1339, 2010)

E. Developments that abut the Molalla Forest Road multi-use path shall provide a pedestrian/bicycle access to the path. The city may determine the development to be exempt from this standard if there is an existing or planned access to the path within 300 feet of the development. (Ord.1340, 2011)

16.49.070 Landscaping provisions, Authority and intent.

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

A. By encouraging the retention and protection of existing trees and requiring the planting of trees in new developments;

B. By using trees and other landscaping materials to temper the effects of the sun, wind, noise and air pollution;

C. By using trees and other landscaping materials to define spaces and uses of the specific areas;

D. Through the use of trees and other landscaping materials as a unifying element within the urban environment; and

16.49.080 General provisions for landscaping.

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

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

These standards are also intended to facilitate Low Impact Development (LID) techniques through the retention of existing native vegetation and mature, healthy trees, to the extent feasible. Additional LID related goals of this chapter are to: reduce erosion and storm water runoff; preserve and promote urban wildlife habitats;

reduce the amount of carbon dioxide in the air; shade and reduce the temperature of adjacent waterways; and enhance the streetscapes along the city's public rights-of-way with an emphasis on trees and LID stormwater facilities.

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

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

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

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

F. During the construction process:

1. The owner or the owner's agent shall provide above and below ground protection for existing trees and plant materials identified to remain.
2. Trees and plant materials identified for preservation shall be protected by chain link fencing placed around the tree, at the drip line.
3. If it is necessary to fence within the drip line, such fencing shall be specified by a qualified arborist, nurseryman or landscape architect.
4. Neither top soil storage nor construction material storage shall be located within the drip line of trees designated to be preserved.
5. Where site conditions make necessary grading, building, paving, trenching, boring, digging, or other similar encroachment upon a preserved tree's drip line area, such grading, paving, trenching, boring, digging or similar encroachment shall only be permitted under the direction of a qualified arborist, nurseryman or

landscape architect. Such direction must assure that the health needs of trees within the preserved area can be met.

6. Tree root ends shall not remain exposed.

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

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

I. Any required landscaped area shall be designed, constructed, installed and maintained so that within three (3) years, the ground shall be covered by living grass or other plant material. (The foliage crown of trees shall not be used to meet this requirement.) A maximum of five percent of the landscaped area may be covered with bark chips, mulch, or other similar materials. A maximum of five percent of the landscaped area may be covered with rock, stones, walkways, or other similar material acceptable to the Board. Required sidewalks shall not be used to meet the landscaping requirements.

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

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

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

- 1.** Select and site permanent landscape materials in such a manner as to produce a hardy and drought-resistant landscaped area.

- 2.** Consider soil type and depth, spacing, exposure to sun and wind, slope and contours of the site, building walls and overhangs, and compatibility with existing native vegetation preserved on the site or in the vicinity.

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

- 1.** It will not interfere with designated pedestrian or vehicular access; and

- 2.** It will not constitute a traffic hazard because of reduced visibility.

3. It will not hinder solar access considerations.

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

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

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

16.49.090 Specifications for tree and plant materials.

A. Deciduous Trees. Deciduous shade and ornamental trees shall be a minimum of two inch (2") caliper, measured six inches (6") above ground, balled and burlapped. Bareroot trees will be acceptable to plant during their dormant season. Trees shall be well branched and characteristically shaped specimen.

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

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

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

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

16.49.100 Landscaping installation and maintenance.

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

B. A temporary certificate of occupancy may be issued prior to the complete installation of all required landscaping and exterior improvements if security equal to 110 percent of the cost of the landscaping and exterior improvements, as determined by the Site and Design Review Board or City Planner, is filed with the city, assuring such installation within a time specified by the Board, but not to exceed six (6) months after occupancy. The applicant shall provide the cost estimates of landscaping materials and installation to the satisfaction of the Site and Design Review Board, City Planner, or city forester, prior to approval of the security. Security may consist of a

faithful performance bond payable to the City of Canby, cash, certified check, time certificate of deposit, or assignment of a savings account; and the form shall meet with the approval of the City Attorney. If the installation of the landscaping or other exterior improvements is not completed within the period specified by the Board or City Planner, the security may be used by the city to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the city shall be returned. The final landscape and exterior improvement inspection shall be made prior to any security being returned. Any portion of the plan not installed, not installed properly, or not properly maintained shall cause the inspection to be postponed until the project is completed, or shall cause the security to be used by the city.

C. All landscaping approved through the site and design review process shall be continually maintained, including necessary watering, weeding, pruning and replacement, in a manner substantially similar to that originally approved by the Site and Design Review Board, unless later altered with Board approval. (Ord.. 890 section 47, 1993; Ord.. 848, Part IV, section 4, 1990)

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

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

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

C. Landscape Credit.

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

2. Limit to Landscape Area Credit.

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

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

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

3. Trees Near a Property Line:

a. When the drip line of a tree extends beyond the owner's property line, credit can be granted for that portion of the drip line within the property line if that area exceeds 75 percent of the total drip line area. Trees so close to the property line that their drip line area is less than 75 percent of the total, can only be given credit if a qualified arborist, nurseryman or landscape architect can assure the survival of the tree and its long term health if root damage is sustained by future development on the adjacent property.

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

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

16.49.120 Parking lot landscaping standards.

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

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

C. Landscaping Within a Parking Lot.

1. Area within a parking lot shall include the paved parking and maneuvering area, as well as any area within ten (10) feet of any exterior face of curb surrounding the paved parking and maneuvering area.
2. Each interior landscaped area shall be a minimum of six (6) feet wide, unless the area is added to the required perimeter landscaping.
3. The use of LID best management practices in parking lots is encouraged whenever site and soil conditions make it feasible. Such practices include, but are not limited to, permeable surfacing materials, and integrating LID stormwater management facilities into the required landscaping areas.

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

1. Fifteen (15) percent for all residential, industrial, and commercial zones
2. Five (5) percent for the Downtown-Commercial Zone for any off-street parking spaces provided.
3. Ten (10) percent for the Core Commercial (CC) sub-area of the Downtown Canby Overlay Zone for any off-street parking spaces provided.

E. All parking areas with more than 16 spaces shall include landscape islands to break up the parking area into rows of not more than 8 contiguous parking spaces.

1. Landscape islands shall have a minimum area of 48 square feet and a minimum width of six (6) feet.
2. Landscape islands shall contain at least one tree that meets the standards in section (F) below.
3. Landscape islands may be counted toward the minimum parking lot landscaping requirements.

F. Criteria for Trees in Parking Lots. Deciduous, evergreen and/or shade trees shall meet the following criteria:

1. Reach a mature height of approximately forty (40) feet. Trees must be approximately two-inch (2") caliper at the time of planting.
2. Cast moderate to dense shade in summer.
3. Be long lived, i.e., live to be over approximately sixty (60) years.
4. Do well in an urban environment:

- a. Be pollution tolerant; and
 - b. Be tolerant of direct and reflected heat.
5. Require little maintenance:
- a. Be mechanically strong;
 - b. Be insect and disease resistant; and
 - c. Require little pruning.
6. Be resistant to drought conditions.
7. Be barren of fruit production.

G. Perimeter of Parking and Loading Areas:

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

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

16.49.130 Revegetation in unlandscaped areas.

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

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

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

16.49.140 Minor revisions to approved landscaped plans.

Minor revisions (less than 10 percent of the landscaped area) to the approved landscaped plans shall be reviewed and approved by the City Planner. The City Planner shall report any

minor revisions to the Site and Design Review Board at the next available Board meeting. (Ord.. 890 section 50, 1993)

16.49.150 Parking lots or paving projects.

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

Chapter 16.52

NONCONFORMING USES AND STRUCTURES

Remove = ~~Strikethrough~~ and **Bold**

Additions = **Bold and Underline**

Comments = *italics and underlined*

Sections:

- 16.52.010 Continuation of nonconforming use or structure.**
- 16.52.020 Nonconforming structure.**
- 16.52.025 Nonconforming sign.**
- 16.52.030 Discontinuance of a nonconforming use.**
- 16.52.035 Alteration or expansion of dwelling units in C-1 zone.**
- 16.52.040 Expansion of nonconforming structure or change of use - application required.**
- 16.52.050 Authorization to grant or deny expansion of nonconforming structure or change of nonconforming use.**
- 16.52.060 Destruction of a nonconforming use or structure.**
- 16.52.070 Completion of building.**

16.52.010 Continuation of nonconforming use or structure.

Subject to the provisions of this section, a nonconforming structure or use may be continued but shall not be altered, changed, or extended except as provided herein. Other than those expansions specifically permitted by section 16.52.035, the expansion of nonconforming uses shall not be permitted. (Ord. 805 section 3 [part], 1987; Ord. 740 section 10.3.80 (A), 1984 Ord. 1019 section 10, 1999)

16.52.020 Nonconforming structure.

A structure conforming as to use but nonconforming as to height, setback, or coverage may be altered or extended as follows:

- A.** If the new or reconstructed area meets all development standards and code requirements, a nonconforming structure application is not required.
- B.** The Planning Commission may allow existing nonconforming structures to be reconstructed over existing legally approved building footprints. Approval of a nonconforming structure application under this Chapter is required.

C. The Planning Commission may allow additions to structures that are nonconforming as to height or setbacks if the new building area is no more out of conformance than the existing structure. For example, an addition to a home with a reduced side yard setback may be allowed if the addition has the same reduced side yard setback or is less out of conformance. Approval of a nonconforming structure application under this Chapter is required. This Chapter may not be used to allow additions further out of conformance as to building height or setbacks than existing structures.

D. The Planning Commission may allow additions to structures that are nonconforming as to coverage requirements. Approval of a nonconforming structure application under this Chapter is required. (Ord. 805 section 3 [part], 1987; Ord. 740 section 10.3.80(B), 1984; Ord 1237, 2007)

16.52.025 Nonconforming sign.

A. A nonconforming sign lawfully existed prior to the adoption of applicable zoning requirements with which it does not comply. Except, however, 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. Relocation, replacement, structural alteration or expansion of a nonconforming sign is subject to the same limitations, application procedures, and requirements set forth in this Chapter for other nonconforming structures. Except approval of a nonconforming structure application is not required for the following:

1. Normal repair and maintenance, where the cost to repair the sign does not exceed 60 percent of the replacement cost of the sign using new materials, as determined by the Building Official.
2. Change of sign copy.
3. Structural alteration when the alteration is necessary for structural safety, as determined by the Building Official.
4. A nonconforming sign may be reconstructed if it is required to be temporarily removed to accommodate construction or repair of public utilities or public works, and the sign reconstruction is completed within 90 days after the completion of the public utilities or public works construction activity. (Ord. 913 section 1[part], 1994; Ord. 830 section 13[part], 1989; Ord. 1299, 2008)

16.52.030 Discontinuance of a nonconforming use.

A. If a nonconforming use involving a structure is discontinued from use for a period of one year, further use of the property shall be as a conforming use.

B. If a nonconforming use not involving a structure is discontinued for a period of six months, further use of the property shall be for a conforming use. (Ord. 805 section 3 [part], 1987; Ord. 740 section 10.3.80(C), 1984)

16.52.035 Alteration or expansion of dwelling units in C-1 zone.

The alteration or expansion of dwelling units in the C-1 zone shall be permitted, subject to the specific development standards requirements of that zone. A nonconforming use application is not required. (Ord. 805 section 3 [part], 1987; Ord 1237, 2007)

16.52.040 Expansion of nonconforming structure or change of use – application required.

Application procedures shall be as described in Chapter 16.89. (Ord. 805 section 3 [part], 1987; Ord. 740 section 10.3.80(D), 1984; Ord. 981 section 6, 1997; Ord. 1080, 2001)

16.52.050 Authorization to grant or deny expansion of nonconforming structure or change of nonconforming use. Authorization does not include expansion of existing nonconforming uses.

An expansion of a nonconforming structure or a change from one nonconforming use to another shall be approved, conditionally approved or denied in accordance with the standards and procedures of this section. In judging whether or not such applications shall be approved or denied, staff and the Planning Commission shall weigh the proposal's positive and negative features and the public convenience or necessity to be served against any adverse condition that would result from authorizing the particular development at the location proposed and, to approve such expansion or change shall find that the following criteria are either met, can be met by observation of conditions, or are not applicable:

A. The proposal will be consistent with the policies of the Comprehensive Plan and the requirements of the Land Development and Planning Ordinance, other than those specific zoning standards to which the use or structure is nonconforming.

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 area in a manner which substantially limits, or precludes the use of surrounding properties for the uses listed as permitted in the zone.

E. In considering whether to approve a change in use, the city shall compare the following characteristics of the historical use of the property with that proposed by the applicant in order to assure that the change will not constitute an expansion or intensification of the nonconforming use:

1. Traffic, including both volume and type (car, truck, foot, etc.);

2. Noise;

3. Days and hours of operation;
4. Physical appearance;
5. Other environmental considerations (dust, vibration, glare, etc.);
6. Type and size of equipment used.

(Ord. 805 section 3 [part], 1987; Ord. 740 section 10.3.80 (E), 1984; Ord. 1080, 2001; Ord. 1237, 2007)

16.52.060 Destruction of a nonconforming use or structure.

If a nonconforming structure or a structure containing a nonconforming use is destroyed by any cause to an extent exceeding eighty percent of the cost of replacement of the structure using new materials, as determined by the Building Official, the property owner may apply to the Planning Commission to restore the nonconforming use or structure. In judging whether or not the restoration of a nonconforming use shall be approved or denied, the Planning Commission shall weigh the proposal's positive and negative features and the public convenience or necessity to be served against adverse conditions that would result from authorizing the particular restoration at the location proposed. In order to approve such restorations, the Planning Commission shall find that the criteria as set forth in section 16.52.050 are met, can be met by observance of conditions, or are not applicable. (Ord. 805 section 3 [part], 1987; Ord. 740 section 10.3.80(F), 1984)

16.52.070 Completion of building.

Nothing contained in this title shall require any change in the plans, alteration, construction or designated use of a building upon which construction work has lawfully commenced prior to the adoption of the ordinance codified in this chapter, except that if the designated use will be nonconforming it shall, for the purpose of section 16.52.030, be a discontinued use if not in operation within one year of the date of issuance of the building permit. (Ord. 805 section 3 [part], 1987; Ord. 740 section 10.3.80(G), 1984)

Chapter 16.54

AMENDMENTS TO ZONING MAP

Remove = ~~**Strikethrough and Bold**~~

Additions = **Bold and Underline**

Comments = *italics, and underlined*

Sections:

- 16.54.010 Authorization to initiate amendments.**
- 16.54.020 Application and fee.**
- 16.54.030 Public hearing on amendment.**
- 16.54.040 Standards and criteria.**
- 16.54.060 Improvement conditions.**
- 16.54.070 Record of amendments.**

16.54.010 Authorization to initiate amendments.

An amendment to the zoning map may be initiated by the City Council, by the Planning Commission, or by application of the property owner or his authorized agent. The Planning Commission shall, within forty days after closing the hearing, recommend to the City Council, approval, disapproval or modification of the proposed amendment. (Ord. 740 section 10.3.45 (A), 1984)

16.54.020 Application and fee.

Application procedures shall be as described in Chapter 16.89. (Ord. 740 section 10.3.85(B), 1984; Ord. 981 section 7, 1997; Ord. 1019 section 13, 1999; Ord. 1080, 2001)

16.54.030 Public hearing on amendment.

Before taking final action on a proposed amendment, the Planning Commission shall hold a public hearing on the amendment following the requirements for advertising and conduct of hearing prescribed in Division VIII. (Ord. 740 section 10.3.85(C), 1984)

16.54.040 Standards and criteria.

In judging whether or not the zoning map should be amended or changed, the Planning Commission and City Council shall consider **the following criteria**:

- A.** The Comprehensive Plan of the city, giving special attention to Policy 6 of the land use element and implementation measures therefore, and the plans and policies of the

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county, state and local districts in order to preserve functions and local aspects of land conservation and development;

B. Whether all required public facilities and services exist or will be provided concurrent with development to adequately meet the needs of any use or development which would be permitted by the new zoning designation. (Ord. 749 section 1(B), 1984; Ord.740 section 10.3.85(D), 1984)

16.54.050 (Ord. 740 section 10.3.85(E), 1984

16.54.060 Improvement conditions.

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

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

B. The city will not use the imposition of improvement conditions as a means of preventing planned development, and will consider the potential impact of the costs or required improvements on needed housing. The Planning Commission and City Council will assure that the required improvements will not reduce housing densities below those anticipated in the Comprehensive Plan. (Ord. 749 section 1(C), 1984: Ord. 740 section 10.3.85 (F). 1984)

16.54.070 Record of amendments.

The City Planner shall maintain a record of amendments to the zoning map in a form convenient for use of the public. (Ord. 749 section 10.85 (G), 1984)

Chapter 16.60

MAJOR OR MINOR PARTITIONS

Remove = ~~Strikethrough and Bold~~

Additions = **Bold and Underline**

Comments = *italics and underline*

Sections:

16.60.010	Filing procedures
16.60.020	Standards and criteria
16.60.030	Minor partitions <u>Partitions</u>
16.60.040	Major partitions
<u>16.60.050</u> 040	<u>Flag lots</u>
16.60.050 <u>050</u>	<u>Planning Commission Director action</u>
16.60.060 <u>060</u>	<u>Final procedures and recordation</u>
<u>16.60.070</u> 070	<u>Public hearing required for appeal process</u>

The changes in this chapter are intended to “streamline” the land use process for citizens proposing partition requests on their property. A partition is generally a straight-forward division of land that is processed through a pre-app conference that includes public works and utility providers. By the time a decision is ready to move forward, the Planning Director, planning staff, and agency personnel have addressed issues, solved problems, and worked with the applicant to make the request successful. ~~The hearings process is time consuming and burdensome to the public when a partition could be addressed and decided by the Planning Director administratively in a timely manner. Most partition requests are not of enough significance to warrant a public hearing before the Planning Commission. However, the Planning Director still has the option of sending the case to the Commission when the request poses an unusual amount of impact. Of course, All Type I and Type II decisions rendered by the Planning Director or authorized staff, are appealable to the Planning Commission~~ **the decision could still be brought to a public hearing through the appeal process. These changes essentially** The proposed amended language moves a Partition Application from a Type III to a Type II procedure that still requires notification of the surrounding property owners **consistent with all Type II noticing procedures as outline in Chapter 16.89.** This **proposed** procedure is common in most other jurisdictions.

16.60.010 Filing procedures.

Application procedures shall be as described in Chapter 16.89. (Ord. 740 section 10.4.30(A), 1984; Ord. 981 section 9, 1997; Ord. 1019 section 17, 1999; Ord. 1080, 2001)

16.60.020 Standards and criteria.

The same improvements shall be installed to serve each building site of a partition as is required of a subdivision, and the same basic design standards shall apply. If the improvements are not constructed or installed prior to the filing of the signed partition plat with the county, they shall be guaranteed in a manner approved by the City Attorney. However, if the ~~commission~~ **Planning Director** finds that the nature of development in the vicinity of the partition makes installation of some improvements unreasonable, the ~~commission~~ **Planning Director** shall except those improvements. In lieu of excepting an improvement, the ~~commission~~ **Planning Director** may recommend to the council Commission that the improvement be installed in the area under special assessment financing or other facility extension policies of the city. ~~The Planning Director shall send the partition request directly to the Planning Commission for their decision if there are issues presented by the applicant or surrounding property owners that cannot be resolved prior to the issuance of decision.~~ (Ord. 890 section 51, 1993; Ord. 740 section 10.4.30(B) [part], 1984)

Comment:

Because the planning director "shall" send the partition request to the planning commission, if there are unresolvable issues, then there is no appeal and no need for a reduced appeal fee. Staff believes that a major partition should be included with a minor partition in the review and decision process. The criteria is basically the same for the two types of partitions with the exception of 16.60.040(F) below requiring street dedication. Additionally, separating the two partitions into separate types of decisions adds confusion to the planning process.

All decisions by the Planning Director can be appealed by those who have standing to appeal, to the Planning Commission. The appeal fee has been reduced to \$250, per state law.

16.60.040 030 Minor partitions Partitions.

~~A minor partition means a partition which does not include the creation of a road or street. Partition means to divide an area or tract of land into two or three parcels within the calendar year. An~~ Application for a ~~minor~~ partition shall be evaluated based upon the following standards and criteria:

- A.** Conformance with the text and applicable maps of the Comprehensive Plan;
- B.** Conformance with all other applicable requirements of the Land Development and Planning Ordinance;
- C.** The overall design and arrangement of parcels shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of adjacent properties;

D. No **minor** partitioning shall be allowed where the sole means of access is by private road, unless it is found that adequate assurance has been provided for year-round maintenance sufficient to allow for unhindered use by emergency vehicles, and unless it is found that the construction of a street to city standards is not necessary to insure safe and efficient access to the parcels;

E. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed land division. (Ord. 740 section 10.4.30 (B)(1), 1984)

~~16.60.040 — Major partitions.~~

~~A major partition means a partition which includes the creation of a road or street. Application for a major partition shall be evaluated based upon the following standards and criteria:~~

- ~~—— A. Conformance with the text and applicable maps of the Comprehensive Plan.~~
- ~~—— B. Conformance with other applicable requirements of the Land Development and Planning Ordinance.~~
- ~~—— C. The overall design and arrangement of parcels shall be functional and shall adequately provide building sites, utility easements and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of adjacent properties.~~
- ~~—— D. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed land division.~~
- ~~—— E. In no case shall the use of a private road be approved for partitioning unless it is found that adequate assurance has been provided for year-round maintenance sufficient to allow for unhindered use by emergency vehicles, and unless it is found that the construction of a street to city standards is not necessary to insure safe and efficient access to the parcels.~~
- ~~—— F. The creation of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivisions except, however, the commission Planning Director 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.
(Ord. 890 section 52, 1993; Ord. 740 section 10.4.30(B)(2), 1984)~~

Comment:

The above language has been deleted because it is not necessary. Partitions of land are a form of Land Divisions, as defined by the Oregon Revised Statutes. Partitions are for the creation of up to two or three lots. If more than three lots, then it falls into the category of Subdivision. The review criteria and findings are the same except the private and public road requirements. Criteria C above covers access requirements. Additionally, all access requirements, public or private are reviewed by the City Engineer at the time of review of a Partition application. All access requirements will be conditioned accordingly.

16.60.050 040 Flag Lots

Flag Lots or Panhandle-shaped Lots. The commission may allow the creation of flag lots provided that the following standards are met:

A. Not more than one flag lot shall be created to the rear of any conventional lot and having frontage on the same street unless it is found that access will be adequate and that multiple flag lots are the only reasonable method to allow for development of the site. Every flag lot shall have access to a public street.

B. The access strip is to be a minimum of twenty feet in width and shall be paved for its full width from its connection with the public street to the main body of the lot. Except, however, that the width requirement may be reduced to twelve feet, for accessing a single flag lot, where the total length of the access strip does not exceed one hundred feet. Access strips not less than ten feet in width may be permitted where two such drives abut and are provided with reciprocal easements for use. For drives accessing more than two flag lots, the access strip shall be a minimum of twenty feet with reciprocal access and maintenance agreements for all lots.

C. For residential flag lots, a minimum building setback of five feet from the access strip shall be maintained where such buildings exist prior to the creation of the flag lot.

D. Design and locations of buildings on flag lots shall be such that normal traffic will have sufficient area to turn around, rather than necessitating backing motions down the access strip. The commission may establish special setback requirements at the time of approving the creation of flag lots.

E. Flag lots shall not be permitted when the result would be to increase the number of properties requiring direct and individual access connections to the State Highway System or other arterials.

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

G. For the purposes of defining setbacks, flag lots shall have three side yards and one rear yard of 20 feet on the garage side of the dwelling. The rear yard may be placed on any side of the main dwelling.

The description of the yard as "rear" is confusing for the builder because with a flag lot, the front and rear of the lot is not easy to determine. The dwelling does not always face a street frontage, and the garage could enter on any side of the residence. The setback is to provide turning space for vehicles to maneuver and proceed forward on the access to the street.

This criteria above was copied from Chapter 16.64, Subdivision. It also belongs in the chapter because flag lots are common in the partition process.

16.60.050 060 050 Planning Commission Planning Director action

A. Tentative maps shall be submitted to the **commission Planning Director** for review and determination that the proposal will be compatible with the Comprehensive Plan and the requirements of the Land Development and Planning Ordinance. The **commission Planning Director** may require such dedication of land easements and may specify such conditions or modifications to the tentative map as are deemed necessary to carry out the Comprehensive Plan. In no event, however, shall the **commission Planning Director** require greater dedications or conditions than would be required if the parcel were subdivided. For residentially zoned land, the **Planning Commission Director** shall require, for newly created lots adjacent to existing residential development, that homes built on such lots be designated on the plat or included in the deed restrictions as "Infill Homes" as defined by 16.04.255 and therefore subject to any or all of the requirements of 16.21.050 Infill Homes. The **Planning Commission Director** may modify the minimum lot coverage and/or maximum height standard if the applicant can demonstrate that 50% or more of adjacent lots exceed these standards.

B. Upon action by the **commission Planning Director** the applicant shall be notified in writing of the decision reached and the steps which must be taken before the parcels can be transferred or utilized for separate development.

C. One copy of the tentative map, clearly marked approved, denied or modified shall be retained in an appropriate file and one copy of same returned to the applicant. (Ord. 740 section 10.4.30(C), 1984; Ord. 1107, 2002)

16.60.060 070 060 Final procedures and recordation

A. Following the action of the city in approving or conditionally approving a tentative map for a partition, the applicant shall be responsible for the completion of all required

improvements, or the posting of adequate assurances in lieu thereof, to the satisfaction of the city engineer prior to the transfer of title of any of the parcels involved.

B. Recordation of an accurate survey map, prepared by a registered engineer or licensed surveyor, must be completed within ~~one-year~~ **two years** of the approval of the tentative map. One copy of the recorded survey map shall be filed with the City Planner for appropriate record keeping.

C. The applicant shall bear full responsibility for compliance with applicable state and city regulations regarding the recordation of documents and subsequent transfer of ownership.

D. The Planning Director may approve a single one-year extension to the original ~~one~~ **two**-year period. Applicants must file a request for such extension in writing, stating the reasons the request is needed. The Planning Director shall review such requests and may issue the extension after reviewing any changes that may have been made to the text of this title and any other pertinent factors, including public comment on the original application. (Ord. 740 section 10.4.30(D), 1984; Ord. 1080, 2001)

16.60.080 070 Public hearing required for appeal process

Each properly that filed application for an appeal of a Planning Director's partition application decision shall be considered by the Planning Commission following a public hearing advertised and conducted in the manner prescribed in Division VIII. (Ord. 740 section 10.3.75 (C), 1984)

This section was added to establish an appeal process of the Planning Director's decision.

Chapter 16.64

SUBDIVISIONS – DESIGN STANDARDS

Remove = ~~Strikethrough and Bold~~

Additions = **Bold and Underline**

Comments = *Italics and Underline*

Sections:

- 16.64.010 Streets.**
- 16.64.015 Access.**
- 16.64.020 Blocks.**
- 16.64.030 Easements.**
- 16.64.040 Lots.**
- 16.64.050 Public open spaces.**
- 16.64.060 Grading of building sites.**
- 16.64.070 Improvements.**
- 16.64.080 Low Impact Development Incentives**

16.64.010 Streets.

A. Generally. The location, width and grade of streets shall be considered in relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation pattern with intersection angles, grades, tangents, and curves appropriate for the traffic to be carried. Where location is not shown in a development plan, the arrangement of streets shall either:

1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
2. Conform to a plan for the neighborhood approved or adopted by the commission to meet a particular situation where topographical or other conditions make continuance of conformance to existing street patterns impractical;
3. Minimum right-of-way and roadway width shall follow the requirements of the Canby Public Works Design Standards;
4. Consider opportunities to incrementally extend and connect local streets to provide for safe and convenient bike and pedestrian circulation.

B. Permeable Surfaces. Permeable surfacing alternatives and on-site stormwater management facilities, are encouraged for street improvements. Permeable surfacing and LID stormwater management facilities shall be constructed in accordance with the Canby Public Works Design Standards and the manufacturer's recommendations. Permeable surfacing includes, but is not limited to: paving blocks, turf block, pervious concrete, porous asphalt, and other similar approved materials. Alternative surfacing methods may be approved for public and private roads, road shoulders, pedestrian ways, driveways, and easement service roads unless site constraints make use of such materials detrimental to water quality. Use of permeable surfacing methods shall meet the imposed load requirements for fire apparatus, and shall be subject to review and approval by the Canby Public Works Department.

C. Reserve Strips. Reserve strips or street plugs controlling the access to streets will not be approved unless such strips are necessary for the protection of the public welfare or of substantial property rights, or both, and in no case unless the control and disposal of the land composing such strips is placed within the jurisdiction of the city, under conditions approved by the commission.

D. Alignment. All streets other than minor streets or cul-de-sacs, shall, as far as possible, be in alignment with the existing streets by continuations of the center lines thereof. Jogs creating "T" intersections shall have centerline offsets of not less than one hundred fifty feet, unless it is found that community benefits of such an alignment outweigh its disadvantages.

E. Future Extension of Streets. Where a subdivision adjoins unplatted acreage, streets which in the opinion of the commission should be continued in the event of the subdivision of the acreage, will be required to be provided through to the boundary lines of the tract. Reserve strips, street plugs and temporary turnaround areas may be required to preserve the objectives of street extensions. Reserve strips and street plugs shall be deeded to the city prior to final plat approval. The Planning Commission may require that the costs of title insurance and recordation fees, if any, for such areas be borne by the subdivider. If, in the opinion of the city engineer, a traffic pedestrian, or safety hazard temporarily exists by the construction of a dead-end street, he may direct that a barricade of adequate design be installed at the developer's expense as one of the required improvement items for the subdivision.

F. Intersection Angles. Streets shall intersect one another at an angle as near to a right angle as possible, and no intersections of streets at angles of less than thirty degrees will be approved unless necessitated by topographic conditions. When intersections of other than ninety degrees are unavoidable, the right-of-way lines along the acute angle shall have a minimum corner radius of twelve feet. All right-of-way lines at intersections with arterial streets shall have a corner radius of not less than twelve feet.

G. Existing Streets. Whenever existing streets, adjacent to or within a tract, are of inadequate width, dedication of additional right-of-way shall be provided at the time of subdivision.

H. Half Streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision, when in conformity with the other requirements of these regulations, and when the commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Reserve strips, street plugs, special signs and barricades may be required to preserve the objectives of half streets.

I. Cul-de-sacs. A cul-de-sac shall only be allowed when environmental or topographical constraints, existing development patterns, or compliance with other standards in this code preclude street extension and through circulation. When cul-de-sacs are provided, all of the following shall be met:

1. The cul-de-sac shall not exceed a length of 400 feet. Length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac;
2. The cul-de-sac shall be designed in accordance with the Canby Public Works Design Standards.
3. The cul-de-sac may have a vegetated center island that will serve to treat stormwater runoff generated by the cul-de-sac. Specifications for cul-de-sac design are located in the Public Works Design Standards.
4. The cul-de-sac shall provide a pedestrian connection between it and adjacent streets, access ways, parks, or other right-of-way. Such pedestrian ways shall conform to Section 16.64.030(C).

J. Marginal Access Streets. Where a subdivision abuts or contains an existing or proposed arterial street, the commission may require marginal access streets, through lots with suitable depth, screen planting contained in a nonaccess reservation along the rear property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

K. Alleys.

1. Alleys shall be provided to commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are made as approved by the commission.
2. Alleys shall be provided within residential subdivisions when streets are designed to meet the narrow “green” street standards in the Canby Public Works Design Standards. Visitor parking areas may be required by the city to mitigate the lack of on-street parking.

3. When alleys are provided as part of a new residential subdivision, streets shall be designed in accordance with the narrow “green” street standards in the Canby Public Works Design Standards. Visitor parking areas may be required by the city to mitigate the lack of on-street parking.

4. Alley intersection corners shall have a minimum radius of ten feet.

L. Street Names. No street name shall be used which will duplicate or be confused with the name of existing streets except for extensions of existing streets. Street names and numbers shall conform to the established pattern in the city and the surrounding area and shall be subject to the approval of the commission.

M. Planting Easements. The Planning Commission may require additional easements for planting street trees or shrubs.

N. Grades and Curbs. Grades shall not exceed seven percent on arterials, ten percent on collector streets, or fifteen percent on any other street. In flat areas allowance shall be made for finished street grades having a minimum slope of .5 percent. Centerline radii of curves shall not be less than three hundred feet on major arterials, two hundred feet on secondary arterials, or one hundred feet on other streets, unless specifically approved by the City, and shall be to an even ten feet.

O. Streets Adjacent to Highway 99-E or Railroad Right-of-Way. Wherever the proposed subdivision contains or is adjacent to a railroad right-of-way or Highway 99-E, provisions may be required for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad or Highway 99-E. The distances shall be determined with due consideration of cross streets at a minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way. (Ord. 740 section 10.4.40(C)(1), 1984; Ord. 1043 section 3, 2000; Ord 1237, 2007; Ord. 1338, 2010)

P. Private streets created within a new subdivision or partition shall be designated as a separate “tract” on the submitted plat map.

16.64.015 Access

A. Any application that involves access to the State Highway System shall be reviewed by the Oregon Department of Transportation for conformance with state access management standards (See appendix G of the Transportation System Plan).

B. All proposed roads shall follow the natural topography and preserve natural features of the site as much as possible. Alignments shall be planned to minimize grading.

C. Access shall be properly placed in relation to sight distance, driveway spacing, and other related considerations, including opportunities for joint and cross access.

D. The road system shall provide adequate access to buildings for residents, visitors, deliveries, emergency vehicles, and garbage collection.

E. Streets shall have sidewalks on both sides. Pedestrian linkages should also be provided to the peripheral street system.

F. Access shall be consistent with the access management standards adopted in the Transportation System Plan. (Ord. 1043 section 3, 2000)

16.64.020 Blocks.

A. Generally. The lengths, widths and shapes of blocks shall be designed with due regard to providing adequate building sites suitable to the special needs of the type of use contemplated, needs for access, circulation, control and safety of street traffic and limitations and opportunities of topography.

B. Sizes. Block length shall be limited to 300 feet in the C-1 zone, 400 feet in residential zones, 600 feet in all other zones, except for 1,000 feet on arterials. Exceptions to this prescribed block standard shall be permitted where topography, barriers such as railroads or arterial roads, or environmental constraints prevent street extension. The block depth shall be sufficient to provide two lot depths appropriate to the sizes required by Division III. (Ord. 740 section 10.4.40(C)(2), 1984; Ord. 1043 section 3, 2000; Ord. 1076, 2001; Ord. 1338, 2010)

16.64.030 Easements.

A. Utility Lines. Easements for electric lines or other public utilities are required, subject to the recommendations of the utility providing agency. Utility easements twelve feet in width shall be required along all street lot lines unless specifically waived. The commission may also require utility easements along side or rear lot lines when required for utility provision. The construction of buildings or other improvements on such easements shall not be permitted unless specifically allowed by the affected utility providing agency.

B. Watercourses. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width as will be adequate for the purpose of assuring adequate flood control. Streets parallel to watercourses may be required.

C. Pedestrian Ways. In any block over six hundred feet in length, a pedestrian way or combination pedestrian way and utility easement shall be provided through the middle of the block. If unusual conditions require blocks longer than one thousand two hundred feet, two pedestrian ways may be required. When essential for public convenience, such ways may be required to connect to cul-de-sacs, or between streets and other public or semipublic lands or through green way systems. Sidewalks to city standards may be required in easements where insufficient right-of-way exists for the full street surface and the sidewalk. All pedestrian ways shall address the following standards to provide for the safety of users:

1. Length should be kept to a minimum and normally not in excess of two hundred feet;
2. Width should be maximized and shall not be below ten feet. For pathways over one hundred feet long, pathway width shall increase above the minimum by one foot for every twenty feet of length;
3. A minimum of three foot-candles illumination shall be provided. Lighting shall minimize glare on adjacent uses consistent with the outdoor lighting provisions in section 16.43 of this code;
4. Landscaping, grade differences, and other obstructions should not hinder visibility into the pedestrian way from adjacent streets and properties. Fencing along public pedestrian ways shall conform with the standards in Section 16.08.110;
5. Surrounding land uses should be designed to provide surveillance opportunities from those uses into the pedestrian way, such as with the placement of windows;
6. Exits shall be designed to maximize safety of users and traffic on adjacent streets; and
7. Use of permeable surfacing materials for pedestrian ways and sidewalks is encouraged whenever site and soil conditions make permeable surfacing feasible. Permeable surfacing includes, but is not limited to: paving blocks, turf block, pervious concrete, and porous asphalt. All permeable surfacing shall be designed, constructed, and maintained in accordance with the Canby Public Works Design Standards and the manufacturer's recommendations. Maintenance of permeable surfacing materials located on private property are the responsibility of the property owner.

D. Developments that abut the Molalla Forest Road multi-use path shall provide a pedestrian/bicycle access to the path. The city may determine the development to be exempt from this standard if there is an existing or planned access to the path within 300 feet of the development.

E. Solar Easements. Subdividers shall be encouraged to establish solar easements and utilize appropriate solar design in their development proposals. Solar easements shall be shown on the final plat and in the deed restrictions of the subdivision. The Planning Commission may require the recordation of special easements or other documents intended to protect solar access. (Ord. 740 section 10.4.40(C)(3), 1984; Ord. 1043 section 3, 2000; Ord 1237, 2007; Ord. 1338, 2010; Ord. 1340, 2011)

16.64.040 Lots.

A. Size and Shape. The lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

To provide for proper site design and prevent the creation of irregularly shaped parcels, the depth of any lot or parcel shall not exceed three times its width (or four times its width in rural areas) unless there is a topographical or environmental constraint or an existing man-made feature such as a railroad line.

B. Minimum Lot Sizes:

1. Lot sizes shall conform with requirements of Division III unless the applicant chooses to use an alternative lot layout per subsection (3) below to accommodate interconnected and continuous open space and or other natural resources. In this case, the average minimum lot size may be reduced by 5,000 square feet after subtracting access tracts. Overall development densities shall comply with the underlying maximum density allowed by the zone.
2. In areas that cannot be connected to sewer trunk lines, minimum lot sizes shall be greater than the minimum herein specified if necessary because of adverse soil structure for sewage disposal by septic systems. Such lot sizes shall conform to the requirements of Clackamas County for sewage disposal unless provisions are made for sanitary sewers.
3. Alternative lot layout. Applicants may deviate from standard lot setbacks and dimensions to accommodate dedicated interconnected open space or other natural areas. Clustered housing, lot-size averaging, and a mixture of approaches where building lots can be grouped into a smaller portion of the total development, reserving the remainder for open space or other natural areas. Alternative development layouts shall not exceed the underlying maximum density allowed by the zone.
4. When using the alternative lot layout option, the following must be met:
 - a. The arrangement of the alternative lot layout shall be designed to avoid development forms commonly known as linear, straight-line or highway strip patterns.
 - b. To the maximum extent possible, open space and natural areas, where used, shall be continuous, interconnected, and concentrated in large usable areas.
 - c. Where possible, open space shall be connected to adjacent off-site open space areas.
 - d. Open space and natural areas shall be maintained permanently by the property owner or the property owner's association.

C. Lot Frontage. All lots shall meet the requirements specified in Division III for frontage on a public street, except that the Planning Commission may allow the creation of flag lots, cul-de-sac lots and other such unique designs upon findings that

access and building areas are adequate. Lots that front on more than one major street shall be required to locate motor vehicle accesses on the street with the lower functional classification.

D. Double Frontage. Double frontage or through lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.

E. Lot Side Lines. The side lines of lots shall run at right angles to the street upon which the lots face, or on curved streets they shall be radial to the curve, unless there is some recognizable advantage to a different design.

F. Resubdivision. In subdividing tracts into large lots which at some future time are likely to be resubdivided, the location of lot lines and other details of the layout shall be such that resubdivision may readily take place without violating the requirements of these regulations and without interfering with the orderly development of streets. Restriction of building locations in relationship to future street rights-of-way shall be made a matter of record if the commission considers it necessary.

G. Building Lines. If special building setback lines are to be established in the subdivision plat, they shall be shown on the subdivision plat or included in the deed restrictions. This includes lots where common wall construction is to be permitted between two single-family dwellings.

H. Potentially Hazardous Lots or Parcels. The commission shall utilize its prerogative to modify or deny a tentative plat or partition map where it is found that a proposed lot or parcel is potentially hazardous due to flooding or soil instability.

I. Flag Lots or Panhandle-shaped Lots. The commission may allow the creation of flag lots provided that the following standards are met:

1. Not more than one flag lot shall be created to the rear of any conventional lot and having frontage on the same street unless it is found that access will be adequate and that multiple flag lots are the only reasonable method to allow for development of the site. Every flag lot shall have access to a public street.

2. The access strip is to be a minimum of twenty feet in width and shall be paved for its full width from its connection with the public street to the main body of the lot. Except, however, that the width requirement may be reduced to twelve feet, for accessing a single flag lot, where the total length of the access strip does not exceed one hundred feet. Access strips not less than ten feet in width may be permitted where two such drives abut and are provided with reciprocal easements for use. For drives accessing more than two flag lots, the access strip shall be a minimum of twenty feet with reciprocal access and maintenance agreements for all lots.

3. For residential flag lots, a minimum building setback of five feet from the access strip shall be maintained where such buildings exist prior to the creation of the flag lot.
4. Design and locations of buildings on flag lots shall be such that normal traffic will have sufficient area to turn around, rather than necessitating backing motions down the access strip. The commission may establish special setback requirements at the time of approving the creation of flag lots.
5. Flag lots shall not be permitted when the result would be to increase the number of properties requiring direct and individual access connections to the State Highway System or other arterials.
6. The area of a panhandle shaped or flag lot shall be considered to be the rear or buildable portion of the lot and shall not include the driveway or access strip.
7. For the purposes of defining setbacks, flag lots shall have three side yards and one rear yard **of 20 feet generally on the garage access side of the dwelling.**
~~The rear yard may be placed on any side of the main dwelling.~~

The description of the yard as "rear" is confusing for the builder because with a flag lot, the front and rear of the lot is not easy to determine. The dwelling does not always face a street frontage, and the garage could enter on any side of the residence. The setback is to provide turning space for vehicles to maneuver and proceed forward on the access to the street.

This section was copied to Partition Chapter 16.60

J. Designation of Lots as 'Infill Home' Sites. The Planning Commission may require that homes built on one or more lots adjacent to existing development be subject to any or all of the requirements of 16.21.050 - Infill Homes. Furthermore, for subdivisions where the parent parcel(s) is less than two acres in size, the Planning Commission may require that all homes built on lots in the subdivision be subject to any or all of the requirements of 16.21.050. These requirements are to be shown on the subdivision plat or included in the deed restrictions. (Ord. 740 section 10.3.05(F) and 10.4.40(C)(4), 1984; Ord. 890 section 54, 1993; Ord. 1043 section 3, 2000; Ord. 1107, 2002; Ord. 1111 section 6, 2003; Ord. 1338, 2010)

16.64.050 Parks and recreation.

Subdivisions shall meet the requirements for park, open space and recreation as specified in Division VI.

16.64.060 Grading of building sites.

The commission may impose bonding requirements, similar to those described in section 16.64.070, for the purpose of ensuring that grading work will create no public hazard nor endanger public facilities where either steep slopes or unstable soil conditions are known to exist. (Ord. 740 section 10.4.40(C)(6), 1984)

16.64.070 Improvements.

A. Improvement Procedures. In addition to other requirements, improvements installed by a land divider either as a requirement of these regulations, or at his own option, shall conform to the requirements of these regulations and improvement standards and specifications followed by the city, and shall be installed in accordance with the following procedure:

1. Improvement work shall not be commenced until plans have been checked for adequacy and approved by the city. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the tentative plat of a subdivision or partition. No work shall commence until the developer has signed the necessary certificates and paid the subdivision development fees specified elsewhere in this division.
2. Improvement work shall not commence until after the city is notified, and if work is discontinued for any reason it shall not be resumed until after the city is notified.
3. Improvements shall be constructed under the inspection and to the satisfaction of the City. The city may require changes in typical sections and details in the public interest if unusual conditions arise during construction which warrant the change.
4. Underground utilities, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length obviating the necessity for disturbing the street improvements when service connections are made.

~~**5. A map showing public improvements "as built" shall be filed with the city engineer within sixty days of the completion of the improvements.**~~

5. "As Built" construction plan revisions shall be filed with with the city engineer within sixty days of the completion of any improvements.

The "as built" changes are shown on construction plans

B. The following improvements shall be installed at the expense of the subdivider unless specifically exempted by the Planning Commission:

1. Streets, including drainage and street trees;
2. Complete sanitary sewer system;
3. Water distribution lines and fire hydrants;
4. Sidewalks and any special pedestrian ways;
5. Street name and traffic-control signs;

6. Streetlights;
7. Lot, street and perimeter monumentation;
8. Underground power lines and related facilities;
9. Underground telephone lines, CATV lines, natural gas lines, and related facilities;
10. Where dedicated or undedicated open space is proposed or provided, it shall be the subdivider's responsibility to provide standard public improvements to and through that open space.
11. If fencing is being proposed as part of subdivision development, the subdivider shall be responsible for installing fencing along public streets and pedestrian ways. Fencing shall be constructed in accordance with the standards in Section 16.08.10

C. Streets.

1. All streets, including alleys, within the subdivision and streets adjoining, but only partially within the subdivision shall be improved.
2. All public and private streets shall be constructed to city standards for permanent street and alley construction. LID alternatives, such as permeable surfacing and integrated stormwater management facilities, are required where site and soil conditions make it a feasible alternative. Upon completion of the street improvement, monuments shall be reestablished and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street centerlines as required by Oregon Revised Statutes Chapter 92.
3. Street Trees. Street trees shall be provided consistent with the provisions of Chapter 12.32.
4. Prior to city approval of the final subdivision plat, all perimeter and back lot line monumentation shall be installed and the installation of the front lot monumentation (along and within street rights-of-way) shall be guaranteed. Any monuments destroyed during improvement installation shall be replaced at the developer's expense.
5. If any lot abuts a street right-of-way that does not conform to the design specifications of this ordinance, the owner may be required to dedicate up to one-half of the total right-of-way width required by this ordinance.
6. The proposed use shall not impose an undue burden on the transportation system. The City may require the applicant to provide adequate information, such as a traffic impact study, to demonstrate the level of impact to the surrounding

street system. The developer shall be required to mitigate impacts attributable to the project.

7. The determination of impact or effect and the scope of the impact study should be coordinated with the provider of the affected transportation facility.

8. Dedication of land for streets, transit facilities, sidewalks, bikeways, paths, or access ways shall be required where the existing transportation system will be impacted by or is inadequate to handle the additional burden caused by the proposed use.

9. Improvements such as paving, curbing, installation or contribution to traffic signals, construction of sidewalks, bikeways, access ways, paths, or streets that serve the proposed use where the existing transportation system may be burdened by the proposed use.

D. Surface Drainage and Storm Sewer System.

1. Drainage facilities shall be provided within the subdivision and to connect the subdivision to drainage ways or storm sewers outside the subdivision, if necessary, as determined by the City.

2. Stormwater Management through Low Impact Development (LID). Low impact development is a stormwater management approach aimed at emulating predevelopment hydrologic conditions using a combination of site design and stormwater integrated management practices. This approach focuses on minimizing impervious surfaces, promoting rainfall evaporation and uptake by plants, and maximizing stormwater infiltration. Specific LID strategies and integrated management practices include:

- a.** Protection and restoration of native vegetation and soils,
- b.** Minimizing impervious surface area through use of pervious materials (e.g. pavers and pervious concrete).
- c.** Vegetated roofs,
- d.** Rainfall reuse,
- e.** Stormwater dispersion and bioretention (recharge).

3. All new subdivisions in Canby are required to treat stormwater on site. Stormwater management using LID practices is required where feasible, pursuant to requirements of this chapter and other applicable sections of this code. LID facilities shall be constructed in accordance with Canby Public Works Design Standards.

4. A conceptual stormwater management report must be submitted with the subdivision application. The report must demonstrate how and where stormwater will be managed on site at the subdivision. Where LID practices are not used, the applicant must demonstrate why LID is not feasible. The report will be reviewed by the Canby Public Works Department and shall be consistent with the Public Works Design Standards. Generally, the stormwater management plan must include the following:

- a. A description of existing conditions including a map;
- b. A description of the proposed stormwater system including a map;
- c. An estimate of existing storm water run off;
- d. An estimate of proposed storm water run off;
- e. The detention/retention requirements; and
- f. The discharge location, treatment method and sizing, and if discharging to the ground, the expected infiltration rates based upon soils mapping data.

5. Responsibility for maintenance of LID facilities shall be as follows:

- a. The Canby Public Works Department shall be responsible for maintaining all LID facilities located within the public right-of-way, and for providing for the safety of the public as related to LID facilities,
- b. Private property owners shall be responsible for maintaining all LID facilities on their property. The city reserves the right to inspect such facilities at any time. Upon written notice by the city to the owner that the facility has been compromised to the point where the design capacity is no longer available or the facility is not functioning as designed and approved, the owner shall correct the problem. If the owner fails to respond to the written notice within 15 days, the city may undertake the work and bill all time and material to the owner.
- c. For LID facilities that are not located in the public right-of-way and serve multiple private residential properties, a public easement for the LID facility shall be established and the Canby Public Works Department shall be responsible for maintenance of the facility. All property owners served by the facility shall pay a stormwater maintenance fee to the city to cover the cost of maintenance of the facility.

E. Sanitary Sewers. Sanitary sewers shall be installed to serve the subdivision and to connect the subdivision to existing mains. In the event it is impractical to connect the subdivision to the city sewer system, the commission may authorize the use of septic tanks if lot areas are adequate, considering the physical characteristics of the area.

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

F. Water System. Water lines and fire hydrants serving the subdivision and connecting the subdivision to city mains shall be installed to the satisfaction of the supervisor of the water department and the Fire Marshal.

G. Sidewalks. Sidewalks shall be required on both sides of a public street and in any special pedestrian way within the subdivision, except that in the case of identified arterials, or industrial districts, the commission may approve a subdivision without sidewalks if alternative pedestrian routes are available. Sidewalk construction may be postponed until the actual construction of buildings on the lots, provided that adequate assurance is given that such sidewalks will be installed. Where LID practices are implemented in subdivision street design, alternative sidewalk design may be permitted with the approval from the city. Alternative sidewalk design resulting from LID best management practices may include, but not limited to: flat curbs, LID bioretention areas incorporated in conjunction with required landscaping, and alternative sidewalk widths. LID best management practices shall be designed in accordance with the Canby Public Works Design Standards.

H. Bicycle Routes. If appropriate to the extension of a system of bicycle routes, existing or planned, the commission may require the installation of bicycle lanes within streets or the construction of separate bicycle paths.

I. Street Name Signs. Street name signs shall be installed at all intersections according to city standards or deposit made with the city of an amount equal to the cost of installation.

J. Street Lighting System. Streetlights shall be required to the satisfaction of the manager of the Canby Utility Board.

K. Other Improvements.

1. Curb cuts and driveway installation are not required of the subdivider but, if installed, shall be according to city standards.
2. Street tree planting is required of the subdivider and shall be according to city requirements. (Ord. 899 section 4, 1993)
3. The developer shall make necessary arrangements with utility companies or other persons or corporations affected, for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting and cable television, shall be placed underground, unless overhead installation has been specifically approved by the commission because of unique circumstances at the site.

4. Developments along existing rail lines may be required to provide barrier fences or walls if necessary ensure safety for development occupants. City may also require noise mitigation such as sound walls, or triple-pane windows in order to reduce the health impacts of train noises. Noise mitigation requirements shall be based on measured db levels when trains are in the vicinity and specific building construction features.

L. Improvements in Areas of Flood or Slope Hazard.

1. Any public utility or facility associated with a subdivision or partition within an area subject to flooding shall be designed, located, and constructed so as to minimize or mitigate flood damage and shall not result in raising the water elevation in a designated floodway beyond the limits prescribed by the Federal Flood Insurance Program.

2. A new or replacement water supply system shall be designed, located and constructed to minimize or eliminate infiltration of flood waters into the system.

3. A new or replacement sanitary sewage system shall be designed, located and constructed to minimize or eliminate infiltration of flood waters into the system.

4. An on-site septic tank system or other individual waste disposal shall be located to avoid impairment or contamination during flooding.

5. Any public utility or facility, including streets, associated with a subdivision or partition within an area which is subject to flooding or slope instability shall be designed, located and constructed so as to amply protect such public utility or facility from damage due to such natural hazards. Adverse impacts upon fish, wildlife, and open space resources shall also be considered in the design and construction of such facilities. The commission and council shall consider the potential repair or maintenance costs to be borne by the public when reviewing the proposed design, location, and construction of such public utilities or facilities.

M. Survey Accuracy and Requirements. In addition to meeting the requirements as set forth in Oregon Revised Statutes relative to required lot, street and perimeter monumentation, the following shall be required:

1. An accuracy ratio of subdivision plat boundary line closure of one in ten thousand (.0001) feet as found in the field.

2. Two primary perimeter monuments (one of which can be the initial point) having the same physical characteristics as the initial point. The monuments are to be on a common line visible, if possible, one to the other at time of approval and preferably at angle points in the perimeter. They shall be points as far apart as practicable. A survey monument witness sign of a design acceptable to the city engineer shall be placed within eighteen inches of both monuments. The position for the initial point and other primary perimeter monuments shall be selected with

due consideration to possible damage during construction and desirability of witness sign location.

3. Street centerline monumentation shall consist of a two-inch diameter brass cap set in a concrete base within and separate from a standard monument box with cover (standard city details applicable) at locations specified by the city engineer (generally at intersections with centerline of arterial or collector streets and within streets proposed to be greatly extended into adjacent future subdivisions). All other street centerline points (intersections, points of tangent intersections, cul-de-sac center lines, cul-de-sac off-set points) shall be monumented with a five-eighths-inch diameter steel rod thirty inches long with an approved metal cap driven over the rod and set visible just below the finish surface of the street. If any points of tangent intersection fall outside of a paved section street, the above monumentation will be required at point of curvature and point of tangency of the curve. All centerline monuments are to be accurately placed after street construction is complete.

N. Agreement for Improvements. Before commission approval of a subdivision plat or partition map, the land divider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the property, or execute and file with the city engineer, an agreement specifying the period within which required improvements and repairs shall be completed and provided that, if the work is not completed within the period specified, the city may complete the work and recover the full cost and expense, together with court costs and reasonable attorney fees necessary to collect the amounts from the land divider. The agreement shall also provide for reimbursement to the city for the cost of inspection by the city which shall not exceed ten percent of the improvements to be installed.

O. Performance Bond.

1. The land divider shall file with the agreement, to assure his full and faithful performance thereof, one of the following:

a. A surety bond executed by a surety company authorized to transact business in the state in a form approved by the City Attorney;

b. A personal bond cosigned by at least one additional person, together with evidence of financial responsibility and resources of those signing the bond, sufficient to provide reasonable assurance of ability to proceed in accordance with the agreement;

c. Cash.

2. Such assurance of full and faithful performance shall be for a sum approved by the city engineer as sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses, and to cover the cost of the city inspection.

3. If the land divider fails to carry out provisions of the agreement and the city has unreimbursed costs or expenses resulting from such failure, the city shall call on the bond or cash deposit for reimbursement. If the cost of expense incurred by the city exceeds the amount of the bond or cash deposit, the land divider shall be liable to the city for the difference.

P. Guarantee. All improvements installed by the subdivider shall be guaranteed as to workmanship and materials for a period of one year following written notice of acceptance by the city to the developer. **This guarantee can be warrantied under the same options listed in Section O above.**

The changes are made for clarity.

Q. Large Scale or Solar Efficient Development. The standards and requirements of this division may be modified by the commission in the case of a plan and program for a complete community, a neighborhood unit, a solar efficient design, a large scale shopping center, or large industrial development, which in the judgment of the commission provides adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the developed tract and its relation to adjacent areas, and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the intents and purposes of the Comprehensive Plan. (See Division V for information regarding a planned unit development.)

R. No fence/wall shall be constructed throughout a subdivision where the effect or purpose is to wall said project off from the rest of the community unless reviewed and approved by the Planning Commission. (Ord. 740 section 10.4.40(C)(7), 1984; Ord. 955 sections 28 & 29, 1996; Ord. 1043 section 3, 2000; Ord 1237, 2007; Ord. 1338, 2010; Ord. 1340, 2011)

16.64.80 Low Impact Development Incentives

The purpose of this section is to encourage the use of certain low impact development (LID) practices in subdivision development beyond the minimum requirements of this code. The provisions in this section are voluntary and are not required of new subdivisions. These provisions are applicable only when an applicant elects to utilize the incentives provided in this section. Only one incentive is permitted at a time. For example, an applicant cannot utilize a height bonus and density bonus in the same subdivision application.

A. Building height bonus. A building height bonus will be allowed for subdivision proposals that include one of the following:

1. Additional park land beyond what is required in Chapter 16.120.
2. The use of pervious surfacing materials such as pavers or pervious concrete.

3. Provision of a rain garden that provides on-site stormwater management for all or part of the subdivision.

4. Mitigation of tree removal by replanting.

B. Standards for building height bonus (see Figure 16.64.1 for illustration). Proposals that utilize the building height bonus shall comply with the following:

1. A proposal that includes one of the LID practices listed in A(1-4) above may request an increase in building height up to 12 feet within the building footprint.

2. The square footage of the building footprint allowed to receive the height increase shall be calculated using the following ratios:

a. For park land, the ratio is 1:1 square feet of additional park land to square feet of building footprint. For example, if 1,000 square feet of additional park land are provided, the height increase may be applied to 1,000 square feet of the building footprint.

b. For pervious surfacing, the ratio is 1:0.5. For example, if 1,000 square feet of pervious surfacing are provided, the height increase may be applied to 500 square feet of the building footprint.

c. For rain gardens, the ratio is 1:0.75.

d. For mitigation of tree removal, the ratio is 10 caliper-inches to 1,000 square feet of building footprint. For example, if five 4-inch caliper mitigation trees are planted, the height increase may be applied to 2,000 square feet of building footprint. Caliper inches are measured by diameter at breast height (DBH). Tree mitigation must comply with Subsection (C) below.

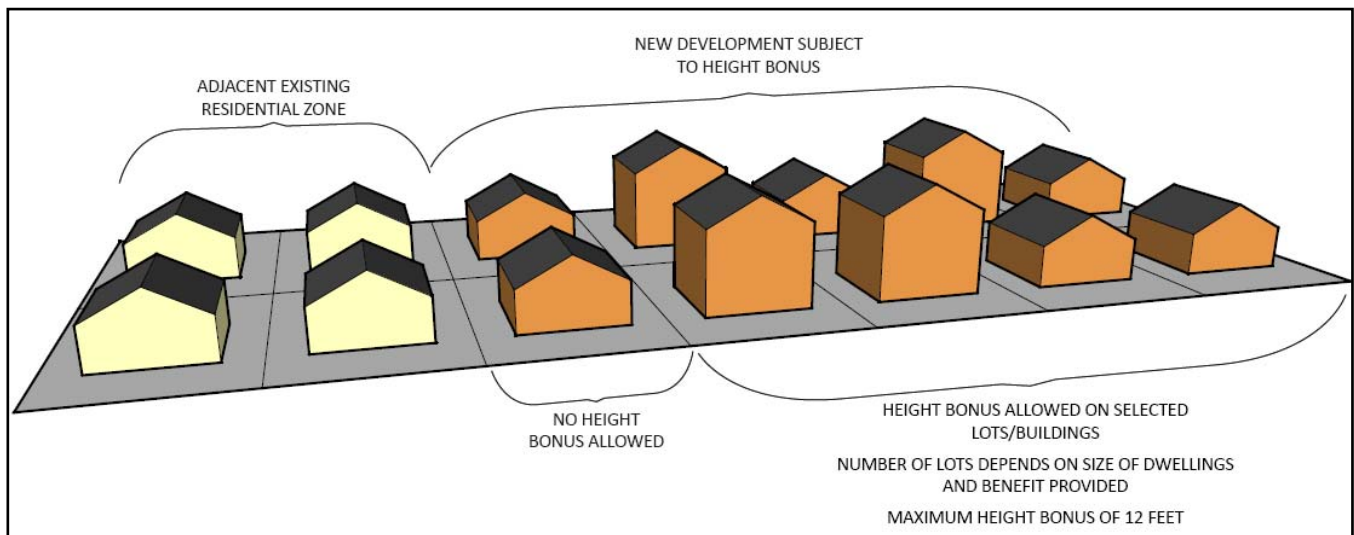
3. The building height increase shall not result in buildings that exceed 12 feet of height above the maximum building height standard of the underlying zone.

4. The building(s) receiving the height increase shall be located within the same subdivision where the LID benefit is being provided.

5. The height bonus may not be used on buildings that are directly adjacent to an existing lot in a residential zone (R-1, R-1.5 or R-2).

6. Additional park land provided to utilize the height bonus shall be consistent with all applicable standards and regulations of Chapter 16.120.

Figure 16.64.1: Height Bonus Diagram



C. Standards for mitigation of tree removal. Proposals that mitigate tree removal in order to utilize the height bonus shall comply with the following:

1. Only mitigation for removal of existing, healthy trees over six-inch caliper DBH shall be counted toward the height or density bonus.
2. Trees planted as mitigation for tree removal shall be at least two-inch caliper DBH and must be approved by the city arborist.
3. The subdivision application must show the location, size and species of exiting trees that will be removed and the location, size and species of trees to be planted as mitigation.
4. Trees planted to comply with the street tree requirements in Chapter 12.32 may not be counted toward the height or density bonus.

D. Density bonus. A density bonus will be allowed for subdivision proposals that provide additional park land beyond what is required in Chapter 16.120. Proposals that utilize the density bonus shall comply with the following:

1. To qualify for the density bonus, a proposal must provide at least 110% of the park land required in Chapter 16.120. For example, if Chapter 16.120 requires 1,000 square feet of park land, the proposal must provide at least 1,100 square feet of park land to qualify.
2. The percent density bonus allowed will be as follows:
 - a. For provision of park land between 110 – 120% of the minimum requirement, a 5% density bonus will be allowed.

- b.** For provision of park land between 121 – 130% of the minimum requirement, a 10% density bonus will be allowed.
 - c.** For provision of park land between 131 – 140% of the minimum requirement, a 15% density bonus will be allowed.
 - d.** For provision of park land over 140% of the minimum requirement, a 20% density bonus will be allowed.
- 3.** No subdivision will be allowed to exceed 120% of the density standard for the underlying zone.
- 4.** Additional park land provided to utilize the density bonus shall be consistent with all applicable standards and regulations of Chapter 16.120. (Ord. 1338, 2010)

Chapter 16.66 Repealed

SUBDIVISIONS – PLANNING COMMISSION ACTION

Remove = ~~Strikethrough and Bold~~

Additions = **Bold and Underline**

Comments = *Italics and Underline*

Sections:

16.66.010 Submittal of tentative plat.

16.66.020 Public hearing.

16.66.030 Notification of decision.

16.66.040 Distribution of copies.

16.66.050 Effect of approval.

16.66.010 Submittal of tentative plat.

(Ord. 740 Section 10.4.40(c)(8)(a), 1984; Ord 1237, 2007)

16.66.020 Public hearing.

(Ord. 740 section 10.4.40(C)(8)(b), 1984; Ord 1237, 2007)

16.66.030 Notification of decision.

(Ord. 740 section 10.4.40 (C)(8)(c), 1984; Ord 1237, 2007)

16.66.040 Distribution of copies.

(Ord. 740 section 10.4.40 (C)(8)(d), 1984; Ord 1237, 2007)

16.66.050 Effect of approval.

(Ord. 740 section 10.4.40(C)(8)(e), 1984; Ord 1237, 2007)

This chapter was deleted under Ordinance 1237 (Ord 1237, 2007) with TA 07-01 because it duplicated provisions of Chapter 16.89 and should be repealed with these current changes.

Chapter 16.68

SUBDIVISIONS FINAL PROCEDURES AND RECORDATION

Remove = ~~Strikethrough and Bold~~

Additions = **Bold and Underline**

Comments = *Italics and Underline*

Sections:

- 16.68.010 Responsibilities of applicant.**
- 16.68.020 Submittal of subdivision plat.**
- 16.68.030 Information required on plat.**
- 16.68.040 Information to accompany plat.**
- 16.68.050 Technical plat review.**
- 16.68.060 Planning Commission approval.**
- 16.68.070 Filing of final plat.**

16.68.010 Responsibilities of applicant.

Following the action of the city in approving or conditionally approving a tentative plat for a subdivision, the applicant shall be responsible for the completion of all required improvements, or the posting of adequate assurances in lieu thereof, to the satisfaction of the city, prior to transfer of title of any of the lots involved. (Ord. 740 section 10.4.40(C)(9)(a), 1984; Ord 1237, 2007)

16.68.020 Submittal of subdivision plat.

Within ~~one~~ **two** years after approval of the tentative plat, the subdivider shall cause the subdivision or any part thereof to be surveyed and a plat prepared in conformance with the tentative plat, as approved. The subdivider shall submit the original hardboard drawing, a Mylar copy, and any supplementary information to the city. If the subdivider wishes to proceed with the subdivision after the expiration of the ~~one~~ **two**-year period following the approval of the tentative plat, he must formally request an extension of time, in writing, stating the reasons therefore. The City shall review such requests and may, upon finding of good cause, allow a time extension of not more than six additional months, provided that the request for the time extension is properly filed before the end of the ~~one~~ **two**-year approval period. (Ord. 740 section 10.4.40(C)(9)(b), 1984; Ord 1237, 2007)

16.68.030 Information required on plat.

In addition to that required for the tentative plat or otherwise specified by law, the following information shall be shown on the plat:

- A.** Date, north point and scale of drawing;
- B.** Legal description of the tract boundaries;

C. Name and address of the owner or owners, subdivider, engineer or surveyor, and land planner or landscape architect;

D. Tract boundary lines, right-of-way lines of streets and lot lines with dimensions, bearings or deflection angles and radii, arcs, points or curvature and tangent bearings. All bearings and angles shall be shown to the nearest one second and all dimensions to the nearest 0.01 foot. If circular curves are proposed in the plat, the following data must be shown in tabulation form: curve radius, central angles, arc length, length and bearing of long chord. All information shown on the face of the plat shall be mathematically accurate;

E. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement of record is not definitely located, a statement of the easement shall be given. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision shall be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication;

F. Name and right-of-way width of each street or other designated rights-of-way;

G. Any building setback lines, if more restrictive than otherwise required in Division III;

H. Numbering of blocks consecutively within the subdivision and numbering of lots within each block;

I. Location and purpose for which sites, other than residential lots, are dedicated or reserved;

J. Easements and any other areas for public use dedicated without any reservation or restriction whatever;

K. A copy of any deed restrictions written on the face of the plat or prepared to record with the plat with reference on the face of the plat;

L. The following certificates which may be combined where appropriate:

1. A certificate signed and acknowledged by all parties having any record title interest in the land, consenting to the preparation and recording of the plat,

2. A certificate signed and acknowledged as above, dedicating all land intended for public use except land which is intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants.

3. A certificate with the seal of, and signed by, the engineer or the surveyor responsible for the survey and final plat,

4. Other certifications now or hereafter required by law;

M. Where any portion of the platted area is subject to inundation in the event of a one-hundred-year flood, that area shall be clearly indicated on the final plat. (Ord. 740 section 10.4.40(C)(9)(c), 1984)

16.68.040 Information to accompany plat.

The following data shall accompany the final plat:

A. A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises;

B. Sheets and drawings showing the following:

1. Traverse data including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners, and showing the error of closing, if any,

2. The computation of distances, angles, and courses shown on the plat,

3. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners and state highway stationing;

C. A copy of any deed restrictions applicable to the subdivision;

D. A copy of any dedication requiring separate documents;

E. A certificate by the city engineer that the subdivider has complied with the requirements for bonding or otherwise assured completion of required improvements; and

F. A certificate of the subdivider of the total cost or estimate of the total cost for the development of the subdivision in accordance with the provisions and requirements of this title or any other ordinance or regulation of the city relating to subdivision development. This certificate is to be accompanied by a final bid estimate of the subdivider's contractor, if there is a contractor engaged to perform the work, and the certificate of the total cost estimate must be first approved by the city engineer. (Ord. 740 section 10.4.40(C)(9)(d), 1984; Ord. 1111 section 3, 2003)

16.68.050 Technical plat review.

A. Upon receipt by the city, the plat and other data shall be reviewed to determine that the subdivision, as shown, is substantially the same as it appeared on the approved tentative plat and that there has been compliance with provisions of the law and of these regulations.

B. The City may make such checks in the field as are desirable to verify that the plat is sufficiently correct on the ground, and their representatives may enter the property for this purpose.

C. If the City determines that full conformity has not been made, the City shall advise the subdivider of the changes or additions that must be made and shall afford the subdivider an opportunity to make the changes or additions. (Ord. 740 section 10.4.40(C)(9)(e), 1984; Ord 1237, 2007)

16.68.060 Planning Commission approval.

Approval of the plat shall be indicated by the signatures of the Planning Director or their designee. After the plat has been approved by all city and county officials, one reproducible copy of all data (plat face, dedications, certificates, approvals), one copy of all plat data in a "dxf" digital format, and one copy of recorded restrictive and protective covenants shall be returned to the City Planner. (Ord. 899 section 5, 1993; Ord. 740 section 10.4.40(C)(9)(f), 1984; Ord 1237, 2007)

16.68.070 Filing of final plat.

Approval of the plat by the city, as provided by this division, shall be conditioned on its prompt recording. The subdivider shall, without delay, submit the plat to the county assessor and the county governing body for signatures, as required by Oregon Revised Statutes Chapter 92. The plat shall be prepared as provided by Oregon Revised Statutes Chapter 92. Approval of the final plat shall be null and void if the plat is not recorded within six months of the date of the signature of the Planning Director. (Ord. 740 section 10.4.40(C)(9)(g), 1984; Ord 1237, 2007)

Chapter 16.76

REQUIREMENTS

Remove = ~~Strikethrough and Bold~~

Additions = **Bold and Underline**

Comments = *Italics and Underline*

Sections:

16.76.010 Minimum requirements.

16.76.020 General requirements.

16.76.030 Standards and criteria.

16.76.040 Exceptions.

16.76.010 Minimum requirements.

The minimum requirements for a residential planned unit development shall include the following two items:

A. A minimum of fifteen percent of the gross area of the development shall be devoted to open space, and shall be located in a common area or dedicated to the public, except in the case of conversions of existing rentals to unit ownership, where the Planning Commission may permit a lesser requirement if it is found that adequate recreation facilities exist for the units.

B. The average area per dwelling unit shall not be less than that allowed within the zoning district in which the subdivision is located, unless alternative lot layout is used pursuant to ~~16.04.040(B)~~ **16.64.040(B)**. The average area shall be calculated by dividing the number of dwelling units into the gross area of the total land development, minus that area occupied by streets. The commission may grant a density bonus of not more than fifteen percent to planned unit developments where it is found that unique, beneficial design features (such as solar efficiency, recreation facilities, or other community assets) warrant such a bonus. The commission shall clearly state its findings in support of granting or denying a requested density bonus. (Ord. 740 section 10.5.50, 1984; Ord. 1338, 2010)

C. To achieve the goals of low impact development, buildings are encouraged to be clustered within the designated development area of the site. Clustering is intended to preserve open space, reduce total impervious surface area, and minimize development impacts on critical areas and associated buffers. Preservation of open space reduces potential stormwater runoff and associated impacts and provides area for dispersion, filtration and infiltration of stormwater. The arrangement of clustered buildings shall be designed to avoid development forms commonly known as linear, straight-line or highway strip patterns. (Ord. 890 section 57, 1993; Ord. 1338, 2010)

D. The use of LID best management practices in site design and development is required where site and soil conditions make it feasible option. LID practices shall meet the standards set forth in the Canby Public Works design Standards. (Ord. 1338, 2010)

16.76.020 General requirements.

Prior to development, application shall be made to the commission for site approval for all or any portion of the proposed development. Where only a portion of the development is submitted for approval, a master plan shall also be submitted indicating the intended layout for the total development. The form of the application shall follow the requirements and be subject to the standards and criteria of a subdivision or conditional use permit, depending upon whether the proposed development involves the division of property. Additional to the information which is otherwise required, the applicant shall submit accurate information on all of the following which may be applicable:

- A.** Any areas proposed to be dedicated or reserved for public parks, schools, playgrounds, or otherwise dedicated or reserved for public purposes;
- B.** Other undedicated open space set aside for the use of the residents of the development in common. Access and types of access for the open space area or areas shall be shown;
- C.** A general land use plan for the proposed subdivision indicating the areas to be used for various purposes;
- D.** Types of dwellings and site locations thereof;
- E.** Proposed locations of off-street parking areas with dimensions;
- F.** Pedestrian walks, malls and other trails, both public and private. The commission may require a complete circulation plan if warranted by the size and type of development;
- G.** The stages to be built in progression, if any;
- H.** The location of adjacent utilities intended to serve the development and a layout of the utilities within the development;
- I.** Table showing the density and lot coverage of the overall development;
- J.** Such other pertinent information as the commission may require in order to make necessary findings on the site approval. (Ord. 740 section 10.5.60(A), 1984)
- K.** A Traffic Impact Study (TIS) may be required in accordance with Section 16.08.150. (Ord. 1340, 2011)

16.76.030 Standards and criteria.

Additional to the standards and criteria listed in Divisions III and IV which are applicable to planned unit development, the following standards and criteria shall apply:

A. The site approval as acted upon by the commission shall be binding upon the developer, and variations from the plan shall be subject to approval by the commission.

B. All land within the planned unit development may be subject to contractual agreements with the city and to recorded covenants providing for compliance with the city's requirements.

C. The development of the property in the manner proposed will be in keeping with the requirements of this title, other than those provisions allowing for special treatment of PUD's.

D. The plan for the proposed development shall present a unified and organized arrangement of buildings and service facilities.

E. The development must be designed so that the land areas and buildings around the perimeter of the project do not conflict with the adjoining properties. The commission may establish special conditions for the perimeter of the development to minimize or mitigate potential conflicts.

F. Each planned unit development shall be a complete development considering all previous requirements. The commission may, in addition, require the inclusion of facilities such as special curbs, sidewalks, streetlights, storm drainage, sanitary sewers, underground power and telephone lines, landscaping and adequate easements for utilities.

G. Land which is not intended for physical development, such as buildings or street uses, may be required to remain in open space usage perpetually. Maintenance of such open space areas shall remain the responsibility of the individual owner or owners' association, in a manner outlined in the by-laws of such association.

H. The manner in which any open space or park and recreational area is to be maintained shall be submitted, along with the preliminary copy of the proposed owners' association bylaws and contractual agreements, with the preliminary subdivision. In the case of an individual owner, the commission may impose special requirements to assure long-term maintenance.

I. The Planning Commission may, and in the case of single story or townhouse structures shall, require the separation of utilities from one unit to the next.

J. In reviewing an application for the conversion of existing residential units to condominiums, the commission shall utilize the general standards as are applied to the new construction of planned unit developments. A proposed conversion which is not found to meet the standards customarily applied to planned unit developments will not be approved.

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

L. No fence/wall shall be constructed throughout a planned unit development where the effect or purpose is to wall said project off from the rest of the community unless reviewed and approved by the Planning Commission. (Ord. 740 section 10.5.60(B), 1984; Ord. 955 section 30, 1996)

16.76.040 Exceptions.

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

B. Building height shall conform to the zoning district in which the development is located.

C. Off-street parking and off-street loading requirement shall be pursuant to Division III. (Ord. 740 section 10.5.60(C), 1984)

Division VIII. – GENERAL STANDARDS

Chapter 16.88

GENERAL STANDARDS AND PROCEDURES: GENERAL, TEXT AMENDMENTS, COMPREHENSIVE PLAN AMENDMENTS, AND TRANSPORTATION PLANNING

Remove = ~~Strikethrough and Bold~~

Additions = **Bold and Underline**

Comments = *Italics and Underline*

Sections:

- 16.88.010 Applicability.
- 16.88.020 Action on application.
- 16.88.030 Applications and fees
- 16.88.040 Temporary permits.
- 16.88.050 Business license review.
- 16.88.060 Council acceptance of dedicated land.
- 16.88.080 Administration and enforcement.
- 16.88.090 Revocation of conditional use permits and variances.
- 16.88.100 Interpretation.
- 16.88.110 Penalties and civil remedies.
- 16.88.120 Enforcement procedure.
- 16.88.160 **Public officials**
- ~~16.88.160~~ 170 Amendments to text of title.
- ~~16.88.170~~ **Public officials.**
- 16.88.180 Comprehensive Plan Amendments.
- 16.88.190 Conformance with Transportation System Plan and Transportation Planning Rule

16.88.010 Applicability.

The general standards and procedures set out in this chapter apply to the regulations of all sections of this title, except as may be specifically noted. (Ord. 740 10.8.10[part), 1984)

16.88.020 Action on application.

A. Any action taken by the commission or council on any application filed pursuant to the requirements of this title shall be based upon findings of fact entered by the commission or council in making the decision. Such findings of fact shall be based upon the standards and criteria listed in the pertinent section of this title and upon such other legal requirements as may exist.

1. It is recognized that the burden of proof on all applications is upon the applicant in terms of justifying the proposal.

2. The scope of the required findings of fact shall vary with the scope of the project such that a major project requires more extensive justification than does a minor project.

(Ord. 740 section 10.8.10(A), 1984; Ord. 981 sections 54 & 55, 1997; Ord. 1080, 2001)

16.88.030 Applications and Fees

Applications for annexations, zone changes, variances, conditional use permits, design review, appeals, other permits or approvals and property divisions initiated by property owners or their agents shall be made in writing and submitted to the City Planner. Each application shall be accompanied by a fee. Said fees shall be set out by resolution approved by the City Council. Fees shall differentiate between various processes and applications and no part of which shall be refunded. (Ord. 850 sections 1 and 2, 1990; Ord. 740 section 10.8.10(B), 1984)

16.88.040 Temporary permits.

The Building Official may issue temporary permits for buildings to be used for a construction office, storage incidental to construction of buildings on the property and for signs advertising a subdivision or tract of land or the lots therein. Such permits shall be issued for a specific time period and shall include a signed statement from the applicant agreeing to remove the structure or sign at the completion of that period. (Ord. 740 section 10.8.10(C), 1984)

16.88.050 Business license review.

Applications for a business license shall be reviewed for compliance with these regulations. The administrative procedure established by the city administrator for review of business license applications shall be followed in order to assure that business operators are made aware of code requirements such as sign regulations, parking standards, and land use regulations. No business license shall be issued until it is found that the proposed business will comply with the requirements of this code. Except, however, that a change in the type of business in an area zoned for industrial use need not meet complete parking requirements unless required to do so as a part of a discretionary hearing process conducted by the commission or City Council. (Ord. 740 section 10.8.10(D), 1984)

16.88.060 Council acceptance of dedicated land.

No property shall be considered to be dedicated to the city unless first accepted as such by the council, or shown as such on a legally recorded subdivision plat which has been signed by the City. The Planning Commission is empowered to accept dedication of land for public street purposes in a subdivision only, with all other dedications being the responsibility of the council. The applicant shall be responsible for furnishing adequate title insurance for any such land to be dedicated, unless this requirement is waived by the council for good cause. (Ord. 740 section 10.8.10(E), 1984; Ord 1237, 2007)

16.88.070

(Ord. 740 section 10.8.10(F), 1984; repealed by Ord. 981 section 12, 1997)

16.88.080 Administration and enforcement.

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

B. Duty. It shall be the duty of the City Planner, with assistance from other city staff, to administer and enforce this title. (Ord. 740 section 10.8.20 (A) and (B), 1984)

16.88.090 Revocation of conditional use permits and variances.

(Ord. 740 section 10.8.20(C), 1984; Ord. 955 section 31, 1996; renumber to 16.50.070 and 16.53.030; Ord 1237, 2007)

16.88.100 Interpretation.

The provisions of this title shall be held to be the minimum requirements fulfilling its objectives. (Ord. 740 section 10.8.20(D), 1984)

16.88.110 Penalties and civil remedies.

A. Unless otherwise provided, a person who knowingly violates this title is punishable upon conviction by a fine of not more than two thousand five hundred dollars. Each day a violation exists is a separate offense and may be punished as such.

B. When costs (attorney fees, court costs, staff or consultant expenses) are accrued in the enforcement of this title, the city may institute appropriate civil action to recoup the costs from the violators.

C. In case a building or other structure is, or is proposed to be located, constructed, maintained, repaired, altered, or used in violation of this title, the building or land in violation shall constitute a nuisance, and the city may, as an alternative for enforcing these requirements, institute injunction, mandamus, abatement, or other appropriate proceedings to prevent, enjoin temporarily or permanently, abate, or remove the unlawful location, construction, maintenance, repair, alteration or use.

D. Individuals who have been victimized by illegal land development practices shall be encouraged to seek civil relief from the developers for any and all costs and inconveniences which they have suffered as a result of such illegal practices. (Ord. 830 section 14, 1989; Ord. 740 section 10.8.20(E), 1984)

16.88.120 Enforcement procedures.

A. City staff and officials will work closely with local title insurance companies, developers and members of the real estate profession to ensure fair and reasonable enforcement of these regulations.

B. Upon finding any indication of a violation of state law relative to land division, city staff shall contact the Real Estate Division of the state Department of Commerce.

C. Upon finding that the regulations of this title have apparently been violated, the City Planner shall cause the following steps to be taken:

1. A member of the staff shall attempt to contact the property owner or apparent violator, explaining the requirements of this title and type of action which the city can be expected to take if the violation is not corrected.
2. If the property owner and/or violator is willing to correct the violation, he/she shall be given a reasonable amount of time to make such corrections.
3. If the owner and/or violator cannot be reached, is reached but does not intend to comply, or fails to comply within the time limits previously agreed to, the city shall take any of the following steps which are deemed appropriate in the situation:
 - a. Record a document affecting the title of all properties involved in the violation, thereby clouding the title and stating that no further permits will be issued for the development of any of the subject property;
 - b. Withhold any and all permits for the development of the property;
 - c. Disconnect the property from city services;
 - d. Cite the individual into a court of competent jurisdiction;
4. The City Planner shall notify, by certified mail, all record owners of the property involved, stating the nature of the remedial actions which the city is taking to correct the apparent violation. (Ord. 740 section 10.8.20(F), 1984)

16.88.130

(Ord. 740 section 10.8.30, 1984; Ord. 1019 section 12, 1999; Ord. 1043 section 3, 2000; mod. & renum. to 16.89 by Ord. 1080, 2001)

16.88.135

(Ord. 955 section 32, 1996; mod. & renum. to 16.89 by Ord. 1080, 2001)

16.88.140

(Ord. 740 section 10.8.40, 1984; Ord. 981 section 13, 1997; mod. & renum. to 16.89 by Ord. 1080, 2001)

16.88.150

(Mod. & renum. to 16.53 by Ord. 1080, 2001)

16.88.160 Public officials.

The terms "City Administrator," "City Recorder," "City Engineer," "City Planner," and other references to individual employees by title, shall include any city staff member or consultant operating in an official capacity for the city. The terms are offered for the convenience of the user of this title and are not intended to impair the validity of this title. (Ord. 740 section 10.8.70, 1984)

Moved and renumbered from 16.88.170 below to separate from TA and Comp Plan standards

16.88.160 170 Amendments to text of title.

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

B. Application and Fee. Application procedures shall be as described in Chapter 16.89.

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

D. Standards and Criteria. In judging whether or not this title should be amended or changed, the Planning Commission and City Council shall consider:

1. The Comprehensive Plan of the city, and the plans and policies of the county, state, and local districts, in order to preserve functions and local aspects of land conservation and development;
2. A public need for the change;
3. Whether the proposed change will serve the public need better than any other change which might be expected to be made;
4. Whether the change will preserve and protect the health, safety and general welfare of the residents in the community;
5. Statewide planning goals.

E. Record of Amendments. The City Planner shall maintain a record of amendments to the text of this title in a form convenient for the use of the public. (Ord. 740 section 10.8.60, 1984; Ord. 981 section 15, 1997; Ord. 1080, 2001)

~~16.88.170 Public officials.~~

~~The terms "City Administrator," "City Recorder," "City Engineer," "City Planner," and other references to individual employees by title, shall include any city staff member or consultant operating in an official capacity for the city. The terms are offered for the convenience of the user of this title and are not intended to impair the validity of this title. (Ord. 740 section 10.8.70, 1984)~~

16.88.180 Comprehensive Plan Amendments

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

B. Application. Application procedures shall be as described in Chapter 16.89.

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

1. The remainder of the Comprehensive Plan of the city, and the plans and policies of the county, state, and local districts, in order to preserve functions and local aspects of land conservation and development;
2. A public need for the change;
3. Whether the proposed change will serve the public need better than any other change which might be expected to be made;
4. Whether the change will preserve and protect the health, safety and general welfare of the residents in the community;
5. Statewide planning goals.

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

1. The remainder of the Comprehensive Plan of the city, as well as the plans and policies of the county, state, or any local school or service districts which may be affected by the amendments;
2. Whether all required public facilities and services exist, or will be provided concurrent with the anticipated development of the area. (Ord. 740 section 10.8.80, 1984; Ord. 981 section 16, 1997; Ord. 1080, 2001)

E. For proposed comprehensive plan amendments, which must consider the long-term adequacy of the transportation system for TPR 660-10-060 compliance, ODOT must be consulted to determine whether a highway project is “reasonably likely to be funded” based on funding projections at that time. (Ord. 1340, 2011)

16.88.190 Conformance with Transportation System Plan and Transportation Planning Rule

A. A proposed comprehensive plan amendment, zone change or land use regulation change, whether initiated by the city or by a private interest, shall be reviewed to

determine whether it significantly affects a transportation facility, in accordance with the Transportation Planning Rule (OAR 660-012-0060). A plan or land use regulation amendment significantly affects a transportation facility if it:

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

B. Amendments to the comprehensive plan and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and performance standards (e.g., level of service, volume to capacity ratio, etc.) of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:

1. Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.
2. Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of Section – 0060 of the TPR. Such amendments shall include a funding plan or other mechanism so that the facility, improvement or service will be provided by the end of the planning period.
3. Altering land use designations, densities, or design requirements to reduce demand for vehicle travel and meet travel needs through other modes of transportation.
4. Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.
5. Providing other measures as a condition of development, including transportation system management measures, demand management or minor transportation improvements.

C. A Traffic Impact Study may be required by the City in accordance with Section 16.08.150. (Ord. 1043, section 3, 2000; Ord. 1237, 2007; Ord. 1340, 2011)

Chapter 16.89

APPLICATION AND REVIEW PROCEDURES

Remove = ~~**Strikethrough and Bold**~~

Additions = **Bold and Underline**

Comments = *Italics, Bold and Underline*

Sections:

16.89.010	Purpose.
16.89.020	Description and summary of processes.
16.89.030	Type I procedure.
16.89.040	Type II procedure.
16.89.050	Type III procedure.
16.89.060	Type IV procedure.
16.89.070	Neighborhood meetings.
16.89.080	Application requirements and completeness.
16.89.090	Modifications.
<u>16.89.100</u>	<u>Administrative Reviews</u>

16.89.010 Purpose.

The purpose of this chapter is to establish standard decision-making procedures that will enable the City, the applicant, and the public to review applications and participate in the decision-making process in a timely and effective way. (Ord. 1080, 2001)

16.89.020 Description and Summary of Processes.

All land use and development applications shall be decided by using the procedures contained in this Chapter. Specific procedures for each type of permit are contained in Sections 16.89.030 through 16.89.060. The procedure type assigned to each permit governs the decision-making process for that permit. Additional requirements may be found in the individual chapters governing each permit type. The four types of procedure are described below. Table 16.89.020 lists the City's land use and development applications and their required procedures.

A. Type I Procedure (Ministerial). Type I decisions are made by the Planning Director without public notice and without a public hearing. The Type I procedure is used when there are clear and objective approval criteria **or provisions** and applying those

criteria **or provisions** requires no use of discretion. **The appeal of a Type I Planning Director's decision is heard by the Planning Commission.**

If certain regulations are appropriate to a proposal and are not considered met by the Planning Director, the application should have the right of appeal.

B. Type II Procedure (Administrative). Type II decisions are made by the Planning Director with public notice and an opportunity for a public hearing. The appeal of a Type II decision is heard by the Planning Commission.

C. Type III Procedure (Quasi-Judicial/Legislative). Type III decisions are made by the Planning Commission after a public hearing, with appeals reviewed by the City Council. Type III procedures generally use discretionary approval criteria.

D. Type IV procedure (Council Decision). Type IV decisions generally apply to legislative matters, but include certain other applications as well. Legislative matters involve the creation, revision, or large-scale implementation of public policy (e.g., adoption of land use regulations, zone changes, and comprehensive plan amendments that apply to entire districts). Type IV matters are considered initially by the Planning Commission with final decisions made by the City Council. Annexations and certain quasi-judicial applications are also processed under the Type IV process. (Ord. 1080, 2001; Ord 1237, 2007)

TABLE 16.89.020
Land Use and Development Application Procedures

Application Type	Process Type	Notice Radius (Feet)	Neighborhood Meeting Required
Access permit to public street	I	n/a	No
<u>Administrative Review</u>	<u>I</u>	<u>n/a</u>	<u>No</u>
<u>Administrative Review</u>	<u>II</u>	<u>100</u>	<u>No</u>
Amendments to Zoning Map	IV	500	Yes
Annexation, Minor and Major	IV	500	Yes
Appeals	III	200	No
Building Permit	I	n/a	No
Comprehensive Plan Amendment	IV	500	Yes
Conditional Use Permit	III	500	No
Condominium Construct. (less than 6 units)*	I	n/a	No
Interpretation	See Section 16.05.020		

Application Type	Process Type	Notice Radius (Feet)	Neighborhood Meeting Required
Lot Line Adjustment**	II	100	No
Modification	See Section 16.89.090		
Non-Conforming Structure/Use	II	100	No
Parking Lot/Paving projects	I	n/a	No
Partition, Minor and Major	III <u>II</u>	200 <u>100</u>	No
Planned Unit Development	III	200	Yes
Sign Permit (non-SDR)	I	n/a	No
Sign Permit – Discretionary Monument Sign or A-Frame Sign Permit (16.42.040)	II	100	No
Site and Design Review – Type II	II	100	No
Site and Design Review – Type III	III	500	Yes
Site Plan Review	I	n/a	No
Temporary Permit (16.44.090)	See Chapter 16.44		
Temp. Hardship Permit (16.44.100)	II	100	No
Subdivision	III	500	Yes
Text Amendment	IV	500	Yes
Variance, Minor	II	200	No
Variance, Major	III	200	No

NOTES: * See also Chapter 16.78

** See also Chapter 16.58.

16.89.030 Type I procedure.

A. Application requirements. Type I applications shall be made on forms provided by the Planning Director. The application shall be accompanied by all required information and fees.

B. Decision requirements. The Planning Director's decision shall address all of the approval criteria. Based on the criteria and the facts contained within the record, the Planning Director shall approve, approve with conditions, or deny the requested permit or action. A written record of the decision shall be provided to the applicant and kept on file at the City.

C. Final decision. The decision shall be final on the date it is mailed or otherwise provided to the applicant, whichever occurs first. (Ord. 1080, 2001)

16.89.040 Type II procedure.

A. Preapplication conference. A preapplication conference may be required by the Planning Director for Type II applications.

B. Application requirements. Type II applications shall be made on forms provided by the Planning Director. The application shall be accompanied by all required information and fees.

C. Public notice.

1. Before making a Type II decision, the Planning Director shall mail notice meeting the requirements of state law to:

a. All owners of real property and, if the owner's address is different from the site address, all residents of property, within the distance prescribed in Table 16.89.020.

b. Any person who submits a written request to receive notice; and

c. Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the City. The City may notify other affected agencies, as appropriate, for review of the application.

d. Any application that involves access to OR 99E or that is expected to impact the state highway system must be provided to the Oregon Department of Transportation for their review and comment regarding conformance with state access management and mobility standards and requirements.

e. Any application that is expected to impact a road under the jurisdiction of Clackamas County must be provided to Clackamas County for review and comment regarding county standards.

2. Notice of any proposal that includes a new transportation facility or improvement and where these facilities or improvements included or may impact a collector or arterial street, will be sent to the ODOT and Clackamas County or any special interest transportation groups as appropriate. Special interest transportation groups could include trucking organizations, bicycles and pedestrian interest groups, and interest groups for people with disabilities. Information that should be conveyed with the notice includes the following:

a. Project location

b. Proposed land use action

c. Location of project access point(s)

3. The public notice shall allow a 10-day period for submitting written comments before a decision is made on the permit.

4. The City shall prepare an affidavit of mailing for the public notice and make the affidavit part of the application file.

D. The Planning Director shall make Type II decisions in writing addressing all of the relevant approval criteria and standards. Based upon the criteria and standards, and the facts contained within the record, the Planning Director shall approve, approve with conditions, or deny the requested permit or action.

E. Notice of Decision.

1. Within five days of making a final decision on a Type II application, a notice of decision shall be sent to:

a. All owners of real property and, if the owner's address is different from the site address, all residents of property, within the distance prescribed in Table 16.89.020;

b. Any person who submits a written request to receive notice; and

c. Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the City.

2. The notice of decision shall include information on the application, the City's decision, and a statement explaining how an appeal of the decision may be filed.

F. Effective Date. A Type II decision is final for purposes of appeal when it is mailed by the City.

G. Appeal. A Type II decision may be appealed to the Planning Commission as follows:

1. The following persons have legal standing to appeal a Type II decision:

a. The applicant;

b. Any person who was mailed notice of the decision; and

c. Any other person who participated in the proceeding by submitting written comments.

2. Procedure.

a. A Notice of Appeal shall be filed in writing, on forms provided for the purpose by the Planning Director, within 10 days of the date the Notice of Decision was mailed.

b. The Notice of Appeal shall be accompanied by all required information and fees.

c. An appeal of a Type II decision shall be made following the Type III public notice procedures, as described in Section 16.89.050.D.

d. The appeal shall be limited to the specific issues raised during the written comment period unless the hearings body allows additional evidence or testimony concerning any other relevant issue. The hearings body may allow additional evidence if it determines that such evidence is necessary to resolve the case. The purpose of this requirement is to limit the scope of Type II appeals by encouraging persons to submit specific concerns in writing during the comment period. Only in extraordinary circumstances should new issues be considered by the hearings body on appeal of a Type II decision.

3. The decision of the Planning Commission regarding an appeal of a Type II decision is the final decision of the City unless appealed to the City Council. An appeal to the City Council shall follow the same notification and hearing procedures as for the appeal of the staff decision.

H. Any decision or interpretation of this title made by staff that is not a Type II decision may be appealed to the Planning Commission without fee, provided that such appeal is filed in writing within ten days of the staff decision. Such appeals shall be heard as a new business item. The Planning Commission's decision on such appeals may be appealed to the City Council following the Type III public notice procedures, as described in Section 16.89.050.D. (Ord. 1080, 2001; Ord 1237, 2007; Ord. 1340, 2011)

16.89.050 Type III Decision.

A. Pre-application conference. A pre-application conference may be required by the Planning Director for Type III applications.

B. Neighborhood meetings. As directed in Table 16.89.020, the applicant may be required to present their development proposal at a neighborhood meeting before the City accepts the application as complete. See Section 16.89.070.

C. Application requirements. Type III applications shall be made on forms provided by the Planning Director. The application shall be accompanied by all required information and fees.

D. Public notice.

1. At least 20 days prior to a public hearing on a Type III decision or a Type II appeal decision, the Planning Director shall mail notice meeting the requirements of state law to:

- a.** All owners of real property and, if the owner's address is different from the site address, all residents of property, within the distance prescribed in Table 16.89.020;
- b.** The appointed chair of any neighborhood association whose boundaries include the subject property;
- c.** Any person who submits a written request to receive notice; and
- d.** Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the City.
- e.** For appeals, the appellant and all persons who provided testimony.

2. Notice of any proposal that includes a new transportation facility or improvement, and where these facilities or improvements included or may impact a collector or arterial street, will be sent to the ODOT and Clackamas County or any special interest transportation groups as appropriate. Special interest transportation groups could include trucking organizations, bicycle and pedestrian interest groups, and interest groups for people with disabilities. Information that should be conveyed with the notice includes the following:

- a.** Project location
- b.** Proposed land use action
- c.** Location of project access point(s)

3. The City shall prepare an affidavit of mailing for the public notice and make the affidavit part of the application file. Failure of any individual to receive notice as prescribed in this section does not invalidate the proceedings.

4. Written notice shall be published in a newspaper of general circulation in Canby once in either of the two consecutive weeks prior to the hearing.

5. At least ten (10) days before the hearing, written notice shall be posted at City Hall and such other conspicuous locations as the Council may determine to be appropriate.

6. At least ten (10) days before the hearing, the applicant shall post notice of the hearing on the property as directed by the Planning Director.

7. The Planning Director may expand the notice area or take other steps to assure that affected property owners or residents are made aware of the pending public hearing.

8. Any application that involves access to the state highway system must be provided to the Oregon Department of Transportation for their review and comment regarding conformance with state access management standards and requirements.

E. Conduct of public hearing.

1. In all evidentiary hearings required by this title the following procedures shall be followed:

a. All interested persons in attendance shall be heard on the matter of hearing, and this fact shall be communicated to those in attendance;

b. A summary of the application or other matter for hearing shall be given by the presiding officer or their designee;

c. The staff report shall be made followed by questions, if any, of the staff by the hearings body;

d. The public hearing shall be opened and testimony shall be received in the following order:

i. Applicant;

ii. Proponents;

iii. Opponents; and

iv. Rebuttal by proponents or applicant;

e. Close public hearing;

f. Questions and discussion by hearing body;

g. Decision by the hearing body except that further discussions, decision, or reopening of the public hearing may be postponed to another meeting, the time, date, and place of which shall be announced before adjournment.

2. All persons who speak at the hearing shall identify themselves by name, address, and interest in the matter. Attorneys or other agents shall be allowed to speak on behalf of all participants.

3. Physical evidence in the form of written documents, photographs, or other exhibits may be accepted by the hearing body if deemed to be pertinent.

4. A record made at any prior evidentiary hearing may be accepted, considered, and used by the hearing body at any subsequent hearing, and said body, by majority vote of a quorum present, may deny to accept or hear any repetitious matter.

5. The hearing body may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested. Upon recessing for these purposes, the hearing body shall announce the time and date when the hearing will be resumed.

6. Before the conclusion of the initial evidentiary hearing, any participant may ask the hearings body for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing. The hearings body shall grant the request by scheduling a date to finish the hearing as follows:

a. If the hearings body grants a continuance, the completion of the hearing shall be continued to a date, time, and place at least seven days after the date of the first evidentiary hearing. An opportunity shall be provided at the second hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the second hearing, any person may request, before the conclusion of the second hearing, that the record be left open for at least seven days, so that they can submit additional written evidence or testimony in response to the new written evidence; or

b. If the hearings body leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven days after the hearing. Any participant may ask the City in writing for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the hearings body shall reopen the record as follows:

i. When the hearings body re-opens the record to admit new evidence or testimony, any person may raise new issues which relate to that new evidence or testimony.

ii. An extension of the hearing or record granted pursuant to this subsection is subject to the limitations of ORS 227.178 (120-day rule), unless the continuance or extension is requested or agreed to by the applicant.

iii. If requested by the applicant, the City shall allow the applicant at least seven days after the record is closed to all other persons to submit final written arguments in support of the application, unless the applicant expressly waives this right. The applicant's final submittal shall be part of the record but shall not include any new evidence.

F. Decision process.

1. Approval or denial of a Type III decision or appeal of a Type II decision shall be based on standards and criteria located in the code.
2. The hearings body shall issue a final written order containing findings and conclusions that approve, approve with conditions, or deny the application.
3. The written decision shall explain the relevant criteria and standards, state the facts relied upon in rendering the decision, and justify the decision according to the criteria, standards, and facts.
4. In cases involving attorneys, the prevailing attorney shall prepare the findings, conclusions, and final order. Staff shall review and, if necessary, revise, these materials prior to submittal to the hearings body.

G. Notice of Decision.

1. The written findings shall be sent to:
 - a. Any person who submits a written request to receive notice, provides written comments during the application review period, or provides written or oral testimony in the public hearing;
 - b. The applicant and owner of the subject property;
 - c. Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the City.
2. The written findings shall include information on the application, the City's decision, and a statement explaining how an appeal of the decision may be filed.

H. Effective Date. A Type III decision is final for purposes of appeal when it is mailed by the City.

I. Appeal. The Planning Commission's decision on a Type III decision or Type II appeal may be appealed to the City Council as follows:

1. The following have legal standing to appeal:
 - a. The applicant;
 - b. Any person who was mailed notice of the decision;
 - c. Any other person who participated in the proceeding by testifying or submitting written comments; and
 - d. The City Council, on its own motion.

2. Procedure.

a. A Notice of Appeal shall be filed in writing, on forms provided for the purpose by the Planning Director, within 10 days of the date the Notice of Decision was mailed.

b. The Notice of Appeal shall be accompanied by all required information and fees.

c. The appeal shall be limited to the specific issues raised during the comment period and public hearing process unless the hearings body allows additional evidence or testimony concerning any other relevant issue. The hearings body may allow additional evidence if it determines that such evidence is necessary to resolve the case. The purpose of this requirement is to limit the scope of appeals by encouraging persons to be involved in the public hearing. Only in extraordinary circumstances should new issues be considered by the hearings body on an appeal.

3. The City Council shall overturn the decision of the Planning Commission only when one or more of the following findings are made:

a. That the Commission did not correctly interpret the requirements of this title, the Comprehensive Plan, or other requirements of law;

b. That the Commission did not observe the precepts of good planning as interpreted by the Council; or

c. That the Commission did not adequately consider all of the information which was pertinent to the case.

4. The Council's action on an appeal shall be governed by the same general regulations, standards, and criteria as apply to the Commission in the original consideration of the application.

J. Any decision of the Planning Commission may be appealed to the City Council unless otherwise specified in this Title. Such appeals will be processed using the Type III procedures unless otherwise specified in this Title.

K. The decision of the City Council regarding a Type IV decision, appeal of a Planning Commission decision, or any other process contained within this title, is the final decision of the City. (Ord. 1080, 2001; Ord. 1111 section 5, 2003; Ord 1237, 2007)

16.89.060 Type IV decision.

For certain applications, the City Council makes a final decision after a recommendation by the Planning Commission. These application types are referred to as Type IV decisions.

A. Pre-application conference. A pre-application conference may be required by the Planning Director for Type IV applications.

B. Neighborhood meetings. The applicant may be required to present their development proposal at a neighborhood meeting (see Section 16.89.070). Table 16.89.020 sets the minimum guidelines for neighborhood review but the Planning Director may require other applications to go through neighborhood review as well.

C. Application requirements. Type IV applications shall be made on forms provided by the Planning Director. The application shall be accompanied by all required information and fees.

D. Public notice and hearings. The public notice and hearings process for the Planning Commission's review of Type IV applications shall follow that for Type III applications, as provided in subsections 16.89.050.D and 16.89.050.E.

E. Decision process.

1. Approval or denial of a Type IV decision shall be based on the standards and criteria located in the code.
2. The hearings body shall issue a final written order containing findings and conclusions recommending that the City Council approve, approve with conditions, or deny the application.
3. The written decision shall explain the relevant criteria and standards, state the facts relied upon in rendering the decision, and justify the decision according to the criteria, standards, and facts.
4. In cases involving attorneys, the prevailing attorney shall prepare the findings, conclusions, and final order. Staff shall review and, if necessary, revise, these materials prior to submittal to the hearings body.

F. City Council proceedings:

1. Upon receipt of the record of the Planning Commission proceedings, and the recommendation of the Commission, the City Council shall conduct a review of that record and shall vote to approve, approve with conditions, or deny the recommendation of the Planning Commission.
2. The City Council may question those individuals who were a party to the public hearing conducted by the Planning Commission if the Commission's record appears to be lacking sufficient information to allow for a decision by the Council. The Council shall hear arguments based solely on the record of the Commission.
3. The City Council may choose to conduct public hearings on Comprehensive Plan amendments, amendments to the text of this title, zone map amendments, and annexations. If the Council elects to conduct such hearings, it may do so in

joint session with the Planning Commission or after receiving the written record of the Commission. (Ord. 1080, 2001)

16.89.070 Neighborhood Meetings.

A. Applicants are encouraged to meet with adjacent property owners and neighborhood representatives prior to submitting their application in order to solicit input, identify issues, and exchange information about the proposed meeting.

B. The Planning Commission or Planning Director may require an applicant to hold a meeting in the neighborhood prior to accepting an application as complete. A neighborhood meeting is required for some application types, as shown in Table 16.89.020, unless this requirement is waived by the Planning Director.

C. At least two weeks prior to the neighborhood meeting, the applicant shall mail notice of the meeting to:

1. The appointed chair ~~and all active members~~ of any neighborhood association in whose boundaries the application lies; and
2. All of those who would receive notice of the application's public hearing before the Planning Commission.

D. The meeting shall be held in a fully accessible location approved by the City.

E. Following a required neighborhood meeting, applicants shall prepare a written summary of pertinent issues raised and shall prepare a detailed response to each issue. This material shall be submitted to the Planning Department in electronic format at least two weeks before the initial public hearing.

F. Applicants or attendees may make audio or video recordings of the neighborhood meeting if desired. (Ord. 1080, 2001; Ord. 1111 section 5, 2003; Ord 1237, 2007)

16.89.080 Application Requirements and Completeness.

A. Submittal. Applications for land use and development permits shall be filed on forms provided by the purpose by the Planning Director. The application shall be made with all required information and fees.

B. Fees. Fees shall be set out by resolution adopted by the City Council. Fees shall differentiate between various processes and applications and no part of the fee shall be refunded unless approved by the Planning Director.

C. Amendments to forms. Application forms may be amended by the Planning Director. The Planning Commission shall first review and approve all proposed amendments as New Business Items.

D. Completeness. In reviewing an application for completeness, the following procedure shall be used:

1. When an application is received by the City, the Planning Director shall immediately determine whether the following essential items are present. If they are not, the Planning Director may choose not to accept the application, in which case the application shall be immediately returned to the applicant:

- a. The required form;
- b. The required fee; and
- c. The signature of the applicant on the form, and signed written authorization of the property owner of record if the applicant is not the owner.

2. Completeness.

a. After the application is accepted, the Planning Director shall review the application for completeness. If the application is incomplete, the Planning Director shall notify the applicant in writing exactly what information is missing within thirty (30) days of the application and allow the applicant 180 days to submit the missing information;

b. In accordance with the application submittal requirements, the application shall be deemed complete upon the receipt by the Planning Director of all required information. The applicant shall have the option of withdrawing the application or refusing to submit information requested under (a), above. For the refusal to be valid, it shall be made in writing and received by the Planning Director no later than fourteen (14) days after the date on the letter of incompleteness. If the applicant refuses in writing to submit the missing information, the application shall be deemed complete for the purposes of processing on the 31st day after first acceptance of the application.

E. The City shall take final action on permit applications which are subject to this chapter, including resolution of all appeals, within 120 days from the date the application is deemed complete. Any exceptions to this rule shall conform to the provisions of ORS 227.178. This 120-day rule does not apply to legislative comprehensive plan and text amendment applications as defined under ORS 227.178.

F. Standards and criteria. Approval or denial of a complete application shall be based upon the standards and criteria that were applicable at the time the application was first accepted. (Ord. 1080, 2001)

16.89.090 Modifications.

Any proposed modification to previously approved land use applications, including site plans, elevations, or conditions of approval, shall be reviewed by the Planning Director to determine if they are minor, intermediate, or major. Factors to be considered in this determination include the date of the original application, the impact on neighboring properties, and the impact on public service provision. Modifications shall be processed as indicated in

subsections A through D below. Modification applications shall be made on forms provided for the purpose by the Planning Director.

A. Minor Modification. Minor modifications have a negligible impact on an approved site plan, land use decision, or condition of approval. The Planning Director will review all minor modifications under the Type I process.

B. Intermediate Modification. Intermediate modifications are those that do not fit the definitions in 16.89.090(A) or (C). The Planning Director will review intermediate modifications under the Type II process. If the Planning Director approves an intermediate modification, notice of the decision will be made in accordance with the Type II process. The individuals noticed may obtain a public hearing on the issue by filing a request in writing within ten days of the notice mailing date. Any additional costs of such hearings shall be paid by the modification applicant. Hearing notice shall follow the requirements of the procedure type of the original application.

C. Major Modification. Any modification that would result in a substantial impact to an approved site plan, land use decision, or condition of approval is a major modification. Major modifications shall be processed using the procedure type of the original application.

D. Modification criteria. Modification applications shall be evaluated based on the criteria pertaining to the original application being modified. (Ord. 1111, 2003; Ord 1237, 2007)

A Type I and Type II Administrative Review Application is added under TABLE 16.89.020 Land Use and Development Application Procedures. The application allows the Planning Director a ministerial or administrative process to address certain uses with clear and objective standards, and that may sometimes be even permitted in the zone but are subject to review criteria, standards, or regulations and require a review of additional information or requirements, such as license, registration, or permits from State, Federal, County, or other agencies. These documents should be provided to the City for verification and coordination with the other agencies. For example, Residential Facility is a permitted use but requires licenses from agencies that should be verified by the City before operating in a residential neighborhood. The appeal process is still available to the public. An administrative review procedure is established under 16.89.100 below.

16.89.100 Administrative Reviews.

Where a determination about a proposed use, structure or the legality of a parcel cannot be made without interpretation or the exercise of factual, policy or legal judgment, the proposed use, structure, or the legality of a lot or parcel may be reviewed as an administrative review subject to submittal of an application as provided in this chapter. The administrative review procedures, as provided below, shall be followed in making these decisions.

A. The decision shall be made on the basis of the applicable city comprehensive plan and applicable standards and criteria in the City Of Canby land development and planning ordinance. The Planning Director or

designee may attach any conditions of approval deemed necessary to ensure conformance of the use, structure, lot or parcel to the standards or criteria. Administrative Review Applications may be submitted and shall be signed as required in this chapter. Notwithstanding any other provisions of this title, the Planning Director or designee may forward any land use permit or application to the planning commission for a public hearing and initial decision.

B. Notice of a decision shall be sent to the applicant, the owner(s) of the subject property, the co-tenants if the subject property is owned by tenants in common, and all property owners within the notification area prescribed by this chapter or as required by state law or administrative rule.

C. The applicant or any persons aggrieved or affected by the decision may file a request for a hearing to the City Planning Department within 10 days of the date the decision was rendered. The request must follow procedures in Sections 16.89.030 and 040.

D. The applicant may file a request for reconsideration without a hearing to the Planning Department within 10 days of the date the decision was rendered. The request must be in writing and received in the Planning Department office prior to the decision being final, and should explain wherein the decision is factually or legally incorrect, or state new facts material to the decision that were not available to the Planning Director, or propose modifications that will better conform the proposal to the requirements of this title. The request for reconsideration shall include a signed 30-day waiver of the 120-day time limit in the Oregon Revised Statutes.

Applicants shall be limited to one request for reconsideration per application. The Planning Director shall reconsider the matter and provide notice to the person requesting reconsideration and as required in subsection (B) of this section.

E. When reconsideration has been requested, the decision is stayed until final action is taken.

ORDINANCE NO. 1520

AN ORDINANCE, AMENDING THE CANBY LAND DEVELOPMENT AND PLANNING ORDINANCE, TITLE 16, OF THE CANBY MUNICIPAL CODE.

WHEREAS, city staff propose a legislative text amendment to Chapter 16.08, *General Provisions*, Section 16.08.140 *Temporary Vendor* of the Canby Land Development and Planning Ordinance; Title 16 of the Canby Municipal Code (CMC); and

WHEREAS, the text amendment specifically amends the language to grant an additional 90 day duration, thereby allowing a permit holder to conduct business on a temporary basis for up to 270 days within one calendar year (12 consecutive months); and

WHEREAS, a public hearing was conducted by the Canby Planning Commission on August 12, 2019 after public notices were mailed, posted and published in the Canby Herald, as required by law; and

WHEREAS, the Canby Planning Commission found that the standards and criteria of Section 16.88.160 and 16.88.180 of the Land Development and Planning Ordinance concerning Text Amendments were met, and recommended approval to the City Council on a 6-0 vote as specified in their Findings and Final Order; and

WHEREAS, the Canby City Council considered the matter and the recommendation of the Planning Commission following a public hearing held at its regular meeting on September 4, 2019; and

WHEREAS, the Canby City Council, after reviewing the record of the Canby Planning Commission regarding the subject amendment, concluded that the Planning Commission's findings of fact and the amendment is appropriate as recommend; and,

WHEREAS, the written Findings, Conclusions and Order of the Council action is to be approved by the City Council at the next regular Council meeting on September 18, 2019; and

NOW, THEREFORE, THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. It is hereby proclaimed by the City Council of Canby that the text of Section 16.08.140 *Temporary Vendor* of the Canby Land Development and Planning Ordinance; Title 16 of the Canby Municipal Code (CMC), is amended as indicated in Exhibit "A" attached hereto.

SUBMITTED to the Council and read the first time at a regular meeting thereof on September 4, 2019 and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter, and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on September 18, 2019, commencing at the hour of 7:00 PM at the Council Meeting Chambers located at 222 NE 2nd Avenue, Canby, Oregon.

Rick Robinson,
City Recorder Pro-Tem

PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on September 18, 2019 by the following vote:

YEAS _____ NAYS _____

Brian Hodson
Mayor

ATTEST:

Rick Robinson,
City Recorder Pro-Tem

DIVISION III. – ZONING

Chapter 16.08

GENERAL PROVISIONS

Sections:

- 16.08.010 Compliance with title.**
- 16.08.020 Zoning map.**
- 16.08.030 Zone boundaries.**
- 16.08.040 Zoning of annexed areas.**
- 16.08.050 Prohibited parking.**
- 16.08.070 Illegally created lots.**
- 16.08.080 Area and yard reductions.**
- 16.08.090 Sidewalks required.**
- 16.08.100 Height allowances.**
- 16.08.110 Fences.**
- 16.08.120 Siting and review process for
Wireless Telecommunications Systems Facilities.**
- 16.08.130 Standard transportation improvements.**
- 16.08.140 Temporary vendor.**
- 16.08.150 Traffic Impact Study (TIS).**
- 16.08.160 Safety and Functionality Standards**

16.08.010 Compliance with title.

No building, structure, or land shall hereafter be used or occupied, and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered contrary to the provisions of this title. No lot area, yard, or required off-street parking or loading area existing on or after the effective date of the ordinance codified in this title shall be reduced in area, dimension, or size below the minimums required by this title, nor shall any lot area, yard, or required off-street parking or loading area that is required by this title for one use be used to satisfy the lot area, yard, off-street parking or loading area requirement for any other use, except as may be provided in this title. (Ord. 740 section 10.3.05(A), 1984)

16.08.140 Temporary vendor.

Any person who exhibits goods or services for sale or for offer in a temporary manner on private property, from a vehicle, trailer, tent, canopy, shipping container, or other temporary structure, or from one's person or displayed on the ground or off the ground, shall first obtain permit approval in compliance with the following standards, and shall operate in compliance with this section and with all other applicable sections of the Canby Municipal Code.

A. Exemptions. The following temporary activities do not require a Temporary Vendor permit, and are exempt from the standards in this section:

1. Any person engaged in the mere delivery of any goods or services to a site, which were purchased from a regular place of business inside or outside the city;
2. Any person engaged in delivery, exhibition, sale or offering of food on a site for a period of time not to exceed 2 hours during any 24 hour period;
3. Any contractor who is engaged in constructing, maintaining, or repairing a structure, utility, equipment, or landscaping on a site; or
4. Any person conducting a garage sale per Section 5.04.020.

B. Permit process.

1. A request for a Temporary Vendor permit shall be processed as a Type I decision pursuant to the procedures set forth in Chapter 16.89. A Temporary Vendor permit applicant shall demonstrate that the proposed activity meets all fire and life safety codes, and is in compliance with this section and with all other applicable sections of the Canby Municipal Code.
2. An application for a Temporary Vendor permit shall include a site plan drawn to scale, which includes all existing lot lines, setbacks, structures, landscaped areas, paved areas, and parking and loading spaces; and illustrates the proposed location and layout of all the Temporary Vendor's structures, equipment, furnishings, signage, and inventory.
3. The Temporary Vendor activity (e.g., retail, restaurant, etc) shall be an outright permitted use in the zoning district in which it is located; Or if the use is conditionally permitted in the zoning district, a Conditional Use Permit approval shall be required prior to issuance of a Temporary Vendor permit.
4. A "Site and Design Review" permit is not required for a permitted Temporary Vendor.

5. Any signage displayed by the Temporary Vendor must be in compliance with Chapter 16.42 sign standards, and all required Sign permits must be obtained.

6. A Temporary Vendor must obtain a City of Canby business license.

C. Duration. A Temporary Vendor permit may be granted for a site for up to 90 consecutive calendar days, and then may be renewed ~~once~~ **twice** upon request for an additional 90 days, provided that the temporary vendor activity has been conducted in compliance with all applicable codes, and no public safety incidents have occurred on the site related to the temporary vendor activity. In no case shall a site be permitted to host Temporary Vendor activity for more than ~~180~~ **270** days in any 12 month period.

D. A Temporary Vendor shall be located on a paved surface with adequate vehicular and pedestrian ingress and egress, in compliance with Section 16.10.070. Inventory and equipment shall not be displayed or stored in any landscaped areas.

E. A Temporary Vendor shall comply with all required development standards, such as height limitations, setbacks, vision clearance areas, and applicable conditions of any previous land use decisions for the site.

F. Equipment such as trash cans, fuel tanks, or generators shall be screened such that it is not visible from any abutting public right-of-way.

G. A Temporary Vendor shall not displace any vehicle parking spaces that are required to meet the minimum off-street parking requirements of another use on site or on a nearby site. A Temporary Vendor shall not encroach into required loading space areas, driveways, or vehicle maneuvering areas.

H. A Temporary Vendor that displaces one or more vehicle parking spaces is prohibited for any site that:

1. Is non-conforming in terms of meeting minimum required vehicle parking or loading space requirements; or

2. Has been granted a vehicle parking exception, and currently has less than the required minimum number of off-street vehicle parking spaces.

I. The property owner and the temporary vendor permit holder shall be jointly and ~~severably~~ **severally** responsible for any violation of this section or other applicable sections of the Canby Municipal Code. Any such violation may result in the immediate revocation or non-renewal of a temporary vendor permit, and may result in the denial of any future temporary vendor permit for the site upon which the violation occurred. (Ord 1315, 2009)



CPA/TA 19-01
(City of Canby)

City Council Packet Page 356 of 362

FINDINGS AND REASONS

The staff report was presented, and written and oral testimony was received at the Council public hearing. After hearing public testimony and reviewing the record of the Canby Planning Commission regarding the subject amendments, the City Council closed the public hearing. The Council requested staff provide additional clarification for the text amendment to Title 16 of the Canby Municipal Code regarding the State definitions of Residential Facility and Residential Home and where those uses would be permitted outright within the City versus by conditional use permit. The Council made no additional findings beyond those contained in the staff report and the clarification to staff noted above, to arrive at their decision and support their recommendation.

CONCLUSION

In summary, the City Council adopted the findings contained in the staff report, utilizing the revised text amendment language provided by staff attached to the July 8, 2019 Supplemental Memorandum to the Planning Commission, as well as clarification of the State definitions found in Oregon Revised Statutes (ORS) 197 and 443 regarding Residential Facilities and Residential Homes.

ORDER

Based on the application submitted and the facts, findings, and conclusions of the staff report, and from the public hearing, and the Planning Commission's recommendation, the City Council **APPROVES** Legislative and Quasi-Judicial Amendment City File# CPA/TA 19-01 as indicated with the additional findings as noted herein.

1. The revisions indicated within the Findings and Final Order of the Planning Commission for CPA/TA 19-01; and,
2. Utilization of staff's revised text amendment language for the 3 topic area amendments recommended for adoption which are attached to the July 8 Supplemental Memorandum to the Planning Commission; and,
3. Not approving any proposed amendment to address providing an exception to the 15' buffer requirement pertaining to certain multiple family development.

I CERTIFY THAT THIS ORDER approving City File# CPA/TA 19-01 was presented to and APPROVED by the City Council of the City of Canby.

DATED this 4th day of September, 2019.

Brian Hodson
Mayor

Bryan Brown
Planning Director

ORAL DECISION – August 7, 2019

CPA /TA 19-01 Chapter 16 Code Improvements Findings, Conclusion and Final Order
Page 2 of 3

EMPLOYMENT AGREEMENT
Between the City of Canby (CITY) and Scott D. McClure (EMPLOYEE)

THIS EMPLOYMENT AGREEMENT (“AGREEMENT”) is made and entered into this ____ day of _____ by and between the City Council/City of Canby, Oregon (“CITY”), and Scott D. McClure (“EMPLOYEE”) both of whom understand as follows:

WHEREAS, CITY desires to employ the services of Scott D. McClure as City Administrator of the City of Canby, Oregon; and,

WHEREAS, it is the desire of the Mayor and City Council to establish certain conditions of employment, establish certain benefits, and to set working conditions of said EMPLOYEE; and,

WHEREAS, EMPLOYEE desires to continue employment as City Administrator of the City of Canby,

NOW THEREFORE, in consideration of the mutual covenants herein contained, the parties agree as follows:

Section 1

Appointment, Removal and Supervision

The City Council has the sole authority to appoint, remove, and supervise Employee. Employee serves at the pleasure of the City Council and may be removed by the City Council at any time without cause. While not less than thirty (30) days written notice is preferred, either Employee or the City Council may terminate the Employee’s employment relationship with City at any time with or without cause and, except as provided below, no contingent severance is to be paid.

Section 2

Duties

Employee is employed as City Administrator to perform the functions and duties specified in City Charter and the job description for the position and to perform such other duties as the City Council may assign from time to time.

Section 3

Term of Employment

Employee shall be employed commencing on October 7, 2019 and such employment shall continue until Employee resigns, retires, or separates from the position; or until termination by the City Council.

Section 4

Termination/Severance Pay

4.1 The City Council may terminate Employee’s employment relationship at any time without cause effective on a date set by the City Council by giving Employee written notice of such termination and effective date. From the date of such notice, City may suspend any or all of Employee’s authority to act as an agent or employee of City and any or all of Employee’s responsibilities in his position. Serving of such written notice shall be accomplished by hand delivery or by mailing to Employee’s last recorded home address.

4.2 If Employee is willing and able to perform the duties of the position and is involuntarily terminated without cause, Employee will be offered an amount equivalent to six (6) months' base salary and six (6) months' of employee only health coverage continuation as severance; if and only if Employee agrees to and signs a Waiver and Release of all claims he has or might have against the City. Severance does not include any other benefits or compensation in effect at the time notice is served of involuntary termination. Severance shall be paid in one lump sum within three (3) business days of the effective date of separation and receipt of signed Waiver and Release of all claims.

This contingent severance offer supersedes any and all other severance or layoff policies of City.

4.3 If the City Council terminates Employee's employment for cause, Employee is not entitled to the contingent severance provided in Section 4.2. The term "cause" is defined as the following: Any act or omission that is: a breach of the Employee's obligations to City, personal dishonesty, incompetence, willful misconduct, breach of fiduciary duty, intentional failure to perform stated duties, willful violation of any law, rule, or regulation (other than traffic violations or similar offenses) or final cease-and-desist order.

The City Council shall inform Employee in writing of the reasons for Employee's termination for cause and provide an opportunity for Employee to respond. Following this response, and after consideration of the response, the City Council may withdraw the charges, proceed with other appropriate disciplinary actions, or discharge Employee. Employee shall be entitled to a written statement of the findings of the City Council in the event of discipline or discharge.

4.4 In the event Employee resigns voluntarily, City shall have no duty to pay the severance award described in Section 4.2.

4.5 The parties understand and agree that by entering into this Agreement they are waiving all rights to any City code, rule, policy or process for discipline or termination of employment.

Section 5 Compensation

City agrees to pay Employee an annual base salary of one-hundred and fifty thousand dollars (\$150,000) payable in installments at the same time as other City employees are paid. The City Council will develop 3-5 goals for Employee which will be reviewed at a performance evaluation after six months of employment. Performance will be reviewed annually thereafter, based on Employee's date of hire. Salary adjustments will be considered annually based on merit, budget, and completion of a satisfactory performance evaluation and approval by the City Council.

Employee shall be eligible for a cost of living adjustment effective the first full pay period in July, consistent with other City of Canby non-represented, exempt management employees.

Section 6 Hours of Work

Employee will devote services to the City during normal office hours and will be required to devote additional time to the City's business from time to time, such as attendance at City Council meetings and community events. In recognition of additional hours worked and in lieu of overtime, Employee will be credited with fifty-five (55) hours of administrative leave annually. Admin leave is use-it-or-lose-it and does not accrue or roll over year to year. Admin leave is pro-rated at hire based on date of hire.

Section 7

Outside Activities

Subject to the approval of the City Council, Employee may spend a reasonable amount of time teaching or consulting outside of the City organization. Employee agrees that any outside business or civic activities shall be performed without the use of any City resources and shall not interfere or conflict with Employee's duties and employment with City. Employee further agrees that any outside business or civic activity shall be consistent with the requirements of Oregon's government ethics laws, the City Charter and Code, and City and departmental Administrative Policies and Procedures.

Section 8

Automobile/Cell Phone

Employee shall have the use of an automobile provided by City to be used for City-related business only, at City's expense. City will provide Employee with a seventy-five dollar (\$75.00) monthly cell phone stipend in accordance with the City's Cell Phone Stipend Policy.

Section 9

Dues, Subscriptions and Professional Development

Subject to the City Council's prior approval and available budget, City agrees to pay for official travel, professional dues, and subscriptions of Employee necessary for the continuation and participation of Employee in national, regional, state, or local organizations and associations necessary for Employee's continued professional growth and advancement.

Section 10

Reimbursed Expenses

Subject to approval by the City Council, City may reimburse Employee for expenses of a non-personal and job-related nature as they are incurred. Reimbursement shall be made upon presentation of expense vouchers, receipts, and/or statements. The City of Canby refers to GSA rules and rates for business travel.

Employee will have six (6) months' to relocate within the Canby city limits. If not relocated after six (6) months, the City Council will revisit at the six (6) month performance review and may extend relocation requirement based on circumstances. Employee shall be eligible for a one-time, lump sum reimbursement of relocation expenses in an amount not to exceed \$2,000 for relocation within the first twelve (12) months of hire. The lump sum payment shall be made through payroll on the first pay period following receipt and acceptance of relocation receipts.

Section 11

Service Club Membership

Subject to the City Council's prior approval and available budget, Employee may become a member of two Canby service clubs or community organizations at City's expense (such as Chamber, Kiwanis, Lyons, Rotary).

Section 12

Vacation/Sick Leave/Holidays

Employee shall be credited with a lump sum of forty (40) hours of vacation at the time of hire. Additionally, Employee shall begin accruing vacation at the time of hire at the accrual rate of 120 hours annually (the accrual rate per pay period is the annual rate divided by the total number of pay periods). Maximum accrual limit is five hundred (500) hours. Accrued but unused vacation hours shall be paid at termination only after Employee has completed six (6) months of employment.

Employee shall begin accruing sick leave at the time of hire. Employee shall accrue ninety six (96) hours of sick leave annually (the accrual rate per pay period is the annual rate divided by the total number of pay periods). Employee may utilize accrued sick leave benefits after completion of ninety (90) days of employment.

Upon retirement under the City's retirement plan, employee shall be compensated for fifty percent (50%) of his accumulated but unused sick leave. The number of hours of sick leave for which compensation is provided shall not exceed five hundred (500). *Refer to Section 13 – HRA/VEBA for additional information on sick leave payout upon retirement.*

The City will allow Employee to take family and medical leave in accordance with State and Federal law. Employee shall utilize all accrued paid leave in excess of sixty (60) hours prior to taking unpaid leave.

Unless otherwise required by law, and subject to the preceding paragraph, the order of leave Employee must use for qualifying OFLA/FMLA absences is (1) accrued sick leave until exhausted; (2) accrued vacation leave, admin leave and/or personal holiday time until exhausted; and (3) unpaid leave.

City agrees to provide Employee with the same holidays and paid leave benefits as provided to other exempt, non-represented management employees, except as provided in this Agreement.

Section 13

HRA / VEBA

Health Reimbursement Arrangement/Voluntary Employee Benefit Association: City agrees to provide Employee with VEBA benefits as provided to other non-represented, exempt management employees, except as provided in this Agreement. For the 2019-2020 fiscal year, funding methods include; (1) Employee contribution of \$150 per month, and (2) eligible sick leave payout upon retirement from the City of Canby.

Section 14

Life, Disability and Health Insurance

City agrees to provide Employee with health, life and long term disability insurance benefits as provided to other non-represented, exempt management employees, except as provided in this Agreement.

City will provide Worker's Compensation insurance. This type of insurance covers employees in case of on-the-job injuries or job-related illnesses.

AFLAC benefits will be made available to Employee at Employee's option. Participation in AFLAC is voluntary and the City will not contribute towards AFLAC insurance benefits.

Section 15

Retirement

The City of Canby participates in the Public Employees Retirement System (PERS) and Oregon Public Service Retirement Plan (OPSRP). City will pay the Employee's share of 6% of employee's salary into the plan.

Employee will have the option of participating in a deferred compensation plan sponsored by City. This plan is voluntary and at the sole expense of Employee.

Section 16
Professional Liability

City agrees to defend, hold harmless, and indemnify Employee on any and all claims brought against Employee arising out of Employee's actions within the course and scope of the employment relationship with City.

Section 17
Modification or Amendment

No amendment, change, or modification of this Agreement shall be valid, unless in writing and signed by the parties hereto.

Section 18
Severability

If any provision, or any portion thereof, contained in this Agreement is held to be unenforceable, the remainder of this Agreement or portion thereof shall be deemed severable and shall not be affected and shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement voluntarily and upon proper authority, in duplicate, on this _____ day of _____, 2019.

CITY OF CANBY

EMPLOYEE

By Brian Hodson Date
Mayor

By Scott D. McClure Date

APPROVED AS TO FORM & CONTENT:

By Joseph Lindsay Date
City Attorney