

**ORDINANCE NO. 1570**

**AN ORDINANCE AMENDING CANBY'S TITLE 16 OF THE CANBY MUNICIPAL CODE ADDING NEWLY CREATED CODE CHAPTER 16.45 FOR FOOD CART PODS AND MODIFYING EXISTING CHAPTERS IN THE TITLE TO BE CONSISTENT WITH CHAPTER 16.45.**

**WHEREAS**, City staff propose a legislative text amendment adding a new chapter 16.45 – Food Cart Pods to the Canby Land Development and Planning Ordinance; Title 16 of the Canby Municipal Code (CMC);

**WHEREAS**, City staff propose legislative text amendments modifying Chapter 16.04 Definitions; Chapter 16.08 General Provisions; Chapter 16.10 – Off Street Parking and Loading; Chapter 16.22 – C-1 Downton Commercial Zone; Chapter 16.24 – C-R Residential/Commercial Zone; Chapter 16.28 – C-2 Highway Commercial Zone; Chapter 16.30 – C-M Heavy Commercial/Manufacturing Zone; Chapter 16.32 – M-1 Light Industrial Zone; Chapter 16.89 – Application and Review Procedures to the Canby Land Development and Planning Ordinance; Title 16 of the Canby Municipal Code (CMC);


**WHEREAS**, the Planning Commission found that the standards and criteria of Section 16.88.160 of the Land Development and Planning Ordinance concerning Text Amendments were met, and forwarded a recommendation of approval to the City Council on a 7-0 vote 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 recommendation is appropriate as recommended.

**NOW, THEREFORE, THE CANBY CITY COUNCIL ORDAINS AS FOLLOWS:**

**Section 1.** TA 22-01 is hereby approved and are hereby amended as detailed in Exhibit A for the Land Development and Planning Ordinance amendments (as directed by the City Council findings and final order);

**SUBMITTED** to the Council and read the first time at a regular meeting thereof on April 20, 2022, 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 May 4, 2022 commencing after the hour of 7:30 p.m., in the Council Chambers located at 220 NE 2nd Avenue, Canby, Oregon.

  
\_\_\_\_\_  
Melissa Bisset, City Recorder

on the second and final reading by the Canby City Council at a regular meeting thereof on May 4, 2022 by the following vote:

YEAS 6 NAYS 0



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Brian Hodson, Mayor

ATTEST:

Melissa Bisset  
Melissa Bisset, City Recorder

# TITLE 16

## PLANNING AND ZONING DECEMBER 2020

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- 16.04 Definitions
- 16.05 Interpretations

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- 16.06 Planning Commission

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- 16.12 Classification of Zones
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*Chapter 16 was updated by the City of Canby City Council on 12/18/2020 with Ord. 1539, 9/4/2019 with Ord. 1514, 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

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**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 macro wireless telecommunications systems facilities, any land planned and zoned Highway commercial or Commercial-Manufacturing. (Ord. 981 section 17, 1997, Ord. 1539, 2020)

**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. (Ord. 1514, 2019)

**16.04043 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.**

Antenna. Defined in 47 C.F.R. § 1.6002(b). The term includes an apparatus designed for the purpose of emitting radio frequencies (RF) to be operated or operating from a fixed location pursuant to Federal Communications Commission authorization, for the provision of personal wireless service and any commingled information services. For purposes of this definition, the term antenna does not include an unintentional radiator, mobile station, or device authorized under 47 C.F.R. Part 15. (Ord. 1539, 2020)

**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 telecommunications 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, Ord. 1539, 2020)

**16.04.065 Backhaul network.**

The land lines that connect a telecommunications 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, Ord. 1539, 2020)

**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 Coverage Area.**

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, Ord. 1539, 2020)

**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.**

Collocation. Defined in 47 C.F.R. § 1.6002(g). Term describes: (1) mounting or installing an antenna facility on a preexisting structure, and/or (2) modifying a structure for the purpose of mounting or installing an antenna facility on that structure. "Collocate" has a corresponding meaning. A collocation includes supporting ancillary equipment that is required to operate the collocated antennas. (Ord. 1539, 2020)

**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 macro telecommunications systems facilities, any land planned and zoned Residential / Commercial or Downtown Commercial. (Ord. 981 section 17, 1997, Ord. 1539, 2020)

**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 telecommunications facility.**

A pole, tower or other structure designed and intended to support telecommunications antennas and other equipment. (Ord. 981 section 17, 1997, Ord. 1539, 2020)

**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; Ord 1514, 2019)

**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; Ord. 1514, 2019)

**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; Ord. 1514, 2019)

**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. (Ord. 1514, 2019)

**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)

**16.04.221 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)

**16.04.221.1 Food Cart Pod**

A site containing space for three or more food carts and associated amenities under common management on private property.

**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.(Ord. 1514, 2019)

**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 height of the highest gable of a pitch or hip roof. (Ord. 740 section 10.1.20(B) [part], 1984; Ord. 1514, 2019)

**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 telecommunications support structure which consists of metal crossed strips or bars and which supports antennas and related equipment for one or more telecommunications provider. (Ord. 981 section 17, 1997, Ord. 1539, 2020)

**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)

#### **16.04.390 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. (Ord 1514, 2019)

#### **16.04.400 Manufactured (Mobile) home park.**

Manufactured (Mobile) home park means a tax lot or lots where two or more manufactured 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; Ord. 1514, 2019)

#### **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 homes. (Ord. 740 section 10.1.20(B) [part], 1984; Ord. 1514, 2019)

**16.04.415 Mobile Food Vending Unit.**

A vehicle or trailer designed to be portable and not affixed to any structure, from which food made to order is vended, sold, served, displayed, offered for sale or given away. The vehicle must not require a special permit from the Oregon Department Transportation to be moved.

**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. (Ord. 1514, 2019)

**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) (Ord. 1514, 2019)

**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. (Ord. 1514, 2019)

**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. (Ord. 1514, 2019)

**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)) (Ord. 1514, 2019)

**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.

**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. 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; Ord. 1514, 2019)

**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.**

Stealth design is a variety of techniques used to disguise or mitigate the visual presence of telecommunications support structures, antennas, and other equipment. 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, Ord. 1539, 2020)

**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)

**16.04.675 Wireless telecommunications facilities.**

Wireless Telecommunications Facilities means 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, Ord. 1539, 2020)

**16.04.676 Wireless Telecommunications**

Wireless Telecommunications means the system that uses radio frequency, infrared, microwave or other types of electromagnetic or acoustic waves to transmit data, voice and information. (Ord. 1539, 2020)

**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**

**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**
- 16.08.130 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. No more than one row of fencing is allowed within a required street yard setback.
- D. The Planning Commission may require sight-blocking or noise mitigating fences for any development it reviews.
- E. 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.
- 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)

**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.

**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. (Ord. 890 section 8, 1993; Ord. 740 section 10.3.05(K), 1984; Ord. 955 section 2, 1996; Ord. 981 section 43, 1997; Ord. 1338, 2010; Ord. 1514, 2019)

**16.08.115 Arbors**

A. Arbors that are constructed of proper design (height and setbacks) and in accordance with, the design standards of the particular zone where it is located are allowed with the following limitations:

1. 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, and arbor;
4. The primary purpose of the arbor is to support and sustain foliage/vegetation, provide shade, recreational space, and ascetic amenity. (Ord. 1514, 2019)

**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 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 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 separately 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; Ord. 1520, 2019)

**16.08.150 Mobile Food Vendor**

**A. Permit process.**

- 1. A request for a Mobile Food Vendor permit shall be processed as a Type I decision pursuant to the procedures set forth in Chapter 16.89. A Mobile Food 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 Mobile Food 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 Mobile Food Vendor's structures, equipment, furnishings, signage, and inventory.
- 3. The Mobile Food 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 Mobile Food Vendor permit.

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4. The Mobile Food Vending unit shall not require connection to public utilities that do not already exist on site and can be provided by the property owner/manager.
  5. A "Site and Design Review" permit is not required for a permitted Mobile Food Vendor.
  6. Any signage displayed by the Mobile Food Vendor must be in compliance with Chapter 16.42 sign standards, and all required Sign permits must be obtained.
  7. A Mobile Food Vendor must obtain a City of Canby business license.
- B.** Duration. A Mobile Food Vendor permit may be granted for a site for up to 6 months, and then may be renewed upon request for an additional 1 year, provided that the Mobile Food vendor activity has been conducted in compliance with all applicable codes, and no public safety incidents have occurred on the site related to the Mobile Food vendor activity.
- C.** A Mobile Food 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.
- D.** A Mobile Food 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 as well as the development standards of the zone.
- E.** 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. Portable amenities shall be packed inside the mobile food unit or screened from public view when the business is not in operation. This includes but is not limited to: weather protection elements, seating, tables, trash cans, and signage.
- F.** A Mobile Food 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 Mobile Food Vendor shall not encroach into required loading space areas, driveways, or vehicle maneuvering areas.
- G.** A Mobile Food 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.
- H.** The property owner and the 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 Mobile Food vendor permit, and may result in the denial of any future Mobile Food vendor permit for the site upon which the violation occurred.

**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 (85<sup>th</sup> 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.

- 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

#### 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 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:

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USE	PARKING REQUIREMENT
<b>Residential Uses:</b>	
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
<b>Institutions:</b>	
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
<b>Places of Public Assembly:</b>	
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
<b>Commercial Amusement:</b>	
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
<b>Commercial</b>	
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
r. Self-Storage (Mini) Warehouse	2.00 spaces per 1,000 gross square feet of office space
<u>s. Food Cart Pod</u>	<u>C-R, C-2, C-M zones: 1.5 spaces per cart</u> <u>C-1 zone: none</u> <u>M-1 and M-2 zone: 1 space per cart</u>  <u>See Chapter 16.45.035</u>
<b>Industrial:</b>	
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; Ord. 1514, 2019)

**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.

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**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.



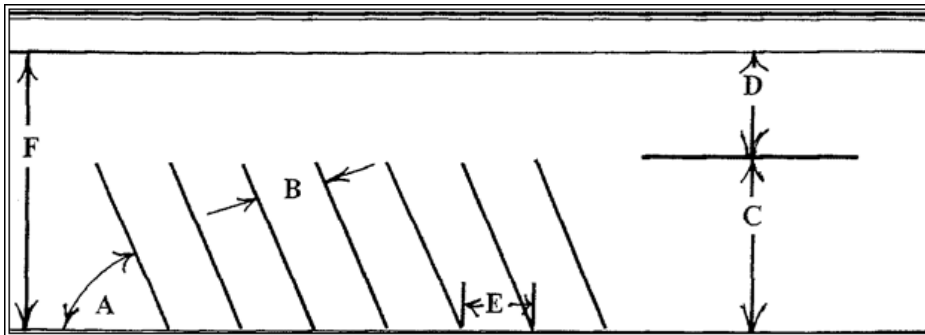
**TABLE 16.10.070**  
**Minimum dimensional Standard for Parking**

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"



**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 &amp; 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 Option B:	20 feet  12 feet	Minimum of one sidewalk connection to residences and parking areas; curb required if sidewalk adjacent to driveway.

	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
<b>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:</b>			
<i>Parking spaces required</i>	<i>Minimum number of accesses required</i>	<i>Minimum access width</i>	<i>Sidewalks &amp; curbs (in addition to driveways)</i>
1-4	1	12 feet	<i>None required</i>
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
<b>16.10.070(B)(10): Minimum access requirements for industrial uses - ingress and egress for industrial uses shall not be less than the following:</b>			
<i>Parking spaces required</i>	<i>Minimum number of accesses required</i>	<i>Minimum access width</i>	<i>Sidewalks &amp; curbs (in addition to driveways)</i>
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** – The hard surfaced pavement of one-way drives shall not be less than twelve (12) feet for multi-family residential, commercial or industrial uses. (Ord. 1514, 2019)

**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.)**

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

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**

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

**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.

**k** For circular type driveways, the minimum distance between the two driveway curb cuts on one single-family residential lot shall be thirty (30) feet. (Ord. 1514, 2019)

**10.** 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.

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. (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; Ord. 1514, 2019)

#### **16.10.080 Street Tree Plan**

A Street Tree Plan can be provided in lieu of meeting the requirement of planting a tree every 30 lineal 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; Ord. 1514, 2019)

#### **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)

<b>TABLE 16.10.100 BICYCLE PARKING STANDARD</b>	
<b>LAND USE CATEGORY</b>	<b>MINIMUM REQUIRED BICYCLE PARKING SPACES</b>
<b>Residential</b> 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
<b>Institutional</b> 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 (or 100% of demand, depending on accessibility to bicyclists) 1 space per 40 seat capacity 1 space per 5 beds 2, or 1 space per 1000 ft <sup>2</sup> , whichever is greater 2, or 1 space per 1000 ft <sup>2</sup> , whichever is greater
<b>Commercial</b> Retail Sales Auto-oriented Services Groceries/Supermarkets Offices Restaurants/ <u>Food Cart Pods</u> Drive-in Restaurants Shopping Centers Financial Institutions Theaters, Auditoriums, etc. Downtown Commercial Zone	0.33 space per 1000 ft <sup>2</sup> , whichever is greater 2, or 0.33 space per 1000 ft <sup>2</sup> , whichever is greater 0.33 space per 1000 ft <sup>2</sup> 2, or 1 space per 1000 ft <sup>2</sup> , whichever is greater 1 space per 1000 ft <sup>2</sup> 1 space per 1000 ft <sup>2</sup> 0.33 space per 1000 ft <sup>2</sup> 2, or 0.33 space per 1000 <sup>2</sup> , whichever is greater 1 space per 30 seats 4 spaces per block
<b>Industrial</b> Industrial Park Warehouse Manufacturing, etc.	2, or .1 space per 1000 ft <sup>2</sup> , whichever is greater 2, or .1 space per 1000 ft <sup>2</sup> , whichever is greater 2, or .15 space per 1000 ft <sup>2</sup> , 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 1, 1999; Ord. 1043 section 3, 2000; Ord. 1076, 2001)*



## Chapter 16.22

### C-1 DOWNTOWN COMMERCIAL ZONE

#### Sections:

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

#### 16.22.010 Uses permitted outright.

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

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

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

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

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

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

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

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

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

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

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

**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;
- O.** Day care facility;
- P.** Laundry or cleaning establishment;
- Q.** Frozen food lockers;
- R.** Hardware store, not including lumber or other large building materials requiring on-site outside or warehouse storage;
- S.** Hotel and apartment hotel;
- T.** Laboratory for experimental, photo or electronic testing research;
- U.** Locksmith or gunsmith;
- V.** Magazine or newspaper distribution agency;
- W.** Mortuary (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.
- 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.** 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 (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; Ord. 1514, 2019)
- QQ.** Collocations: Pursuant to the standards and requirements of Chapter 16.55. (Ord. 1539, 2020)

**QQ-RR.** Food Cart Pods: Pursuant to the standards and requirements of Chapter 16.45.

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**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.** Certain wireless telecommunications facilities, pursuant to the standards and requirements of Chapter 16.55. (Ord. 890 section 25, 1993; Ord. 740 section 10.3.24(B), 1984; Ord. 981 section 22, 1997; Ord. 1076, 2001; Ord 1237, 2007; Ord. 1514, 2019, Ord. 1539, 2020)

**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; Ord. 1514, 2019)

**16.22.40 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		
<b>Building Location and Orientation</b>			
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
<b>Entrances</b>			
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
<b>Windows</b>			
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
<b>Architectural Details</b>			
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, windows, 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
<b>Parking</b>			
Off-street parking (if required) located behind or to side of building: No = 0; side = 1; behind = 2	0	1	2
<b>Bonus Points</b>			
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**

**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 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
- 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.
- 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 (Ord. 890 section 26, 1993; Ord. 740 section 10.3.25(A), 1984; Ord. 1514, 2019)
- U. Collocations: Pursuant to the standards and requirements of Chapter 16.55. (Ord. 1539, 2020)
- U.V. Food Cart Pods pursuant to the regulations and standards of Chapter 16.45.

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**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. Certain telecommunications facilities, pursuant to the standards and requirements of Chapter 16.55.(Ord. 1539, 2020)
- E. Food services, excluding auto-oriented uses.

F. Self-Storage/Mini-Storage Warehouse Units. As defined in 16.04.547. (Ord. 890 section 27, 1993; Ord. 740 section 10.3.25(B), 1984; Ord. 981 section 23, 1997; Ord. 1080, 2001; Ord 1237, 2007; Ord. 1514, 2019)

**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; Ord. 1514, 2019)

**Chapter 16.28**

**C-2 HIGHWAY COMMERCIAL ZONE**

**Sections:**

**16.28.010 Uses permitted outright.**

**16.28.020 Conditional uses.**

**16.28.030 Development standards.**

**16.28.010 Uses permitted outright.**

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

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

- O. Feed and seed store;
- P. Department store:
- Q. Similar commercial uses as determined by the Planning Commission.
- R. Collocations: Pursuant to the standards and requirements of Chapter 16.55. (Ord. 1539, 2020)
- S. Detached macro-telecommunications facility (monopole), less than 100 feet in height pursuant to the standards and requirements of Chapter 16.55. (Ord. 1539, 2020)
- T. Self-Storage/Mini-Storage Warehouse Units. As defined in 16.04.547. (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; Ord. 1514, 2019)

T-U. Food Cart Pods pursuant to the regulations and standards found in 16.45.

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**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.

Macro telecommunications facilities (monopole), equal to or over 100 feet in height pursuant to the standards and requirements of Chapter 16.55. (Ord. 890 section 29, 1993; Ord. 740 section 10.3.28(B), 1984; Ord. 981 section 26, 1997, Ord. 1539, 2020)

**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.

**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; Ord. 1514, 2019)

**Chapter 16.30**

**C-M HEAVY COMMERCIAL MANUFACTURING ZONE**

**Sections:**

**16.30.010 Uses permitted outright.**

**16.30.020 Conditional uses.**

**16.30.030 Development standards.**

**16.30.010 Uses permitted outright.**

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

- A.** A use permitted outright in a C-2 zone, other than dwelling units;
- B.** Contractor's equipment yard;
- C.** Dwelling for watchman or caretaker working on premises;
- D.** Fuel distribution, wholesale;
- E.** Laundry or Laundromat, with or without dry cleaning operation;
- F.** Motor or rail freight terminal;
- G.** Railroad 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.** Collocations pursuant to the standards and requirements of Chapter 16.55) ( Ord. 1539, 2020)

**N.** Detached telecommunications facilities (monopole), less than 100 feet in height, pursuant to the standards and requirements of Chapter 16.55. (Ord. 1539, 2020)

**O.** Self-Storage/Mini-Storage Warehouse Units. As defined in 16.04.547. (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; Ord. 1514, 2019)

**O.P.** Food Cart Pods pursuant to regulations and standards in 16.45.

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#### **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 telecommunications facilities (monopole), equal to or over 100 feet in height pursuant to the standards and requirements of Chapter 16.55; (Ord. 740 section 10.3.29(B), 1984; Ord. 981 section 28 & 29, 1997; Ord. 1237, 2007, Ord. 1539, 2020)

#### **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. 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.
  - 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.

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. (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; Ord. 1514. 2019)



**Chapter 16.32**

**M-1 LIGHT INDUSTRIAL ZONE**

**Sections:**

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

**16.32.010 Uses permitted outright.**

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

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

- K.** Motor or rail freight terminal;
- L.** Railroad 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.** Microcell telecommunications facilities pursuant to the standards and requirements of Chapter 16.55. (Ord. 1539, 2020)
- AA.** Collocations pursuant to the standards and requirements of Chapter 16.55 (Ord. 1539, 2020)
- BB.** Detached telecommunications 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 pursuant to the standards and requirements of Chapter 16.55. (Ord. 1539, 2020)
- CC.** Detached telecommunications 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 pursuant to the standards and requirements of Chapter 16.55. (Ord. 1539, 2020)

**DD.** Detached telecommunications 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 pursuant to the standards and requirements of Chapter 16.55. (Ord. 1539, 2020)

**EE.** Minor public facility.

**FF.** Brewery: General manufacturing of products included in SIC 208: Beverages. (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; Ord. 1514, 2019)

**FF.GG.** Food Cart Pod, pursuant to regulations and standards in 16.45.

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#### **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 telecommunications 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 pursuant to the standards and requirements of Chapter 16.55. (Ord. 1539, 2020)
- F.** Detached telecommunications 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 pursuant to the standard and requirements of Chapter 16.55. (Ord. 1539, 2020)
- 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. 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.
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: 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).
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. (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; Ord. 1514, 2019)

## Chapter 16.89

### APPLICATION AND REVIEW PROCEDURES

#### 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.
- 16.89.100 Administrative Reviews

#### 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.
- 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; Ord. 1514, 2019)

**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
Administrative Review	I	n/a	No
Administrative Review	II	100	No
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
<u>Food Cart Pod</u>	<u>II</u>	<u>200</u>	<u>No</u>
Interpretation	<b>See Section 16.05.020</b>		
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

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Application Type	Process Type	Notice Radius (Feet)	Neighborhood Meeting Required
Partition	II	100	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
Temporary Mobile Food Vendor	I	n/a	No
Subdivision	III	500	Yes
Text Amendment	IV	500	Yes
Variance, Minor	II	200	No
Variance, Major	III	200	No

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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. Pre-application conference. A pre-application 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:
  - i. 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.
  - ii. Any person who submits a written request to receive notice; and
  - iii. 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.
  - iv. 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.
  - v. 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:

- i. 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;
- ii. Any person who submits a written request to receive notice; and
- iii. 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:

- i. The applicant;
- ii. Any person who was mailed notice of the decision; and
- iii. 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 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; Ord. 1514, 2019)

**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)

**16.89.90 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)

**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. (Ord. 1514, 2019)

**AFFIDAVIT OF POSTING**

STATE OF OREGON     )  
  )  
County of Clackamas     )     ss:  
  )  
CITY OF CANBY             )

I, Melissa Bisset, being first duly sworn, depose and say that I am the City Recorder for the City of Canby, Clackamas County, Oregon, a City duly incorporated under and by virtue of the laws of the State of Oregon.

That on the 20<sup>th</sup> day of April, 2022 the Council for said City of Canby held a Regular City Council Meeting, at which meeting Ordinance No. 1570 was read for the first time and passed by the vote of said Council and was then and there ordered posted in at least three (3) public and conspicuous places in said City for a period of five (5) days prior to the second reading and final vote on said Ordinance, as provided in Section 2 of Chapter 8 of the Charter of the City of Canby, and

Thereafter, on the 21<sup>st</sup> day of April, 2022, I personally posted said Ordinance in the following three (3) conspicuous places, all within the said City of Canby, to wit:

- 1. Canby Civic Building
- 2. Canby Post Office
- 3. City of Canby Web Page

That since said posting on the date aforesaid, the said Ordinance will remain posted in the said three (3) public and conspicuous places continuously for the period of more than five (5) days and until the very 4<sup>th</sup> day of May, 2022.

Melissa Bisset  
Melissa Bisset, City Recorder

Subscribed and sworn to before me this 26<sup>th</sup> day of April, 2022.

Maya Kristine Benham  
Notary Public for Oregon  
My Commission Expires: 12/23/2023

