



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

April 18, 2007

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Canby Plan Amendment
DLCD File Number 001-07



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: May 4, 2007

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Stacy Humphrey, DLCD Regional Representative
John Williams, City of Canby

<paa> ya/

FORM **2**

DLCD

Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

In person electronic mailed

DATE
STAMP

DEPT OF
APR 16 2007
LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: **Canby**

Local file number: **TA 07-01**

Date of Adoption: **4/4/2007**

Date Mailed: **4/6/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 2/26/2007

- | | |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input checked="" type="checkbox"/> Land Use Regulation Amendment | <input type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: |

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

The "code update" amendment was fairly minor modifications to Canby's Land Development and Planning Ordinance (Canby Municipal Code Title 16). Some of the modifications fix typographical errors or inconsistencies, some implement previous code interpretations, and others will help better define land use application procedures. No impacts to City zoning or growth are anticipated. The last similar application was processed in 2002.

Does the Adoption differ from proposal? **No**

No Explanation is necessary

Plan Map Changed from: _____ to: _____

Zone Map Changed from: _____ to: _____

Location: _____ Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing? Yes No

If no, do the statewide planning goals apply? Yes No

If no, did Emergency Circumstances require immediate adoption? Yes No

DLCD # 001-07 (15786)

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts

None

DEPT OF

APR 16 2007

LAND CONSERVATION
AND DEVELOPMENT

Local Contact: **John Williams**

Phone: (503) 266-7001 Extension: 202

Address: **P O Box 930**

Fax Number: **503-266-1574**

City: **Canby**

Zip: **97013-**

E-mail Address: **williamsj@ci.canby.orus**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE 1237

AN ORDINANCE AMENDING TITLE 16 OF THE CANBY MUNICIPAL CODE.

WHEREAS, periodic revisions of Canby's Land Development and Planning Ordinance are needed to ensure consistency, functionality, and legality; and

WHEREAS, the Planning Commission, after providing appropriate public notice, conducted a public hearing on a set of amendments, during which the citizens of Canby were given the opportunity to present testimony on these proposed changes; and

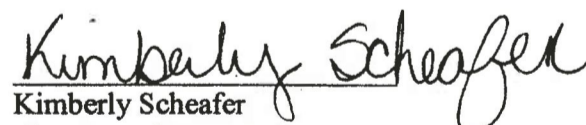
WHEREAS, the Planning Commission found that the standards and criteria of section 16.88.160 of the Land Development and Planning Ordinance, concerning Text Amendments, were met, and unanimously recommended approval to the City Council after making certain modifications; and

WHEREAS, the City Council, after reviewing the Planning Commission's findings of fact regarding the subject amendments, concluded that the Planning Commission's findings of fact and the amendments were appropriate; now therefore

THE CITY OF CANBY ORDAINS AS FOLLOWS:

- 1) The City Council hereby adopts the Planning Commission's findings of fact, as detailed in Exhibit 1, and approves Text Amendment 07-01; and
- 2) Title 16, the Land Development and Planning Ordinance of the City of Canby, is modified as detailed in Exhibit 2.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, March 21, 2007 and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and to come before the City Council for final reading and action at a regular meeting thereof on Wednesday, April 4, 2007, commencing at the hour of 7:30 P.M. in the Council Meeting Chambers at Canby City Hall in Canby, Oregon.


Kimberly Scheafer
City Recorder Pro-Tem

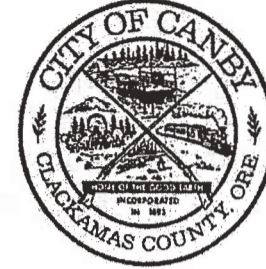
PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on April 4, 2007 by the following vote:

YEAS 5 NAYS 0

Melody Thompson
Melody Thompson, Mayor

ATTEST:

Kimberly Scheafer
Kimberly Scheafer
City Recorder Pro Tem



**BEFORE THE PLANNING COMMISSION
OF THE
CITY OF CANBY**

**A REQUEST FOR APPROVAL OF) FINDINGS, CONCLUSION & ORDER
MINOR MODIFICATIONS TO)
CANBY'S LAND DEVELOPMENT) TA 07-01
AND PLANNING ORDINANCE.) (City of Canby)**

NATURE OF APPLICATION

This application contains many fairly minor modifications to Canby's Land Development and Planning Ordinance (Canby Municipal Code Title 16). Some of the modifications fix typographical errors or inconsistencies, others are more substantive changes recommended by staff.

HEARINGS

The Planning Commission held a public hearing to consider this application at its meeting of February 26, 2007.

CRITERIA AND STANDARDS

Section 16.88.160 – Amendments to text of title

This is a legislative land use amendment. In judging whether or not this title should be amended, the Planning Commission and City Council shall consider:

1. The Comprehensive Plan of the city, and the plans and policies of the county, state, and local districts, in order to preserve functions and local aspects of land conservation and development;
2. A public need for the change;
3. Whether the proposed change will serve the public need better than any other change which might be expected to be made;

**Findings, Conclusions & Order
TA 07-01
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4. Whether the change will preserve and protect the health, safety and general welfare of the residents in the community;
5. Statewide planning goals.

FINDINGS AND REASONS

The Planning Commission, after holding a public hearing on February 26, 2007 and considering the February 16, 2007 staff report deliberated and reached a decision approving the text amendment application of TA 07-01. The Commission adopted the findings and conclusions contained in the February 16, 2007 staff report, written in the Order below:

CONCLUSION

The Planning Commission of the City of Canby concludes that:


1. The proposed amendments comply with the Comprehensive Plan of the City, and the plans and policies of the County, State, and local districts, and will preserve functions and local aspects of land conservation and development;
2. There is a public need for the change. Changes are required in order to keep Canby's Land Development and Planning Ordinance up-to-date and functional.
3. The proposed amendments will serve the public need better than any other change which might be expected to be made.
4. The proposed amendments will preserve and protect the health, safety, and general welfare of the residents of the community; and
5. The proposed amendments comply with the Statewide Planning Goals.

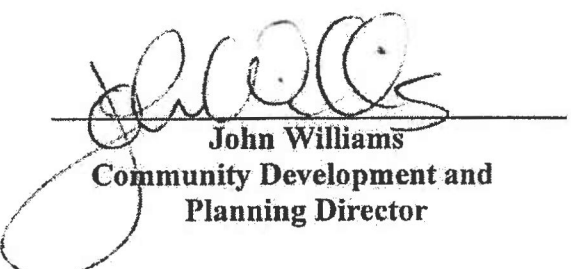
ORDER

IT IS RECOMMENDED BY THE PLANNING COMMISSION of the City of Canby that the Canby City Council approve **TA 07-01**.

I CERTIFY THAT THIS ORDER recommending approval of TA 07-01 to the Canby City Council was presented to and **APPROVED** by the Planning Commission of the City of Canby.

DATED this 12th day of March, 2007.


James R. Brown, Chair
Canby Planning Commission


John Williams
Community Development and
Planning Director

ATTEST:

ORAL DECISION February 26, 2007

AYES: Brown, Ewert, Molamphy, Holte, Taylor

NOES: None

ABSTAIN: None

ABSENT: Milne

WRITTEN FINDINGS March 12, 2007

AYES: Brown, Ewert, Molamphy, Holte, Taylor

NOES: None

ABSTAIN: Milne

ABSENT: None

Chapter 16.04

DEFINITIONS

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- 16.04.035 Acceptable site.
- 16.04.036 Access.
- 16.04.037 Access classification.
- 16.04.038 Access connection.
- 16.04.039 Access management.
- 16.04.040 Accessory structure or use.
- 16.04.045 Accessway.
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- 16.04.060 Alley.
- 16.04.061 Antenna.
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- 16.04.066 Bed and Breakfast.
- 16.04.068 Bicycle Facilities.
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- 16.04.110 Central business district (CBD).
- 16.04.120 City.
- 16.04.125 City Planner.
- 16.04.127 Collocation.
- 16.04.128 Commercial Recreation Uses.
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- 16.04.135 Conditionally suitable site.
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- 16.04.140 Council.
- 16.04.145 Cross access.
- 16.04.150 Curb line.
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- 16.04.158 Detached WTS facility.
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- 16.04.170 Dwelling, duplex-dwelling, two family.
- 16.04.180 Dwelling, multi-family.
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- 16.04.230 Height of building.
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- 16.04.260 Intersection.
- 16.04.265 Joint access (or shared access).
- 16.04.270 Kennel.
- 16.04.275 Lattice tower.
- 16.04.280 Loading space.
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- 16.04.318 Lot, flag.
- 16.04.320 Lot front.
- 16.04.321 Lot frontage.
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- 16.04.340 Lot line.
- 16.04.350 Lot line, interior.
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- 16.04.370 Lot, through.
- 16.04.380 Lot width.
- 16.04.385 Lowest floor.
- 16.04.387 Manufactured home manufactured housing unit
- 16.04.390 Mobile home.
- 16.04.400 Mobile home park.
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- 16.04.420 Modular home.
- 16.04.425 Monopole.
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- 16.04.435 Neighborhood activity center.
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- 16.04.510 Plat.
- 16.04.512 Porches, covered.
- 16.04.514 Preapplication conference
- 16.04.515 Preferred site.
- 16.04.516 Public facility, major
- 16.04.517 Public facility, minor
- 16.04.519 Reasonably direct.
- 16.04.520 Recommendation.
- 16.04.530 Right-of-way.
- 16.04.540 Roadway.
- 16.04.545 Safe and convenient bicycle and pedestrian routes.
- 16.04.550 Setbacks.
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- 16.04.561 Sign, freestanding.
- 16.04.562 Sign, monument.
- 16.04.563 Sign, pole.
- 16.04.565 Stealth design.
- 16.04.570 Street.
- 16.04.580 Structural alteration.
- 16.04.590 Structure.
- 16.04.595 Stub-out (or stub street)
- 16.04.600 Subdivide land.
- 16.04.610 Subdivision.
- 16.04.615 Traffic impact analysis.
- 16.04.620 Trailer coach.
- 16.04.630 Trailer park.
- 16.04.035 Trip generation study.
- 16.04.640 Urban Growth Boundary (UGB).
- 16.04.650 Urbanizable.
- 16.04.660 Use.
- 16.04.666 Vicinity.
- 16.04.670 Vision clearance area.
- 16.04.671 Walkway.
- 16.04.672 Wireless telecommunications facility.
- 16.04.676 Wireless telecommunications systems (WTS).
- 16.04.680 Yard.
- 16.04.690 Yard, interior.
- 16.04.700 Yard, rear.
- 16.04.710 Yard, street.
- 16.04.715 Zero-lot line development.

16.04.010 Grammatical interpretation.

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

16.04.020 Generally.

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

16.04.030 Abutting-adjoining-adjacent.

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

16.04.035 Acceptable site.

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

16.04.036 Access.

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

16.04.037 Access classification.

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

16.04.038 Access connection.

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

16.04.039 Access management.

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

16.04.040 Accessory structure or use.

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

16.04.045 Accessway.

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

16.04.050 Agriculture.

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

16.04.060 Alley.

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

16.04.061 Antenna.

The specific device used to capture an incoming and/or transmit an outgoing radio-frequency signal. This definition shall include omni-directional (whip) antennas; directional (panel) antennas; parabolic (microwave dish) antennas; and ancillary antennas (i.e., GPS). All other

transmitting or receiving equipment not specifically described herein shall be regulated in conformity with the type of antenna described herein which most closely resembles such equipment. (Ord. 981 section 17, 1997)

16.04.063 Application.

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

- A. The application form filled out and signed by the owner;
- B. Site plan and/or narrative describing the proposal;
- C. List of property owners on mailing labels (1" x 2 5/8"); and
- D. The application fee. (Ord. 981 section 1, 1997)

16.04.064 Attached WTS facility.

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

16.04.065 Backhaul network.

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

16.04.066 Bed and Breakfast.

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

16.04.068 Bicycle facilities.

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

16.04.070 Billboard.

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

16.04.080 Boarding, lodging or rooming house.

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

16.04.090 Building.

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

16.04.100 Building line.

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

16.04.105 Cell.

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

16.04.110 Central business district (CBD).

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

16.04.120 City.

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

16.04.125 City Planner.

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

16.04.127 Collocation.

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

16.04.128 Commercial Recreation Uses.

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

16.04.130 Commission.

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

16.04.135 Conditionally suitable site.

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

16.04.137 Corner clearance.

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

16.04.140 Council.

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

16.04.145 Cross access.

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

16.04.150 Curb line.

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

16.04.155 Day care facility.

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

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

16.04.158 Detached WTS facility.

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

16.04.160 Development plan.

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

16.04.170 Dwelling, duplex-dwelling, two-family.

Duplex dwelling or two-family dwelling means a building containing two dwelling units. (Ord. 740 section 10.1.20(B)[part], 1984)

16.04.180 Dwelling, multi-family.

Multi-family dwelling means a building containing three or more dwelling units. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.190 Dwelling, single-family.

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

16.04.200 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)

16.04.215 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)

16.04.220 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)

16.04.223 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)

16.04.230 Height of building.

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

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)

16.04.255 Infill homes.

Infill homes mean existing and new single family dwellings, manufactured homes, two-family dwellings, duplexes and triplexes on lots 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)

16.04.260 Intersection.

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

16.04.265 Joint access (or shared access).

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

16.04.270 Kennel.

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

16.04.275 Lattice tower.

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

16.04.280 Loading space.

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

16.04.290 Lot.

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

16.04.300 Lot area.

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

16.04.310 Lot, corner.

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

16.04.315 Lot depth.

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

16.04.318 Lot, flag.

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

16.04.320 Lot front.

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

16.04.321 Lot frontage.

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

16.04.330 Lot, interior.

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

16.04.340 Lot line.

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

16.04.350 Lot line, interior.

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

16.04.360 Lot line, street.

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

16.04.370 Lot, through.

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

16.04.380 Lot width.

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

16.04.385 Lowest floor.

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

16.04.387 Manufactured home - manufactured housing unit.

Manufactured home and manufactured housing unit mean a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes only, the term manufactured home also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes and for Chapter 16.16, the term manufactured home does not

include park trailers, travel trailers and other similar vehicles. For purposes of Chapter 16.16, a manufactured home shall be certified to meet the 1976 HUD Standards, as amended. (Ord. 859 section 1, 1991; Ord. 804 section 2(B), 1987)

16.04.390 Mobile home.

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

16.04.400 Mobile home park.

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

16.04.410 Mobile home subdivision.

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

16.04.420 Modular home.

Modular home means a residential structure constructed of one or more prefabricated parts which meet all city building, plumbing, mechanical, electrical and other construction codes applicable to conventional units which might be built on the site. (Ord. 740 section 10.1.20 (B) [part], 1984)

16.04.425 Monopole.

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

16.04.430 Motel.

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

16.04.435 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)

16.04.450 Parent parcel.

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

16.04.460 Parking space.

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

16.04.470 Partition.

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

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

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

16.04.480 Pedestrian way.

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

16.04.490 Person.

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

16.04.500 Planning Commission.

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

16.04.510 Plat.

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

16.04.512 Porches, covered.

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

16.04.514 Preapplication conference.

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

16.04.515 Preferred site.

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

16.04.516 Public facility, major.

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

16.04.517 Public facility, minor.

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

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

16.04.519 Reasonably direct.

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

16.04.520 Recommendation.

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

16.04.530 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)

16.04.550 Setback.

Setback means a distance which a structure is required to be set back from a lot line. Where specified in this title, some setbacks are measured from curbs or projected curb lines rather than lot lines. Railing for decks less than 30 inches above grade are exempt from setback standards. (Ord. 830 section 2, 1939; Ord. 740 section 10.1.20(B) [part], 1984; Ord. 955 section 1, 1996)

16.04.560 Sidewalk.

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

16.04.561 Sign, Freestanding.

Freestanding sign means a sign wholly supported by a sign structure in the ground. Freestanding signs include monument signs and pole signs. (Ord. 1237, 2007)

16.04.562 Sign, Monument.

Monument sign means any sign affixed to a base which has a width that is equal to or greater than 1/3 of the width of the sign face. (Ord. 1237, 2007)

16.04.563 Sign, Pole.

Pole sign means any sign affixed to a base which has a width that is less than 1/3 of the width of the sign face. (Ord. 1237, 2007)

16.04.565 Stealth design.

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

16.04.570 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)

16.04.580 Structural alteration.

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

16.04.590 Structure.

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

16.04.595 Stub-out (or stub street).

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

16.04.600 Subdivide land.

Subdivide land means to divide a parcel of land into four or more lots in a given calendar year for the purpose of transfer of ownership or building development, whether immediate or

future, when such parcel exists as a unit or contiguous units under a single ownership. (Ord. 740 section 10.1.20(B) [part], 1984)

16.04.610 Subdivision.

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

16.04.615 Traffic Impact Analysis.

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

16.04.620 Trailer coach.

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

16.04.630 Trailer park.

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

16.04.635 Trip generation study.

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

16.04.640 Urban Growth Boundary (UGB)

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

16.04.650 Urbanizable.

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

16.04.660 Use.

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

16.04.666 Vicinity.

Vicinity means nearby; within the same neighborhood. It should be noted that in applying the criteria of this chapter, the term vicinity will be applied to a larger area when warranted by a

large project or a project which is expected to have an impact on a large area. (Ord. 805 section 1, 1987)

16.04.670 Vision clearance area.

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

16.04.672 Walkway.

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

16.04.672 Wireless telecommunications facilities.

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

16.04.676 Wireless telecommunications systems (WTS).

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

16.04.680 Yard.

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

16.04.690 Yard, interior.

Interior yard means a yard lying between the nearest point of a building and the street and measured horizontally to the interior lot line. (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)

Chapter 16.05

INTERPRETATIONS

Sections:

16.05.010 Purpose.

16.05.020 Procedure.

16.05.010 Purpose.

Some terms and phrases within this Title may have two or more reasonable meanings. This section provides a process for resolving differences in the interpretation of the text.
(Ord. 1080, 2001)

16.05.020 Procedure.

A. Requests. A request for a code interpretation shall be made in writing to the Planning Director on forms created for the purpose.

B. Decision to Issue Interpretation. The Planning Director is authorized to issue or decline to issue a requested interpretation and shall advise the applicant in writing within 14 days after the request is made whether or not the City will issue an interpretation. Basis for declining may include, but is not limited to, a finding that the subject code section affords only one reasonable interpretation. The Planning Director's decision to issue or not issue an interpretation is final when the decision is mailed to the party requesting the interpretation.

C. Written Interpretation. If the Planning Director decides to issue an interpretation, it shall be issued in writing and shall be mailed or delivered to the person requesting the interpretation, any other person who requested a copy, and those receiving public notice of the decision. The written interpretation or notice thereof shall be issued within 14 days after the City advises the applicant that an interpretation shall be issued. The decision shall become effective 10 days after mailing, unless an appeal is filed. Any such appeal shall be processed as described in Section 16.89.040(H). (Ord. 1237, 2007)

D. Public Notice. Notice of the Planning Director's decision shall be sent to all property owners and residents within 200 feet of the subject property. (Ord. 1237, 2007)

E. Interpretations On File. The Planning Director shall keep all code interpretations on file. (Ord. 1080, 2001)

Division II. – PLANNING COMMISSION

Chapter 16.06

PLANNING COMMISSION

Sections:

- 16.06.010 Purpose.**
- 16.06.020 Membership.**
- 16.06.030 Appointment and removal.**
- 16.06.040 Nonvoting participants.**
- 16.06.050 Term of office.**
- 16.06.060 Limitation on business engagements.**
- 16.06.070 Election of chairman – appointment of secretary.**
- 16.06.080 Compensation.**
- 16.06.090 Employment of assistants.**
- 16.06.100 Meeting place.**
- 16.06.110 Meeting and quorum.**
- 16.06.120 Duties.**
- 16.06.130 Recommendations to City Council - Appeals.**
- 16.06.140 Investigations and recommendations concerning buildings.**
- 16.06.150 Powers.**
- 16.06.160 Conflict of interest.**
- 16.06.170 Hearings officer.**
- 16.06.180 Expenditures.**

16.06.010 Purpose.

The city has had an active Planning Commission since 1954. The Planning Commission sits as both a hearing body for land development applications and as a recommending body, giving advice to the City Council on a variety of subjects relating to the growth and development of the Canby area. (Ord. 740 section 10.2.05, 1984, Ord. 1237, 2007)

16.06.020 Membership.

The Planning Commission shall consist of seven members. (Ord. 740 section 10.2.10, 1984; Ord 1237, 2007)

16.06.030 Appointment and removal.

Members of the Planning Commission shall be appointed by the City Council and may be removed by the City Council, after hearing, for misconduct or nonperformance of duty. Any vacancy shall be filled by the council for the unexpired term of the predecessor in the office. (Ord. 740 section 10.2.15, 1984)

16.06.040 Nonvoting participants.

The City Attorney shall be entitled to sit with the commission and take part in its discussions, but shall not have the right to vote. City staff persons shall also attend to assist the commission in the conduct of its business. (Ord. 740 section 10.2.20, 1984)

16.06.050 Term of office.

All members of the Planning Commission shall be appointed to three-year terms, unless appointed to fill the remainder of an unexpired term. (Ord. 740 section 10.2.25, 1984; Ord. 1237, 2007)

16.06.060 Limitation on business engagements.

Not more than two members shall be engaged principally in the buying, selling or developing of real estate for profit as individuals, or be members of any partnership or officers or employees of any corporation engaged principally in the buying, selling or developing of real estate for profit. Not more than two members shall be engaged in the same kind of business, trade or profession. (Ord. 740 section 10.2.30, 1984)

16.06.070 Election of chairman – appointment of secretary.

The Planning Commission shall elect a chairman and vice chairman who shall be voting members, and the commission shall appoint a secretary who need not be a member of the commission. (Ord. 740 section 10.2.35, 1984)

16.06.080 Compensation.

Commission members shall receive no compensation but shall be reimbursed for duly authorized expenses. (Ord. 740 section 10.2.40, 1984)

16.06.090 Employment of assistants.

The Planning Commission shall have power and authority to employ consulting advice on municipal problems, and such clerks as may be necessary, and to pay for their services and for such other expenses as may lawfully be incurred, but all compensation and expenses authorized by this chapter shall be paid out of such funds which are first budgeted by the City Council and placed at the disposal of the Planning Commission for such purposes. (Ord. 740 section 10.2.45, 1984)

16.06.100 Meeting place.

The City Council shall assign to the commission an office or locations in which to hold its meetings, transact its business and keep its records. (Ord. 740 section 10.2.50, 1984)

16.06.110 Meeting and quorum.

The commission shall meet at least once a month when applications are pending and may make and alter rules and regulations for its government and procedure consistent with the laws of this state and with the city charter and ordinances. A majority of the members of the commission constitutes a quorum. (Ord. 740 section 10.2.55, 1984)

16.06.120 Duties.

Except as otherwise provided by law, it shall be the duty of the commission and it shall have power to:

A. Recommend and make suggestions to the City Council and to all other public authorities concerning laying out, widening, extending, and locating of streets, parking, sidewalks and boulevards, relief of traffic congestion, betterment of housing and sanitation conditions and establishing of zones of districts limiting the use, height, area and bulk of buildings and structures;

B. Recommend to the City Council and all other public authorities plans for regulation of the future growth, development and beautification of the municipality in respect to its public and private buildings and works, streets, parks, grounds and vacant lots, and plans consistent with future growth and development of the city in order to secure to the city and its inhabitants sanitation, proper service of all public utilities, and transportation facilities;

C. Act as the city's official citizen involvement entity, hearing any and all comments, criticisms, and suggestions concerning city planning policies, procedures, or regulations as members of the public may wish to convey to the city;

D. Do and perform all other acts and things necessary or proper to carry out the provisions of city ordinances and of Oregon Revised Statutes, Chapter 227, and all amendments thereto;

E. Study and propose in general such measures as may be advisable for promotion of the public interest, health, safety and welfare of the city and of the surrounding area;

F. Perform such acts as are now, or may hereafter be, specified in the Land Development and Planning Ordinance or otherwise authorized by the City Council. (Ord. 740 section 10.2.60, 1984)

16.06.130 Recommendations to City Council - Appeals.

A. Any actions of the Planning Commission may be appealed to the City Council, provided that any such appeals must be properly filed as required in Division VIII.

B. All recommendations made to the City Council by the Planning Commission shall be in writing, except in those unique cases where the two bodies meet together or where an emergency exists.

C. The City Council shall not act upon any item requiring the action or recommendation of the Planning Commission until the Planning Commission has had ample time to consider the item; except in the case of an emergency situation where the City Council finds that prompt action is necessitated to preserve the public health, safety, or general welfare. (Ord. 740 section 10.2.65, 1984)

16.06.140 Investigations and recommendations concerning buildings.

The City Planning Commission may make investigations and recommendations to any person, partnership, firm, corporation or public authority with reference to the location of

buildings, structures, or works to be erected, constructed or altered; but such recommendations shall not have the force or effect of a law or ordinance except when so prescribed by the laws of the state or ordinances of the city. Any person, partnership, firm, corporation or public authority having charge of the construction, placing or designing of buildings or other structures and improvements in the city, may call upon the Planning Commission for information; provided, however, that the Planning Commission shall take no action which will prejudice the body in the consideration of any pending or anticipated application. (Ord. 740 section 10.2.70, 1984)

16.06.150 Powers.

The City Planning Commission shall have all the powers which are now or may hereafter be given to it under the general laws of the state; and it may receive gifts, bequests or devises of property to carry out any of the purposes of this act, and shall have control and disposition over the same, unless this title or this provision of this title should be repealed, in which case such control shall be vested in the City Council or in a hearings officer as may be appointed for the purpose. (Ord. 740 section 10.2.75, 1984)

16.06.160 Conflict of interest.

A. A member of the Planning Commission shall not participate in any commission proceeding or action in which any of the following has a direct or substantial financial interest:

1. The member or his spouse;
2. A brother, sister, child, parent, father-in-law or mother-in-law;
3. Any employee, partner, or business associate with whom he has been engaged in business within the previous two years, or any business with which he is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.

B. Any actual or potential conflict of interest shall be disclosed at the meeting of the commission where the action is being taken. (Ord. 740 section 10.2.80, 1984)

16.06.170 Hearings officer.

The City Council may appoint or designate one or more qualified persons as planning and zoning hearings officer, to serve at the pleasure of the City Council. (Ord. 740 section 10.2.85, 1984)

16.06.180 Expenditures.

The City Planning Commission shall have no authority to make any expenditures on behalf of the city, or to obligate the city for the payment of any sums of money except as herein provided, and then only after the City Council has first authorized such expenditures for said purpose by adoption of a budget including a line item for such expenditures, and placed the same at the disposal of the Planning Commission, or has otherwise adopted a resolution to provide the administrative method by which the said funds shall be drawn and expended. (Ord. 740 section 10.2.90, 1984)

DIVISION III. – ZONING

Chapter 16.08

GENERAL PROVISIONS

Sections:

- 16.08.010 Compliance with title.**
- 16.08.020 Zoning map.**
- 16.08.030 Zone boundaries.**
- 16.08.040 Zoning of annexed areas.**
- 16.08.050 Prohibited parking.**
- 16.08.070 Illegally created lots.**
- 16.08.080 Area and yard reductions.**
- 16.08.090 Sidewalks required.**
- 16.08.100 Height allowances.**
- 16.08.110 Fences.**
- 16.08.120 Siting and review process for
Wireless Telecommunications Systems Facilities.**
- 16.08.130 Standard transportation improvements.**

16.08.010 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.

An area annexed to the city shall be automatically classified in the zone which best conforms to the land use map of the Comprehensive Plan. Such zoning 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)

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(l)(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 up to property lines in 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, street yard along the side of a corner lot, 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. Arbors that are added to a fence that is constructed of proper design (height and setbacks) and in accordance with this section (16.08.110), is allowed, given the following considerations:

1. The arbor shall not exceed eight (8) feet in height (including the fence and vegetation);
2. The arbor, or any part of the arbor, shall not obstruct the view of drivers or pedestrians navigating the streets and/or sidewalks in the area;
3. Vegetation on the arbor shall not be allowed to grow solid at any time, creating a solid barrier that blocks visibility;

4. If the vegetation becomes too full or too high, the owner is financially responsible to rectify the situation, and to maintain the vegetation, fence, and arbor;

5. Color, construction, and design must be consistent with other like arbors/fences in the immediate area;

6. The arbor shall not block, or in any way impede any present significant vistas enjoyed by neighboring homes and/or other points of interest existing at the time of the building of the fence or arbor;

7. The primary purpose of the arbor is to support and sustain foliage/vegetation.

C. The Planning Commission may require site-blocking or noise mitigating fences for any development it reviews.

D. The Planning Commission may require fences of up to eight feet in height for any development in C-2, C-M, M-1 or M-2, or Planned Unit Development zones.

E. 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)

16.08.120 Siting and review process for Wireless Telecommunications Systems Facilities.

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

1. Regulate the placement, appearance and number of wireless telecommunications systems facilities;

2. Ensure that the citizens of Canby will have access to a variety of wireless telecommunications systems and providers;

3. Reduce the visual impact of certain wireless telecommunications systems facilities by encouraging collocation;

4. Establish a graduated system of review that will expedite facilities placement in preferred locations; and

5. Implement the applicable provision of the Federal Telecommunications Act of 1996.

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

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

1. Building and Electrical Permits only:

a. An attached WTS facility (existing structure, including collocation on cell tower), including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment, on a Preferred Site or Acceptable Site, where the height of the attached WTS facility is no more than 10 feet higher than the existing structure.

b. A detached WTS facility (monopole), including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment, on a Preferred Site, set back at least 660 feet from Highway 99E or land either planned or zoned for residential use, and less than 150 feet in height, including antennas.

c. A detached, stealth design WTS facility (monopole), including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment, on an Acceptable Site, set back from all property lines a distance equal to or greater than the height of the tower, and less than 60 feet high.

2. Building and Electrical Permits, and Site and Design Review (16.49):

a. An attached WTS facility (existing structure, including collocation on cell tower), including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment, on a Preferred Site or Acceptable Site, where the height of the attached WTS facility is more than 10 feet higher than the existing structure.

b. A detached WTS facility (monopole), including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment, on a Preferred Site, set back at least 660 feet from Highway 99E or land either planned or zoned for residential use, and equal to or over 150 feet in height, including antennas.

c. A detached WTS facility (monopole), including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment, on a Preferred Site, within 660 feet from Highway 99E or land either planned or zoned for residential use, and under 100 feet in height, including antennas.

d. A detached WTS facility (lattice tower), including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment, on a Preferred Site, set back at least 660 feet from Highway 99E or land either planned or zoned for residential use, and under 150 feet in height, including antennas.

e. A detached, stealth design WTS facility (monopole), including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment, on an Acceptable Site, set back from all property lines a distance equal to or greater than the height of the tower, and less than 100 feet high, including antennas.

3. Building and Electrical Permits, Site and Design Review (16.49), and Conditional Use Permit (16.50):

a. A detached WTS facility (monopole), including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment, on a Preferred Site, within 660 feet from Highway 99E or land either planned or zoned for residential use, and equal to or over 100 feet in height, including antennas.

b. A detached WTS facility (lattice tower), including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment, on a Preferred Site, set back at least 660 feet from Highway 99E or land either planned or zoned for residential use, and equal to or over 150 feet in height, including antennas.

c. A detached, stealth design WTS facility (monopole), including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment, on an Acceptable Site, set back from all property lines a distance equal to or greater than the height of the tower, including, unless it is demonstrated that locating the proposed facility within the required setback area will take advantage of an existing natural or artificial feature to conceal the facility or minimize its visual impacts, and equal to or over 100 feet high, with a maximum height of 130 feet.

d. An attached WTS facility (existing structure, including collocation on cell tower) on a Conditionally Suitable Site, including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment, where the height of the attached WTS facility is no more than 10 feet higher than the existing structure.

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

1. Site and Design Review standards and criteria (section 16.49.040) shall apply to all WTS facilities requiring Site and Design approval.

2. Conditional Use Permit standards and criteria (section 16.50.010) shall apply to all WTS facilities requiring Conditional Use Permit approval.

3. All WTS facilities shall observe minimum lot size, lot coverage, building height and building setback requirements of the underlying zoning district unless specifically exempted or otherwise regulated by this section. Underground facilities may encroach upon required yards or may be placed in appropriate easements.
4. All detached WTS facilities shall be landscaped at the base of the towers/poles, and completely around the equipment shelters. The landscaping shall conform to the ODOT standards for plant size and spacing.
5. Lighting for all WTS facilities shall be as required by the FAA or recommended by ODOT Aeronautics Division. All other lighting must be deflected away from adjoining property.
6. All detached WTS facilities shall be screened from the public right-of-way and abutting property by a security fence or wall at least 6 feet in height consisting of chain link fencing with vinyl slats, solid wood fencing, concrete masonry unit block, or brick.
7. Attached WTS facilities shall be painted to match the color of the mechanical screen wall or building to which it is attached.
8. Equipment shelters, buildings and cabinets housing radio electronics equipment shall be concealed, camouflaged or placed underground.
9. Any WTS facility sited on or designed with any of the following attributes shall first receive FCC approval, as specified in FCC Rules 1.1301 - 1.1319, as a condition of city approval prior to construction; Wilderness Area; Wildlife Preserve; Endangered Species; Historical Site; Indian Religious Site; Flood Plain; Wetlands; High Intensity White lights in residential neighborhoods; Excessive radio frequency radiation exposure.

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

1. WTS providers whose proposals conform with the provisions of subsection (C)(1) of this section (16.08.120) shall submit the following information with the application for permits:
 - a. A copy of that portion of the lease agreement (or lease memo) with the property owner, facility removal within 90 days of the abandonment and a bond to guarantee removal shall be submitted for review prior to development permit approval.
 - b. A map of the city showing the approximate geographic limits of the cell to be created by the facility. This map shall include the same information for all other facilities owned or operated by the applicant within the city, or extending within the city from a distant location, and any existing detached WTS facilities of another provider within 1,000 feet of the proposed site.

- c. A plot plan showing:
 - i. The lease area;
 - ii. Antenna structure;
 - iii. Height above grade and setback from property lines;
 - iv. Equipment shelters and setback from property lines;
 - v. Access;
 - vi. Connection point with land line system; and
 - vii. All landscape areas associated with the WTS facility.
- d. Anticipated capacity of the WTS facility (including number and types of antennas which can be accommodated).
- e. The method(s) of stealth design (where applicable).
- f. An engineer's statement that the radio frequency emissions at grade, or at the nearest habitable space when attached to an existing structure comply with FCC rules for such emissions; the cumulative radio frequency emissions if collocated.
- g. The radio frequency range in megahertz and the wattage output of the equipment.
- h. A description of the type of service offered (voice, data, video, etc.) and the consumer receiving equipment.
- i. Identification of the provider and backhaul provider, if different.
- j. A facilities maintenance regimen.
- k. The zoning and comprehensive plan designation of the proposed site.
- l. The FAA determination.
- m. The distance from the nearest WTS facility.

2. WTS providers whose proposals conforms with the provisions of subsection (C)(2) and (C)(3) of this section (16.08.120) shall submit, in addition to the requirements of 16.49.035 and/or 16.50.020 of the Land Development and Planning Ordinance, the following additional information:

- a. Items 1-14 in subsection (5)(a) above.
- b. Alternatives for locating/relocating support structures within 250 feet of the proposed site.
- c. Photo simulations of the proposed WTS facility from the four cardinal compass points and/or abutting right-of-way, whichever provides the most accurate representation of the proposed facility from a variety of vantage points.
- d. An engineer's statement demonstrating the reasons why the WTS facility must be located at the proposed site (service demands, topography, dropped coverage, etc.).
- e. An engineer's statement demonstrating the reasons why the WTS facility must be constructed at the proposed height.
- f. Verification of good faith efforts made to locate or design the proposed WTS facility to qualify for a less rigorous approval process (building permit and/or building permit and site and design review approval).

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

16.08.130 Standard transportation improvements.

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

- 1. Except where otherwise specifically regulated by this ordinance, the following improvements are permitted outright
 - a. Normal operation, maintenance, repair, and preservation of existing transportation facilities.
 - b. Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.
 - c. Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.

- d. Landscaping as part of a transportation facility.
- e. Emergency measures necessary for safety and the protection of property.
- f. Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan, except for those that are located in exclusive farm use or forest zones.
- g. Construction of a local street or road as part of subdivision or land partition approved consistent with this Ordinance.

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

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

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

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

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

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

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

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 Streets.
- 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. Fir 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. 890 section 9, 1993; Ord. 872, 1992; Ord. 854 section 2, 1991; Ord. 848, Part V, section 1, 16.10.010(A)(B), 1990; Ord. 1237, 2007)

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.

D. Off-street parking spaces for dwellings shall be located on the same lot, or adjacent lot, with the dwelling. 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, which would be separately required for each use.

3. Legal documentation, to the satisfaction of the City Attorney, shall be submitted verifying permanent 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 actually 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)

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 parking in the City of Canby:

USE	PARKING REQUIREMENT
<i>Residential Uses:</i>	
a. Single-family dwellings	2.00 spaces per dwelling unit for new construction. (Existing single-family dwellings having only a single parking space shall not be considered to be nonconforming.)
b. Two-family dwellings	2.00 spaces per dwelling unit.
c. Multi-family dwellings in complexes with private internal driveways	2.00 spaces per unit. One additional guest parking space shall be provided for every five units for each development often or more units.
d. Retirement/assisted living housing	1.5 spaces per unit
e. Residential day care facility and home occupation	1.00 space per employee
<i>Institutions:</i>	
a. Convalescent home, nursing home or sanitarium	1.00 spaces per two beds for patients or residents, plus 1.00 space sanitarium per employee
b. Hospital	4.00 spaces per two beds
<i>Places of Public Assembly:</i>	
a. Library, reading room	1.00 space per 400 square feet of public area
b. Nursery, primary/elementary, or junior high school	2.00 spaces per employee
c. Senior high school	1.00 space per classroom, plus 1.00 space per six students
d. Other places of public assembly, including churches	1.00 space per four seats or eight feet of bench length
<i>Commercial Amusement:</i>	
a. Theater	1.00 per two seats
b. Bowling alley	5.00 spaces per alley
c. Dance hall, skating rink	1.00 space per 100 square feet of floor area
d. Racquet courts, health clubs	2.00 spaces per court plus one space per 2 employees or exercise area

Commercial	
a. Retail shops (under 100,000 sq. ft. gross leasable area)	4.00 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 400 square feet of sales floor area plus 1.00 space per 2 employees
c. Shopping center (over 100,000 square feet of gross leasable area)	5.00 spaces per 1,000 square feet of gross leasable area
d. Banks/savings and loans	5.00 spaces per 1,000 gross square feet of floor area
e. Medical/dental offices	5.00 spaces per 1,000 gross square feet of floor area
f. General offices	3.50 spaces per 1,000 gross square feet of floor area
g. Real estate offices	3.50 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	10.00 spaces per 1,000 gross square feet of floor area
j. Take-out restaurant	10.00 spaces per 1,000 gross square feet of floor area
k. Motel	1.50 spaces per room
Residential hotel, rooming house, boarding house, or bed and breakfast	Spaces equal to 80 percent of the number of guest accommodations
m. Hotel	Spaces equal to 50 percent of the number of guest accommodations
n. Club or lodge	One space per 150 square feet of floor area plus 1.00 space per manager
o. Day care facility	2.00 spaces per 6 children under care, plus 1.00 space per employee
p. All others	1.00 space per 550 square feet
q. Wireless telecommunication systems	1.00 space per site
Industrial:	
a. Manufacturing	3.50 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	3.50 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	3.50 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

16.10.060 Off-street loading facilities

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

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

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

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

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

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

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

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

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

16.10.070 Parking lots and access.

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

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

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

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

a. The Planning Commission may approve the use of an engineered aggregate system for outdoor storage and/or non-required parking areas as part of a Conditional Use Permit 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 Planning Commission may impose conditions as necessary to meet City Standards.

4. The full width of driveways to single family homes or their accessory structures must be paved:

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.

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, utilize 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)

Minimum Access Requirements

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

<i>Dwelling units</i>	<i>Minimum number of accesses required</i>	<i>Minimum access width</i>	<i>Sidewalks & Curbs (in addition to driveways)</i>
1 or 2	1	12 feet	none required
3-19	1	20 feet	Minimum of one sidewalk connection to residences and parking areas; curb required if sidewalk adjacent to driveway.
20-49	Option A: 1 access OR Option B: 2 accesses	20 feet 12 feet	Minimum of one sidewalk connection to residences and parking areas; curb required if sidewalk adjacent to driveway.
50-499	Option A: 1 access OR Option B: 2 accesses	30 feet 20 feet	Curbs required; Minimum of one sidewalk connection to residences and parking areas
Over 500	As required by Site and Design Review Board		As required by Public Works Director

16.10.070(B)(9): Minimum access requirements for commercial or institutional uses - ingress and egress for commercial uses shall not be less than the following:

<i>Parking spaces required</i>	<i>Minimum number of accesses required</i>	<i>Minimum access width</i>	<i>Sidewalks & curbs (in addition to driveways)</i>
1-4	1	12 feet	None required
5-99	1	20 feet	Curbs required; sidewalk on one side minimum
100-249	2	20 feet	Curbs required; sidewalk on one side minimum
Over 250	As required by Site and Design Review Board	As required by Public Works Director	

16.10.070(B)(10): Minimum access requirements for industrial uses - ingress and egress for industrial uses shall not be less than the following:

<i>Parking spaces required</i>	<i>Minimum number of accesses required</i>	<i>Minimum access width</i>	<i>Sidewalks & 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		

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

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

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

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

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

d. The minimum distance between two driveways on one single-family residential lot shall be thirty (30) feet. There is no minimum setback distance between a driveway and the property line for driveways on single-family residential lots.

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

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

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

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

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

e. When considering a public facilities plan that has been submitted as part of site and design review plan in accordance with this ordinance, the city Public Works Supervisor may approve the location of a driveway closer than fifty (50)

feet from the intersection of collector or arterial streets, based on written findings of fact in support of the decision. Said written approval shall be incorporated into the recommended decision of the City Planner for the site and design review plan under the process set forth.

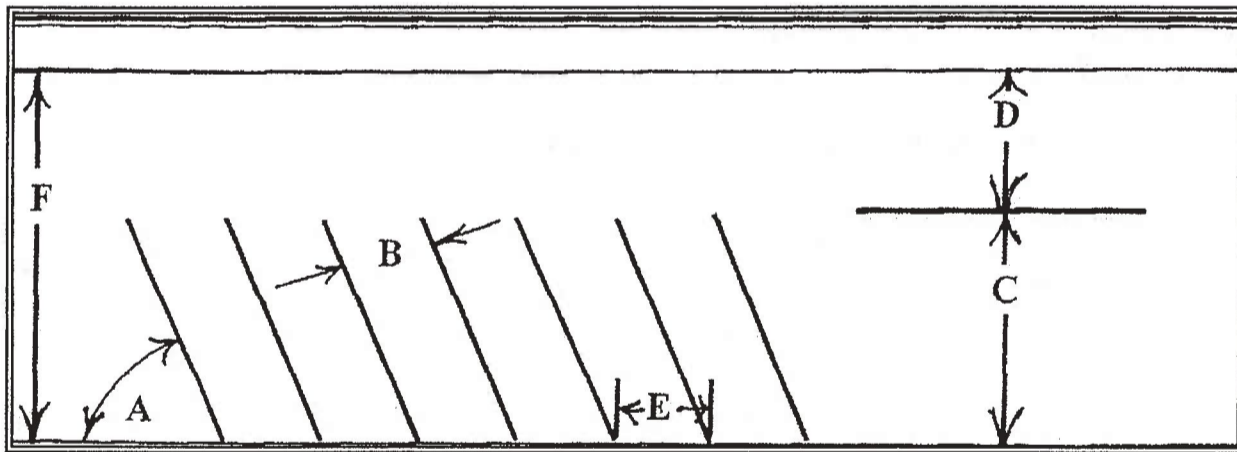
f. The minimum distance between driveways for single-family residential houses and an intersection shall be thirty (30) feet. The distance shall be measured from the curb intersection point [as measured for vision clearance area (16.04.670)]. (Ord. 890 section 12, 1993; Ord. 872, 1991; Ord. 854 section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

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"



16.10.080 Streets.

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

16.10.090 Drive-up uses.

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

1. All drive-up uses. – Each lane shall provide a minimum capacity for two (2) to eight (8) automobiles, as determined by the Site and Design Review Board.
2. For purposes of this section, an automobile shall be considered no less than twenty (20) feet in length. The width and turning radius of drive-up aisles shall be approved by the City Public Works Director.

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

16.10.100 Bicycle Parking.

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

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

B. Covered parking: Where there are ten (10) or more bicycle parking spaces, at least 50% of the bicycle parking spaces shall be covered.

C. 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 closet automobile parking space, and in no case further than 50 feet from an entrance when several entrances are involved.

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

TABLE 16.10.100 BICYCLE PARKING STANDARD	
LAND USE CATEGORY	MINIMUM REQUIRED BICYCLE PARKING SPACES
Residential Multi-family residential, general Multi-family residential, seniors or with physical disabilities	1 space per unit 4, or 1 space per 5 units, whichever is greater
Institutional Schools - Elementary Schools - Jr. High/Middle School Schools - St. High College Transit Centers/Park & Ride Lots Religious Institutions Hospitals Doctor, Dentist Offices Libraries, Museums, etc.	To be determined through design review To be determined through design review To be determined through design review To be determined through design review 5% of auto spaces (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 ² , whichever is greater 2, or 1 space per 1000 ft ² , whichever is greater
Commercial Retail Sales Auto-oriented Services Groceries/Supermarkets Offices Restaurants Drive-in Restaurants Shopping Centers Financial Institutions Theaters, Auditoriums, etc. Downtown Commercial Zone	0.33 space per 1000 ft ² , whichever is greater 2, or 0.33 space per 1000 ft ² , whichever is greater 0.33 space per 1000 ft ² 2, or 1 space per 1000 ft ² , whichever is greater 1 space per 1000 ft ² 1 space per 1000 ft ² 0.33 space per 1000 ft ² 2, or 0.33 space per 1000 ² , whichever is greater 1 space per 30 seats 4 spaces per block
Industrial Industrial Park Warehouse Manufacturing, etc.	2, or 1 space per 1000 ft ² , whichever is greater 2, or 1 space per 1000 ft ² , whichever is greater 2, or .15 space per 1000 ft ² , whichever is greater

NOTES:

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

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

Chapter 16.12
CLASSIFICATION OF ZONES

Sections:

- 16.12.010** Zones designated.
- 16.12.020** Uses permitted.

16.12.010 Zones designated.

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

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

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

16.12.020 Uses Permitted

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

Chapter 16.16

R-1 LOW DENSITY RESIDENTIAL ZONE

Sections:

- 16.16.010 Uses permitted outright.**
- 16.16.020 Conditional uses.**
- 16.16.030 Development standards.**

16.16.010 Uses permitted outright.

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

- A.** Single-family dwelling; one single-family dwelling per lot;
- B.** Agriculture, including all accessory structures necessary to the conduct of agricultural activity but excluding commercial processing, sales, manufacturing, or packaging plants except when used primarily for items grown on the premises;
- C.** Accessory uses and/or accessory structures;
- D.** Accessory dwellings attached to a primary dwelling (sharing a common wall) are permitted only when approved through administrative review, in conformance with Chapter 16.48. The administrative approval shall be based on findings that all of the following standards are met:
 - 1.** Compliance with the Oregon Structural Specialty Code;
 - 2.** Attached accessory dwellings are considered to be part of the primary dwelling for the purpose of meeting the development standards in Section 16.16.030;
 - 3.** The accessory dwelling does not exceed 800 square feet of floor area;
 - 4.** Not more than one accessory dwelling unit per lot;
 - 5.** One off-street parking space provided (i.e., in addition to any off-street parking required for other uses on the same lot);
 - 6.** Exterior siding and roofing must be similar in color, material and appearance to that used on the primary dwelling. Different siding or roofing may be approved by the planning commission if it finds that the proposed design is more compatible with surrounding residences;

7. The property owner resides on the subject property and uses it as his/her primary residence. It is the property owner's on-going responsibility to provide evidence showing that this standard is met;

8. Utility connections and metering comply with applicable city standards and those of utility providers;

E. Day care facility in a residential home, with twelve (12) or fewer children;

F. Manufactured and mobile home subdivisions, where developed as planned unit developments, subject to the requirements of Divisions IV and V;

G. Minor public facilities;

H. Manufactured home - with the following additional approval criteria:

1. Must be double-wide or wider and must enclose at least 1,000 square feet.

2. Must be located not more than twelve (12) inches above grade on an excavated and back-filled masonry foundation which is enclosed at the perimeter.

3. Must have a pitched roof with a minimum slope of at least a nominal three (3) feet in height for each twelve (12) feet in width.

4. Exterior siding and roofing must be similar in color, material and appearance to that used on surrounding dwellings within three hundred (300) feet of the lot.

5. The exterior thermal envelope must meet performance standards equivalent to those required for single family dwellings under the State Building Code.

6. Must not have bare metal siding or roofing.

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

16.16.020 Conditional uses.

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

A. Cemetery;

B. Church;

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

D. Hospital;

- E.** Nursing home, convalescent home, home for the aged, board and care home, foster care home, etc.;
- F.** School;
- G.** Major public facilities;
- H.** Golf courses, public or private, with facilities and structures that are associated with the use;
- I.** Home occupations which otherwise meet the strict definition of section 16.04.240, but which involve the manufacture of products, nonresidential storage of goods, or any activity which is likely to increase traffic;
- J.** Accessory use or structure (not a dwelling) located on a lot or lots abutting the lot which houses the principal use of the property;
- K.** Manufactured and mobile home park or trailer park, subject to the criteria of Chapter 16.44;
- L.** One two-family dwelling where the lot contains a minimum of twelve thousand square feet. Through the conditional use process, the Planning Commission may require the two dwellings in a duplex to share a common driveway to minimize curb cuts and paving;
- M.** One duplex on a corner lot that contains a minimum of ten thousand square feet, provided that the building is designed such that vehicle access to the different units is taken from different streets;
- N.** Bed and Breakfast;
- O.** Accessory Dwelling that is not attached to the primary dwelling. The accessory dwelling shall be separated from the primary dwelling by a minimum of 10 feet and conform to the standards in Section 16.16.010(D)(2). The building height standards in Section 16.16.030(E) shall apply.
- P.** Zero-lot line development for uses otherwise allowed, provided that the minimum side yard setback shall be 7 feet when adjacent to housing with standard setbacks. Prior to building permit approval, the applicant shall submit a copy of a recorded easement for every zero-lot line housing that guarantees rights for the purpose of construction and maintenance of structures and yards. The easement shall stipulate that no fence or other obstruction shall be placed in a manner that would prevent maintenance of structures on the subject lot; and the building placement, landscaping, and/or design of windows shall provide a buffer for the occupants of abutting lots.
- Q.** Other developments customarily found within a residential zone, as determined by the Planning Commission.

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

16.16.030 Development standards.

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

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

B. Lot area exceptions:

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

a. The average area of all lots created through the subject land division, excluding required public park land dedications, surface water management facilities and similar public use areas, shall be no less than seven thousand square feet and no greater than ten thousand square feet. Non-required significant natural resource areas shall be included in the average lot size calculation to enable a transfer of density onto buildable portions of the site. Required areas include identified parks, wetland areas, riparian corridors, and other areas in which building is not permitted under local, state, or federal laws or regulations;

b. No lot shall be created that contains less than six thousand square feet;

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

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

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

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

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

D. Minimum yard requirements:

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

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

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

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

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

E. Maximum building height:

1. Principal building: thirty-five feet.

2. Detached accessory structure:

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

b. If located outside the allowed building footprint for the principal building, a detached accessory structure is subject to a step-up height standard, and is allowed outright only if it meets this standard. The structure shall

not exceed eight feet tall, as measured to the highest point of the roof, at a distance of three feet from the property line. The structure may increase in height by one foot vertically for every one foot horizontally away from the three foot line, up to the maximum height of twenty-two feet.

- c. A conditional use permit is required to locate the structure outside of the allowed building footprint for the principal building in violation of the step-up height standard.
 - d. Detached accessory structures over twenty-two feet tall are not permitted.
3. For detached accessory dwellings, the Planning Commission may approve building heights over twenty-two feet through the Conditional Use process, but in no case shall the accessory dwelling be higher than the principal building. The Planning Commission may only approve the use of buildings over twenty-two feet in the case of existing structures where no substantial changes to existing roof lines are proposed.

F. Maximum lot coverage:

- 1. Principal building: no limit;
- 2. Accessory building: no more than the area covered by the main building, unless lot area exceeds twelve thousand square feet in which case no limit is specified.

G. Other regulations:

- 1. Vision clearance distance shall be ten feet from a street to an alley or a street to a driveway, and thirty feet from a street to any other street.
- 2. All setbacks to be measured from the foundation line of the building; overhangs shall not exceed two feet; mechanical units, used for the heating/cooling of residential units are exempt from interior and/or rear yard setback requirements.
- 3. Required yards on southern and western exposures may be reduced by not more than five feet for eaves or canopies to provide shade. (Ord. 890 section 17, 1993; Ord. 740 section 10.3.18(C), 1984; Ord. 955 section 5, 1996; Ord. 981 section 45, 1997; Ord. 1080, 2001; Ord. 1111 section 7, 2003; Ord 1237, 2007)

Chapter 16.18

R-1.5 MEDIUM DENSITY RESIDENTIAL ZONE

Sections:

- 16.18.010 Uses permitted outright.**
- 16.18.020 Conditional uses.**
- 16.18.030 Development standards.**

16.18.010 Uses permitted outright.

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

- A. Uses permitted outright in the R-1 zone;
- B. Two-family or three-family dwellings. One duplex or triplex on each lot. (Ord. 740 sect. 10.3.20 (A), 1984)

16.18.020 Conditional uses.

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

- A. Uses listed as conditional in the R-1 zone; except as modified by Section 16.18.010, above;
- B. Four-family dwellings;
- C. Single-family dwellings having common wall construction. (Ord. 740 sect. 10.3.20(B), 1984; Ord. 1080, 2001)

16.18.030 Development standards.

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

- A. Minimum and maximum lot area:
 - 1. For single family dwellings: five thousand (5,000) square feet minimum and six thousand five hundred (6,500) square feet maximum.
 - 2. For two, three, or four-family dwellings: minimum of six units per acre. Density is calculated by dividing the number of dwelling units by the property area in acres (minus area required for street right-of-way and public park/open space areas). Decimals are rounded to the nearest whole number.
 - 3. The Planning Commission may approve smaller or larger lots in accordance with subsection B, below.

- B. Lot area exceptions:

1. The Planning Commission may approve an exception to the minimum and maximum lot area standards in subsection 16.18.030.A as part of a subdivision or partition application when all of the following standards are met:

a. The average area of all lots and open space tracts created through the subject land division, excluding required public park land dedications, surface water management facilities and similar public use areas, shall be no less than five thousand square feet and no greater than six thousand five hundred square feet. Non-required significant natural resource areas shall be included in the average lot size calculation to enable a transfer of density onto buildable portions of the site. Required areas include identified parks, wetland areas, riparian corridors, and other areas in which building is not permitted under local, state, or federal laws or regulations;

b. No lot shall be created that contains less than four thousand square feet; and

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

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

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

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

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

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

D. Minimum yard requirements:

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

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

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

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

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

E. Maximum building height:

1. Principal building: thirty-five feet.

2. Detached accessory structure:

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

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

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

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

3. For detached accessory dwellings, the Planning Commission may approve building heights over twenty-two feet through the Conditional Use process, but in no case shall the accessory dwelling be higher than the principal building. The Planning Commission may only approve the use of buildings over twenty-two feet

in the case of existing structures where no substantial changes to existing roof lines are proposed.

F. Maximum lot coverage: sixty percent.

G. Other regulations:

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

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

3. Required yards on southern and western exposures may be reduced by not more than five feet for eaves or canopies to provide shade. (Ord. 890 sect. 19, 1993; Ord. 740 sect. 10.3.20(C), 1984; Ord. 955 sect. 6, 1996; Ord. 981 sect. 46, 1997; Ord. 1019 sect. 8, 1999; Ord. 1080, 2001; Ord 1237, 2007.)

Chapter 16.20

R-2 HIGH DENSITY RESIDENTIAL ZONE

(Ord 890 section 20, 1993)

Sections:

- 16.20.010 Uses permitted outright.**
- 16.20.020 Conditional uses.**
- 16.20.030 Development standards.**

16.20.010 Uses permitted outright.

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

- A. Uses permitted outright in the R-1.5 zone, subject to the density standards in Section 16.20.030(A);
- B. Single family dwellings having common wall construction;
- C. Boarding, lodging or rooming house;
- D. Multi-family dwelling;
- E. Manufactured and mobile home or trailer parks, subject to the criteria of Chapter 16.44;
- F. Bed and Breakfast. (Ord. 890 section 21, 1993; Ord. 740 section 10.3.21(A), 1984; Ord. 1019 section 9, 1999; Ord. 1080, 2001)

16.20.020 Conditional uses.

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

- A. A use listed as conditional in the R-1 zone and not listed as permitted outright in section 16.20.010;
- B. Uses listed as permitted outright in the C-R zone (Section 16.24.010), not to exceed 3,000 square feet, and only when part of a Planned Unit Development. All such uses shall be subject to site and design review.
- C. Zero-lot line development for uses otherwise allowed, provided that the minimum side yard setback shall be 7 feet when adjacent to housing with standard setbacks. Prior to building permit approval, the applicant shall submit a copy of a recorded easement for every zero-lot line housing that guarantees rights for the purpose of construction and maintenance of structures and yards. The easement shall stipulate

that no fence or other obstruction shall be placed in a manner that would prevent maintenance of structures on the subject lot; and the building placement, landscaping, and/or design of windows shall provide a buffer for the occupants of abutting lots. (Ord. 890 section 22(A)(B), 1993; Ord. 740 section 10.3.21 (B), 1984; Ord. 1080, 2001)

16.20.030 Development standards.

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

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

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

C. Minimum yard requirements:

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

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

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

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

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

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

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

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

D. Maximum building height and length:

1. Principal building: thirty-five feet.

2. Detached accessory structure:

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

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

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

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

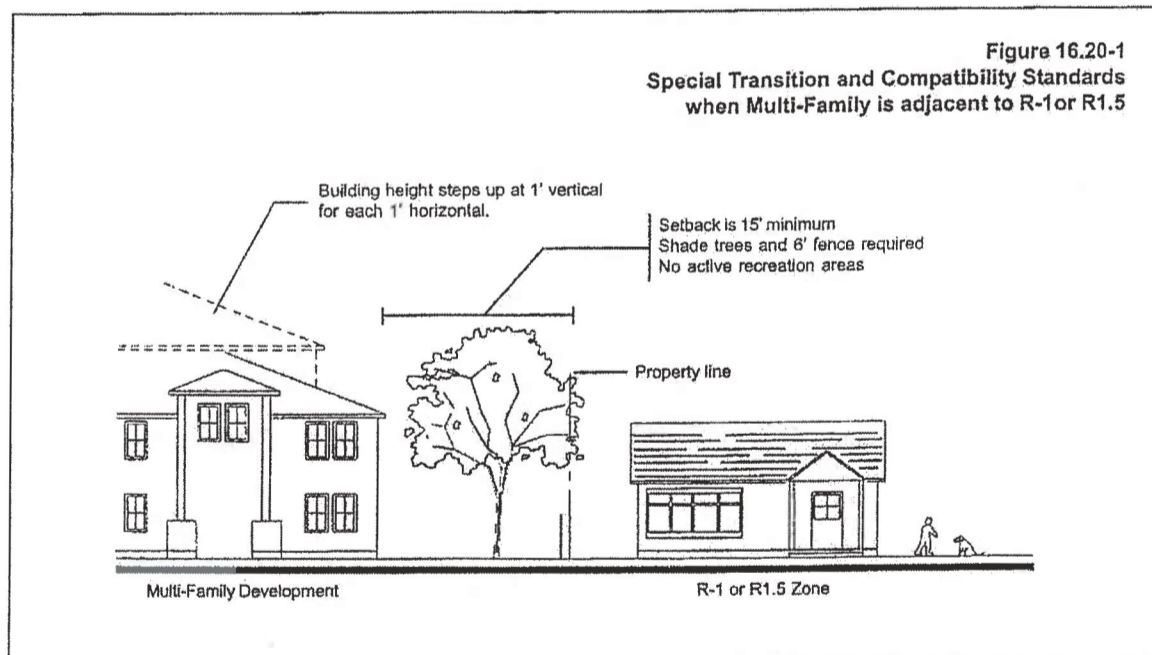
3. Maximum building height for multifamily developments abutting an R-1 (Low Density Residential) or R-1.5 (Medium Density Residential) zone shall not exceed a building height greater than one foot for each foot of distance from the R-1 and/or R-1.5 property line.

4. Maximum building length shall be 120 feet.

E. Maximum lot coverage: forty percent of the lot for multiple-family developments; sixty percent of the lot for duplex and triplex developments; seventy percent of the lot for single-family residences.

F. Other regulations:

1. Vision clearance distance shall be ten feet from a street to an alley or a street to a driveway, and thirty feet from a street to any other street.
2. All setbacks to be measured from the foundation line of the building. Overhangs shall not exceed two feet; mechanical units, used for the heating/cooling of residential units are exempt from interior and/or rear yard setback requirements.
3. Required setbacks on southern and western exposures may be reduced by not more than five feet for eaves or canopies to provide shade.
4. Multi-family developments exceeding ten units shall provide 150 square feet of recreation space per dwelling unit. Recreation spaces shall be no less than 1,500 square feet in size. (Ord. 890 sect. 23, 1993; Ord. 740 sect. 10.3.21 (C), 1984; Ord. 955 sect. 7, 1996; Ord. 981 sect. 47, 1997; Ord. 1080, 2001; Ord. 1107, 2002; Ord. 1237, 2007)



Chapter 16.21

RESIDENTIAL DESIGN STANDARDS

Sections:

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

16.21.010 Purpose.

The purpose of the residential design objectives are to promote:

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

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

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

16.21.030 Single family and two-family dwelling design menu.

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

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

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

1. The garage may be up to 50% of the length of the street-facing facade (see figure 16.21-1), or,
2. The garage may be up to 60% of the length of the facade, if the garage is recessed a minimum of 2 feet from the longest street facing facade, and,
3. On corner lots, only one street-facing wall must meet the standards in (1) or (2) above (see figure 16.21-2), and,
4. A garage wall that faces the street may be no closer to the street than the longest street-facing wall of the house, except as provided in subsections (5) and (6) below.
5. A garage may extend up to 6 feet in front of the longest front facade if:
 - a. There is a covered front porch and the garage does not extend beyond the front line of the porch (see figure 16.21-3); or,
 - b. The garage is part of a two level facade that has a window (minimum 6 square feet, with 4" trim or shutters) on the second level that faces the street (see figure 16.21-4).
6. Garages may be side-oriented to the front lot line if windows occupy a minimum of 15% of the street-facing wall of the garage (see figure 16.21-5).

D. Design Menu Standards

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

16.21.040 Main entrances for single family and two family dwellings.

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

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

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

16.21.050 Infill Homes

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

B. Applicability. These standards apply to all new infill homes as defined by 16.04.255. The standards also apply to remodels of existing infill homes where the

remodel increases the homes floor area by more than 50%, not including garage area.

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

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

16.21.060 Applicability and review procedure for multi-family dwellings.

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

16.21.070 Multi-family design standards.

- A. For design review applications for multi-family dwellings (three or more units) or for development that contain 3 or more units on a single lot located in any zone, the following matrix shall apply. This matrix replaces the general matrix contained in Chapter 16.49 for such applications.

B. A design review application for multi-family dwellings shall be considered to be compatible if (1) the Design Menu standard is met (it is a pass/fail standard, meaning it must be met regardless of compliance with other standards); (2) a minimum of 65 percent of the total possible points (not including bonuses) are accumulated for the whole development; and, (3) if the applicant has received a minimum of one point in each applicable category.

TABLE 16.21.070

CRITERIA	POSSIBLE SCORES		
Design Menu for Street Facing Facades	Yes	No	
Dormers			
Gables, hip, or gambrel roof form			
Recessed entries (minimum 2-foot recess)			
Covered porch entries (minimum 48 square feet; minimum 4 feet deep)			
Bay windows			
Eaves of 20 inches or greater			
Off-set of 16 inches or greater on building face or roof			
Minimum 15% is the area of the windows and main entrance doors as a percentage of the façade, not including the roof			
Window trim (minimum 4 inch) or shutters (minimum 8 inches)			
Balconies or porch rail			
Shakes, shingles, brick, porch detailing or other decorative materials on at least 100 square feet of the street façade.			
Pass – at least five of the above elements (or similar elements) provided along all street facing facades.			
Parking			
Screening of loading facilities from public ROW: Not screened = 0; partially screened = 1; full screening = 2	0	1	2
Landscaping (breaking up of expanse of asphalt); No = 0; Yes = 1	0	1	
Parking lot lighting: No = 0; Yes = 1	0	1	
Location (behind the building is best): Front = 0; side = 1; behind = 2	0	1	2
Tree Retention			
For trees outside of the building foot-print and parking/access areas (3 or more trees): No arborist report/follows <50% of arborist recommendation = 0; follows <50% of arborist recommendation =1; follows 50%-75% of arborist recommendation = 2; >75% of arborist recommendation = 3	0	1	2 3
Replacement of trees removed that were recommended for retention: x<50% = 0; x>50% = 1	0	1	
Orient Multi-Family Buildings to Public or Private Streets			
Primary entrances face the street: No entries face the street = 0; entrance breezeway faces the street = 1; entries face the street = 2	0	1	2
The site's frontage has buildings within 25 feet of the front lot line. Full points may be given when courtyards are adjacent to the frontage. 0-25% of site street frontage complies with standard = 0; 25%-50% of the site street frontage complies with standard = 1; 51+% of the site street frontage complies with standard = 2	0	1	2
CRITERIA			
Screening of Storage Areas and Utility Boxes			
Trash receptacles are screened from view by a solid wood fence, masonry wall, or by slight-obscuring landscape: No = 0; Yes = 1	0	1	
Trash receptacles are located away from adjacent property lines: 0' – 10' = 0; 10' – 25' = 1; >25' = 2	0	1	2
Exterior transformers, utility pads, cable and telephone boxes are located to minimize visual impact and/or screened: not screened = 0; partially screened = 1; completely screened = 2	0	1	2

Prevention of Monotonous and Incompatible Design			
Horizontal length of all buildings is a maximum of 120 feet: 101 – 120 feet = 0; 81 – 100 feet = 1; 0 – 80 feet = 2	0	1	2
Roofs have a gable, hip or gambrel form, minimum pitch of 3 to 12 with at least a 6 inch overhang: No = 0; Yes = 1	0	1	
A minimum of 15% of the street façade area contains windows or doors. All windows provide trim, recess, or other method of providing shadowing: No = 0 and Yes = 1	0	1	
Garages are located to minimize their visual impact: Front = 0; side = 1; back = 2	0	1	2
Exterior design features incorporate offsets, balconies, projections, window reveals, or similar elements to break up large expanses or uninterrupted building expanse: no design features within every 30 feet of longest façade = 0; 1 design features within every 30 feet of longest façade = 1; 2 or more design features within every 30 feet of longest façade = 2	0	1	2

Private Open Space and Landscaping			
Private open space in addition to the base percentage requirement of common open space for the zone: no additional open space = 0; patios or balconies (minimum 48 sq ft provided for at least 50% of units = 1; patios or balconies (minimum 48 sq ft provided for more than 50% of units, or, a sport court, tot lot, pool, or community room is provided, or, common open space is increased at least 48 sq ft = 2	0	1	2
Automatic irrigation provided for all landscaping: No = 0; Yes = 3	0		3
# of non-required trees: x<1 per 500 sq ft of landscaping = 0; 1 or more per 500 sq ft of landscaping = 1	0	1	

Street and Block Framework			
Multi-family developments 8 acres or larger are developed as a series of complete blocks bounded by a network of public or private streets with sidewalks and street trees: no block or network of streets proposed = 0; up to 50% of units are along public or private streets that have sidewalks, street trees and parallel or angled parking on-street parking = 1; 50+% of the units are along public or private streets that have sidewalks, street trees and parallel or angled parking on-street parking = 2	0	1	2

Bonus Points			
2 or more trees at least 3" in caliper: No = 0; yes = 1	0	1	
Park/open space retention for public use: No = 0; yes = 3	0		3

Figure 16.21-1
Garage Standard 1

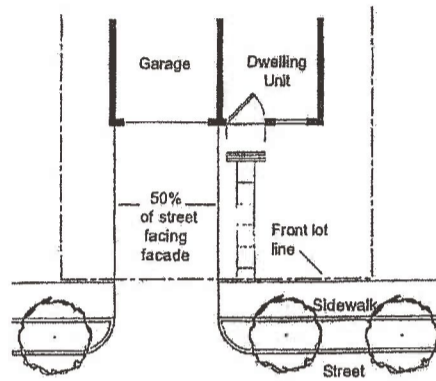


Figure 16.21-2
Garage Standard 2

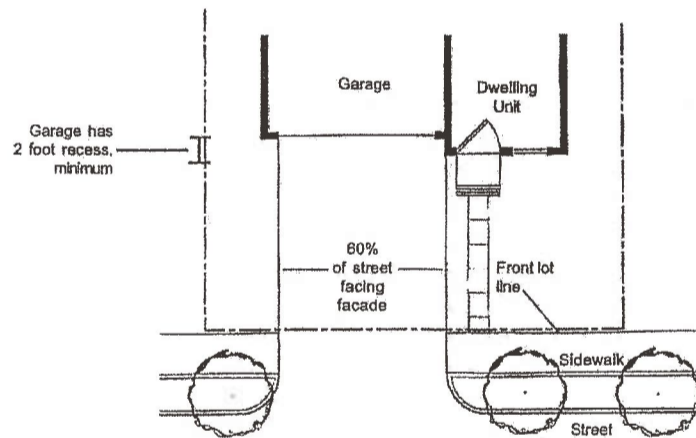


Figure 16.21-3
Garage Standard 5a

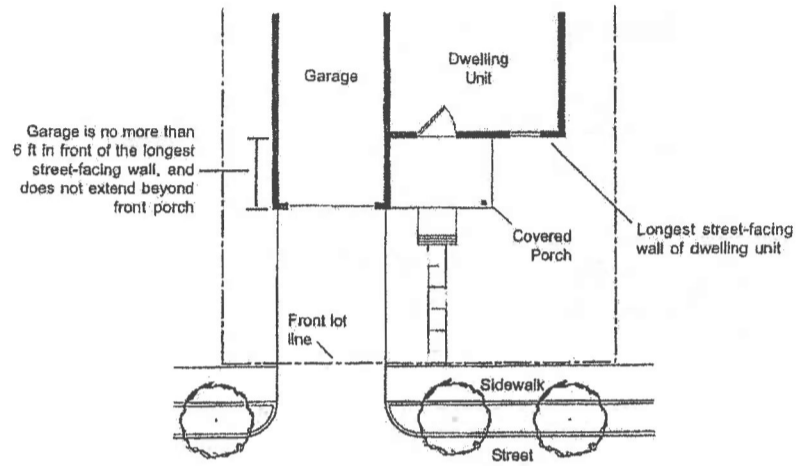


Figure 16.21-4
Garage Standard 5b

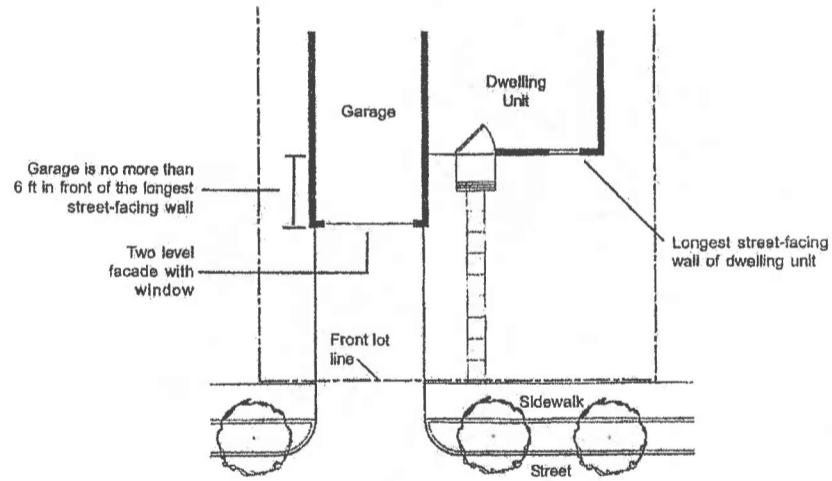


Figure 16.21-5
Garage Standard 6

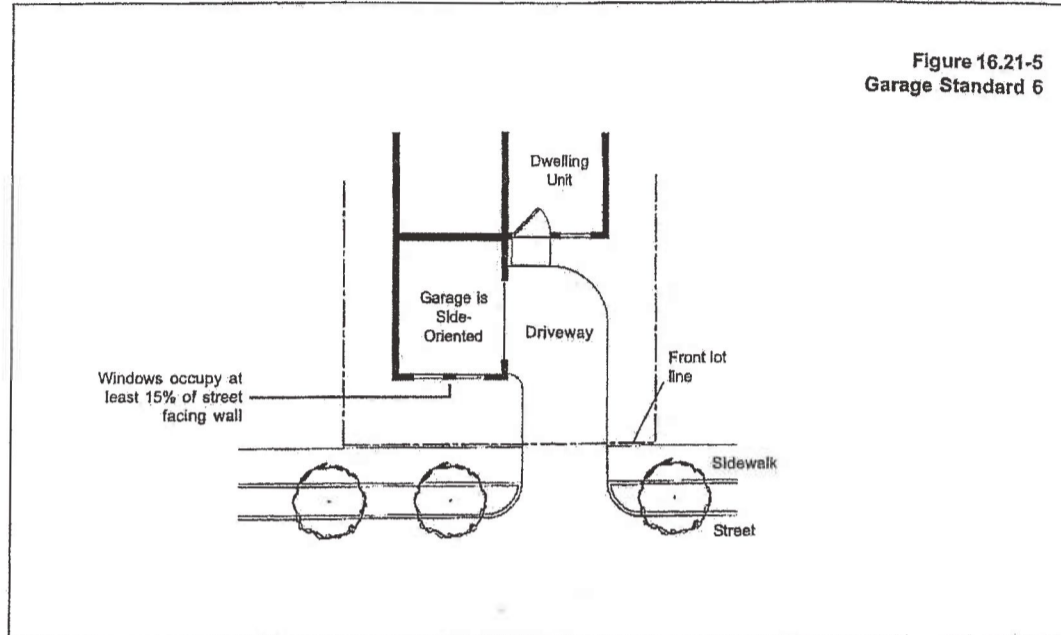
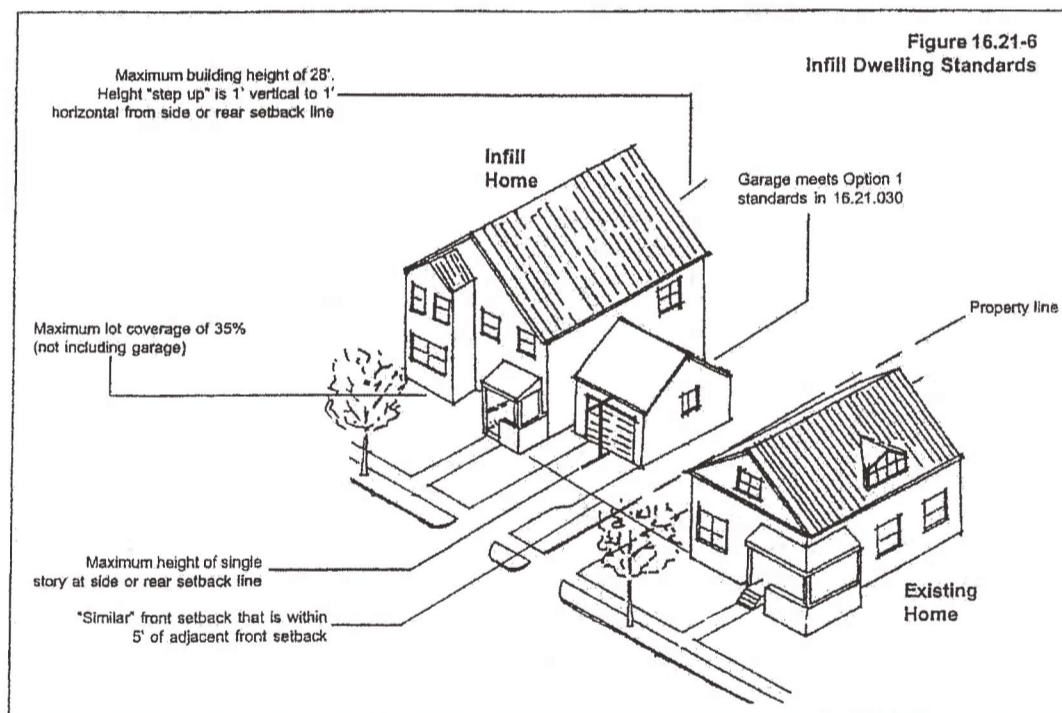


Figure 16.21-6
Infill Dwelling Standards



Chapter 16.22

C-1 DOWNTOWN COMMERCIAL ZONE

Sections:

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

16.22.010 Uses permitted outright.

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

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

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

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

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

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

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

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

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

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

D. Bakery, for retail sale primarily on premises;

E. Barber or beauty shop;

F. Bank or other financial institution;

G. Bed and Breakfast, in an existing residence;

H. Bicycle sales, service, or repair;

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

J. Bus depot;

K. Business college;

L. Catering establishment;

M. Church;

N. Club or lodge hall;

O. Day care facility;

P. Laundry or cleaning establishment;

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

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

16.22.020 Conditional uses.

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

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

16.22.030 Development standards.

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

- A. Minimum lot area: none;
- B. Minimum width and frontage: none;
- C. Minimum yard requirements:
 - 1. Street yard: none, except ten feet where adjoining a residential zone.
 - 2. Interior yard: none.
- D. Maximum building height:
 - 1. Freestanding signs: thirty feet;
 - 2. All other structures: forty-five feet.
- E. Maximum lot coverage: no limit;
- F. Other regulations:
 - 1. Vision clearance distances shall be ten feet from an alley and fifteen feet from any other street.
 - 2. Sidewalks a minimum of eleven (11) feet in width shall be required in commercial locations unless existing building locations or street width necessitate a more narrow design.
 - 3. All setbacks to be measured from the foundation line of the building. Overhangs shall not exceed two feet (not including awnings); mechanical units, used for the heating/cooling of residential units, are exempt from interior and/or rear yard setback requirements.

4. New commercial buildings, particularly retail shopping and offices, shall be oriented to the street, near or at the setback line. A main entrance shall be oriented to the street.

5. Off-street motor vehicle parking for new commercial developments shall be located at the side or behind the building(s). (Ord 740 section 10.3.24(C), 1984; Ord. 981 section 48, 1997; Ord. 1043 section 3, 2000; Ord. 1076, 2001; Ord 1237, 2007)

16.22.040 Design Review Matrix.

A. For design review applications located in the C-1 zone the following matrix shall apply. This matrix replaces the general matrix contained in Chapter 16.49 for such applications.

B. A design review application in the C-1 zone shall be considered to be compatible if a minimum of 65 percent of the total possible points (not including bonuses) are accumulated for the whole development, and if the applicant has received a minimum of one point in each applicable category. (Ord. 1076, 2001; Ord. 1080, 2001)

TABLE 16.22.040

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

Chapter 16.24

C-R RESIDENTIAL/COMMERCIAL ZONE

Sections:

- 16.24.010 Uses permitted outright.**
- 16.24.020 Conditional uses.**
- 16.24.030 Development standards.**

16.24.010 Uses permitted outright.

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

- A. Uses permitted outright in the R-1.5 zone, conforming to the development standards of the R-1.5 zone;
- B. Parking lots or parking structures;
- C. Bakery, for retail sale on premises only;
- D. Barber or beauty shop;
- E. Bicycle service and repair shop with all business and storage conducted within an enclosed building;
- F. Church;
- G. Ceramic, arts, crafts, or hobby shop, provided that adequate parking exists for any classes given;
- H. Day care center serving fifteen or fewer children or adults;
- I. Locksmith shop;
- J. Magazine or newspaper distribution agency;
- K. Sales, rental or repair of small recreational, radio, television, business or household equipment;
- L. Studio, including music, art, dance, photography or health;
- M. Upholstery shop;
- N. Watch or clock repair;

- O. Business or professional offices;
- P. Rooming or boarding houses;
- Q. Shoe repair;
- R. Dwelling units attached to any use allowed in the C-R zone. (Ord. 890 section 26, 1993; Ord. 740 section 10.3.25(A), 1984)

16.24.020 Conditional uses.

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

- A. Uses listed as conditional in R-1 or R-1.5 zones, and not listed as permitted in section 16.24.010; residential development shall conform to the development standards of the R-2 zone.
- B. Uses listed as permitted outright in R-2 zones, and not listed as permitted in section 16.24.010. Such uses shall conform to the development standards of the R-2 zone.
- C. Motels or hotels.
- D. Attached WTS facilities (see 16.08.120).
- E. Food services, excluding auto-oriented uses. (Ord. 890 section 27, 1993; Ord. 740 section 10.3.25(B), 1984; Ord. 981 section 23, 1997; Ord. 1080, 2001; Ord 1237, 2007)

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;
- D. Maximum building height:
 - 1. Freestanding signs: thirty feet;

2. All other structures: forty-five feet.

E. Maximum lot coverage: sixty percent;

F. Other regulations:

1. Vision clearance distances shall be fifteen feet from any alley and thirty feet from any other street or railroad.

2. All setbacks to be measured from the foundation line of the building. Overhangs shall not exceed two feet. (Ord. 830, 1989; Ord. 740 section 10.3.25(C), 1984; Ord. 955 section 9, 1996; Ord 1237, 2007)

Chapter 16.26

C-C CONVENIENCE/COMMERCIAL ZONE

Sections:

- 16.26.010 Uses permitted outright.**
- 16.26.020 Conditional uses.**
- 16.26.030 Development standards.**

16.26.010 Uses permitted outright.

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

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

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

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

16.26.020 Conditional uses.

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

A. Other commercial uses;

B. Dwelling units;

C. Attached WTS facilities (see 16.08.120).

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

16.26.030 Development standards.

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

A. Minimum lot area: none;

B. Minimum width and frontage: none;

C. Minimum yard requirements:

1. Street yard: twenty feet.

2. Interior yard: none, except ten feet where adjoining a residential zone;
- D. Maximum building height:
1. Freestanding signs: thirty feet;
 2. All other structures: forty-five feet.
- E. Maximum lot coverage: sixty percent;
- F. Other regulations:
1. Vision clearance distances shall be fifteen feet from any alley and thirty feet from any other street or railroad.
 2. Except in cases where existing building locations or street width necessitate a more narrow design, sidewalks eight feet in width shall be required:
 - a. In those locations where angle parking is permitted abutting the curb, and
 - b. For property frontage along Highway 99-E.
 3. All setbacks to be measured from the foundation line of the building. Overhangs shall not exceed two feet. (Ord. 830 section 5, 1989; Ord. 802 section 7 [part], 1987, Ord. 740 section 10.3.26 (C), 1984; Ord 1237, 2007)

Chapter 16.28

C-2 HIGHWAY COMMERCIAL ZONE

Sections:

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

16.28.010 Uses permitted outright.

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

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

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

R. Attached WTS facilities (see 16.08.120).

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

16.28.020 Conditional uses.

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

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

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

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

16.28.030 Development standards.

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

A. Minimum lot area: none;

B. Minimum width and frontage: none;

C. Minimum yard requirements:

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

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

D. Maximum building height:

1. Freestanding signs: thirty feet;

2. All other structures: forty-five feet.

E. Maximum lot coverage: sixty percent;

F. Other regulations:

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

Chapter 16.30

C-M HEAVY COMMERCIAL MANUFACTURING ZONE

Sections:

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

16.30.010 Uses permitted outright.

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

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

16.30.020 Conditional uses.

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

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

16.30.030 Development standards.

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

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

- a. In those locations where angle parking is permitted abutting the curb, and
- b. For property frontage along Highway 99-E.

3. All setbacks to be measured from the foundation line of the building. Overhangs shall not exceed two feet. (Ord 830 section 9, 10, 1989; Ord. 802 section 7 [part], 1987; Ord. 740 section 10.3.29(C), 1984; Ord. 981 section 50, 1997; Ord. 1237, 2007)

Chapter 16.32

M-1 LIGHT INDUSTRIAL ZONE

Sections:

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

16.32.010 Uses permitted outright.

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

A. Manufacturing, fabricating, processing, compounding, assembling or packaging of products made from previously prepared materials such as cloth, plastic, paper, metal, wood (but not including sawmills or lumber mills), the operation of which will not result in:

1. The dissemination of dusts, gas, smoke, fumes, odors, atmospheric pollutants or noise which exceed Oregon Department of Environmental Quality standards;
2. Danger by reason of fire, explosion or other physical hazard;
3. Unusual traffic hazards;

B. Automobile body shop, or heavy repair shop;

C. Contractor's equipment or storage yard;

D. Dwelling for watchman or caretaker working on the property;

E. Food processing plant;

F. Fuel distribution, wholesale or retail;

G. Ice or cold storage plant;

H. Laundry or dry-cleaning plant;

I. Lumber yard;

J. Machinery, farm equipment or implement sales, service or rent

K. Motor or rail freight terminal;

- L.** Railroad trackage and related facilities;
- M.** Restaurant, when related and incidental to primary industrial uses of the area;
- N.** Service station, when related and incidental to primary industrial uses of the area;
- O.** Stone, marble, or granite cutting;
- P.** Tire retreading or recapping;
- Q.** Transfer and storage company;
- R.** Utility storage or service yard;
- S.** Veterinarian's office or animal hospital;
- T.** Warehouse;
- U.** Wholesale distribution, including warehousing and storage;
- V.** Wireless or cellular communications facility/tower;
- W.** Other light industrial uses as determined by the Planning Commission;
- X.** Business or professional office, when related and incidental to primary industrial uses of the area;
- Y.** Public building or uses such as fire station, or park or playground.
- Z.** Attached WTS facilities (see 16.08.120).
- AA.** Detached WTS facilities (monopole or lattice tower), under 150 feet in height and at least 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120).
- BB.** Detached WTS facilities (monopole), under 100 feet in height and less than 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120).
- CC.** Detached WTS facilities (monopole), equal to or over 150 feet in height and at least 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120).
- DD.** Minor public facility. (Ord. 890 section 31, 1993; Ord. 749 section 1(A), 1984, Ord. 740 section 10.3.31(A), 1984; Ord. 955 section 10 & 11, 1996; Ord. 981 section 30 & 31, 1997; Ord. 1019 section 10, 1999; Ord 1237, 2007)

16.32.020 Conditional uses.

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

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

16.32.030 Development standards.

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

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

E. Maximum lot coverage: no limit;

F. Other regulations:

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

2. Outside storage abutting or facing a lot in a residential zone shall be enclosed by a site-blocking fence or berm. The fence or berm shall be so designed as to screen the storage from view from the residential zone and shall be of such material and design as will not detract from adjacent residences.

3. All setbacks to be measured from the foundation line of the building. Overhangs shall not exceed two feet.

4. Prior to issuance of a building permit, wireless/cellular towers require written certification of approval/compliance from the Federal Communications Commission, Federal Aviation Administration and the Oregon Department of Transportation (Department of Aeronautics). (Ord. 890 section 33, 1993; Ord. 830 section 11,12,1989; Ord. 740 section 10.3.31(C), 1984; Ord. 955 section 12, 1996; Ord. 981 section 51, 1997; Ord. 1237, 2007)

Chapter 16.34

M-2 HEAVY INDUSTRIAL ZONE

Sections:

- 16.34.010 Uses permitted outright.**
- 16.34.020 Conditional uses.**
- 16.34.030 Development standards.**

16.34.010 Uses permitted outright.

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

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

16.34.020 Conditional uses.

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

- A. Aggregate removal operations;
- B. All other uses when evaluated on the standards and criteria specified in Chapter 16.50 and the point system set out in Table 16.34.020 for evaluating heavy industrial development proposals.
- C. Detached WTS facilities (monopole), equal to or over 100 feet in height and less than 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120).
- D. Detached WTS facilities (lattice tower), equal to or over 150 feet in height and at least 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120). (Ord. 740 section 10.3.33(B), 1984; Ord. 981 section 33, 1997)

16.34.030 Development standards.

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

- A. Minimum lot area: five thousand square feet;
- B. Minimum width and frontage: fifty feet.
- C. Minimum yard requirements:
 - 1. Street yard: none, except twenty feet where abutting a residential zone;
 - 2. Interior yard: none, except twenty 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. Outside storage abutting or facing a lot in a residential zone shall be enclosed by a site-blocking fence or berm. The fence or berm shall be so designed as to screen the storage from view from the residential zone and shall be of such material and design as will not detract from adjacent residences. (Ord. 890 section 34, 1993; Ord. 740 section 10.3.33(C), 1984; Ord 1237, 2007)

Table 16.34.020

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

CRITERIA	POINTS
Traffic impacts, particularly heavy truck traffic and its impact on non-industrial areas and streets	-10 - 0
Noise impacts, especially loud and high-pitched noise and noise expected to occur at night	-10 - 0
Air pollution, including odors as well as measurable pollutants	-10 - 0
Water pollution, including impacts on groundwater and surface water as well as any unusual or hazardous discharges to the city sewage treatment facility	-10 - 0
Water consumption, especially where city water is utilized rather than a private source	-10 - 0
Electrical consumption	-10 - 0
Other adverse impacts, which may include factors not listed above or may be used to add more negative point to any of the items already listed, where extreme adverse impacts are expected	-40 - 0
Tax benefits to the community, particularly for property taxes beyond the costs of providing public services	0 - +20
Total number of persons to be employed	0 - +10
Number of local persons who can expect to be employed, based upon percentages of skilled, semi-skilled and unskilled positions	0 - +10
Reliance on industry on locally produced resources and locally processed materials	0 - +10
Export characteristics and residual benefits to other local industries	0 - +10
Other community benefits, including particularly advantageous design characteristics, etc. May also be used to add more positive points to each of the factors listed above where extremely beneficial impacts are expected	0 - +40

CANBY INDUSTRIAL AREA OVERLAY (I-O) ZONE

Sections:

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

16.35.010 Purpose.

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

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

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

16.35.020 Applicability.

It is the policy of the City of Canby to apply the I-O zone to all lands within the Master Plan area and other areas determined by the City, upon annexation or prior to application for development permit. The Master Plan area generally includes the area bound by Highway 99E and 1st Avenue to the north, Mulino Road to the east, SE 13th Avenue to the south, and Molalla Western Railroad to the west. The I-O zone has the following affect with regard to other chapters of this ordinance:

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

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

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

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

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

16.35.25 Pre-application review and conditions of approval

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

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

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

16.35.030 Uses permitted outright.

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

16.35.040 Conditional uses.

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

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

1. Less than 12 employees per developed acre. For the purposes of this section only, "developed" means all areas used for buildings, landscaping, vehicle maneuvering and parking areas, outdoor storage, and other areas occupied by the use. For the purposes of this section only, employees means full-time equivalents unless the City specifically allows other interpretations;

2. More than 60 acres total in I-O zoning that is occupied by a single use or business. For the purposes of this section, businesses classified in the same NAICS industry group (four-digit code) are considered to be in the same use. This section is intended to apply cumulatively to all properties in the zone;

3. Utilization of any public service or utility to such an extent that the utility would not be able to supply all other uses projected in its current long-range plans;

4. Uses requiring an H occupancy classification under the Oregon Structural Specialty Code;

5. In any C-M zoning overlain by I-O zoning, any retail or commercial use with a building footprint exceeding 50,000 square feet;

6. In any M-1 or M-2 zoning overlain by I-O zoning, any retail or commercial use not related to or supportive of the primary industrial use of the park; or

7. In any M-1 or M-2 zoning overlain by I-O zoning, retail areas occupying more than 15% of the building footprint or more than 3,000 square feet.

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

1. The proposed use is compatible with the industrial nature of the park and will have minimal negative impact on the development and use of surrounding properties;

2. The proposed use does not pose a threat to public health or safety; and

3. The proposed use is beneficial to the overall economic diversity and vitality of the City.

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

16.35.045 Prohibited uses.

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

A. Slaughter house;

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

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

16.35.050 Development standards.

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

- A. Minimum lot area: none.

B. Minimum lot width and frontage: none.

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

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

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

D. Maximum building height: 45 feet.

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

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

G. Street right-of-way improvements shall be made in accordance with the circulation plan, and streetscape/street section standards of the Industrial Area Master Plan.

H. Signs: The following types of signs are prohibited: billboards, pole signs, can signs, painted wall signs [note: definitions should be added to Chapter 16.04 consistent with the Planning Commission's intent]. In addition to the provisions of Chapter 16.42 Signs, the following standards apply within the I-O zone:

1. Monument signs within the M-1 zone and M-2 zone may not exceed 32 square feet per sign face, or 64 square feet total. Monument signs in the M-1 zone and M-2 zone may not exceed 6 feet in height.

2. Monument signs within the C-M zone may not exceed 150 square feet per sign face, or 300 square feet total. One monument sign is allowed for developments up to 10 acres in size. Developments over 20 acres in size may be permitted a maximum of 2 monument signs. Only 1 monument sign per street frontage is allowed. Monument signs in the C-M zone shall have an enclosed base and may not exceed 30 feet in height.

3. Wall signs shall be permitted in conformance with Chapter 16.42.

4. Monument and wall signs in the M-1 and M-2 zones shall provide street address(es) when street address(es) are not visible from the street.

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

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

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

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

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

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

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

N. All landscaped areas shall be irrigated.

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

16.35.060 Design guidelines.

The Industrial Area Master Plan provides design guidelines for reviewing development applications. The guidelines, which are incorporated into Table 16.35.000, encourage:

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

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

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

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

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

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

G. Use of quality building materials;

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

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

16.35.070 I-O Design review matrix.

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

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

TABLE 16.35.040

CRITERIA	POSSIBLE SCORES		
Parking			
Parking areas located to the side or rear of buildings as viewed from public right-of-way: <50% or parking spaces = 0; 50%-75% = 1; 100% = 2	0	1	2
Increase minimum interior parking lot landscape over the base 15%: 15%-18% = 0; 18%-22% = 1; >22% = 2	0	1	2
Increase the number of trees planted within buffers and/or within the parking area: 100%-105% of base requirement* = 0; 105%-110% of base requirement = 1; >110% = 2. *The base requirement is determined based on total parking area/number of spaces, and parking setback perimeter, see Chapter 16.49.120.	0	1	2
Number of parking spaces (% of required minimum): >110% = 0; 110%-105% = 1; 105-100% = 2	0	1	2
Minimum Acceptable Score	4 Points		
Transportation/Circulation			
Proposed local street alignments: street not proposed = 0; street(s) proposed with some modifications to master plan = 1; proposed street(s) approximate recommended alignments = 2. Note: the planned parkway and collector streets are required elements, except as indicated by the Industrial Area Master Plan.	0	1	2
Design of all pedestrian ways (private, on-site pathways): six feet wide, raised concrete with painted crosswalks ("standard") = 0; standard with brick or similar pavers for pathways and crosswalks = 1; greater than 6 feet wide (inclusive of curb) and use of brick or similar pavers for pathways and crosswalks = 2.	0	1	2
Number of pedestrian connections between the street sidewalk and internal circulation system: one connection = 0; two connections = 1	0	1	
Minimum Acceptable Score (some provisions may not apply)	3 Points		
Tree Retention, Open Space conservation and Trail Connections			
Preserves trees as recommended by arborist or City Planning Department: <50% of recommended trees preserved = 0; 50%-75% = 1; 75%-100% = 2	0	1	2
Replaces trees that were recommended for retention: No = 0; Yes = 1. Mitigation based on reasonable tree replacement	0	1	
When site includes designated open space, park or trail connection;	0	1	2

proposal does not dedicate or establish easement for designated open space/park or trail connection = 0; dedicated or establishes easement = 1; dedicated land/right-of-way and constructs improvements = 2			
Minimum Acceptable Score (some provisions may not apply)	3 Points		

Landscaping			
Trees installed at 3 inch caliper: <25% of trees = 0; 25%-50% = 1; 50%-100% = 2.	0	1	2
CRITERIA			
Usable outdoor amenity provided with development (e.g., water features, plazas, seating areas and similar features): No = 0; Y = 1; Yes and public access provided (i.e., through an easement) = 2	0	1	2
Amount of grass or other planting used for ground cover treatment: <75% = 0; 75%-90% = 1; 90%-100% = 2	0	1	2
Minimum Acceptable Score	3 Points		

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

Chapter 16.42

SIGNS

Sections:

- 16.42.010 Purpose.**
- 16.42.015 Definitions and interpretation.**
- 16.42.020 Construction, maintenance and permit requirements.**
- 16.42.023 Administration and enforcement.**
- 16.42.025 Nonconforming signs.**
- 16.42.028 Signs exempted or prohibited.**
- 16.42.030 Setbacks.**
- 16.42.100 Area of signs permitted by zoning district.**
- 16.42.105 Signs in public rights-of-way**
- 16.42.108 Daily display signs in the Downtown District (C-1), Highway Commercial District (C-2), and Heavy Commercial/Manufacturing District (CM)**
- 16.42.120 Minor modification of sign standards.**
- 16.42.130 Sunset clause.**
- 16.42.140 Severability.**

16.42.010 Purpose.

A. The purpose of this chapter is to help maintain the appearance of the city by encouraging well-designed and wisely located signs which are consistent with the intent and objectives of the Comprehensive Plan.

B. These regulations are intended to control the size, location, number and type of signs in such a manner as to minimize any adverse effects on the public health, safety, general welfare or overall aesthetic appearance of the city.

C. Nothing in these regulations is intended to control the construction or location of directional or informational signs installed by the city, county or state for the purpose of controlling traffic, indicating street names, or other public purposes. (Ord. 913 section 1, 1994; Ord. 830 section 13 [part], 1989; Ord. 740 section 10.3.40(A), 1984)

D. The purpose of this chapter is also to encourage and facilitate economic development by allowing a wide range of message media to advertise, announce, identify, communicate and enhance the city's ability to retain and attract sources of economic development and growth. (Ord. 913 section 1[part], 1994; Ord. 955 sections 13-16, 1996)

16.42.015 Definitions and interpretation.

Words and phrases used in this chapter shall have the meanings set forth in this section. Words and phrases not defined in this section, but defined elsewhere in the Land Development and Planning Ordinance of the city, shall be given the meanings set forth in such ordinance. Principles for computing sign area and sign height are contained in section 16.42.100. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this ordinance.

A. Banner. Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

B. Beacon. Any light, excluding street lights and traffic signals, with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

C. Canopy Sign. Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy. Only the area occupied on the canopy by lettering, symbol, or logo is to be counted within the area limits of section 16.42.100.

D. Commercial Message. Any sign wording, logo, or other representation that, directly or indirectly names, advertises, or calls attention to a business, product, service or other commercial activity.

E. Daily Display Sign. Daily display sign means a temporary on-premises sign normally associated with business activity which is placed out-of-doors during business hours for display and returned indoors during off-hours. Daily Display Signs may be constructed in a sandwich board (A-frame) style, mounted on a single pedestal, or other similar construction, and are intended to be unlit and easily moved. Does not have a changeable reader board.

F. Directory Signs. Signs that are attached to the building and are a directory of the occupants of the building.

G. Flag. Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

H. Marquee. Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

I. Marquee Sign. Any sign attached to, in any manner, or made a part of a marquee.

J. Multi-Business Buildings. A building in which more than one business is located.

K. Pennant. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

L. Portable Sign. Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to a- or t-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicles are used in the normal day-to-day operations of the business.

M. Permanent Sign. All signs carrying a message which are not temporary signs.

N. Sign. Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

O. Temporary Sign. Any sign that is used only temporarily and is not permanently mounted.

P. Wall Sign. Any sign attached parallel to, but within six inches of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface. (Ord. 913 section 1[part], 1994; Ord. 955 sections 13-16, 1996)

16.42.020 Construction, maintenance and permit requirements.

A. Each sign shall be constructed to meet the requirements of applicable building, electrical and mechanical codes.

B. All signs and component parts shall be kept in good repair and maintained in a safe, neat, clean and attractive condition.

C. No sign shall be erected or maintained in such a manner that any portion of its surface or its supports will interfere in any way with the free use of, or any access to, any fire escape, exit or standpipe. No signs shall be erected or maintained so as to obstruct any window so that light or ventilation is reduced below standards required by any applicable law or building code.

D. It is unlawful to erect or maintain a sign which, by reason of its size, location or placement, creates an immediate danger to the health, safety and welfare of the citizens of the city by blocking vision for either pedestrians or motorists, at public and/or private roadways, intersections, driveways, or railroad crossings.

E. Other than temporary signs, as defined in section 16.42.015(M) and section 16.42.028, all signs which are not permanently affixed to the ground or to a building shall require the issuance of a sign permit within sixty (60) days of the effective date of

the ordinance codified in this chapter. In order to secure such a permit, such signs must meet all setback and vision clearance requirements, and they must meet the requirements of the Uniform Building Code and Uniform Sign Code for construction. (Ord. 913 section 1[part], 1994; Ord. 830 section 13[part], 1989; Ord. 740 section 10.3.40 (B), 1984)

16.42.023 Administration and enforcement.

A. Permit Required. All signs erected after the effective date of this chapter, other than exempt signs as described in section 16.42.028, shall require a sign permit. All applications for sign permits shall be submitted to, and in such form as may be required by, the City Planner or duly authorized representative.

B. Permit, fee. A fee as established by resolution of the City Council shall be paid to the City of Canby upon the filing of an application. Such fees shall not be refundable.

C. Interpretation. This Chapter regarding signs is part of the City's Land Development and Planning Ordinance, which includes subdivision and zoning regulations. The City Planner will give advice as to which additional chapters may apply to a specific project.

D. Enforcement Authority. The City Planner or duly authorized representative shall have the power and duty to interpret and enforce the provisions of this chapter. An appeal from a ruling by the City Planner or duly authorized representative regarding a requirement of this chapter may be made only to the Planning Commission, who shall hold a public hearing per the provisions of Code 16.89, the Land Development and Planning Ordinance. Upon request of the owner, the City Planner will issue a certificate of inspection listing the signs of the business, and noting those signs which need repair or modification and those signs which do not conform to the provisions of this chapter.

E. Appeal. Any action or ruling of the Planning Commission pursuant to this chapter may be appealed to the City Council per the procedures in section 16.89 of the Land Development and Planning Ordinance. An appeal must be made in writing to the City Planner within fifteen (15) days after the Commission has rendered its decision.

F. Permit Expiration. Every permit issued by the Building Official under the provisions of this chapter shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall be one-half of the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further, that such suspension or abandonment has not exceeded one year.

G. Permit, Suspension or Revocation. The City Planner or duly authorized representative may, in writing, suspend or revoke a permit issued under provisions of

this chapter whenever the permit is issued on the basis of incorrect information supplied, or in violation of applicable ordinance or regulation or any of the provisions of this chapter.

H. Variances. The procedures which allow variations from the strict application of the regulations of this Title, by reason of exceptional circumstances and other specified conditions, can be found in Code section 16.53.

I. Conditional Use Signs or Signs under Site and Design Review. Signs for uses requiring conditional use or site and design review shall be reviewed by the Planning Commission regarding size, height, and location at the time of conditional use review or site and design review. If sign review was not part of the original conditional use review or original site and design review, the applicant may apply for a sign permit under the normal sign review procedures and policies, provided the application is made at least six (6) months after the original review. In conditional use signs or signs reviewed under design review, provisions of this chapter shall apply. (Ord. 913 section 1[part], 1994; Ord. 955 section 19, 1996; Ord 1237, 2007)

16.42.025 Nonconforming signs.

A. Signs existing on the effective date of Ordinance 830 section 13 (Part) 1989, codified in this chapter which are permanently or can be permanently affixed to a foundation or a building, and which do not meet the requirements of the zoning district in which they are located, shall be deemed to be nonconforming structures or nonconforming uses, as defined in section 16.04.440 of this Title. Except, however, that signs shall not be considered to be nonconforming where the sign, by reason of its size, location, construction, or lack of maintenance creates a public hazard or nuisance. In the case of such public hazard or nuisance, the city may begin immediate abatement procedures, as provided in this chapter and other city ordinances.

B. Signs which are nonconforming structures or nonconforming uses are subject to the same limitations, regulations and requirements as other nonconforming structures or nonconforming uses as delineated in Chapter 16.52 of this Title. Except, however, that signs which are nonconforming structures may be replaced by other signs which are nonconforming structures, subject to the same procedures and requirements for the expansion of nonconforming structures as listed in section 16.52.040 of this Title. Except however, that with a change of ownership, nonconforming signs must be brought into conformance within sixty (60) days after the date of the change of ownership.

C. Signs for nonconforming structures or uses shall be permitted without the necessity of receiving a permit to expand a nonconforming structure, provided that such signs meet all other requirements of local ordinances and provided that such signs are not less in conformance than the existing structure or use. The burden of establishing a vested interest in a nonconforming structure or use shall be upon the property owner. (Ord. 913 section 1[part], 1994; Ord. 830 section 13[part], 1989)

16.42.028 Exempted Signs.

Signs in this section are exempted from certain requirements of this sign ordinance, as detailed below.

A. No sign permit required. The following signs do not require a sign permit and shall be permitted in all zones, except as otherwise noted. Such signs shall conform to all other applicable provisions of this chapter including area of sign limits from section 16.42.100 (unless specifically exempted)

1. Temporary Signs:

a. Political campaign signs, real estate or land development signs and temporary signs advertising such things as social events, garage sales, rental vacancies, or farm products are all permitted, provided that they do not exceed the total square footage of allowed sign area per lot by more than fifty (50) percent and provided that they meet all other ordinance requirements, including vision clearance. Such temporary signs in residentially zoned areas shall not exceed eight (8) square feet per dwelling unit. This section is not intended to authorize the use of temporary signs for commercial retail business advertising, except as allowed by section 16.42.028.

b. Real estate or land development signs are not permitted off of the site which they are intended to advertise except for the placement of temporary open house directional signs, which may be used between the hours of 8:00 a.m. and 8:00 p.m. daily. Such open house signs may be placed within city rights-of-way, but off of the street, on Saturdays and Sundays. However, such open house signs may not be placed, even temporarily, within county or state rights-of-way. Land development signs are limited to sixty (60) square feet per development.

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

2. Nameplates - Residential Areas. Nameplates or address signs of less than two (2) square feet are permitted; provided that such small signs are unlighted and provided that not more than one such nameplate or address sign shall be used for each dwelling unit or occupant.

3. Painted wall decorations or embellishments, or decorated banners, which are not accompanied by a written message. These are exempt from the area limits of section 16.42.100.

4. Flags. These are exempt from area limits of section 16.42.100.

5. Pennants without written message or logo, not to exceed the lineal feet of the building exterior per site. These are exempt from area limits of section 16.42.100.

6. Public or Legal Notices. These are exempt from area limits of section 16.42.100.

7. Window Signs in Commercial and Manufacturing Zones which occupy a total display area of no more than fifty (50) percent of the window area are exempted from area limits of section 16.42.100. Window signs may not use materials subject to provisions of Prohibited Signs from the next section of this chapter.

8. Painted or printed displays in windows of a temporary nature.

9. Clocks, barber poles, public information signs, without advertising message.

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

11. Directory signs not exceeding a total display area of one (1) square foot per business listed on the directory sign, and attached to the building. Such signs are exempt from the area limits of Sections 16.42.100.

B. Sign permit required. The following signs are exempted from certain requirements of this sign ordinance, but a sign permit is required. Such signs shall conform to all other applicable provisions of this chapter including area of sign limits from section 16.42.100 (unless specifically exempted), and shall be permitted in all zones, except as otherwise noted.

1. For Commercial or Industrial Zoned Areas. On-premise signs not exceeding four (4) square feet in area, non-illuminated, and not exceeding three (3) feet in height if ground mounted. Such signs may include property address or building numbers, names of occupants or premises, professional or home occupation nameplates, on-site directional, and similar signs.

2. Bench advertising signs which comply with all regulations of the Canby Municipal Code.

3. Banners or pennants with advertising message and not exceeding a total display area of forty (40) square feet per face and pennants not to exceed the lineal feet of the building exterior per site, used on premises in conjunction with temporary events and not in place longer than a period of thirty (30) days per three (3) month period. Such banners and pennants are exempt from the area limits of section 16.42.100.

4. Signs carved into a building or which are a part of materials which are an integral part of the building such as cornerstones, building names, and similar signs. These are exempt from area limits of section 16.42.100

5. Balloons, provided they are temporary and related to a special event and exceed 10,000 cubic feet in size. These are exempt from area limits of section 16.42.100. (Ord 1237, 2007)

16.42.029 Prohibited Signs.

It shall be unlawful for any person to erect, display or maintain, and no permit shall be issued for the erection, display, or maintenance of any sign or advertising structure falling within any of the following descriptions:

1. Rotating, moving, sequentially illuminated, flashing, changing, reflecting, or blinking signs are prohibited other than those with white lights indicating the date, time and temperature.
2. No sign or other advertising structure as regulated by this chapter shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape, or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device; or which makes use of the words stop, look, detour, danger, or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse motorists. Sign lighting shall be designed and constructed in such a manner as to not create or produce glare on nearby dwellings.
3. Internally illuminated "box-style" signs with slide-out fronts are prohibited in the C-1 zone.
4. Such advertising devices as strings of lights, banners, pennants, and balloons, except as permitted under section 16.42.028, Exempted Signs.
5. Temporary signs, except as permitted under section 16.42.028, Exempted Signs.
6. Freestanding signs in the C-1 zone shall be of the monument type only.
7. No sign or portion thereof shall be erected within future street rights-of-way approved by City Council unless and until an agreement is recorded stipulating that the sign will be removed or relocated upon street widening at no expense to the city.
8. Portable signs, except as permitted under sections 16.42.105 and 16.42.108.
9. Window signs, which are not temporary and which obscure more than fifty (50) percent of the window area.
10. Signs affixed to power, utility, or traffic control poles other than city-approved traffic control signs and pole identification placards.
11. Searchlights or beacons, except for temporary events such as grand openings, in which case a permit is required.

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

13. Except for nameplates or logos indicating the owner's name and place of business, no signs, including temporary signs, shall be displayed from trailers or vehicles parked within any public right-of-way or the required setback area adjoining the right-of-way. (Ord. 913 section 1 [part], 1994; Ord. 955 section 17, 1996; Ord. 1076, 2001; Ord. 1111 section 7, 2003; Ord. 1237, 2007)

16.42.030 Setbacks.

A. Signs are required to meet the setback requirements of the applicable zone district; except, however, that the street yard setback for signs may be reduced to fifty (50) percent of that required for other structures in the zone.

B. Signs shall not be allowed to obstruct a vision clearance area as defined in this Title. (Ord. 913 section 1[part], 1994; Ord. 830 section 13[part] 1989; Ord. 802 4, 1987; Ord. 740 section 10.3.40(C), 1984; Ord. 1111 section 7, 2003)

16.42.100 Area of signs permitted by zoning district.

Sign area shall be limited to comply with Table 16.42.100.

Sign Area. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets the Land Development and Planning Ordinance regulations and is clearly incidental to the display itself. (Ord. 913 section 1[part], 1994; Ord. 830 section 13[part], 1989; Ord. 802 section 5, 1987; Ord. 840 section 10.3.40(J), 1984)

**TABLE 16.42.100
TOTAL SIGN AREA ALLOWED
(square feet)**

BUSINESSES IN INDIVIDUAL BUILDINGS								
Zone	Total Square Footage of Use*							
	0 to 500	500 to 1,000	1,000 to 2,500	2,500 to 4,000	4,000 to 6,000	6,000 to 8,000	8,000 to 10,000	Greater than 10,000
C-C, C-R, R-1, R1.5, R-2	20	40	60	60	60	60	60	60
C-1	40	60	80	100	150	200	250	+25 sq. ft of sign for each additional 1000 sq. ft. of area in commercial use, to a maximum of 500 sq. ft.
C-2, C-M M-1, M-2	50	75	100	150	200	250	300	+30 sq. ft. of sign for each additional 1000 sq. ft. of area in commercial industrial use, to a max. of 600 sq. ft.

BUSINESSES IN MULTI-BUSINESS BUILDINGS						
Zone	Total Square Footage of Use*					
	0 to 2,000	2,000 to 4,000	4,000 to 6,000	6,000 to 8,000	8,000 to 10,000	Greater than 10,000
C-1	40	60	80	100	120	+12 sq. ft. of sign for each additional 1,000 sq. ft. of area in commercial use, to a maximum of 240 sq. ft.
C-2, C-M M-1, M-2	50	80	100	120	150	+15 sq. ft. of sign for each additional 1,000 sq. ft. of area in commercial/ industrial use, to a max. of 300 sq. ft.

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

NOTES:

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

2. Sign area in residential zones is intended to apply to schools, churches, and nonconforming uses. It does not apply to home occupations.
3. Billboards having a surface not greater than fifty (50) square feet per side are permitted in the C-2 and C-M zones regardless of the square footage of use.

16.42.105 Signs in public rights-of-way (including daily display signs)

A. Signs Prohibited. Signs are prohibited within public rights-of-way, except as allowed by this section.

Signs Located Within City, County, or State Right-of-Way. Except for directional open house real estate signs referred to in 16.42.028, any sign located completely or partially within a public right-of-way, or real estate or land development signs located off of the site in which they are intended to advertise, is prohibited.

B. Exempted Signs. As referenced in section 16.42.010(C) signs for purposes of public direction and safety may be allowed within the public right-of-way. For placement of signs for purposes of public direction and safety by non-government agencies and/or persons, the following regulations shall apply:

1. Sign sizes and configurations shall be subject to the general standards of the Oregon Department of Transportation sign policy and guidelines and the Federal manual on uniform traffic control devices. Such standards may be deviated from, by the city Public Works Director or his designee, upon determination that such deviation is necessary for the purposes of message visibility, clear vision maintenance, or other similar factors.

2. Direction signs shall be generic in nature so as not to unduly distract traffic. Such signs may include, but are not limited to signs for emergency services (such as hospitals, police and fire stations), traffic control signs, legal notices, railroad crossing signs, signs for nonspecific locations (such as downtown, business area, industrial area, food services, etc.), danger signals, and similar signs.

3. Non-city owned direction and safety signs shall get specific written approval of the Public Works Director. Maintenance and upkeep of such non-city owned direction and safety signs shall be the responsibility of the sign owner. Failure to maintain such signs may be cause for permit revocation and/or sign removal.

C. Daily Display Signs Within Right-of-way (Downtown Commercial District, C-1, only):

1. In the Downtown Commercial District (C-1), daily display signs are permitted as specified below. A daily display sign may be allowed within the public right-of-way in front of the premises with which it is associated, provided all of the following conditions are met:

- a. A city Right-of-way Permit is obtained from the City Planner. This permit shall be revocable in case of condition noncompliance. Such permit shall not be approved for county or state rights-of-way.
- b. The sign is to be set back behind the curb so as not to interfere with on-street parking, or a minimum of ten feet from the edge of the nearest street travel lane where curbs are not in place.
- c. The sign is to be placed so as to allow at least five feet of unimpeded pedestrian sidewalk maneuvering space.
- d. The sign is to meet clear vision requirements as defined in section 16.04.670 and the specific zoning district involved in the subject site.
- e. The sign is properly maintained.
- f. The applicant shall assume all liability for incidents involving the sign by signing a document exempting the city from liability and providing liability insurance in the form required by the City Attorney and in an amount not less than the current tort liability limitations.
- g. Sign dimension shall not exceed a maximum width of three feet, nor a maximum above-ground level height of 4.0 feet and a maximum of 12 square feet of sign area per side.
- h. One sign per business is allowed.
- i. All particular provisions of the zoning district involved are complied with regarding daily display signs, including area limits of section 16.42.100.
- j. Wind load requirements of the uniform sign code shall be met. (Ord. 913 section 1[part], 1994; Ord. 955 sections 20 & 21, 1996; Ord. 1080, 2001)

16.42.108 Daily display signs in the Down-town District (C-1), Highway Commercial District (C-2), and Heavy Commercial/Manufacturing District (CM).

- A. A daily display sign is permitted directly on the property with which it is associated, provided that the following conditions are met:
 - 1. The maximum permitted area of any individual daily display sign shall be twelve (12) square feet per display surface and twenty-four (24) square feet overall, with a maximum height limit of four (4) feet above ground level.
 - 2. One daily display sign is permitted per business.
 - 3. A daily display sign must not be within the required landscaped areas.

4. Wind load requirements of the Uniform Sign Code shall be met by all daily display signs.

5. Area limits of section 16.42.100 shall apply to the total sign area per lot, including daily display signs. (Ord. 913 section 1[part], 1994)

16.42.120 Minor modification of sign standards.

A. Authorization to Grant or Deny a Minor Modification of Standards. The City Planner may authorize minor modification of sign standards from the requirements of this chapter where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of the Chapter would cause an undue or unnecessary hardship. In granting a minor modification of standards, the City Planner may attach conditions which he/she finds necessary to protect the welfare of the city and otherwise achieve the purposes of this chapter.

B. Procedure for Minor Modification of Standards. The following procedures shall be followed in applying for and acting on a request for minor modification of sign standards:

1. A property owner may initiate a request for a minor modification of standard as it may apply to a particular parcel by filing an application with the City Planner or duly authorized agent. The application shall be accompanied by a site plan drawn to approximate scale, showing the standard to be modified and the dimensions and arrangement of the proposed sign, support structure, buildings, and real property. The City Planner may request other drawings or material essential to an understanding of the modification requested.

2. Minor modification requests are defined as less than ten (10) percent from the numeric standard required and shall be reviewed by the City Planner per provisions regarding administrative type review. Within five days after a decision has been rendered with reference to a request for a modification, the City Planner, or duly authorized representative, shall provide the applicant and lot owners within 100 feet with notice of the decision. A decision of the City Planner under administrative type review may be appealed to the Planning commission under section 16.88.240(E).

C. Circumstances for Granting a Minor Modification of Standard. The City Planner shall consider and make positive findings with respect to all of the following:

1. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the Sign Ordinance. Such hardship or difficulty shall not be self-imposed or caused by the applicant's employees or relatives.

2. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties classified in the same zoning district.

3. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.

4. That the granting of the minor modification of standard will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.

5. That the granting of the minor modification of standards will not be detrimental to the public health, safety, or welfare or be materially injurious to properties or improvements in the vicinity and will be consistent with the purposes of this chapter.

D. Time Limit.

1. Authorization of a minor modification of standards shall be void if the building or work approved by such modification is not commenced within six (6) months of the date of approval.

2. The City Planner may, upon receiving a written request from the applicant prior to the minor modification of standards expiration date, extend the minor modification of standards time limit for a period not to exceed one year.

Note: Major modification of sign standards must be processed under the variance standards, Chapter 16.53 (Ord. 913 section 1 [part], 1994)

16.42.140 Severability

Invalidity of a section of this ordinance shall not affect the validity of the remaining sections or parts of sections. (Ord. 913 section 1[part], 1994; Ord 1237, 2007)

Chapter 16.44

MANUFACTURED AND MOBILE HOMES AND TRAILER PARKS

(Ord. 890 section 42, 1993)

Sections:

- 16.44.010 Regulations generally.**
- 16.44.020 Plot plans.**
- 16.44.030 Standards and criteria.**
- 16.44.040 Parking space for mobile home or travel trailer.**
- 16.44.050 Special conditions imposed by Commission.**
- 16.44.060 Compliance.**
- 16.44.070 Time limits.**
- 16.44.080 Parking in right-of-way.**
- 16.44.090 Approval of permit.**
- 16.44.100 Temporary permits hardship situations.**
- 16.44.110 Temporary permits caretakers or watchmen.**
- 16.44.120 Application for Special Permits (16.44.090-16.44.110)**

16.44.010 Regulations generally.

The following regulations shall be applied to manufactured and mobile home parks or trailer parks, temporary permits for the location of trailers, mobile homes or motor homes, and other regulations applying to such units. These regulations shall guide the staff in the process of conducting site plan reviews, and shall guide the Planning Commission in the process of considering conditional use permits. (Ord. 890 section 39, 1993; Ord. 802 section 2, 1987; Ord. 740 section 10.3.45[part], 1984)

16.44.020 Plot plans.

Applicants shall submit plot plans in the appropriate number and general form as is required for either a site plan review or conditional use permit, as applicable, which shall include the following:

- A.** Locations, number and general design of pads, or stalls where units are to be located;
- B.** Locations and designs of streets, private drives and parking areas;
- C.** Locations and basic designs of any structures which are to be permanently situated on the property and an indication of the use of such buildings;
- D.** Locations and design of exterior storage areas, with an indication of whether vehicles are to be stored;
- E.** Locations, with calculations of area, of each of the recreation open spaces or landscaped areas. (Ord. 740 section 10.3.45(A), 1984)

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16.44.030 Standards and criteria.

In reviewing applications for manufactured and mobile home parks or trailer parks, the following standards and criteria shall apply:

A. Maximum density shall be as follows:

1. R-1 zone: a maximum of seven units/acre is permitted;
2. R-1.5 zone: a maximum of ten units/acre is permitted;
3. R-2 zone and other zones listing mobile home or trailer parks as conditional or permitted uses: a minimum density of twelve units/acre is required.

B. Density figures may be increased by not more than two units per acre for trailer parks providing spaces for overnight camping facilities.

C. The setback requirements of the zone shall be applied to the locations of mobile homes or trailers, except that in no case shall such units be placed less than fifteen feet from any interior lot line nor less than twenty-five feet from any public street.

D. The access requirements of Chapter 16.46 shall be utilized to determine the permitted number of units.

E. Paved pedestrian paths or walkways shall be provided along at least one side of each private road and between each unit and any outbuilding provided to serve that unit. Such paths are to be a minimum of three feet in width and designed to prevent drainage water from passing over such walkways.

F. A minimum of fourteen feet of separation shall be maintained between individual units, as well as between units and permanent buildings.

G. A concrete patio area or wood deck of at least one hundred fifty square feet, and no more than five hundred square feet, shall be provided for each unit.

H. Recreation and open space areas shall be provided and specified on the plan, and suitable equipment for such purposes shall be specified. Such areas shall be protected from streets, drives, and parking areas. A minimum of one hundred and fifty (150) square feet of recreation and open space areas for each mobile home space shall be provided in one or more locations within the mobile home park. The minimum size of each such recreation and open space shall be three thousand seven hundred and fifty (3,750) square feet, except, however, that those requirements may be reduced by as much as fifty (50) percent if the Planning Commission finds that such reduction is justified because of indoor recreation facilities which are provided.

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

J. A sight-blocking fence which is not less than four, nor more than six, feet in height shall be provided along the perimeter of the development, except where reduced fence height is required for vision clearance along street frontage. The requirement for a fence may be modified by the Planning Commission based on clear findings that the modification will be sufficient to carry out the objectives of this section. (Ord. 890 section 40, 1993; Ord. 740 section 10.3.45(B), 1984; Ord. 1080, 2001)

16.44.040 Parking space for mobile home or travel trailer.

No mobile home or travel trailer will be allowed to remain in a mobile home or trailer park unless a parking space or previously approved storage area has been provided for that purpose. Mobile homes or travel trailers which are parked in storage areas shall not be occupied. (Ord. 740 section 10.3.45(C), 1984)

16.44.050 Special conditions imposed by Commission.

When reviewing a conditional use permit application for the development or expansion of a mobile home park or trailer park, the commission may impose special conditions of approval for the perimeter of the park to assure that its outward appearance does not conflict with the surrounding uses or activities. The commission shall not, however, interpret the requirements of Chapter 16.50 as allowing the denial of a mobile home park development because of the nature of surrounding residential development. (Ord. 740 section 10.3.45[part], 1984)

16.44.060 Compliance.

Mobile homes, motor homes or travel trailers, other than in approved mobile home parks or subdivisions, shall not be inhabited or used except as provided in sections 16.44.070 through 16.44.110, or as may otherwise be specified in this title. (Ord. 740 section 10.3.50[part], 1984)

16.44.070 Time limits.

No camper, trailer, motor home, or mobile home may be used or inhabited on a lot, or an adjacent lot, for more than seven consecutive days or a total of fourteen days, within a sixty day period unless such placement, use or habitation conforms with the requirements of this title. (Ord. 890 section 41, 1993; Ord. 740 section 10.3.50 (A), 1984)

16.44.080 Parking in right-of-way.

Parking or placement of such vehicles or structures within any public right-of-way is subject to the enforcement provisions of city ordinances governing nuisances and traffic violations. (Ord. 740 section 10.3.50(B), 1984)

16.44.090 Approval of permit.

A. The Planning Director may, after receiving a properly filed application and report from the Fire Marshal, approve a permit to allow the use of a travel trailer, mobile home, or motor home, for a period not to exceed six months.

B. Approval of such permits shall be based upon findings that this use will have no significant adverse impacts on the value or appropriate development of nearby properties.

C. Any permit issued pursuant to the terms of this chapter may be revoked by the City Council on twenty-four hours' notice upon finding that the use is a menace to public health or is resulting in a public nuisance. (Ord. 740 section 10.3.50(C), 1984; Ord. 1237, 2007)

16.44.100 Temporary permits – hardship situations.

The Planning Director may also issue temporary permits for the use and occupancy of travel trailers or motor homes in special hardship situations, subject to the following:

A. Duration of the permit shall be specified by the Planning Director and may include a provision which requires renewal at predetermined intervals.

B. The nature of the hardship must be a physical or mental infirmity of a resident of either the principal dwelling unit or the temporary unit, and shall be certified as such in writing by a medical doctor or court of competent jurisdiction.

C. Prior to final issuance of the permit, the applicant shall sign an affidavit agreeing to remove or cease using the travel trailer or motor home upon the death or relocation of the infirm person.

D. Applications for temporary hardship permits under this section shall be processed using the Type II procedure. Application procedures shall be as described in Chapter 16.89.

E. A decision on an application for a temporary hardship permit shall be based upon the following standards and criteria:

1. No significant adverse impacts on the value or appropriate development of nearby properties will result.
2. The subject property contains sufficient vacant area to allow for the placement of the temporary unit without overcrowding the lot or the vicinity overall and will result in a reasonable amount of open space in the area.
3. The temporary unit will be connected to all required utilities in a manner which meets Code requirements.
4. The placement of the unit will meet the setback requirements of the zone.
5. The hardship situation is legitimate and clearly necessitates the issuance of a temporary permit as an alternative to having all of the affected persons share a single dwelling unit on the property.

F. The City may establish requirements as a condition of approving such an application which are necessary to assure compliance with the intent of this chapter and to minimize adverse impacts on the surrounding neighborhood. (Ord. 740 section 10.3.50(D), 1984; Ord. 1237, 2007)

16.44.110 Temporary permits - Caretakers or watchmen.

The City Council may issue temporary permits for the use and occupancy of mobile homes, travel trailers, or motor homes for the purpose of housing caretakers or watchmen subject to the following:

A. Duration of the permit shall be specified by the council and may include a provision which requires renewal at predetermined intervals.

B. Such temporary permits may only be issued for industrial areas, large commercial tracts, public ownership, or for short terms at construction sites.

C. Prior to final issuance of the permit, the applicant shall sign an affidavit agreeing to remove the mobile home, travel trailer, or motor home upon the expiration of the permit.

D. A decision on a permit authorized subject to this section shall be based upon the following standards and criteria:

1. No significant adverse impacts on the value or appropriate development of nearby properties will result;

2. The subject property contains sufficient vacant area to allow for the placement of the temporary unit without overcrowding the lot or the vicinity overall and will result in a reasonable amount of open space in the area;

3. The temporary unit will be connected to all required utilities in a manner which meets code requirements;

4. The placement of the unit will meet the setback requirements of the zone.

E. The City Council may establish requirements as a condition of approving such an application which are necessary to assure compliance with the intent of this chapter and to minimize adverse impacts on the surrounding neighborhood. (Ord. 740 section 10.3.50(E), 1984)

16.44.120 Application for Special Permits (16.44.090-16.44.110)

An application for a special permit under sections 16.44.090 - 16.44.110 shall be made on forms provided by the Planning Director. The application shall be accompanied by all required information and fees. A preapplication meeting and/or neighborhood meeting may be required by the Planning Director. (Ord. 1237, 2007)

<u>Two lane access road/drive</u>		<u>Three lane access road/drive</u>	
One access:	30 units	One access:	30 units
Two accesses:	165 units	Two accesses:	220 units
Three accesses:	258 units	Three accesses:	345 units

For more than three accesses on a two lane access road/drive, use the following formula:

of units permitted = $(75 \times (1 + (.05 \times \# \text{ of access points}))) \times (\# \text{ of access points})$
(round down to the nearest whole number)

For more than three accesses on a three lane access road/drive, use the following formula:

of units permitted = $(100 \times (1 + (.05 \times \# \text{ of access points}))) \times (\# \text{ of access points})$

C. The Planning Commission may allow increases beyond the maximum number of units listed in subsections A and B. Such increases shall be based upon findings that no unwarranted problems for the public street system or emergency service provision will result.

D. All turnaround systems shall meet or exceed the requirements of the parking provisions of Chapter 16.10.

E. All on-site private roads and drives shall be designed and constructed to provide safe intersections and travel surfaces which will not result in hazards for motorists, bicyclists or pedestrians.

F. N. Maple Street, north of NE 23rd Avenue, and S. Elm Street, south of SW 13th Avenue, shall be exempt from the residential unit restrictions for single access roads, provided that legally binding alternative emergency vehicle access is available. Road width requirements for these roads shall remain in effect.

G. Public roads accessing any development shall be a minimum of two travel lanes (twenty-four (24) feet of paved width) to the nearest improved collector or arterial street, provided that any required improvement to provide additional pavement width to access a development meets both of the following conditions:

1. An essential nexus is proven, whereby the required improvement is directly related to the proposed development; and

2. Rough proportionality is proven, whereby the cost of the required improvement is roughly proportional to the impact that the development will have on the infrastructure. Specific findings are required for each of the conditions listed above. If either of the two conditions are not met, the infrastructure is considered to be inadequate, and conditioning approval of a development on the widening of the access to the development is considered to be inappropriate. (Ord. 955 section 22, 1996; Ord. 1019 section 21, 1999; Ord. 1237, 2007).

16.46.020 Ingress and egress.

Ingress and egress to any lot or parcel, the creation of which has been approved by the Planning Commission, shall be taken along that portion fronting on a public street unless otherwise approved by the Planning Commission. (Ord. 740 section 10.3.62, 1984)

16.46.030 Access connection.

A. Spacing of accesses on City streets. The number and spacing of accesses on City streets shall be as specified in Table 16.46.030. Proposed developments or land use actions that do not comply with these standards will be required to obtain an access spacing exception and address the joint and cross access requirements of this Chapter. (Ord. 1043 section 3, 2000; Ord. 1076, 2001; Ord. 1237, 2007)

16.46.035 Restricted access.

The City may allow an access to a City street that does not meet the spacing requirements of Table 16.46.030 if the proposed access is restricted (prevents certain turning movements). The City may require an applicant to provide an engineered traffic study, access management plan, or other information as needed to demonstrate that the roadway will operate within the acceptable standards with the restricted access in place. (Ord. 1237, 2007)

16.46.040 Joint and cross access.

Any developments requiring site plan review that do not meet access spacing requirements are subject to these requirements. In these cases, the following information shall be shown on the site plan.

A. Adjacent commercial or office properties classified as major traffic generators (e.g. shopping plazas, office parks), shall provide a cross access drive and pedestrian access to allow circulation between sites.

B. A system of joint use driveways and cross access easements shall be established wherever feasible and shall incorporate the following:

TABLE 16.46.030 Access Management Guidelines for City Streets			
Functional Classification	Minimum Spacing	Residential Use	Commercial or Industrial Use
Highway 99E	As provided in Appendix G of the Transportation System Plan.		
Arterial	300 feet	No direct access for new private drives serving fewer than five dwellings.	Shared access driveways required if spacing standards not met; encouraged otherwise. Major street left turn lanes determined through review.
Collector	150 feet	Shared access driveways are encouraged where appropriate to meet spacing standards.	Shared access driveways are encouraged. Major street left turn lanes determined through review.

Neighborhood Connector	One access per lot	Shared access driveways are encouraged.	Maximum of one 45-foot wide access per 200 feet of frontage or fraction thereof.
Downtown Street (C-1 zone)	Alley access must be used if available. One access per block if alley access is not available.	No new direct accesses.	Shared access driveways required.

1. A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards;

2. A design speed of 10 mph and a minimum width of 20 feet to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles;

3. Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive;

4. A unified access and circulation system plan for coordinated or shared parking areas is encouraged.

C. Shared parking areas may be permitted a reduction in required parking spaces if peak demands do not occur at the same time periods.

D. Pursuant to this section, property owners shall:

1. Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive;

2. Record an easement with the deed that remaining access rights along the roadway will be dedicated to the city and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;

3. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.

E. The City may reduce required separation distance of access points where they prove impractical, provided all of the following requirements are met:

1. Joint access driveways and cross access easements are provided in accordance with this section.

2. The site plan incorporates a unified access and circulation system in accordance with this section.

3. The property owner enters into a written agreement with the city, recorded with the deed, that pre-existing connections on the site will be closed and eliminated after construction of each side of the joint use driveway.

F. The Planning Department may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make a development of a unified or shared access and circulation system impractical. (Ord. 1043 section 3, 2000)

16.46.050 Nonconforming access features.

Legal access connections in place as of April 19, 2000 that do not conform with the standards herein are considered nonconforming features and shall be brought into compliance with applicable standards under the following conditions:

A. When new access connection permits are requested; or

B. Change in use or enlargements or improvements that will significantly increase trip generation. (Ord. 1043 section 3, 2000)

16.46.060 Amount of access points.

In the interest of promoting unified access and circulation systems, the number of access points permitted shall be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements, and stipulations shall be met. This shall also apply to phased development plans. The owner and all lessees within the affected area are responsible for compliance with the requirements of this ordinance and both shall be cited for any violation. (Ord 1043 section 3, 2000)

16.46.070 Exception standards for City facilities.

A. An exception may be allowed from the access spacing standards on City facilities if the applicant can provide proof of unique or special conditions that make strict application of the provisions impractical. Applicants shall include proof that:

1. Indirect or restricted access cannot be obtained;

2. No engineering or construction solutions can be reasonably applied to mitigate the condition; and

3. No alternative access is available from a street with a lower functional classification than the primary roadway.

B. The granting of the exception shall be in harmony with the purpose and intent of these regulations and shall not be considered until every feasible option for meeting access standards is explored.

C. No exception shall be granted where such hardship is self-created.

D. Reasons for denying access spacing exception applications include, but are not limited to, traffic safety concerns, expected or planned traffic increases due to development or road construction, and emergency service provision issues. (Ord. 1043 section 3, 2000; Ord 1237, 2007)

16.46.080 State highway standards.

A. Refer to Appendix G of the Transportation System Plan. (Ord. 1043 section 3, 2000)

16.46.090 Shared access onto state highway.

A. Subdivisions with frontage on the state highway system shall be designed into shared access points to and from the highway. Normally, a maximum of two accesses shall be allowed regardless of the number of lots or businesses served. If access off of a secondary street is possible, then access should not be allowed onto the state highway. If access off of a secondary street becomes available, then conversion to that access is encouraged, along with closing the state highway access.

B. New direct accesses to individual one and two family dwellings shall be prohibited on all state highways, unless doing so would deny reasonable access to an existing legal lot of record. (Ord 1043 section 3, 2000)

Chapter 16.49

SITE AND DESIGN REVIEW

Sections:

- 16.49.010 Findings and objectives.**
- 16.49.020 Establishment of the Site and Design Review Board.**
- 16.49.030 Site and design review plan approval requirements.**
- 16.49.035 Application for Site and Design Review.**
- 16.49.040 Criteria and standards.**
- 16.49.050 Conditions placed on site and design review approvals.**
- 16.49.060 Time limit on approvals.**
- 16.49.065 Bicycle and pedestrian facilities.**
- 16.49.070 Authority and intent.**
- 16.49.080 General provisions for landscaping.**
- 16.49.090 Specifications for tree and plant materials.**
- 16.49.100 Landscaping installation and maintenance.**
- 16.49.110 Landscape area credit for preservation of existing trees.**
- 16.49.120 Parking lot landscaping standards.**
- 16.49.130 Revegetation in unlandscaped areas.**
- 16.49.140 Minor revisions to approved landscaped plans.**
- 16.49.150 Parking lots or paving projects.**

16.49.010 Findings and objectives.

A. The City Council finds that excessive uniformity, dissimilarity, inappropriateness, or poor quality of design in the exterior appearance of structures and signs, and the lack of proper attention to site development and landscaping, in the business, commercial, industrial and certain residential areas of the city hinders the harmonious development of the city; impairs the desirability of residence, investment or occupation in the city; limits the opportunity to attain the optimum use and value of land and improvements; adversely affects the stability and value of property; produces degeneration of property in such areas with attendant deterioration of conditions affecting the peace, health and welfare of the city; and destroys a proper relationship between the taxable value of property and the cost of municipal services thereof.

B. The City Council declares that the purpose and objectives of site development requirements and the design review procedures are to:

1. Encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design of said development.
2. Discourage monotonous, unsightly, dreary and inharmonious development.

3. Promote the city's natural beauty and visual character and charm by insuring that structures, signs and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping, and that proper attention is given to exterior appearances of structures, signs and other improvements.
4. Protect and enhance the city's appeal to tourists and visitors and thus support and stimulate business and industry and promote the desirability of investment and occupancy in business, commercial and industrial properties.
5. Stabilize and improve property values and present blighted areas and thus increase tax revenue.
6. Achieve the beneficial influence of pleasant environments for living and working on behavioral patterns and thus decrease the cost of governmental services.
7. Foster civic pride and community spirit so as to improve the quality and quantity of citizen participation in local government and in community growth, change and improvement.
8. Sustain the comfort, health, tranquility and contentment of residents and attract new residents by reason of the city's favorable environment and thus promote and protect the peace, health, and welfare of the city.
9. Determine the appropriate yard setbacks, building heights, minimum lot sizes and sign sizes, when authorized to do so by city ordinance. (Ord. 848, Part I, section 1, 1991)

16.49.020 Establishment of the Site and Design Review Board.

A. There is hereby established a Site and Design Review Board whose members, terms of office and manner of transacting business shall be as prescribed in the following subsections:

1. The Board shall be responsible for reviewing and commenting upon the following applications which may be directed to it through the development process: those portions of proposed site and design review plans which pertain to architectural features, applications concerning historic structures and sign applications. The City Council may, by order, direct the Board to review and comment on other matters which the council determines are or may be within the Board's areas of expertise.
2. Qualifications of Members. The Board shall consist of seven (7) members of the Canby City Planning Commission and one (1) member from the City Council, pro-tem (temporary) non-voting.
3. Appointment and Term. For the purposes of this ordinance, it shall be the Planning Commission's responsibility to serve as the initial reviewing board for all

site and design review applications. Members of the Planning Commission shall be appointed as required by section 16.06.030 of the Canby Municipal Code.

4. Vacancies and Removal. Vacancies on the Planning Commission and/or removal of Planning Commission members shall be governed by section 16.06.030 of the Canby Municipal Code.

5. Chairman. The duly appointed chairman of the Planning Commission shall also serve as chairman for site and design review applications in accordance with Chapter 16.06 (Planning Commission) of the Canby Municipal Code.

6. Voting. Four (4) members shall constitute a quorum for the transaction of business. The chairman shall be counted to determine a quorum and shall have the same voting powers as other members of the Board. Each member shall have one (1) vote. A majority vote of the members shall be required for all Board actions.

7. Meetings and Records. The Board shall hold regular meetings each month as required. Site and design review applications will be reviewed as a regular agenda item.

8. Rules. The Board may adopt and amend rules to govern the conduct of its business, consistent with the provisions of this Code. (Ord. 848, Part II, section 2, 1991)

16.49.030 Site and design review plan approval required.

1. The following projects require site and design review approval, except as exempted in (2) below:

- a. All new buildings.
- b. All new mobile home parks.
- c. Major building remodeling above 60% of value.
- d. Addition of more than 5,000 square feet of additional gross floor area in a one year period.
- e. Construction activity which causes a decrease in pervious area in excess of 2,500 square feet in a one year period.

None of the above shall occur, and no building permit for such activity shall be issued, and no sign permit shall be issued until the site and design review plan, as required by this ordinance, has been reviewed and approved by the Board and their designees for conformity with applicable criteria.

2. The following are exempt from site and design review:

- a. Signs that are not a part of a reviewable development project. Signs that are a part of a reviewable development project, and that are proposed more than two (2) years beyond the final occupancy of the reviewed development.

- b. Alterations or remodeling that do not change the exterior of the building.
- c. Temporary public structures which will be removed within two (2) years of placement.
- d. Accessory structures under 500 square feet.
- e. Temporary commercial tent/canopy structures, which meet the Uniform building or Fire Code, and which will be removed within thirty (30) days of placement.
- f. Parking lot or paving projects. If no buildings or structures are involved, paving or parking lot development in excess of 2,500 square feet of impervious surface is exempted from site and design review, except in the C-1 zone. In the C-1 zone, all new parking lots that do not involve buildings or structures are subject to site plan review as required in Section 16.49. All new paved areas and parking lots in excess of 2,500 square feet must meet the requirements of Section 16.49.150.
- g. Single family or two-family dwellings, and any alterations or remodeling thereof.
- h. Minor public facilities.

3. Construction, site development and landscaping shall be carried out in substantial accord with the approved site and design review plan. Review of the proposed site and design review plan and any changes thereto shall be conducted in accordance with site and design review procedures.

4. No fence/wall shall be constructed throughout a project that is/was subject to site and design review approval where the effect or purpose is to wall said project off from the rest of the community unless reviewed and approved by the Planning Commission. (Ord. 890 section 43, 1993; Ord. 848, Part III, section 1, 1991; Ord. 955 section 23, 1996; Ord. 981 sections 52 & 53, 1997; Ord. 1019 section 2, 1999; Ord. 1080, 2001; Ord. 1237, 2007)

16.49.035 Application for Site and Design Review

Application procedures shall be as described in Chapter 16.89. (Ord. 981 section 4, 1997; Ord. 1019 section 14, 1999; Ord. 1043 section 3, 2000; Ord. 1080, 2001)

16.49.040 Criteria and standards.

1. The Board shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the following:

A. The proposed site development, including the site plan, architecture, landscaping and graphic design, is in conformance with the standards of this and other applicable city ordinances insofar as the location, height and appearance of the proposed development are involved; and

B. The proposed design of the development is compatible with the design of other developments in the same general vicinity; and

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

D. The Board shall, in making its determination of compliance with subsections B and C above, use the following matrix to determine compatibility unless this matrix is superseded by another matrix applicable to a specific zone or zones under this title. An application is considered to be compatible, in regards to subsections B, C, and D above, if a minimum of 65 percent of the total possible number of points (not including bonuses) are accumulated for the whole development.

E. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed development.

2. The Board shall, in making its determination of compliance with the above requirements, be guided by the objectives and standards set forth in this section. If the site and design review plan includes utility facilities or public utility facility, then the City Planner shall determine whether those aspects of the proposed plan comply with applicable standards.

3. The Board shall, in making its determination of compliance with the requirements set forth, consider the effect of its action on the availability and cost of needed housing. The Board shall not use the requirements of this section to exclude needed housing types. However, consideration of these factors shall not prevent the Board from imposing conditions of approval necessary to meet the requirements of this section. The costs of such conditions shall not unduly increase the cost of housing beyond the minimum necessary to achieve the purposes of this ordinance.

4. As part of the site and design review, the property owner may apply for approval to cut trees in addition to those allowed in Chapter 12.32, the city Tree Ordinance. The granting or denial of said application will be based on the criteria in Chapter 12.32. The cutting of trees does not in and of itself constitute change in the appearance of the property which would necessitate application for site and design review. (Ord. 848, Part III, section 2, 1991; Ord. 955 section 24 & 25, 1996; Ord 1237, 2007)

TABLE 16.49.040

CRITERIA	POSSIBLE SCORES		
Parking			
Screening of loading facilities from public ROW: not screened = 0; partially screened = 1; full screening = 2	0	1	2
Landscaping (breaking up of expanse of asphalt)	0	1	
Parking lot lighting: No = 0; Yes = 1	0	1	
Location (behind the building is best): front = 0; side = 1; behind = 2	0	1	2
Number of parking spaces (% of min.) [x.120% / 100%-120% / x=100%]	0	1	2

Traffic			
Distance of access to intersection [x<70' / 70'-100' / x>100']	0	1	2
Access drive width (% of minimum) [x<102% or x>150% / 120%-150%]	0	1	
Pedestrian access from public sidewalk to building [1 entrance connected = 0; all entrances connected = 2]	0		2
Pedestrian access from parking lot to building: No walkways = 0; Walkway next to building = 1; no more than one undesignated crossing of access drive and no need to traverse length of access drive = 2.	0	1	2
Tree Retention			
For trees outside of the building footprint and parking/access areas (3 or more trees): No arborist report = 0; follows <50% of arborist recommendation = 1; follows 50%-75% of arborist report = 2; follows 75% of arborist report = 3.	0	1	2 3
Replacement of trees removed that were recommended for retention: x < 50% = 0; x > 50% = 1	0	1	
Signs			
Dimensional size of sign (% of maximum permitted). X>75% = 0; 50%-75% = 1; x<50% = 2	0	1	2
Similarity of sign color to building color: No = 0; Some = 1; Yes = 2	0	1	2
Pole sign: Yes = 0; No = 1	0	1	
Location of sign: x > 25' from driveway entrance = 0; within 25' of entrance = 1	0	1	
Building Appearance			
Style (architecture): not similar = 0; similar to surrounding = 1 or 2	0	1	2
Color (subdued and similar is better): Neither = 0; similar or subdued = 1; similar and subdued = 2	0	1	2
Material: concrete or wood or brick is better	0	1	
Size (smaller is better): over 20,000 sq ft = 0; under 20,000 sq ft = 1	0	1	
Types of Landscaping			
# of non-required trees: x<1 per 500 sq ft of landscaping = 0; 10 or more per 500 sq ft of landscaping = 1	0	1	
Amount of grass: <25% = 0; 25%-50% = 1; x>50% = 2	0	1	2
Location of shrubs: foreground = 0; background = 1	0	1	
Automatic irrigation: No = 0; Yes = 4	0		4
Bonus Points			
2 or more trees at least 3" in caliper		1	2
Park/open space retention for public use		1	2
Trash receptacle screening		1	

16.49.050 Conditions placed on site and design review approvals.

1. A site and design review approval may include restrictions and conditions. These restrictions and conditions shall be reasonably conceived to:

- A. Protect the public from the potentially deleterious effects of the proposal; and/or
- B. Fulfill the need for services created, increased or in part attributable to the proposal; and/or

C. Further the implementation of the requirements of the Canby Municipal Code.

2. The following types of conditions are specifically contemplated by subsection (1) of this section, and the listing below is intended to be illustrative only and not to be construed as a limitation of the authority granted by this section.

A. Development Schedule. A reasonable time schedule may be placed on construction activities associated with the proposed development, or any portion thereof.

B. Dedications, Reservation. Dedication or reservation of land, or fee in lieu thereof for park, open space purposes, rights-of-way, bicycle or pedestrian paths, green way, riverbank or easements; the conveyance of title or easements to a homeowners' association.

C. Construction and Maintenance Guarantees. Security from the property owners in such an amount that will assure compliance with approval granted.

D. Plan Modification. Changes in the design or intensity of the proposed development, or in proposed construction methods or practices, necessary to assure compliance with this ordinance.

E. Off-Site Improvements. Improvements in public utility facilities not located on the project site where necessary to assure adequate capacity and where service demand will be created or increased by the proposed development. The costs of such improvements may be paid for in full while allowing for recovery of costs from users on other development sites, or they may be pro-rated to the proposed development in proportion to the service demand projected to be created on increases by the project.

F. Other Approvals. Evaluation, inspections or approval by other agencies, jurisdictions, public utilities or qualified consultants may be required for all or any part of the proposed development.

G. Access Limitation. The number, location and design of street accesses to a proposed development may be limited or specified where necessary to maintain the capacity of streets to carry traffic safely, provided that sufficient access to the development is maintained. (Ord. 890 section 44, 1993; Ord. 848, Part III, section 3, 1991)

16.49.055

(Ord. 1019 section 4, 1999; del. by Ord. 1111, 2003)

16.49.060 Time limit on approval.

Site and Design Review Board approvals shall be void after twelve (12) months unless:

1. A building permit has been issued and substantial construction pursuant thereto has taken place, as defined by the state Uniform Building Code; or

2. The Planning Department finds that there have been no changes in any ordinances, standards, regulations or other conditions affecting the previously approved project so as to warrant its resubmittal. (Ord. 848, Part III, section 4, 1091)

16.49.065 Bicycle and pedestrian facilities.

Developments coming under design review shall meet the following standards:

A. The internal walkway system shall be extended to the boundaries of the property to adjoining properties developed or zoned for commercial, public, or multi-family uses. The walkway shall connect to an existing walkway system on adjoining property or be located so as to provide for development of a logical connection in the future when the adjoining property is developed or redeveloped.

B. On-site facilities shall be provided to accommodate safe and convenient pedestrian and bicycle access within new subdivisions, multi-family developments, planned development, shopping centers, and commercial districts, and connecting to adjacent residential areas and neighborhood activity centers. Residential developments shall include streets with sidewalks and accessways.

C. For new office parks and commercial development:

1. At least one sidewalk connection between the proposed development and each abutting commercial or office property shall be provided. One connection shall also be provided to each neighborhood.

2. Walkways shall be provided to the street for every 300 feet of developed frontage.

3. Walkways shall be direct with minimal driveway crossings.

4. Walkways shall be linked to the internal circulation of the building.

5. Walkways shall be at least five feet wide and shall be raised, have curbing, or have different paving materials when crossing driveways. (Ord. 1043 section 3, 2000)

16.49.070 Authority and intent.

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

1. By encouraging the retention and protection of existing trees and requiring the planting of trees in new developments;

2. By using trees and other landscaping materials to temper the effects of the sun, wind, noise and air pollution;

3. By using trees and other landscaping materials to define spaces and uses of the specific areas;

4. Through the use of trees and other landscaping materials as a unifying element within the urban environment; and

5. By considering solar access conditions. (Ord. 848, Part IV, section 1, 1991)

16.49.080 General provisions for landscaping.

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

2. The minimum area requirement for landscaping for developments coming under design review shall be the percentage of the total land area to be developed as follows:

A. Fifteen (15) percent for all industrial and commercial zones (except the Downtown-Commercial zone, but including the Commercial-Residential zone).

B. Seven and one-half (7.5) percent for the Downtown-Commercial zone.

C. Thirty (30) percent for all residential zones.

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

4. During the construction process:

A. The owner or the owner's agent shall provide above and below ground protection for existing trees and plant materials identified to remain.

B. Trees and plant materials identified for preservation shall be protected by chain link fencing placed around the tree, at the drip line.

C. If it is necessary to fence within the drip line, such fencing shall be specified by a qualified arborist, nurseryman or landscape architect.

D. Neither top soil storage nor construction material storage shall be located within the drip line of trees designated to be preserved.

E. Where site conditions make necessary grading, building, paving, trenching, boring, digging, or other similar encroachment upon a preserved tree's drip line area, such grading, paving, trenching, boring, digging or similar encroachment shall only be permitted under the direction of a qualified arborist, nurseryman or landscape architect. Such direction must assure that the health needs of trees within the preserved area can be met.

F. Tree root ends shall not remain exposed.

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

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

7. Any required landscaped area shall be designed, constructed, installed and maintained so that within three (3) years, the ground shall be covered by living grass or other plant material. (The foliage crown of trees shall not be used to meet this requirement.) A maximum of five percent of the landscaped area may be covered with bark chips, mulch, or other similar materials. A maximum of five percent of the landscaped area may be covered with rock, stones, walkways, or other similar material acceptable to the Board. Required sidewalks shall not be used to meet the landscaping requirements. Plant size and spacing shall follow the Oregon Department of Transportation standards.

8. All trees and plant materials shall be healthy, disease-free, damage-free, well-branched stock, characteristic of the species.

9. Landscaping shall be installed in accordance with the provisions of the most recent edition of the Sunset Western Garden Book.

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

A. Select and site permanent landscape materials in such a manner as to produce a hardy and drought-resistant landscaped area.

B. Consider soil type and depth, spacing, exposure to sun and wind, slope and contours of the site, building walls and overhangs, and compatibility with existing native vegetation preserved on the site or in the vicinity.

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

A. It will not interfere with designated pedestrian or vehicular access; and

B. It will not constitute a traffic hazard because of reduced visibility.

C. It will not hinder solar access considerations.

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

13. All planting areas shall be graded to provide positive drainage.

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

16.49.090 Specifications for tree and plant materials.

1. Deciduous Trees. Deciduous shade and ornamental trees shall be a minimum of two inch (2") caliper, measured six inches (6") above ground, balled and burlapped. Bareroot trees will be acceptable to plant during their dormant season. Trees shall be well branched and characteristically shaped specimen.

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

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

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

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

16.49.100 Landscaping installation and maintenance.

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

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

city shall be returned. The final landscape and exterior improvement inspection shall be made prior to any security being returned. Any portion of the plan not installed, not installed properly, or not properly maintained shall cause the inspection to be postponed until the project is completed, or shall cause the security to be used by the city.

3. All landscaping approved through the site and design review process shall be continually maintained, including necessary watering, weeding, pruning and replacement, in a manner substantially similar to that originally approved by the Site and Design Review Board, unless later altered with Board approval. (Ord. 890 section 47, 1993; Ord. 848, Part IV, section 4, 1990)

16.49.110 Landscape area credit for preservation of existing trees.

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

2. Landscape Credit.

A. Program for Landscape Credit. One hundred percent (100%) of the area preserved under any tree or group of trees retained in the landscape (as approved by the Site and Design Review Board) may apply directly to the percentage of landscaping required for a development.

B. Limit to Landscape Area Credit. Landscape credit for preserved trees shall not eliminate or reduce the landscaping requirements pertaining to parking lots, buffering, and screening. Furthermore, such credits shall not reduce the total landscaping requirements more than 40 percent (i.e., districts requiring 15 percent landscaping shall not be reduced to less than 9 percent).

C. Trees Near a Property Line:

i. When the drip line of a tree extends beyond the owner's property line, credit can be granted for that portion of the drip line within the property line if that area exceeds 75 percent of the total drip line area. Trees so close to the property line that their drip line area is less than 75 percent of the total, can only be given credit if a qualified arborist, nurseryman or landscape architect can assure the survival of the tree and its long term health if root damage is sustained by future development on the adjacent property.

ii. Where trees have been preserved near a property line, such that the drip line of the tree spreads onto adjacent property, credit can be obtained by the adjacent property owner for protection of the drip line area that extends onto that adjacent property. (Ord. 890 section 48, 1993; Ord. 848, Part IV, section 5, 1990)

16.49.120 Parking lot landscaping standards.

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

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

3. Landscaping Within a Parking Lot. Area within a parking lot shall include the paved parking and maneuvering area, as well as any paved area within ten (10) feet of any exterior face of curb surrounding the paved parking and maneuvering area.

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

- A. Fifteen (15) percent for all residential, industrial, and commercial zones (except the Downtown-Commercial Zone, but including the Commercial-Residential Zone).
- B. Five (5) percent for the Downtown-Commercial Zone for any off-street parking spaces provided.

The area landscaped to meet minimum parking lot interior landscaping requirements shall be located within ten (10) feet of the parking lot area.

5. Trees Required Within Parking Lots. Deciduous, evergreen and/or shade trees shall be planted within all parking lots and shall be distributed on the basis of one (1) tree for each eight (8) parking spaces or 2,800 square feet of paved vehicular-use area, whichever is greater. The Site and Design Review Board explicitly encourages the use of planter islands with trees for landscaping parking lots.

6. Criteria for Trees in Parking Lots. Deciduous, evergreen and/or shade trees shall meet the following criteria:

- A. Reach a mature height of twenty (20) to thirty (30) feet.
- B. Cast moderate to dense shade in summer.
- C. Long lived, i.e., over sixty (60) years.
- D. Do well in an urban environment:

- i. pollution tolerant; and
 - ii. tolerant of direct and reflected heat.
- E. Require little maintenance:
- i. mechanically strong;
 - ii. insect and disease resistant; and
 - iii. require little pruning.
- F. Be resistant to drought conditions.
- G. Be barren of fruit production.

7. Size of Landscape Planter Islands:

- A. Landscape planter islands containing trees shall have a minimum planting area of twenty-five (25) square feet; shall have a minimum width of forty-eight (48) inches measured from back of curb; and shall be designed so as to prevent vehicular damage to trees. (Curb height to be six (6) inches minimum.)
- B. Sidewalks shall not encroach upon the minimum planting width.

8. Perimeter of Parking and Loading Areas:

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

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

16.49.130 Revegetation in unlandscaped areas.

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

- A. Replanting. Where natural vegetation has been removed or damaged through grading in areas not affected by the landscaping requirement and that are not to be

occupied by structures or other improvements, such areas shall be replanted with materials approved by the Site and Design Review Board.

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

16.49.140 Minor revisions to approved landscaped plans.

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

16.49.150 Parking lots or paving projects.

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

Chapter 16.50

CONDITIONAL USES

Sections:

- 16.50.010 Authorization to grant or deny conditional uses.**
- 16.50.020 Application for conditional uses.**
- 16.50.030 Public hearing required.**
- 16.50.040 Placing conditions on a permit.**
- 16.50.050 Notification of action.**
- 16.50.060 Standards governing conditional uses.**
- 16.50.070 Revocation of conditional use permits.**

16.50.010 Authorization to grant or deny conditional uses.

A conditional use listed in this title shall be permitted, altered, or denied in accordance with the standards and procedures of this chapter. In the case of a use existing prior to the effective date of the ordinance codified in this title as a conditional use, a change in the use, or reduction in lot area, or an alteration of the structure, shall require the prior issuance of a conditional use permit. In judging whether or not a conditional use permit shall be approved or denied, the Planning Commission shall weigh the proposal's positive and negative features that would result from authorizing the particular development at the location proposed and to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable.

A. The proposal will be consistent with the policies of the Comprehensive Plan and the requirements of this title and other applicable policies of the city;

B. The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features;

C. All required public facilities and services exist to adequately meet the needs of the proposed development;

D. The proposed use will not alter the character of the surrounding areas in a manner which substantially limits, or precludes the use of surrounding properties for the uses listed as permitted in the zone. (Ord. 740 section 10.3.75 (A), 1984)

16.50.020 Application for conditional uses.

Application procedures shall be as described in Chapter 16.89. (Ord. 899 section 1, 1993; Ord. 740 10.3.75(B), 1984; Ord. 981 section 5, 1997; Ord. 1019 section 15, 1999; Ord. 1080, 2001)

16.50.03 Public hearing required.

Each properly filed application for a conditional use permit shall be considered by the Planning Commission following a public hearing advertised and conducted in the manner prescribed in Division VIII. (Ord. 740 section 10.3.75 (C), 1984)

16.50.040 Placing conditions on a permit.

In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose conditions which it finds necessary to avoid a detrimental impact and to otherwise protect the best interests of the surrounding area or the community as a whole. These conditions may include the following:

- A. Limiting the manner in which the use is conducted, including restricting the time an activity may take place, and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor;
- B. Establishing a special yard, other open space or lot area or dimensions;
- C. Limiting the height, size or location of a building or other structure;
- D. Designating the size, number, location, and nature of vehicle access points;
- E. Improving the street and/or expanding the rights-of-way;
- F. Designating the size, location, screening, drainage, surfacing or other improvement of a parking area or truck loading area;
- G. Limiting or otherwise designating the number, size, location, height and lighting signs;
- H. Limiting the location and intensity of outdoor lighting and requiring its shielding;
- I. Requiring diking, screening, landscaping or other facility to protect adjacent or nearby property and designating standards for its installation and maintenance;
- J. Designating the size, height, location and materials for a fence;
- K. Protecting and preserving existing trees, vegetation, water, resources, wildlife habitat or other significant natural or open space areas;
- L. Limiting the number, location, and design of street accesses and requiring shared access when appropriate;
- M. Other conditions to assure that the development complies with standards and criteria listed in section 16.50.010. (Ord. 740 section 10.3.75 (D), 1984; Ord. 1019 section 6, 1999)

16.50.050 Notification of action.

The City Planner shall notify the applicant in writing of the action of the Planning Commission within five days after the decision has been rendered. (Ord. 740 section 10.3.75(E), 1984)

16.50.060 Standards governing conditional uses.

A conditional use shall ordinarily comply with the standards of the zone for uses permitted outright, except as specifically modified by the Planning Commission in granting the conditional use permit, or as otherwise provided as follows:

A. Building Height. The height limitations of any zone may be exceeded by a conditional use to a maximum height of seventy-five feet; provided that each yard is increased over the yard requirement by the addition of five feet for every five feet or fraction thereof of additional height over the maximum height allowed in the zone.

B. Utility Substation or Pumping Station. The minimum lot size of the zone in which a public utility is to be located may be waived by the Planning Commission only on finding that the waiver will not result in unacceptable levels of noise or other detrimental effect on adjacent property. No equipment storage shall be permitted on the site of such small lots.

C. Signs. Signs may be permitted for a conditional use, in keeping with the nature of the use. The Planning Commission may require the applicant to submit details of proposed signs to allow for consideration with the use permit for the structure or use. (Ord. 740 section 10.3.75(F), 1984; Ord. 1237, 2007)

16.50.070 Revocation of conditional use permits.

A. Automatic Revocation. All conditional use permits shall be automatically revoked if not exercised within one year from the date of approval, or such additional time as is specified by the granting body at the time of approval. Conditional use permits shall not be deemed exercised until the use of the property permitted by the conditional use permit has actually commenced or, in the event that such use involves the construction of a building, that all required permits for said building have been obtained.

B. Revocation for Noncompliance. Any conditional use permit may be revoked by the City Council for noncompliance with conditions set forth in the original approval, after first holding a public hearing and giving written notice of such hearing to the grantee.

C. Extension of approval. A one-time extension will be allowed if applied for no later than ninety (90) days prior to the expiration of the original approval. A request for extension must:

1. Not change the original application.
2. Explain specifically why an extension is needed.
3. Be approved by the Planning Commission as a new business item.

4. If approved, those with standing on the original application shall be notified of the extension by mail. Those so noticed may obtain a public hearing on the extension by filing a request in writing within ten (10) days of the notice date. The public hearing shall follow the notice requirements and procedure for conditional use permits. The cost of notification and any required public hearing must be borne by the applicant.

An extension shall not be granted for more than one (1) year. (Ord. 740 section 10.8.20(C), 1984; Ord. 955 section 31, 1996; Ord 1237, 2007)

Chapter 16.52

NONCONFORMING USES AND STRUCTURES

Sections:

- 16.52.010 Continuation of nonconforming use or structure.
- 16.52.020 Nonconforming structure.
- 16.52.030 Discontinuance of a non conforming use.
- 16.52.035 Alteration or expansion of dwelling units in C-1 zone.
- 16.52.040 Expansion of nonconforming structure or change of use - application required.
- 16.52.050 Authorization to grant or deny expansion of nonconforming structure or change of nonconforming use.
- 16.52.060 Destruction of a nonconforming use or structure.
- 16.52.070 Completion of building.

16.52.010 Continuation of nonconforming use or structure.

Subject to the provisions of this section, a nonconforming structure or use may be continued but shall not be altered, changed, or extended except as provided herein. Other than those expansions specifically permitted by section 16.52.035, the expansion of nonconforming uses shall not be permitted. (Ord. 805 section 3 [part], 1987; Ord. 740 section 10.3.80 (A), 1984 Ord. 1019 section 10, 1999)

16.52.020 Nonconforming structure.

A structure conforming as to use but nonconforming as to height, setback, or coverage may be altered or extended as follows:

- A. If the new or reconstructed area meets all development standards and code requirements, a nonconforming structure application is not required.
- B. The Planning Commission may allow existing nonconforming structures to be reconstructed over existing legally approved building footprints. Approval of a nonconforming structure application under this Chapter is required.
- C. The Planning Commission may allow additions to structures that are nonconforming as to height or setbacks if the new building area is no more out of conformance than the existing structure. For example, an addition to a home with a reduced side yard setback may be allowed if the addition has the same reduced side yard setback or is less out of conformance. Approval of a nonconforming structure application under this Chapter is required. This Chapter may not be used to allow additions further out of conformance as to building height or setbacks than existing structures.

D. The Planning Commission may allow additions to structures that are nonconforming as to coverage requirements. Approval of a nonconforming structure application under this Chapter is required. (Ord. 805 section 3 [part], 1987; Ord. 740 section 10.3.80(B), 1984; Ord 1237, 2007)

16.52.030 Discontinuance of a nonconforming use.

A. If a nonconforming use involving a structure is discontinued from use for a period of one year, further use of the property shall be as a conforming use.

B. If a nonconforming use not involving a structure is discontinued for a period of six months, further use of the property shall be for a conforming use. (Ord. 805 section 3 [part], 1987; Ord. 740 section 10.3.80(C), 1984)

16.52.035 Alteration or expansion of dwelling units in C-1 zone.

The alteration or expansion of dwelling units in the C-1 zone shall be permitted, subject to the specific requirements of that zone. A nonconforming use application is not required. (Ord. 805 section 3 [part], 1987; Ord 1237, 2007)

16.52.040 Expansion of nonconforming structure or change of use – application required.

Application procedures shall be as described in Chapter 16.89. (Ord. 805 section 3 [part], 1987; Ord. 740 section 10.3.80(D), 1984; Ord. 981 section 6, 1997; Ord. 1080, 2001)

16.52.050 Authorization to grant or deny expansion of nonconforming structure or change of nonconforming use.

An expansion of a nonconforming structure or a change from one nonconforming use to another shall be approved, conditionally approved or denied in accordance with the standards and procedures of this section. In judging whether or not such applications shall be approved or denied, staff and the Planning Commission shall weigh the proposal's positive and negative features and the public convenience or necessity to be served against any adverse condition that would result from authorizing the particular development at the location proposed and, to approve such expansion or change shall find that the following criteria are either met, can be met by observation of conditions, or are not applicable:

A. The proposal will be consistent with the policies of the Comprehensive Plan and the requirements of the Land Development and Planning Ordinance, other than those specific zoning standards to which the use or structure is nonconforming.

B. The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features.

C. All required public facilities and services exist to adequately meet the needs of the proposed development.

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

E. In considering whether to approve a change in use, the city shall compare the following characteristics of the historical use of the property with that proposed by the applicant in order to assure that the change will not constitute an expansion or intensification of the nonconforming use:

1. Traffic, including both volume and type (car, truck, foot, etc.);
2. Noise;
3. Days and hours of operation;
4. Physical appearance;
5. Other environmental considerations (dust, vibration, glare, etc.);
6. Type and size of equipment used.

(Ord. 805 section 3 [part], 1987; Ord. 740 section 10.3.80 (E), 1984; Ord. 1080, 2001; Ord. 1237, 2007)

16.52.060 Destruction of a nonconforming use or structure.

If a nonconforming structure or a structure containing a nonconforming use is destroyed by any cause to an extent exceeding eighty percent of the cost of replacement of the structure using new materials, as determined by the Building Official, the property owner may apply to the Planning Commission to restore the nonconforming use or structure. In judging whether or not the restoration of a nonconforming use shall be approved or denied, the Planning Commission shall weigh the proposal's positive and negative features and the public convenience or necessity to be served against adverse conditions that would result from authorizing the particular restoration at the location proposed. In order to approve such restorations, the Planning Commission shall find that the criteria as set forth in section 16.52.050 are met, can be met by observance of conditions, or are not applicable. (Ord. 805 section 3 [part], 1987; Ord. 740 section 10.3.80(F), 1984)

16.52.070 Completion of building.

Nothing contained in this title shall require any change in the plans, alteration, construction or designated use of a building upon which construction work has lawfully commenced prior to the adoption of the ordinance codified in this chapter, except that if the designated use will be nonconforming it shall, for the purpose of section 16.52.030, be a discontinued use if not in operation within one year of the date of issuance of the building permit. (Ord. 805 section 3 [part], 1987; Ord. 740 section 10.3.80(G), 1984)

Chapter 16.53

VARIANCES

Sections:

- 16.53.010 Minor Variances.**
- 16.53.020 Major Variances.**
- 16.53.030 Revocation of major variances.**

16.53.010 Minor Variances.

A. The following variances shall be reviewed using a Type II procedure (see Chapter 16.89), using the approval criteria in subsection B, below. Applications shall be made on forms provided by the Planning Department.

1. Setbacks: up to a ten percent (10%) reduction to the setbacks required in the zone.

B. A minor variance may be granted if the applicant demonstrates compliance with all of the following criteria, if applicable:

1. The variance is required due to the lot configuration or other physical conditions of the site;
2. The variance is proposed in order to preserve trees or will not result in the removal of significant natural resources, including trees;
3. The variance will not reduce allowable lot size, violate landscaping requirements, or result in a violation of other chapters or sections of this ordinance; and
4. The variance will not be materially detrimental to other property within the same vicinity.(Ord. 1080, 2000)

16.53.020 Major Variances.

These provisions are intended to prescribe procedures which allow variations from the strict application of the regulations of this title, by reason of exceptional circumstances and other specified conditions:

A. Authorization. The commission may authorize variances from the requirements of this title, other than Division VII, where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of the regulations would cause an undue or unnecessary hardship, except that no variance shall be granted to allow the use of property for purposes not authorized

within the district in which the proposed use would be located. In granting a variance, the commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and to otherwise achieve the purpose of this title.

B. Standards and Criteria. A variance may be granted only upon determination that all of the following conditions are present:

1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the city and within the same zone. These exceptional or extraordinary circumstances result from tract size or shape, topography or other circumstances over which the owners of the property have no control. Actions of previous owners do not constitute other exceptional or extraordinary circumstances; and
2. The variance is necessary to assure that the applicant maintains substantially the same property rights as are possessed by the owners of other property in the city and within the same zone; and
3. Granting of this variance will not be materially detrimental to the intent or purposes of the city's Comprehensive Plan or the Land Development and Planning Ordinance; and
4. Granting of this variance will not be materially detrimental to other property within the same vicinity; and
5. The variance requested is the minimum variance which will alleviate the hardship; and
6. The exceptional or unique conditions of the property which necessitate the issuance of a variance were not caused by the applicant, or the applicant's employees or relatives.

C. Variance to Requirements of Hazard Overlay (H) Zone. Variances may be issued for non-residential buildings in very limited circumstances to allow a lesser degree of flood proofing than water-tight or dry-flood proofing, where it can be determined that such action will have a low damage potential, complies with all other variance criteria, and otherwise meets the requirements of the Hazard Overlay Zone. (Ord.805 section 4, 1987; Ord. 804 section 4(A), 1987; Ord. 740 section 10.8.50, 1984; Ord. 981 section 14, 1997; Renum. and mod. by Ord. 1080, 2001)

16.53.030 Revocation of major variances.

A. Automatic Revocation. All major variances shall be automatically revoked if not exercised within one year from the date of approval, or such additional time as is specified by the granting body at the time of approval. Major variances shall not be deemed exercised until the use of the property permitted by the variance has actually

commenced or, in the event that such use involves the construction of a building, that all required permits for said building have been obtained.

B. Revocation for Noncompliance. Any major variance may be revoked by the City Council for noncompliance with conditions set forth in the original approval, after first holding a public hearing and giving written notice of such hearing to the grantee.

C. Extension of approval. A one-time extension will be allowed if applied for no later than ninety (90) days prior to the expiration of the original approval. A request for extension must:

1. Not change the original application.
2. Explain specifically why an extension is needed.
3. Be approved by the Planning Commission as a new business item.
4. If approved, those with standing on the original application shall be notified of the extension by mail. Those so noticed may obtain a public hearing on the extension by filing a request in writing within ten (10) days of the notice date. The public hearing shall follow the notice requirements and procedure for major variances. The cost of notification and any required public hearing must be borne by the applicant.

An extension shall not be granted for more than one (1) year. (Ord. 740 section 10.8.20(C), 1984; Ord. 955 section 31, 1996; Ord 1237, 2007)

Chapter 16.62

SUBDIVISIONS - APPLICATIONS

Sections:

16.62.010 Filing procedures.

16.62.020 Standards and criteria.

16.62.010 Filing procedures.

A. Application procedures shall be as described in Chapter 16.89. (Ord. 899 section 3, 1993; Ord. 740 section 10.4.40(A), 1984; Ord. 981 section 10, 1997; Ord. 1019 section 16, 1999; Ord. 1080, 2001; Ord. 1237, 2007)

16.62.020 Standards and criteria.

Applications for a subdivision shall be evaluated based upon the following standards and criteria:

A. Conformance with the text and applicable maps of the Comprehensive Plan;

B. Conformance with other applicable requirements of the Land Development and Planning Ordinance;

C. The overall design and arrangement of lots shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of adjacent properties;

D. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed land division. (Ord. 890 section 53, 1993; Ord. 740 section 10.4.40(B), 1984)

Sections:

- 16.64.010 Streets.
- 16.64.015 Access.
- 16.64.020 Blocks.
- 16.64.030 Easements.
- 16.64.040 Lots.
- 16.64.050 Public open spaces.
- 16.64.060 Grading of building sites.
- 16.64.070 Improvements.

16.64.010 Streets.

A. Generally. The location, width and grade of streets shall be considered in relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation pattern with intersection angles, grades, tangents, and curves appropriate for the traffic to be carried. Where location is not shown in a development plan, the arrangement of streets shall either:

1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
2. Conform to a plan for the neighborhood approved or adopted by the commission to meet a particular situation where topographical or other conditions make continuance of conformance to existing street patterns impractical;
3. Minimum right-of-way and roadway width shall follow the requirements of Division VII;
4. Consider opportunities to incrementally extend and connect local streets to provide for safe and convenient bike and pedestrian circulation.

B. Reserve Strips. Reserve strips or street plugs controlling the access to streets will not be approved unless such strips are necessary for the protection of the public welfare or of substantial property rights, or both, and in no case unless the control and disposal of the land composing such strips is placed within the jurisdiction of the city, under conditions approved by the commission.

C. Alignment. All streets other than minor streets or cul-de-sacs, shall, as far as possible, be in alignment with the existing streets by continuations of the center lines thereof. Jogs creating "T" intersections shall have centerline offsets of not less than one hundred fifty feet, unless it is found that community benefits of such an alignment outweigh its disadvantages.

D. Future Extension of Streets. Where a subdivision adjoins unplatted acreage, streets which in the opinion of the commission should be continued in the event of the subdivision of the acreage, will be required to be provided through to the boundary lines of the tract. Reserve strips, street plugs and temporary turnaround areas may be required to preserve the objectives of street extensions. Reserve strips and street plugs shall be deeded to the city prior to final plat approval. The Planning Commission may require that the costs of title insurance and recordation fees, if any, for such areas be borne by the subdivider. If, in the opinion of the city engineer, a traffic pedestrian, or safety hazard temporarily exists by the construction of a dead-end street, he may direct that a barricade of adequate design be installed at the developer's expense as one of the required improvement items for the subdivision.

E. Intersection Angles. Streets shall intersect one another at an angle as near to a right angle as possible, and no intersections of streets at angles of less than thirty degrees will be approved unless necessitated by topographic conditions. When intersections of other than ninety degrees are unavoidable, the right-of-way lines along the acute angle shall have a minimum corner radius of twelve feet. All right-of-way lines at intersections with arterial streets shall have a corner radius of not less than twelve feet.

F. Existing Streets. Whenever existing streets, adjacent to or within a tract, are of inadequate width, dedication of additional right-of-way shall be provided at the time of subdivision.

G. Half Streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision, when in conformity with the other requirements of these regulations, and when the commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Reserve strips, street plugs, special signs and barricades may be required to preserve the objectives of half streets.

H. Cul-de-sacs. A cul-de-sac shall be as short as possible and shall have a maximum length of four hundred fifty feet and serve building sites for not more than eighteen dwelling units. A cul-de-sac shall terminate with a circular turnaround or other design approved by the City and emergency service providers.

I. Marginal Access Streets. Where a subdivision abuts or contains an existing or proposed arterial street, the commission may require marginal access streets, through lots with suitable depth, screen planting contained in a nonaccess reservation along

the rear property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

J. Alleys. Alleys shall be provided to commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are made as approved by the commission. Alley intersection corners shall have a minimum radius of ten feet.

K. Street Names. No street name shall be used which will duplicate or be confused with the name of existing streets except for extensions of existing streets. Street names and numbers shall conform to the established pattern in the city and the surrounding area and shall be subject to the approval of the commission.

L. Planting Easements. The Planning Commission may require additional easements for planting street trees or shrubs.

M. Grades and Curbs. Grades shall not exceed seven percent on arterials, ten percent on collector streets, or fifteen percent on any other street. In flat areas allowance shall be made for finished street grades having a minimum slope of .5 percent. Centerline radii of curves shall not be less than three hundred feet on major arterials, two hundred feet on secondary arterials, or one hundred feet on other streets, unless specifically approved by the City, and shall be to an even ten feet.

N. Streets Adjacent to Highway 99-E or Railroad Right-of-Way. Wherever the proposed subdivision contains or is adjacent to a railroad right-of-way or Highway 99-E, provisions may be required for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad or Highway 99-E. The distances shall be determined with due consideration of cross streets at a minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way. (Ord. 740 section 10.4.40(C)(1), 1984; Ord. 1043 section 3, 2000; Ord 1237, 2007)

16.64.015 Access

A. Any application that involves access to the State Highway System shall be reviewed by the Oregon Department of Transportation for conformance with state access management standards (See appendix G of the Transportation System Plan).

B. All proposed roads shall follow the natural topography and preserve natural features of the site as much as possible. Alignments shall be planned to minimize grading.

C. Access shall be properly placed in relation to sight distance, driveway spacing, and other related considerations, including opportunities for joint and cross access.

D. The road system shall provide adequate access to buildings for residents, visitors, deliveries, emergency vehicles, and garbage collection.

E. Streets shall have sidewalks on both sides. Pedestrian linkages should also be provided to the peripheral street system.

F. Access shall be consistent with the access management standards adopted in the Transportation System Plan. (Ord. 1043 section 3, 2000)

16.64.020 Blocks.

A. Generally. The lengths, widths and shapes of blocks shall be designed with due regard to providing adequate building sites suitable to the special needs of the type of use contemplated, needs for access, circulation, control and safety of street traffic and limitations and opportunities of topography.

B. Sizes. Block length shall be limited to 300 feet in the C-1 zone, 600 feet in all other zones, except for 800 feet on arterials. Exceptions to this prescribed block standard shall be permitted where topography, barriers such as railroads or freeways, or environmental constraints prevent street extension. The block depth shall be sufficient to provide two lot depths appropriate to the sizes required by Division III. (Ord. 740 section 10.4.40(C)(2), 1984; Ord. 1043 section 3, 2000; Ord. 1076, 2001)

16.64.030 Easements.

A. Utility Lines. Easements for electric lines or other public utilities are required, subject to the recommendations of the utility providing agency. Utility easements twelve feet in width shall be required along all street lot lines unless specifically waived. The commission may also require utility easements along side or rear lot lines when required for utility provision. The construction of buildings or other improvements on such easements shall not be permitted unless specifically allowed by the affected utility providing agency.

B. Watercourses. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width as will be adequate for the purpose of assuring adequate flood control. Streets parallel to watercourses may be required.

C. Pedestrian Ways. In any block over six hundred feet in length, a pedestrian way or combination pedestrian way and utility easement shall be provided through the middle of the block. If unusual conditions require blocks longer than one thousand two hundred feet, two pedestrian ways may be required. When essential for public convenience, such ways may be required to connect to cul-de-sacs, or between streets and other public or semipublic lands or through green way systems. Long blocks parallel to arterial streets may be approved without pedestrian ways if desirable in the interest of traffic safety. Sidewalks to city standards may be required in easements where insufficient right-of-way exists for the full street surface and the sidewalk. All pedestrian ways shall address the following standards to provide for the safety of users:

1. Length should be kept to a minimum and normally not in excess of two hundred feet;
2. Width should be maximized and shall not be below ten feet. For pathways over one hundred feet long, pathway width shall increase above the minimum by one foot for every twenty feet of length;
3. A minimum of three foot-candles illumination shall be provided. Lighting shall minimize glare on adjacent uses;
4. Landscaping, fences, grade differences, and other obstructions should not hinder visibility into the pedestrian way from adjacent streets and properties;
5. Surrounding land uses should be designed to provide surveillance opportunities from those uses into the pedestrian way, such as with the placement of windows; and
6. Exits shall be designed to maximize safety of users and traffic on adjacent streets.

D. Solar Easements. Subdividers shall be encouraged to establish solar easements and utilize appropriate solar design in their development proposals. Solar easements shall be shown on the final plat and in the deed restrictions of the subdivision. The Planning Commission may require the recordation of special easements or other documents intended to protect solar access. (Ord. 740 section 10.4.40(C)(3), 1984; Ord. 1043 section 3, 2000; Ord 1237, 2007)

16.64.040 Lots.

A. Size and Shape. The lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated. To provide for proper site design and prevent the creation of irregularly shaped parcels, the depth of any lot or parcel shall not exceed three times its width (or four times its width in rural areas) unless there is a topographical or environmental constraint or an existing man-made feature such as a railroad line.

B. Minimum Lot Sizes:

1. Lot sizes shall conform with requirements of Division III.
2. In areas that cannot be connected to sewer trunk lines, minimum lot sizes shall be greater than the minimum herein specified if necessary because of adverse soil structure for sewage disposal by septic systems. Such lot sizes shall conform to the requirements of Clackamas county for sewage disposal unless provisions are made for sanitary sewers.

C. Lot Frontage. All lots shall meet the requirements specified in Division III for frontage on a public street, except that the Planning Commission may allow the

creation of flag lots, cul-de-sac lots and other such unique designs upon findings that access and building areas are adequate. Lots that front on more than one major street shall be required to locate motor vehicle accesses on the street with the lower functional classification.

D. Double Frontage. Double frontage or through lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.

E. Lot Side Lines. The side lines of lots shall run at right angles to the street upon which the lots face, or on curved streets they shall be radial to the curve, unless there is some recognizable advantage to a different design.

F. Resubdivision. In subdividing tracts into large lots which at some future time are likely to be resubdivided, the location of lot lines and other details of the layout shall be such that resubdivision may readily take place without violating the requirements of these regulations and without interfering with the orderly development of streets. Restriction of building locations in relationship to future street rights-of-way shall be made a matter of record if the commission considers it necessary.

G. Building Lines. If special building setback lines are to be established in the subdivision plat, they shall be shown on the subdivision plat or included in the deed restrictions. This includes lots where common wall construction is to be permitted between two single-family dwellings.

H. Potentially Hazardous Lots or Parcels. The commission shall utilize its prerogative to modify or deny a tentative plat or partition map where it is found that a proposed lot or parcel is potentially hazardous due to flooding or soil instability.

I. Flag Lots or Panhandle-shaped Lots. The commission may allow the creation of flag lots provided that the following standards are met:

1. Not more than one flag lot shall be created to the rear of any conventional lot and having frontage on the same street unless it is found that access will be adequate and that multiple flag lots are the only reasonable method to allow for development of the site. Every flag lot shall have access to a public street.

2. The access strip is to be a minimum of twenty feet in width and shall be paved for its full width from its connection with the public street to the main body of the lot. Except, however, that the width requirement may be reduced to twelve feet, for accessing a single flag lot, where the total length of the access strip does not exceed one hundred feet. Access strips not less than ten feet in width may be permitted where two such drives abut and are provided with reciprocal easements for use. For drives accessing more than two flag lots, the access strip shall be a minimum of twenty feet with reciprocal access and maintenance agreements for all lots.

3. For residential flag lots, a minimum building setback of five feet from the access strip shall be maintained where such buildings exist prior to the creation of the flag lot.

4. Design and locations of buildings on flag lots shall be such that normal traffic will have sufficient area to turn around, rather than necessitating backing motions down the access strip. The commission may establish special setback requirements at the time of approving the creation of flag lots.

5. Flag lots shall not be permitted when the result would be to increase the number of properties requiring direct and individual access connections to the State Highway System or other arterials.

6. The area of a panhandle shaped or flag lot shall be considered to be the rear or buildable portion of the lot and shall not include the driveway or access strip.

7. For the purposes of defining setbacks, flag lots shall have three side yards and one rear yard. The rear yard may be placed on any side of the main dwelling.

J. Designation of Lots as 'Infill Home' Sites. The Planning Commission may require that homes built on one or more lots adjacent to existing development be subject to any or all of the requirements of 16.21.050 - Infill Homes. Furthermore, for subdivisions where the parent parcel(s) is less than two acres in size, the Planning Commission may require that all homes built on lots in the subdivision be subject to any or all of the requirements of 16.21.050. These requirements are to be shown on the subdivision plat or included in the deed restrictions. (Ord. 740 section 10.3.05(F) and 10.4.40(C)(4), 1984; Ord. 890 section 54, 1993; Ord. 1043 section 3, 2000; Ord. 1107, 2002; Ord. 1111 section 6, 2003)

16.64.050 Parks and recreation.

Subdivisions shall meet the requirements for park, open space and recreation as specified in Division VI.

16.64.060 Grading of building sites.

The commission may impose bonding requirements, similar to those described in section 16.64.070, for the purpose of ensuring that grading work will create no public hazard nor endanger public facilities where either steep slopes or unstable soil conditions are known to exist. (Ord. 740 section 10.4.40(C)(6), 1984)

16.64.070 Improvements.

A. Improvement Procedures. In addition to other requirements, improvements installed by a land divider either as a requirement of these regulations, or at his own option, shall conform to the requirements of these regulations and improvement standards and specifications followed by the city, and shall be installed in accordance with the following procedure:

1. Improvement work shall not be commenced until plans have been checked for adequacy and approved by the city. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the tentative plat of a subdivision or partition. No work shall commence until the developer has signed the necessary certificates and paid the subdivision development fees specified elsewhere in this division.
 2. Improvement work shall not commence until after the city is notified, and if work is discontinued for any reason it shall not be resumed until after the city is notified.
 3. Improvements shall be constructed under the inspection and to the satisfaction of the City. The city may require changes in typical sections and details in the public interest if unusual conditions arise during construction which warrant the change.
 4. Underground utilities, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length obviating the necessity for disturbing the street improvements when service connections are made.
 5. A map showing public improvements "as built" shall be filed with the city engineer within sixty days of the completion of the improvements.
- B.** The following improvements shall be installed at the expense of the subdivider unless specifically exempted by the Planning Commission:
1. Streets, including drainage and street trees;
 2. Complete sanitary sewer system;
 3. Water distribution lines and fire hydrants;
 4. Sidewalks and any special pedestrian ways;
 5. Street name and traffic-control signs;
 6. Streetlights;
 7. Lot, street and perimeter monumentation;
 8. Underground power lines and related facilities;
 9. Underground telephone lines, CATV lines, natural gas lines, and related facilities;

10. Where dedicated or undedicated open space is proposed or provided, it shall be the subdivider's responsibility to provide standard public improvements to and through that open space.

C. Streets.

1. All streets, including alleys, within the subdivision and streets adjoining, but only partially within the subdivision shall be improved.

2. All public and private streets shall be constructed to city standards for permanent street and alley construction. Catch basins and dry wells shall be installed and interconnected to provide drainage as may be required by the City. Upon completion of the street improvement, monuments shall be reestablished and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street centerlines as required by Oregon Revised Statutes Chapter 92.

3. Prior to city approval of the final subdivision plat, all perimeter and back lot line monumentation shall be installed and the installation of the front lot monumentation (along and within street rights-of-way) shall be guaranteed. Any monuments destroyed during improvement installation shall be replaced at the developer's expense.

4. If any lot abuts a street right-of-way that does not conform to the design specifications of this ordinance, the owner may be required to dedicate up to one-half of the total right-of-way width required by this ordinance.

5. The proposed use shall not impose an undue burden on the transportation system. The City may require the applicant to provide adequate information, such as a traffic impact study, to demonstrate the level of impact to the surrounding street system. The developer shall be required to mitigate impacts attributable to the project.

6. The determination of impact or effect and the scope of the impact study should be coordinated with the provider of the affected transportation facility.

7. Dedication of land for streets, transit facilities, sidewalks, bikeways, paths, or accessways shall be required where the existing transportation system will be impacted by or is inadequate to handle the additional burden caused by the proposed use.

8. Improvements such as paving, curbing, installation or contribution to traffic signals, construction of sidewalks, bikeways, accessways, paths, or streets that serve the proposed use where the existing transportation system may be burdened by the proposed use.

D. Surface Drainage and Storm Sewer System.

1. Drainage facilities shall be provided within the subdivision and to connect the subdivision to drainage ways or storm sewers outside the subdivision, if necessary, as determined by the City.

2. Capacity, grade and materials shall be by a design approved by the City. Design of drainage within the subdivision shall take into account the location, capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such area. In addition to normal drainage design and construction, provisions shall be made to handle any drainage from preexisting subsurface drain tile. It shall be the design engineer's duty to investigate the location of drain tile and its relation to public improvements and building construction.

E. Sanitary Sewers. Sanitary sewers shall be installed to serve the subdivision and to connect the subdivision to existing mains. In the event it is impractical to connect the subdivision to the city sewer system, the commission may authorize the use of septic tanks if lot areas are adequate, considering the physical characteristics of the area. The commission may require the subdivider to install and seal sewer lines to allow for future connection to the city system.

F. Water System. Water lines and fire hydrants serving the subdivision and connecting the subdivision to city mains shall be installed to the satisfaction of the supervisor of the water department and the Fire Marshal.

G. Sidewalks. Sidewalks shall be required on both sides of a public street and in any special pedestrian way within the subdivision, except that in the case of identified arterials, or industrial districts, the commission may approve a subdivision without sidewalks if alternative pedestrian routes are available. Sidewalk construction may be postponed until the actual construction of buildings on the lots, provided that adequate assurance is given that such sidewalks will be installed.

H. Bicycle Routes. If appropriate to the extension of a system of bicycle routes, existing or planned, the commission may require the installation of bicycle lanes within streets or the construction of separate bicycle paths.

I. Street Name Signs. Street name signs shall be installed at all intersections according to city standards or deposit made with the city of an amount equal to the cost of installation.

J. Street Lighting System. Streetlights shall be required to the satisfaction of the manager of the Canby Utility Board.

K. Other Improvements.

1. Curb cuts and driveway installation are not required of the subdivider but, if installed, shall be according to city standards.

2. Street tree planting is required of the subdivider and shall be according to city requirements. (Ord. 899 section 4, 1993)

3. The developer shall make necessary arrangements with utility companies or other persons or corporations affected, for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting and cable television, shall be placed underground, unless overhead installation has been specifically approved by the commission because of unique circumstances at the site.

L. Improvements in Areas of Flood or Slope Hazard.

1. Any public utility or facility associated with a subdivision or partition within an area subject to flooding shall be designed, located, and constructed so as to minimize or mitigate flood damage and shall not result in raising the water elevation in a designated floodway beyond the limits prescribed by the Federal Flood Insurance Program.

2. A new or replacement water supply system shall be designed, located and constructed to minimize or eliminate infiltration of flood waters into the system.

3. A new or replacement sanitary sewage system shall be designed, located and constructed to minimize or eliminate infiltration of flood waters into the system.

4. An on-site septic tank system or other individual waste disposal shall be located to avoid impairment or contamination during flooding.

5. Any public utility or facility, including streets, associated with a subdivision or partition within an area which is subject to flooding or slope instability shall be designed, located and constructed so as to amply protect such public utility or facility from damage due to such natural hazards. Adverse impacts upon fish, wildlife, and open space resources shall also be considered in the design and construction of such facilities. The commission and council shall consider the potential repair or maintenance costs to be borne by the public when reviewing the proposed design, location, and construction of such public utilities or facilities.

M. Survey Accuracy and Requirements. In addition to meeting the requirements as set forth in Oregon Revised Statutes relative to required lot, street and perimeter monumentation, the following shall be required:

1. An accuracy ratio of subdivision plat boundary line closure of one in ten thousand (.0001) feet as found in the field.

2. Two primary perimeter monuments (one of which can be the initial point) having the same physical characteristics as the initial point. The monuments are to be on a common line visible, if possible, one to the other at time of approval and preferably at angle points in the perimeter. They shall be points as far apart as

practicable. A survey monument witness sign of a design acceptable to the city engineer shall be placed within eighteen inches of both monuments. The position for the initial point and other primary perimeter monuments shall be selected with due consideration to possible damage during construction and desirability of witness sign location.

3. Street centerline monumentation shall consist of a two-inch diameter brass cap set in a concrete base within and separate from a standard monument box with cover (standard city details applicable) at locations specified by the city engineer (generally at intersections with centerline of arterial or collector streets and within streets proposed to be greatly extended into adjacent future subdivisions). All other street centerline points (intersections, points of tangent intersections, cul-de-sac center lines, cul-de-sac off-set points) shall be monumented with a five-eighths-inch diameter steel rod thirty inches long with an approved metal cap driven over the rod and set visible just below the finish surface of the street. If any points of tangent intersection fall outside of a paved section street, the above monumentation will be required at point of curvature and point of tangency of the curve. All centerline monuments are to be accurately placed after street construction is complete.

N. Agreement for Improvements. Before commission approval of a subdivision plat or partition map, the land divider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the property, or execute and file with the city engineer, an agreement specifying the period within which required improvements and repairs shall be completed and provided that, if the work is not completed within the period specified, the city may complete the work and recover the full cost and expense, together with court costs and reasonable attorney fees necessary to collect the amounts from the land divider. The agreement shall also provide for reimbursement to the city for the cost of inspection by the city which shall not exceed ten percent of the improvements to be installed.

O. Bond.

1. The land divider shall file with the agreement, to assure his full and faithful performance thereof, one of the following:

a. A surety bond executed by a surety company authorized to transact business in the state in a form approved by the City Attorney;

b. A personal bond cosigned by at least one additional person, together with evidence of financial responsibility and resources of those signing the bond, sufficient to provide reasonable assurance of ability to proceed in accordance with the agreement;

c. Cash.

2. Such assurance of full and faithful performance shall be for a sum approved by the city engineer as sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses, and to cover the cost of the city inspection.

3. If the land divider fails to carry out provisions of the agreement and the city has unreimbursed costs or expenses resulting from such failure, the city shall call on the bond or cash deposit for reimbursement. If the cost of expense incurred by the city exceeds the amount of the bond or cash deposit, the land divider shall be liable to the city for the difference.

P. Guarantee. All improvements installed by the subdivider shall be guaranteed as to workmanship and materials for a period of one year following written notice of acceptance by the city to the developer.

Q. Large Scale or Solar Efficient Development. The standards and requirements of this division may be modified by the commission in the case of a plan and program for a complete community, a neighborhood unit, a solar efficient design, a large scale shopping center, or large industrial development, which in the judgment of the commission provides adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the developed tract and its relation to adjacent areas, and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the intents and purposes of the Comprehensive Plan. (See Division V for information regarding a planned unit development.)

R. No fence/wall shall be constructed throughout a subdivision where the effect or purpose is to wall said project off from the rest of the community unless reviewed and approved by the Planning Commission. (Ord. 740 section 10.4.40(C)(7), 1984; Ord. 955 sections 28 & 29, 1996; Ord. 1043 section 3, 2000; Ord 1237, 2007)

Chapter 16.66

SUBDIVISIONS – PLANNING COMMISSION ACTION

Sections:

16.66.010 Submittal of tentative plat.

16.66.020 Public hearing.

16.66.030 Notification of decision.

16.66.040 Distribution of copies.

16.66.050 Effect of approval.

16.66.010 Submittal of tentative plat.

(Ord. 740 Section 10.4.40(c)(8)(a), 1984; Ord 1237, 2007)

16.66.020 Public hearing.

(Ord. 740 section 10.4.40(C)(8)(b), 1984; Ord 1237, 2007)

16.66.030 Notification of decision.

(Ord. 740 section 10.4.40 (C)(8)(c), 1984; Ord 1237, 2007)

16.66.040 Distribution of copies.

(Ord. 740 section 10.4.40 (C)(8)(d), 1984; Ord 1237, 2007)

16.66.050 Effect of approval.

(Ord. 740 section 10.4.40(C)(8)(e), 1984; Ord 1237, 2007)

Chapter 16.68

SUBDIVISIONS FINAL PROCEDURES AND RECORDATION

Sections:

- 16.68.010** Responsibilities of applicant.
- 16.68.020** Submittal of subdivision plat.
- 16.68.030** Information required on plat.
- 16.68.040** Information to accompany plat.
- 16.68.050** Technical plat review.
- 16.68.060** Planning Commission approval.
- 16.68.070** Filing of final plat.

16.68.010 Responsibilities of applicant.

Following the action of the city in approving or conditionally approving a tentative plat for a subdivision, the applicant shall be responsible for the completion of all required improvements, or the posting of adequate assurances in lieu thereof, to the satisfaction of the city, prior to transfer of title of any of the lots involved. (Ord. 740 section 10.4.40(C)(9)(a), 1984; Ord 1237, 2007)

16.68.020 Submittal of subdivision plat.

Within one year after approval of the tentative plat, the subdivider shall cause the subdivision or any part thereof to be surveyed and a plat prepared in conformance with the tentative plat, as approved. The subdivider shall submit the original hardboard drawing, a Mylar copy, and any supplementary information to the city. If the subdivider wishes to proceed with the subdivision after the expiration of the one-year period following the approval of the tentative plat, he must formally request an extension of time, in writing, stating the reasons therefore. The City shall review such requests and may, upon finding of good cause, allow a time extension of not more than six additional months, provided that the request for the time extension is properly filed before the end of the one-year approval period. (Ord. 740 section 10.4.40(C)(9)(b), 1984; Ord 1237, 2007)

16.68.030 Information required on plat.

In addition to that required for the tentative plat or otherwise specified by law, the following information shall be shown on the plat:

- A. Date, north point and scale of drawing;
- B. Legal description of the tract boundaries;
- C. Name and address of the owner or owners, subdivider, engineer or surveyor, and land planner or landscape architect;

D. Tract boundary lines, right-of-way lines of streets and lot lines with dimensions, bearings or deflection angles and radii, arcs, points or curvature and tangent bearings. All bearings and angles shall be shown to the nearest one second and all dimensions to the nearest 0.01 foot. If circular curves are proposed in the plat, the following data must be shown in tabulation form: curve radius, central angles, arc length, length and bearing of long chord. All information shown on the face of the plat shall be mathematically accurate;

E. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement of record is not definitely located, a statement of the easement shall be given. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision shall be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication;

F. Name and right-of-way width of each street or other designated rights-of-way;

G. Any building setback lines, if more restrictive than otherwise required in Division III;

H. Numbering of blocks consecutively within the subdivision and numbering of lots within each block;

I. Location and purpose for which sites, other than residential lots, are dedicated or reserved;

J. Easements and any other areas for public use dedicated without any reservation or restriction whatever;

K. A copy of any deed restrictions written on the face of the plat or prepared to record with the plat with reference on the face of the plat;

L. The following certificates which may be combined where appropriate:

1. A certificate signed and acknowledged by all parties having any record title interest in the land, consenting to the preparation and recording of the plat,

2. A certificate signed and acknowledged as above, dedicating all land intended for public use except land which is intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants.

3. A certificate with the seal of, and signed by, the engineer or the surveyor responsible for the survey and final plat,

4. Other certifications now or hereafter required by law;

M. Where any portion of the platted area is subject to inundation in the event of a one-hundred-year flood, that area shall be clearly indicated on the final plat. (Ord. 740 section 10.4.40(C)(9)(c), 1984)

16.68.040 Information to accompany plat.

The following data shall accompany the final plat:

A. A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises;

B. Sheets and drawings showing the following:

1. Traverse data including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners, and showing the error of closing, if any,

2. The computation of distances, angles, and courses shown on the plat,

3. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners and state highway stationing;

C. A copy of any deed restrictions applicable to the subdivision;

D. A copy of any dedication requiring separate documents;

E. A certificate by the city engineer that the subdivider has complied with the requirements for bonding or otherwise assured completion of required improvements; and

F. A certificate of the subdivider of the total cost or estimate of the total cost for the development of the subdivision in accordance with the provisions and requirements of this title or any other ordinance or regulation of the city relating to subdivision development. This certificate is to be accompanied by a final bid estimate of the subdivider's contractor, if there is a contractor engaged to perform the work, and the certificate of the total cost estimate must be first approved by the city engineer. (Ord. 740 section 10.4.40(C)(9)(d), 1984; Ord. 1111 section 3, 2003)

16.68.050 Technical plat review.

A. Upon receipt by the city, the plat and other data shall be reviewed to determine that the subdivision, as shown, is substantially the same as it appeared on the approved tentative plat and that there has been compliance with provisions of the law and of these regulations.

B. The City may make such checks in the field as are desirable to verify that the plat is sufficiently correct on the ground, and their representatives may enter the property for this purpose.

C. If the City determines that full conformity has not been made, the City shall advise the subdivider of the changes or additions that must be made and shall afford the subdivider an opportunity to make the changes or additions. (Ord. 740 section 10.4.40(C)(9)(e), 1984; Ord 1237, 2007)

16.68.060 Planning Commission approval.

Approval of the plat shall be indicated by the signatures of the Planning Director or their designee. After the plat has been approved by all city and county officials, one reproducible copy of all data (plat face, dedications, certificates, approvals), one copy of all plat data in a "dxf" digital format, and one copy of recorded restrictive and protective covenants shall be returned to the City Planner. (Ord. 899 section 5, 1993; Ord. 740 section 10.4.40(C)(9)(f), 1984; Ord 1237, 2007)

16.68.070 Filing of final plat.

Approval of the plat by the city, as provided by this division, shall be conditioned on its prompt recording. The subdivider shall, without delay, submit the plat to the county assessor and the county governing body for signatures, as required by Oregon Revised Statutes Chapter 92. The plat shall be prepared as provided by Oregon Revised Statutes Chapter 92. Approval of the final plat shall be null and void if the plat is not recorded within six months of the date of the signature of the Planning Director. (Ord. 740 section 10.4.40(C)(9)(g), 1984; Ord 1237, 2007)

Division VI. – ANNEXATIONS

Chapter 16.84

REGULATIONS

Sections:

- 16.84.005 Background.**
- 16.84.010 Purpose.**
- 16.84.020 State regulations.**
- 16.84.030 Filing procedure.**
- 16.84.040 Standards and criteria.**
- 16.84.050 Consideration of applications.**
- 16.84.060 Legal advertisement of pending election.**
- 16.84.070 Election procedures.**
- 16.84.080 Setting of boundaries and proclamation of annexation.**
- 16.84.090 Exceptions.**

16.84.005 Background.

The process of annexation of land to the city allows for the orderly expansion of the city and adequate provision for public facilities and services. The city charter requires that, unless mandated by state law, annexation, delayed annexations, and extension of city services, may only be approved by a majority vote among the electorate. (Ord. 981 section 34, 1997)

16.84.010 Purpose.

It is the purpose and general intent of this division to delineate the appropriate procedures to be followed to annex territory to the city. It is recognized that alterations to the corporate limits are major land use actions affecting all aspects of city government including taxation, the provision of public services, land use patterns, vehicular circulation, etc. Decisions on proposed annexations are, therefore, of critical importance to the city. The procedures and standards established in this chapter are required for review of proposed annexations in order to:

- A.** Provide adequate public information and sufficient time for public review before an annexation election;
- B.** Maximize citizen involvement in the annexation review process;
- C.** Establish a system for measuring the physical, environmental, and related social effects of proposed annexations; and
- D.** Ensure adequate time for staff review. (Ord. 740 section 10.6.10, 1984; Ord. 981 section 35, 1997)

16.84.020 State regulations.

The regulations and requirements of Oregon Revised Statutes Chapter 222 are adopted by reference and made a part of this division. (Ord. 740 section 10.6.20, 1984)

16.84.030 Filing procedure.

Whenever an application for annexation is filed, it shall be reviewed in accordance with the following procedures:

A. Application Filing Deadlines. Application deadlines are established to permit public hearings by both the Planning Commission and the City Council in time to meet state and county requirements for submitting ballot information for these election dates. Application deadlines are as follows:

1. Regular annexation dates are in May and November. Annexations must be filed with the City before 5:00 p.m. on the last working day in August for a ballot election in May and the last working day in February for a ballot election in November. Incomplete applications may result in missing these planned election dates, at the City's discretion.

2. Annexations can be scheduled for a special election provided that all costs associated with the special election are covered by the applicant. Special elections will be scheduled by the City Council following the required City Council hearing on the application.

B. Application Submittal. Application procedures shall be as described in Chapter 16.89. (Ord. 899 section 6, 1993; Ord. 740 section 10.6.30, 1984; Ord. 981 section 36, 1997; Ord. 1019 section 18-20, 1999; Ord. 1080, 2001; Ord 1237, 2007)

16.84.040 Standards and criteria.

A. When reviewing a proposed annexation of territory, the commission shall give ample consideration to the following standards and criteria:

1. Annexation shall be in keeping with prioritization categories, as designated on the adopted maps showing growth phasing (Urban Growth Element of the Comprehensive Plan). Areas designated as Type A urbanization lands shall be annexed prior to those areas shown as Type B, etc. Annexation which is not in keeping with the phased growth concept shall only be permitted when the following findings are made:

a. Appropriateness of the annexation in terms of timing for city growth and development;

b. There will be some special benefit to the city overall as a result of the annexation which would not occur if the phased growth pattern was followed;

c. The annexation will result in no adverse impacts on the city's planned provision of public facilities and services.

The burden of proving the appropriateness of the annexation is greatest for those proposals which are least in keeping with the phased growth concept;

2. Analysis of the need for additional property within the city limits shall be provided. The analysis shall include the amount of developable land (within the same class of zoning - low density residential, light industrial, etc.) Currently within the city limits; the approximate rate of development of those lands; and how the proposed annexation will affect the supply of developable land within the city limits. A supply of developable residential land to provide for the anticipated population growth over the following three years is considered to be sufficient;
3. Smaller non-farm land shall be considered a priority for annexation over larger farm land;
4. Access shall be adequate to the site;
5. Adequate public facilities and services shall be available to service the potential (or proposed) development;
6. Compliance with other applicable city ordinances or policies;
7. Compliance of the application with the applicable sections of Oregon Revised Statutes Chapter 222. (In other words, a triple majority type application must contain proof that a triple majority does, in fact, exist, etc.);
8. Risk of natural hazards which might be expected to occur on the subject property shall be identified;
9. Urbanization of the subject property shall not have a significant adverse effect on specially designated open space, scenic, historic or natural resource areas;
10. Economic impacts which are likely to result from the annexation shall be evaluated in light of the social and physical impacts. The overall impact which is likely to result from the annexation and development shall not have a significant adverse effect on the economic, social and physical environment of the community, as a whole.

B. If the proposed annexation involves property beyond the city's Urban Growth Boundary, or if the annexation is proposed prior to the acknowledgment of compliance of the city Comprehensive Plan by the state Land Conservation and Development Commission (LCDC), the proposal shall be reviewed for compliance with the Statewide Planning Goals. (Ord. 740 section 10.6.40, 1984; Ord. 981 section 37, 1997)

16.84.050 Consideration of applications.

A. Upon receipt of an application, staff shall review the completeness of the application. After accepting the application as complete, staff shall schedule a public hearing to be held by the Planning Commission.

B. The commission shall conduct a public hearing to evaluate the proposed annexation and determine the appropriate zoning designation upon annexation. Following the close of the public hearing, the commission shall forward its recommendation concerning the annexation to the City Council. The commission's recommendation shall include findings that specify how the proposal has or has not complied with the above review criteria (16.84.040). The commission shall specify such consideration as findings in support of its decision and recommendation.

C. Upon receipt of the commission's recommendation the matter shall be set for review by the City Council following the procedures outlined in Division VIII. The City Council shall review all proposals prior to the city application deadline for submitting measures to the voters in May or November. The City Council shall only set for an election those annexations that are consistent with the above review criteria (16.84.040). The City Council shall specify such considerations as findings in support of its decision to schedule an annexation for an election.

D. The City Council's decision to submit an annexation to the electorate is the last discretionary decision in the process. Certifying the election after votes are counted is not a discretionary decision.

E. The council's decision not to set an election for the annexation (a decision of denial), or the results of the election is the final action in the city's review of an annexation application. (Ord. 740 section 10.6.50, 1984; Ord. 981 section 38, 1997; Ord 1237, 2007)

16.84.060 Legal Advertisement of Pending Election.

After City Council review and approval, the city administrator shall cause a legal advertisement describing the proposed annexation and pending election to be published in at least one newspaper of general circulation in the city. The advertisement shall be placed at least 14 days prior to the election. The size of the advertisement shall be determined by the City Administrator, but shall not be less than one-half of a full page. The advertisement shall contain: a description of the location of the property, the size of the property, its current zoning and zoning upon annexation, a general description of the land use intended, a description of any Comprehensive Plan text or Map amendment of Zoning Ordinance text or Map amendment that is required; and a description of the positive and negative effects contained in the staff report, as well as the findings upon which the City Council based its decision. (Ord. 981 section 39, 1997)

16.84.070 Election Procedures.

A. Pursuant to ORS 222.130(1), the statement of chief purpose in the ballot title for a proposal for annexation shall contain a general description of the boundaries of each territory proposed to be annexed. The description shall use streets and other generally recognized features. Notwithstanding ORS 250.035, the statement of chief

purpose shall not exceed 150 words. The ballot title wording shall be prepared by the City Attorney.

B. Pursuant to ORS 222.130(2), the notice of an annexation election shall be given as provided in ORS 254.095 and 254.205, except that in addition the notice shall contain a map indicating the boundaries of each territory proposed to be annexed.

C. Pursuant to ORS 222.11(7), two or more proposals for annexation of territory may be voted upon simultaneously; however, each proposal shall be stated separately on the ballot and voted on separately. (Ord. 981 section 40, 1997)

16.84.080 Setting of Boundaries and Proclamation of Annexation.

If the annexation is approved by the electorate, the City Council, by resolution or ordinance, shall set the final boundaries of the area to be annexed by a legal description and proclaim the annexation (ORS 222.170(3)). (Ord. 981 section 41, 1997; Ord 1237, 2007)

16.84.090 Exceptions.

The City Council may authorize an exception to any of the requirements of this chapter. An exception shall require a statement of findings that indicates the basis for the exception. Exceptions may be granted for reasons including, but not limited to: identified health hazards, limited development potential, or administrative error. An exception to referring an annexation application that meets the approval criteria to an election cannot be granted except as provided in the Oregon Revised Statutes. (Ord. 981 section 42, 1997)

Division VII. – STREET ALIGNMENTS

Chapter 16.86

REGULATIONS

Sections:

- 16.86.010 Purpose.**
- 16.86.020 General provisions.**
- 16.86.030 Street widening.**
- 16.86.040 Recommended roadway standards.**
- 16.86.050 Reduced roadway width standards.**

16.86.010 Purpose.

This chapter is intended to insure that adequate space is provided in appropriate locations for the planned expansion, extension, or realignment of public streets. Further, it is intended to allow for the safe utilization of streets once developed. This section is to be used in conjunction with other general ordinances of the city which affect public improvements, roads, highways, etc. (Ord. 740 section 107.10, 1984)

16.86.020 General provisions.

A. The street circulation map of the Comprehensive Plan shall be used to determine which streets are to be arterials, collectors, and neighborhood connectors. Based upon this, new arterial street rights-of-way shall be between sixty and eighty feet in width, depending upon the previously determined plan for each such street. New collector street rights-of-way shall have a minimum width of sixty feet. New neighborhood connectors shall have a minimum right-of-way width of sixty feet. All new streets shall comply with the roadway standards shown in Section 16.86.040.

B. New local residential streets shall have a minimum right-of-way width of forty feet. Existing local residential streets shall have a minimum right-of-way width of fifty feet unless a forty-foot width is specified in section 16.86.030.

C. New streets intended to serve commercial and industrial areas shall have a minimum right-of-way width of fifty feet.

D. The Planning Commission shall have the authority to modify right-of-way requirements where warranted because of anticipated traffic volumes, anticipated truck traffic, planned bicycle or pedestrian paths, or other unique conditions.

E. The city engineer shall be responsible for establishing appropriate alignments for all streets. Street surface widths and specific design details shall also be the

responsibility of the city engineer, except as may be altered by the Planning Commission or City Council for special circumstances.

F. No building permit shall be issued for the construction of a new structure within the planned right-of-way of a new street, or the appropriate setback from such a street as established in Division III.

G. Existing structures which were legally established within a planned road alignment or abutting setback shall be regarded as nonconforming structures.

H. Bikeways and bike lanes shall be provided along arterial and collector streets as provided in the Transportation System Plan.

I. Sidewalks shall be required along arterials, collectors, connectors, and local streets. (Ord. 740 section 10.7.20, 1984; Ord. 1043 section 3, 2000; Ord 1237, 2007)

16.86.030 Street widening.

The following list of streets shall be utilized in conjunction with the street circulation map of the Comprehensive Plan and the requirements of applicable city ordinances to determine the required rights-of-way. Rights-of-way for the following streets are to become or remain forty feet in width:

- A. N. Knott between NE 4th Avenue and NE 9th Avenue;
- B. N. Locust Street between NE 3rd Avenue and NE Territorial Road;
- C. N. Juniper Court;
- D. NW 6th Avenue from N. Grant Street to Canby Village Apartments;
- E. NW 7th Avenue between N. Grant Street and N. Holly Street;
- F. SW 3rd Avenue between S. Elm Street and S. Ivy Street;
- G. SE 3rd Avenue between S. Ivy Street and S. Knott Street;
- H. SW 5th Avenue between Highway 99-E and S. Birch Street;
- I. SW 7th Avenue between S. Fir Street and S. Ivy Street;
- J. S. Knott Street between SE 2nd Avenue and SE Township Road;
- K. S. Fir Street between SW 3rd Avenue and SW 4th Avenue. (Ord. 740 section 10.7.30, 1984; Ord 1043 section 3, 2000)

16.86.040 Recommended Roadway Standards

See Figure 16.86.040. (Ord. 1043 section 3, 2000)

16.86.050 Reduced Roadway Width Standards

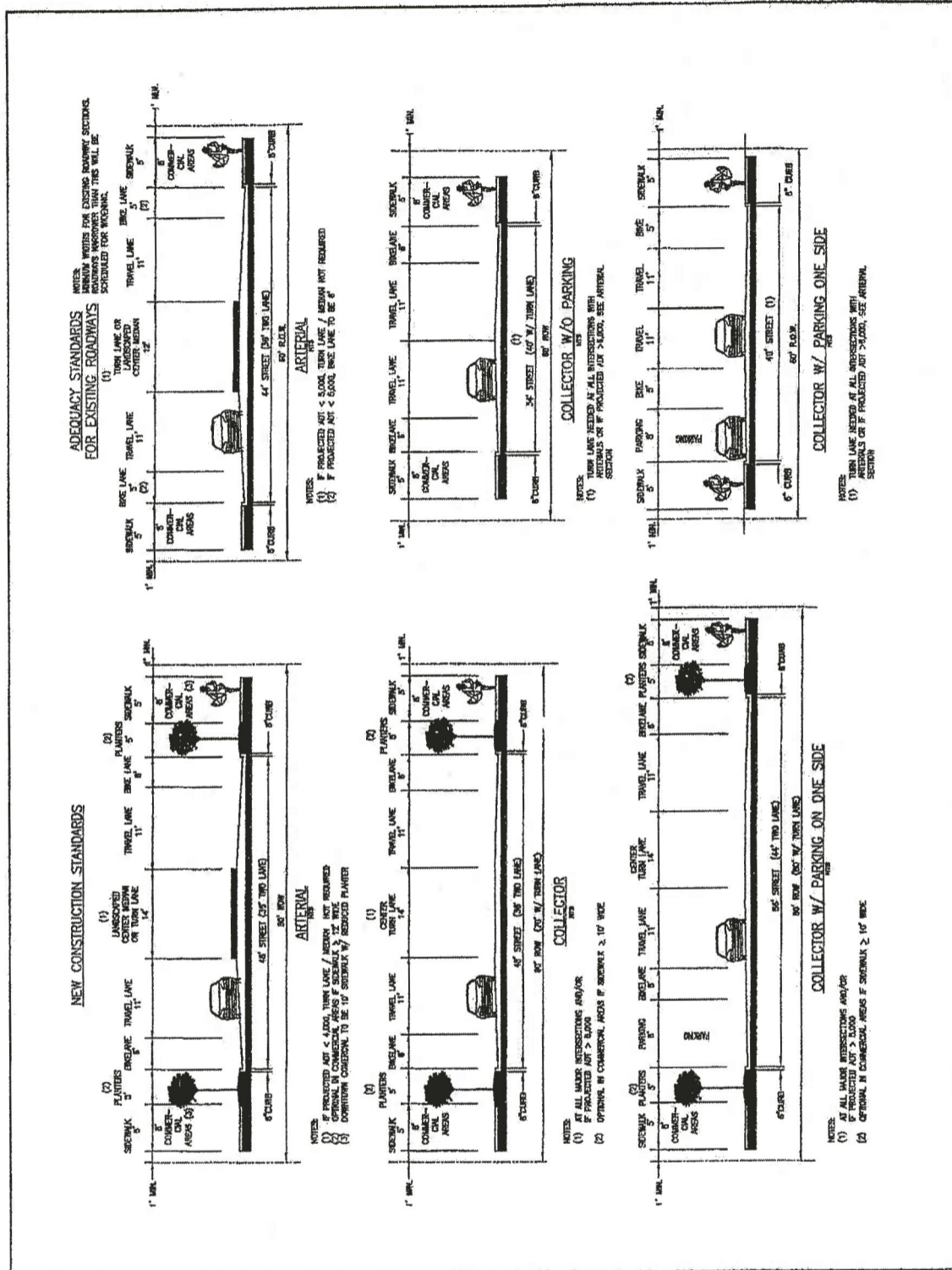
A. The minimum roadway width for neighborhood collector and local streets may be reduced in accordance with 16.86.050(B) if the Planning Commission or City Council finds that all of the following criteria have been met:

1. Adequate access is available for emergency vehicles, street maintenance vehicles, utility provision, and other necessary services;
2. Adequate parking is available for residents and visitors; and
3. Adequate provisions have been made for ongoing enforcement of parking restrictions and for installation and maintenance of signage, painting, or other measures providing notice of such restrictions.

B. Allowable roadway widths under 16.86.050(A).

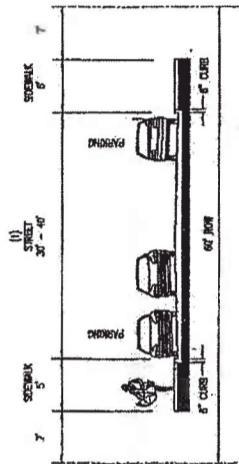
1. On neighborhood connectors, a minimum of 30 feet if parking is restricted to one side only and a minimum of 22 feet with no parking on either side.
2. On local streets, a minimum of 28 feet if parking is restricted to one side only and a minimum of 20 feet with no parking on either side.

C. Public right-of-way width may be reduced by the same amount as roadway width as part of the same process. (Ord. 1043 section 2, 2000)



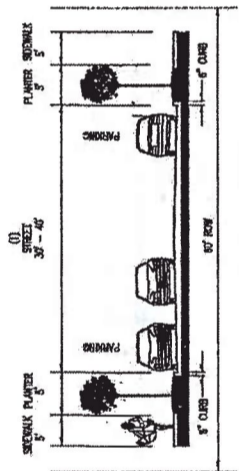
Recommended Roadway Standards
16.86.040

ADEQUACY STANDARDS
FOR EXISTING ROADWAYS



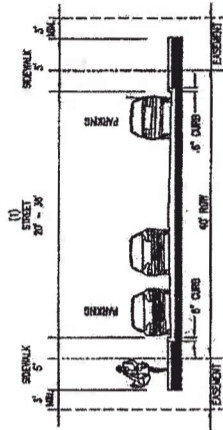
NEIGHBORHOOD CONNECTOR
NTS

NEW CONSTRUCTION STANDARDS

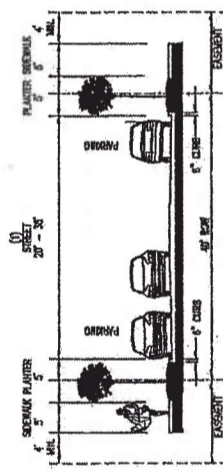


NEIGHBORHOOD CONNECTOR
NTS

(1) STREET WIDTH IS 30' WITH PARKING ON BOTH SIDES, 30' WITH PARKING ON ONE SIDE. STREETS WIDER THAN 30' MAY BE ALLOWED ONLY ON A CASE BY CASE BASIS BY THE PLANNING COMMISSION OR CITY COUNCIL.



LOCAL STREET
NTS



LOCAL STREET
NTS

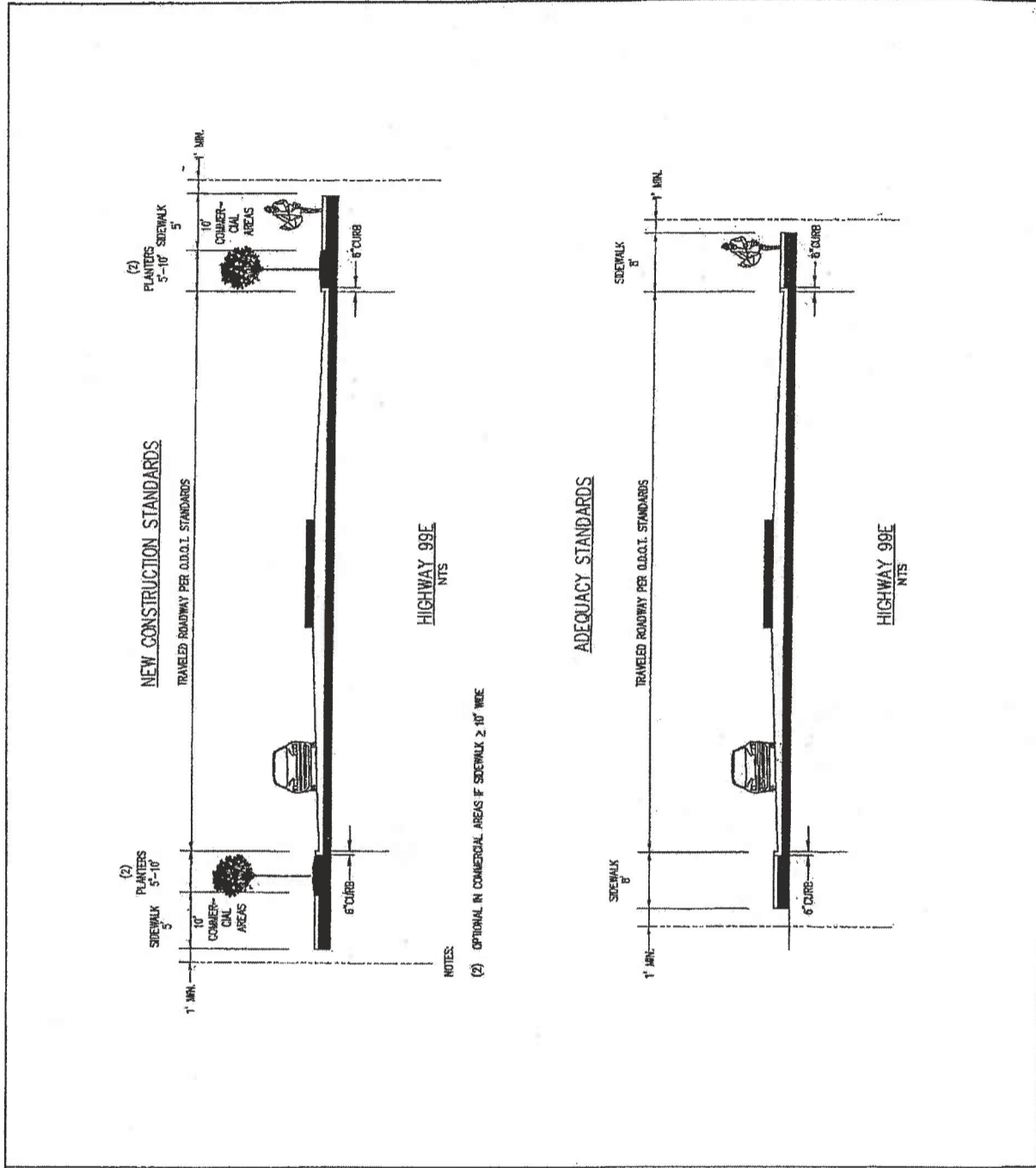
(1) STREET WIDTH IS 30' WITH PARKING ON BOTH SIDES, 30' WITH PARKING ON ONE SIDE. STREETS WIDER THAN 30' MAY BE ALLOWED ONLY ON A CASE BY CASE BASIS BY THE PLANNING COMMISSIONS OR CITY COUNCIL.



ALLEY
NTS



ALLEY
NTS



Division VIII. – GENERAL STANDARDS

Chapter 16.88

GENERAL STANDARDS AND PROCEDURES

Sections:

- 16.88.010** Applicability.
- 16.88.020** Action on application.
- 16.88.040** Temporary permits.
- 16.88.050** Business license review.
- 16.88.060** Council acceptance of dedicated land.
- 16.88.080** Administration and enforcement.
- 16.88.090** Revocation of conditional use permits and variances.
- 16.88.100** Interpretation.
- 16.88.110** Penalties and civil remedies.
- 16.88.120** Enforcement procedure.
- 16.88.160** Amendments to text of title.
- 16.88.170** Public officials.
- 16.88.180** Comprehensive Plan Amendments.

16.88.010 Applicability.

The general standards and procedures set out in this chapter apply to the regulations of all sections of this title, except as may be specifically noted. (Ord. 740 10.8.10[part], 1984)

16.88.020 Action on application.

A. Any action taken by the commission or council on any application filed pursuant to the requirements of this title shall be based upon findings of fact entered by the commission or council in making the decision. Such findings of fact shall be based upon the standards and criteria listed in the pertinent section of this title and upon such other legal requirements as may exist.

1. It is recognized that the burden of proof on all applications is upon the applicant in terms of justifying the proposal.

2. The scope of the required findings of fact shall vary with the scope of the project such that a major project requires more extensive justification than does a minor project.

(Ord. 740 section 10.8.10(A), 1984; Ord. 981 sections 54 & 55, 1997; Ord. 1080, 2001)

16.88.030

(Ord. 850 section 1, 1990; Ord. 740 section 10.8.10(B); del. by Ord. 1080, 2001)

16.88.040 Temporary permits.

The Building Official may issue temporary permits for buildings to be used for a construction office, storage incidental to construction of buildings on the property and for signs advertising a subdivision or tract of land or the lots therein. Such permits shall be issued for a specific time period and shall include a signed statement from the applicant agreeing to remove the structure or sign at the completion of that period. (Ord. 740 section 10.8.10(C), 1984)

16.88.050 Business license review.

Applications for a business license shall be reviewed for compliance with these regulations. The administrative procedure established by the city administrator for review of business license applications shall be followed in order to assure that business operators are made aware of code requirements such as sign regulations, parking standards, and land use regulations. No business license shall be issued until it is found that the proposed business will comply with the requirements of this code. Except, however, that a change in the type of business in an area zoned for industrial use need not meet complete parking requirements unless required to do so as a part of a discretionary hearing process conducted by the commission or City Council. (Ord. 740 section 10.8.10(D), 1984)

16.88.060 Council acceptance of dedicated land.

No property shall be considered to be dedicated to the city unless first accepted as such by the council, or shown as such on a legally recorded subdivision plat which has been signed by the City. The Planning Commission is empowered to accept dedication of land for public street purposes in a subdivision only, with all other dedications being the responsibility of the council. The applicant shall be responsible for furnishing adequate title insurance for any such land to be dedicated, unless this requirement is waived by the council for good cause. (Ord. 740 section 10.8.10(E), 1984; Ord 1237, 2007)

16.88.070

(Ord. 740 section 10.8.10(F), 1984; repealed by Ord. 981 section 12, 1997)

16.88.080 Administration and enforcement.

A. Purpose. Recognizing the need for fair and impartial administration and the importance of strict enforcement of these regulations, it is the intent of the council in adopting these regulations that all reasonable means of enforcement be utilized and maximum allowable penalties be sought for willful violations.

B. Duty. It shall be the duty of the City Planner, with assistance from other city staff, to administer and enforce this title. (Ord. 740 section 10.8.20 (A) and (B), 1984)

16.88.090 Revocation of conditional use permits and variances.

(Ord. 740 section 10.8.20(C), 1984; Ord. 955 section 31, 1996; renumber to 16.50.070 and 16.53.030; Ord 1237, 2007)

16.88.100 Interpretation.

The provisions of this title shall be held to be the minimum requirements fulfilling its objectives. (Ord. 740 section 10.8.20(D), 1984)

16.88.110 Penalties and civil remedies.

A. Unless otherwise provided, a person who knowingly violates this title is punishable upon conviction by a fine of not more than two thousand five hundred dollars. Each day a violation exists is a separate offense and may be punished as such.

B. When costs (attorney fees, court costs, staff or consultant expenses) are accrued in the enforcement of this title, the city may institute appropriate civil action to recoup the costs from the violators.

C. In case a building or other structure is, or is proposed to be located, constructed, maintained, repaired, altered, or used in violation of this title, the building or land in violation shall constitute a nuisance, and the city may, as an alternative for enforcing these requirements, institute injunction, mandamus, abatement, or other appropriate proceedings to prevent, enjoin temporarily or permanently, abate, or remove the unlawful location, construction, maintenance, repair, alteration or use.

D. Individuals who have been victimized by illegal land development practices shall be encouraged to seek civil relief from the developers for any and all costs and inconveniences which they have suffered as a result of such illegal practices. (Ord. 830 section 14, 1989; Ord. 740 section 10.8.20(E), 1984)

16.88.120 Enforcement procedures.

A. City staff and officials will work closely with local title insurance companies, developers and members of the real estate profession to ensure fair and reasonable enforcement of these regulations.

B. Upon finding any indication of a violation of state law relative to land division, city staff shall contact the Real Estate Division of the state Department of Commerce.

C. Upon finding that the regulations of this title have apparently been violated, the City Planner shall cause the following steps to be taken:

1. A member of the staff shall attempt to contact the property owner or apparent violator, explaining the requirements of this title and type of action which the city can be expected to take if the violation is not corrected.

2. If the property owner and/or violator is willing to correct the violation, he/she shall be given a reasonable amount of time to make such corrections.

3. If the owner and/or violator cannot be reached, is reached but does not intend to comply, or fails to comply within the time limits previously agreed to, the city shall take any of the following steps which are deemed appropriate in the situation:

a. Record a document affecting the title of all properties involved in the violation, thereby clouding the title and stating that no further permits will be issued for the development of any of the subject property;

- b. Withhold any and all permits for the development of the property;
- c. Disconnect the property from city services;
- d. Cite the individual into a court of competent jurisdiction;

4. The City Planner shall notify, by certified mail, all record owners of the property involved, stating the nature of the remedial actions which the city is taking to correct the apparent violation. (Ord. 740 section 10.8.20(F), 1984)

16.88.130

(Ord. 740 section 10.8.30, 1984; Ord. 1019 section 12, 1999; Ord. 1043 section 3, 2000; mod. & renum. to 16.89 by Ord. 1080, 2001)

16.88.135

(Ord. 955 section 32, 1996; mod. & renum. to 16.89 by Ord. 1080, 2001)

16.88.140

(Ord. 740 section 10.8.40, 1984; Ord. 981 section 13, 1997; mod. & renum. to 16.89 by Ord. 1080, 2001)

16.88.150

(Mod. & renum. to 16.53 by Ord. 1080, 2001)

16.88.160 Amendments to text of title.

A. Authorization to Initiate Amendments. An amendment to the text of this title may be initiated by the City Council, by the Planning Commission or by the application of a property owner or his authorized agent. The Planning Commission shall, within forty days after closing the hearing, recommend to the City Council, approval, disapproval, or modification of the proposed amendment.

B. Application and Fee. Application procedures shall be as described in Chapter 16.89.

C. Public Hearing on an Amendment. Before taking final action on a proposed amendment, the Planning Commission shall hold a public hearing on the amendment following the requirements for advertising and conduct of hearings prescribed in Division VIII.

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

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

2. A public need for the change;

3. Whether the proposed change will serve the public need better than any other change which might be expected to be made;
4. Whether the change will preserve and protect the health, safety and general welfare of the residents in the community;
5. Statewide planning goals.

E. Record of Amendments. The City Planner shall maintain a record of amendments to the text of this title in a form convenient for the use of the public. (Ord. 740 section 10.8.60, 1984; Ord. 981 section 15, 1997; Ord. 1080, 2001)

16.88.170 Public officials.

The terms "City Administrator," "City Recorder," "City Engineer," "City Planner," and other references to individual employees by title, shall include any city staff member or consultant operating in an official capacity for the city. The terms are offered for the convenience of the user of this title and are not intended to impair the validity of this title. (Ord. 740 section 10.8.70, 1984)

16.88.180 Comprehensive Plan Amendments

A. Authorization to Initiate Amendments. An amendment to the Comprehensive Plan may be initiated by the City Council, by the Planning Commission, or by the application of a property owner or his authorized agent. The Planning Commission shall, within forty days after closing the hearing, recommend to the City Council approval, disapproval, or modification of the proposed amendment.

B. Application. Application procedures shall be as described in Chapter 16.89.

C. Legislative Plan Amendment Standards and Criteria. In judging whether or not a legislative plan amendment shall be approved, the Planning Commission and City Council shall consider:

1. The remainder of the Comprehensive Plan of the city, and the plans and policies of the county, state, and local districts, in order to preserve functions and local aspects of land conservation and development;
2. A public need for the change;
3. Whether the proposed change will serve the public need better than any other change which might be expected to be made;
4. Whether the change will preserve and protect the health, safety and general welfare of the residents in the community;
5. Statewide planning goals.

D. Quasi-judicial Plan Amendment Standards and Criteria. In judging whether a quasi-judicial plan amendment shall be approved, the Planning Commission and City Council shall consider:

1. The remainder of the Comprehensive Plan of the city, as well as the plans and policies of the county, state, or any local school or service districts which may be affected by the amendments;
2. Whether all required public facilities and services exist, or will be provided concurrent with the anticipated development of the area. (Ord. 740 section 10.8.80, 1984; Ord. 981 section 16, 1997; Ord. 1080, 2001)

16.88.190 Conformance with Transportation System Plan

A. A plan or land use regulation amendment significantly affects a transportation facility if it:

1. Changes the functional classification of an existing or planned transportation facility;
2. Changes standards implementing a functional classification system;
3. Allows types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or
4. Would reduce the level of service of the facility below that minimum acceptable level identified in the Transportation System Plan.

B. Amendments to the comprehensive plan and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and performance standards (e.g., level of service, volume to capacity ratio, etc.) of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:

1. Limiting allowed land uses to be consistent with the planned function of the transportation facility;
2. Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or
3. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.

C. A Traffic Impact Study may be required by the City. (Ord. 1043, section 3, 2000; Ord 1237, 2007)

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.

16.89.010 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 and applying those criteria requires no use of discretion.

B. Type II Procedure (Administrative). Type II decisions are made by the Planning Director with public notice and an opportunity for a public hearing. The appeal of a Type II decision is heard by the Planning Commission.

C. Type III Procedure (Quasi-Judicial/Legislative). Type III decisions are made by the Planning Commission after a public hearing, with appeals reviewed by the City Council. Type III procedures generally use discretionary approval criteria.

D. Type IV procedure (Council Decision). Type IV decisions generally apply to legislative matters, but include certain other applications as well. Legislative matters involve the creation, revision, or large-scale implementation of public policy (e.g.,

adoption of land use regulations, zone changes, and comprehensive plan amendments that apply to entire districts). Type IV matters are considered initially by the Planning Commission with final decisions made by the City Council. Annexations and certain quasi-judicial applications are also processed under the Type IV process. (Ord. 1080, 2001; Ord 1237, 2007)

**TABLE 16.89.020
Land Use and Development Application Procedures**

Application Type	Process Type	Notice Radius (Feet)	Neighborhood Meeting Required
Access permit to public street	I	n/a	No
Amendments to Zoning Map	IV	500	Yes
Annexation, Minor and Major	IV	500	Yes
Appeals	III	200	No
Building Permit	I	n/a	No
Comprehensive Plan Amendment	IV	500	Yes
Conditional Use Permit	III	500	No
Condominium Construct. (less than 6 units)*	I	n/a	No
Interpretation	See Section 16.05.020		
Lot Line Adjustment**	II	100	No
Modification	See Section 16.89.090		
Non-Conforming Structure/Use	II	100	No
Parking Lot/Paving projects	I	n/a	No
Partition, Minor and Major	III	200	No
Planned Unit Development	III	200	Yes
Sign Permit (non-SDR)	I	n/a	No
Site and Design Review	III	500	Yes
Site Plan Review	I	n/a	No
Temporary Permit (16.44.090)	See Chapter 16.44		
Temp. Hardship Permit (16.44.100)	II	100	No
Subdivision	III	500	Yes
Text Amendment	IV	500	Yes
Variance, Minor	II	200	No
Variance, Major	III	200	No

NOTES: * See also Chapter 16.78

** See also Chapter 16.58.

16.89.030 Type I procedure.

A. Application requirements. Type I applications shall be made on forms provided by the Planning Director. The application shall be accompanied by all required information and fees.

B. Decision requirements. The Planning Director's decision shall address all of the approval criteria. Based on the criteria and the facts contained within the record, the Planning Director shall approve, approve with conditions, or deny the requested permit or action. A written record of the decision shall be provided to the applicant and kept on file at the City.

C. Final decision. The decision shall be final on the date it is mailed or otherwise provided to the applicant, whichever occurs first. (Ord. 1080, 2001)

16.89.040 Type II procedure.

A. Preapplication conference. A preapplication conference may be required by the Planning Director for Type II applications.

B. Application requirements. Type II applications shall be made on forms provided by the Planning Director. The application shall be accompanied by all required information and fees.

C. Public notice.

1. Before making a Type II decision, the Planning Director shall mail notice meeting the requirements of state law to:

a. All owners of real property and, if the owner's address is different from the site address, all residents of property, within the distance prescribed in Table 16.89.020.

b. Any person who submits a written request to receive notice; and

c. Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the City. The City may notify other affected agencies, as appropriate, for review of the application.

2. The public notice shall allow a 10-day period for submitting written comments before a decision is made on the permit.

3. The City shall prepare an affidavit of mailing for the public notice and make the affidavit part of the application file.

D. The Planning Director shall make Type II decisions in writing addressing all of the relevant approval criteria and standards. Based upon the criteria and standards, and

the facts contained within the record, the Planning Director shall approve, approve with conditions, or deny the requested permit or action.

E. Notice of Decision.

1. Within five days of making a final decision on a Type II application, a notice of decision shall be sent to:

a. All owners of real property and, if the owner's address is different from the site address, all residents of property, within the distance prescribed in Table 16.89.020;

b. Any person who submits a written request to receive notice; and

c. Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the City.

2. The notice of decision shall include information on the application, the City's decision, and a statement explaining how an appeal of the decision may be filed.

F. Effective Date. A Type II decision is final for purposes of appeal when it is mailed by the City.

G. Appeal. A Type II decision may be appealed to the Planning Commission as follows:

1. The following persons have legal standing to appeal a Type II decision:

a. The applicant;

b. Any person who was mailed notice of the decision; and

c. Any other person who participated in the proceeding by submitting written comments.

2. Procedure.

a. A Notice of Appeal shall be filed in writing, on forms provided for the purpose by the Planning Director, within 10 days of the date the Notice of Decision was mailed.

b. The Notice of Appeal shall be accompanied by all required information and fees.

c. An appeal of a Type II decision shall be made following the Type III public notice procedures, as described in Section 16.89.050.D.

d. The appeal shall be limited to the specific issues raised during the written comment period unless the hearings body allows additional evidence or testimony concerning any other relevant issue. The hearings body may allow additional evidence if it determines that such evidence is necessary to resolve the case. The purpose of this requirement is to limit the scope of Type II appeals by encouraging persons to submit specific concerns in writing during the comment period. Only in extraordinary circumstances should new issues be considered by the hearings body on appeal of a Type II decision.

3. The decision of the Planning Commission regarding an appeal of a Type II decision is the final decision of the City unless appealed to the City Council. An appeal to the City Council shall follow the same notification and hearing procedures as for the appeal of the staff decision.

H. Any decision or interpretation of this title made by staff that is not a Type II decision may be appealed to the Planning Commission without fee, provided that such appeal is filed in writing within ten days of the staff decision. Such appeals shall be heard as a new business item. The Planning Commission's decision on such appeals may be appealed to the City Council following the Type III public notice procedures, as described in Section 16.89.050.D. (Ord. 1080, 2001; Ord 1237, 2007)

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. 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.

3. 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.

4. 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.

5. 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.

6. 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.

7. Any application that involves access to the state highway system shall 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 is made:

- a. That the Commission did not correctly interpret the requirements of this title, the Comprehensive Plan, or other requirements of law;
- b. That the Commission did not observe the precepts of good planning as interpreted by the Council; or

c. That the Commission did not adequately consider all of the information which was pertinent to the case.

4. The Council's action on an appeal shall be governed by the same general regulations, standards, and criteria as apply to the Commission in the original consideration of the application.

J. Any decision of the Planning Commission may be appealed to the City Council unless otherwise specified in this Title. Such appeals will be processed using the Type III procedures unless otherwise specified in this Title.

K. The decision of the City Council regarding a Type IV decision, appeal of a Planning Commission decision, or any other process contained within this title, is the final decision of the City. (Ord. 1080, 2001; Ord. 1111 section 5, 2003; Ord 1237, 2007)

16.89.060 Type IV decision.

For certain applications, the City Council makes a final decision after a recommendation by the Planning Commission. These application types are referred to as Type IV decisions.

A. Pre-application conference. A pre-application conference may be required by the Planning Director for Type IV applications.

B. Neighborhood meetings. The applicant may be required to present their development proposal at a neighborhood meeting (see Section 16.89.070). Table 16.89.020 sets the minimum guidelines for neighborhood review but the Planning Director may require other applications to go through neighborhood review as well.

C. Application requirements. Type IV applications shall be made on forms provided by the Planning Director. The application shall be accompanied by all required information and fees.

D. Public notice and hearings. The public notice and hearings process for the Planning Commission's review of Type IV applications shall follow that for Type III applications, as provided in subsections 16.89.050.D and 16.89.050.E.

E. Decision process.

1. Approval or denial of a Type IV decision shall be based on the standards and criteria located in the code.

2. The hearings body shall issue a final written order containing findings and conclusions recommending that the City Council approve, approve with conditions, or deny the application.

3. The written decision shall explain the relevant criteria and standards, state the facts relied upon in rendering the decision, and justify the decision according to the criteria, standards, and facts.

4. In cases involving attorneys, the prevailing attorney shall prepare the findings, conclusions, and final order. Staff shall review and, if necessary, revise, these materials prior to submittal to the hearings body.

F. City Council proceedings:

1. Upon receipt of the record of the Planning Commission proceedings, and the recommendation of the Commission, the City Council shall conduct a review of that record and shall vote to approve, approve with conditions, or deny the recommendation of the Planning Commission.

2. The City Council may question those individuals who were a party to the public hearing conducted by the Planning Commission if the Commission's record appears to be lacking sufficient information to allow for a decision by the Council. The Council shall hear arguments based solely on the record of the Commission.

3. The City Council may choose to conduct public hearings on Comprehensive Plan amendments, amendments to the text of this title, zone map amendments, and annexations. If the Council elects to conduct such hearings, it may do so in joint session with the Planning Commission or after receiving the written record of the Commission. (Ord. 1080, 2001)

16.89.070 Neighborhood Meetings.

A. Applicants are encouraged to meet with adjacent property owners and neighborhood representatives prior to submitting their application in order to solicit input, identify issues, and exchange information about the proposed meeting.

B. The Planning Commission or Planning Director may require an applicant to hold a meeting in the neighborhood prior to accepting an application as complete. A neighborhood meeting is required for some application types, as shown in Table 16.89.020, unless this requirement is waived by the Planning Director.

C. At least two weeks prior to the neighborhood meeting, the applicant shall mail notice of the meeting to:

1. The appointed chair and all active members of any neighborhood association in whose boundaries the application lies; and

2. All of those who would receive notice of the application's public hearing before the Planning Commission.

D. The meeting shall be held in a fully accessible location approved by the City.

E. Following a required neighborhood meeting, applicants shall prepare a written summary of pertinent issues raised and shall prepare a detailed response to each issue. This material shall be submitted to the Planning Department in electronic format at least two weeks before the initial public hearing.

F. Applicants or attendees may make audio or video recordings of the neighborhood meeting if desired. (Ord. 1080, 2001; Ord. 1111 section 5, 2003; Ord 1237, 2007)

16.89.080 Application Requirements and Completeness.

A. Submittal. Applications for land use and development permits shall be filed on forms provided by the purpose by the Planning Director. The application shall be made with all required information and fees.

B. Fees. Fees shall be set out by resolution adopted by the City Council. Fees shall differentiate between various processes and applications and no part of the fee shall be refunded unless approved by the Planning Director.

C. Amendments to forms. Application forms may be amended by the Planning Director. The Planning Commission shall first review and approve all proposed amendments as New Business Items.

D. Completeness. In reviewing an application for completeness, the following procedure shall be used:

1. When an application is received by the City, the Planning Director shall immediately determine whether the following essential items are present. If they are not, the Planning Director may choose not to accept the application, in which case the application shall be immediately returned to the applicant:

- a. The required form;
- b. The required fee; and
- c. The signature of the applicant on the form, and signed written authorization of the property owner of record if the applicant is not the owner.

2. Completeness.

a. After the application is accepted, the Planning Director shall review the application for completeness. If the application is incomplete, the Planning Director shall notify the applicant in writing exactly what information is missing within thirty (30) days of the application and allow the applicant 180 days to submit the missing information;

b. In accordance with the application submittal requirements, the application shall be deemed complete upon the receipt by the Planning Director of all required information. The applicant shall have the option of withdrawing the application or refusing to submit information requested under (a), above. For the refusal to be valid, it shall be made in writing and received by the Planning Director no later than fourteen (14) days after the date on the letter of incompleteness. If the applicant refuses in writing to submit the missing

information, the application shall be deemed complete for the purposes of processing on the 31st day after first acceptance of the application.

E. The City shall take final action on permit applications which are subject to this chapter, including resolution of all appeals, within 120 days from the date the application is deemed complete. Any exceptions to this rule shall conform to the provisions of ORS 227.178. This 120-day rule does not apply to legislative comprehensive plan and text amendment applications as defined under ORS 227.178.

F. Standards and criteria. Approval or denial of a complete application shall be based upon the standards and criteria that were applicable at the time the application was first accepted. (Ord. 1080, 2001)

16.89.090 Modifications.

Any proposed modification to previously approved land use applications, including site plans, elevations, or conditions of approval, shall be reviewed by the Planning Director to determine if they are minor, intermediate, or major. Factors to be considered in this determination include the date of the original application, the impact on neighboring properties, and the impact on public service provision. Modifications shall be processed as indicated in subsections A through D below. Modification applications shall be made on forms provided for the purpose by the Planning Director.

A. Minor Modification. Minor modifications have a negligible impact on an approved site plan, land use decision, or condition of approval. The Planning Director will review all minor modifications under the Type I process.

B. Intermediate Modification. Intermediate modifications are those that do not fit the definitions in 16.89.090(A) or (C). The Planning Commission will review intermediate modifications as new business items. If the Commission approves a modification, notice of the decision will be distributed to individuals with standing and the owners and residents of the properties noticed during the original application review process. The Planning Director may waive the requirement to notice those with standing in cases when the final decision date on the original application was more than five years prior to the modification application date. 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. The Planning Commission may require any Intermediate Modification to be processed as a Major Modification, using the decision criteria in section 16.89.090.

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)